

EL DORADO CITY COMMISSION MEETING

November 5, 2018

The El Dorado City Commission met in a regular session on November 5, 2018 at 6:30 p.m. in the Commission Room with the following present: Mayor Vince Haines, Commissioner Matt Guthrie, Commissioner Gregg Lewis, Commissioner Nick Badwey, Commissioner Kendra Wilkinson, City Manager David Dillner, City Engineer Scott Rickard and City Clerk Tabitha Sharp. Absent: City Attorney Ashlyn Lindskog

VISITORS

Mitch Walter	Gilmore Bell	Wichita, KS
Natalie Donges	1217 Clark	El Dorado, KS
Deanna Bonn	Butler County Times Gazette	El Dorado, KS
Christine Gilson	1305 Park	El Dorado, KS
Harvey and Nancy Hofstetter	1015 Douglas	El Dorado, KS
Barry Shropshire	1002 Douglas	El Dorado, KS
Amanda Yager	1313 Douglas	El Dorado, KS
Enos & Frida Groves	1155 Skelly	El Dorado, KS
Jeff Murphy	128 N Vine	El Dorado, KS
Marsha Mawhirter	1010 Douglas	El Dorado, KS
Patsy Boyce	1323 Finney	El Dorado, KS
Clay Conrade	1155 Douglas	El Dorado, KS
Michelle Spivey	1145 Douglas	El Dorado, KS
John Alfaro	1241 Douglass	El Dorado, KS
Scott Stoskopf	161 Eunice	El Dorado, KS
Sheldon Stoskopf	2019 W 4 th	El Dorado, KS
Matt Hiebert	1319 Douglas	El Dorado, KS
Greg Hiebert	3235 W Towanda	El Dorado, KS
Ron Jones	925 Douglas	El Dorado, KS
Kevin Johnson	782 NE Bluestem Rd	El Dorado, KS
Kole Johnson	1401 Terrace	El Dorado, KS
Mark Long	2115 Pico Ct	El Dorado, KS
Steve Clark	438 Ohio St	El Dorado, KS
Lee White	Butler County Watchdog	El Dorado, KS

CALL TO ORDER

Mayor Vince Haines called the November 5, 2018 meeting to order.

INVOCATION

Reverend Mark Somerville, Family Worship Center, opened the meeting with an invocation.

PLEDGE OF ALLEGIANCE

The City Commission led the Pledge of Allegiance.

PERSONAL APPEARANCE

Mother Christine Gilson stated that Trinity Episcopal Church has received a grant to distribute packets of deterra. She stated that the church would be distributing them to the community.

PUBLIC COMMENT

Mayor Vince Haines opened the floor for public comment.

There were no comments.

CONSENT AGENDA

Approval of City Commission Meeting Minutes for October 15, 2018.

Approval of CMB License for El Dorado Community Partners Fund Raiser, November 16, 2018 at 206 N Griffith.

Commissioner Gregg Lewis asked what the CMB license was for.

City Clerk Tabitha Sharp stated that it is for the calf fry that is held annually.

City Engineer Scott Rickard stated that he thought it was going to be for the sneakers for success program.

Commissioner Nick Badwey moved to approve the consent agenda as presented.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 5 – 0.

PROJECT NO. 542 – PAVING DOUGLAS ROAD

City Engineer Scott Rickard stated that this would be for the improvement of Douglas Road from Towanda Avenue to the Southwest Trafficway. He stated that several petitions have gone out to improve the road, but non-resident owners prevented the petitions from passing.

Mr. Rickard stated that the estimated cost of the project will be approximately \$1.4 million, the improvement district cost is about \$875,000 and the city-at-large portion is about \$582,000.

Commissioner Kendra Wilkinson asked why the portion on Finney goes outside of the square area.

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Mr. Rickard stated that it goes to the next side street. He stated that when boundary lines are set, they look at past improvement projects, and in this case it is likely where a district line was set on a previous case.

Commissioner Matt Guthrie asked if a traffic study had been done.

Mr. Rickard stated that it had, it runs approximately 1,200 vehicles a day which is more than most streets in that condition can handle.

Mayor Vince Haines opened the public hearing.

Christine Gilson, 1305 Park, stated that she and her husband are in support of this project. She stated that she hopes that if it is completed, she hopes we will post a weight limit to prevent large vehicles from tearing it up. She stated that the letter could have been clearer in regards to the 20 year time period in which the assessment will be spread. She stated that she hopes that others will take pride in the community and approve the project.

Ron Jones, 925 Douglas, stated that he is the pastor at Temple Baptist. He stated that they are excited about the project even though their portion of it will be almost \$80,000.

Natalie Donges, property owner of 1217 Clark, stated that she owns a lot of property in town. She stated that her portion is about \$11,000 and she felt like it was a little much. She asked if the benefit district is the same as the one proposed in 2015.

Mr. Rickard stated that it was.

Ms. Donges stated that she didn't protest at that time, so she thought the price must have increased this time.

Mr. Rickard stated that in 2015, property owners took around a petition, but no Commission action was taken so estimates were not sent out.

Ms. Donges asked why the estimates were so different from then to now.

Mr. Rickard stated that the City Commission has changed the way we assess street improvements.

Ms. Donges stated that she wasn't against getting the road up to standards, but she would like to see the city look at the policy and find a different way to assess collector streets. She recommended talking to the refinery about it because they are a big part of the problem on Douglas.

Mr. Rickard stated that he would like to clarify that even though this is a larger street, the residents will not be paying for the extra cost to make it so. The residents are only paying for the portion of a normal residential street. The City pays the cost for the larger street, stormwater and intersections.

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Barry Shropshire, 1002 Douglas, stated that he attended the meeting last week. He stated that maintenance has been non-existent on the road. He stated that by widening the street to 41 feet, it will take the front yards from the people who face Douglas. He stated that most of the individuals who live on Douglas are retirees and are on limited incomes.

Mr. Shropshire stated that no one has maintained the drainage ditches on that road and the water from the church flows down the road and causes more damage. He stated that we need to have it paved and have proper drainage, but it needs to be affordable. He stated that he felt the only people benefitting from this project would be the church and the refinery.

Commissioner Gregg Lewis asked if the concrete would be removed or ground in.

Mr. Rickard stated that they will grind, it is a valuable material.

Mayor Haines asked if this was intended to be a truck route.

Mr. Rickard stated that it was not, that would only be done if for some reason traffic had to be diverted.

Patsy Boyce, 1323 Finney, stated that she was unaware of the street policy prior to this. She asked how many people were on the original petition.

Mr. Rickard stated that there were 14, but he couldn't be sure who was on it that still lived there without comparing.

Ms. Boyce stated that the cost has increased about 400% since the first petition in 2004. She stated that it needs to be fixed, but if it was maintained in the first place, it would be better. She asked if it could be a regular size street.

Ms. Boyce stated that if the street does pass, she would like for the culvert issue to be fixed.

Commissioner Lewis asked if it will go back that far on Finney.

Mr. Rickard stated that it will not.

Commissioner Kendra Wilkinson clarified that the widening of the street is not being charged to the home owners.

Mr. Rickard stated that it is not, because it's a collector street, we are planning to build it wider, but the city-at-large will pay that portion.

Mayor Haines asked what the width of Douglas right of way was.

Mr. Rickard stated that it is 65 feet.

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Mandy Yager, 1313 Douglas Road, felt that the street is going to be too expensive. She stated that she would like to see the smaller road and still have the city pay the forty percent.

Marsha Mawhirter, 1010 Douglas Road, asked when the last time a semi-truck came down their residential street. She stated that she didn't think the benefit district was large enough. She said that the school and the refinery are creating a lot of the traffic. She asked if Finney and Ellet could be included to increase the benefit district.

Mr. Rickard stated that if the Commission wants to increase the scope of the project, it would create a new project. He stated that if the property owners were interested, they could contact staff.

Mr. Rickard stated that staff suggested to the City Commission that a public hearing be held for this project so that the residents could all hear the same message and the Commission could hear them as well.

Ms. Marwhirter asked if the sales tax would benefit her if the road was improved. She stated that there were five semis on her street last week.

Commissioner Wilkinson stated that the sales tax is for streets that are already up to city standards.

Commissioner Lewis asked how hard it would be to include the area on Finney up to Ellet.

Mr. Rickard stated that it wouldn't be difficult functionally.

Commissioner Badwey stated that it wouldn't substantially lower the cost.

Mr. Rickard stated that it would not.

Commissioner Guthrie asked if Skelly, Finney going west and Arthur have been improved.

Mr. Rickard stated that Skelly and Arthur are, but only the north side of Finney has been improved. He stated that the other section of Finney was in the county at the time the north side was improved.

Harvey Hofstetter, 1015 Douglas, stated that the amount of taxes were going to be out of his ability to afford. He stated that the burden seems like it is more than it should be. He stated that he didn't understand why the maintenance was ignored.

Michelle Spivey, 1145 Douglas, stated that they are for having the road done. She stated that she signed the previous petition and hopes that the Commission considers the project again.

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Clay Conrade, 1155 Douglas, stated that he didn't believe it needed to be a large road. He also stated that there was a lot of truck traffic on the road. He stated that he is also on a fixed income and it will be hard on the residents.

Mr. Rickard stated that David Johnson called in. He owns the property at 1310 Sunset, said that the road is in bad shape, semis drive it often, but would like the Commission to consider a longer assessment period. He stated that he felt that the Commission was overstepping.

Mayor Haines closed the public hearing.

Commissioner Lewis asked if the assessment period could be longer.

Mitch Walter, Gilmore Bell, stated that the number of years of which the assessment can be done is capped at 20 years.

Commissioner Guthrie asked if the improved street will help the drainage issue.

Mr. Rickard stated that there is no drainage system in place now. He stated that staff will look at it carefully and consider all improvements to ensure that cars can pass during a ten year event and no property is impacted by a one hundred year event. He stated that as often as Towanda went under water, we have yet to experience that again since Towanda had been improved.

Commissioner Guthrie confirmed that curb and gutter is part of the bill.

Mr. Rickard stated that residents will pay for a 31 foot wide road, driveways to their property and curb and gutter associated with that. He stated that the stormwater system will be paid for by the city-at-large.

Commissioner Guthrie asked if there will be room for sidewalks.

Mr. Rickard stated that there is a lot of difficulty in building a new road in an established neighborhood. He stated that homes and driveways are all at different elevations. He stated that according to ADA standards, sidewalks have to have a certain slope and that is difficult to maintain in an existing neighborhood.

Commissioner Guthrie asked what the difference is between the previous amounts and the new assessments.

Mr. Rickard stated that the cost used to be split down the middle of the road. He stated that now it is done by square footage of property owned. He stated that we now look at it as a whole picture.

City Manager David Dillner asked if we had the estimate from 2004.

Mr. Rickard stated that he does not have it in front of him now.

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Mr. Rickard stated that the practice is that the estimates given will be not to exceed numbers. He stated that most of the time they come in less than what is estimated and if they come in more, the city-at-large pays the difference.

Commissioner Wilkinson stated that she remembers when it was a truck route. She understands living on a fixed income. She stated that we can't maintain a crappy road, and it isn't going to get cheaper to do it in the future. She stated that she is having trouble deciding between the residents on that road and the city-at-large.

Commissioner Lewis asked how far south of Sunset the city limits go.

Mr. Rickard stated that the city limits end at the trafficway. He stated that in various spots it is split various ways down the trafficway between the city and the county.

Commissioner Guthrie stated that he heard the pros and cons and felt that this project has been kicked down the road way too long. He stated that he felt that it was time to get it done.

Commissioner Matt Guthrie moved that Resolution No. 2872 a resolution determining the advisability of the making of certain internal improvements for the City of El Dorado, Kansas; making certain findings with respect thereto; and authorizing and providing for the making of the improvements in accordance with such findings, subject to protest (paving improvements/paving Douglas Rd - project 542).

Commissioner Gregg Lewis seconded the motion.

Commissioner Lewis stated that he is seconding the motion because the prices are lower right now than they will be in a few years.

Commissioner Badwey asked staff to explain the protest.

Mr. Rickard stated that citizens should call City Hall and ask for the Engineering Department. He stated that someone from their staff will come to the home with the petition and get a signature. He stated that they will need 51% of resident property owners and 51% of total area. He stated they would need half of the 29 resident owners to sign and half of the total square footage. He stated that the petition will be good for twenty days after the resolution is published.

Mr. Hofstetter stated that he is confused about the two groups.

Mr. Rickard stated that it is half of the resident property owners and then half of the property. The second group doesn't have to be a resident, they just have to own property.

Mayor Haines asked if it was two petitions.

Mr. Rickard stated that it will be one, and staff will break it down.

Mayor Haines asked if they have to come to city hall.

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Mr. Rickard stated that they can or they can call and staff will bring the petition to them. He stated that the petition cannot be taken by one of the residents because the signatures have to be witnessed by a staff member.

Motion carried 5 – 0.

Mayor Haines asked if the Commission would like to send a letter as well.

Commissioner Guthrie asked what the letter would say.

City Manager Dillner stated that it would explain the protest process and deadlines.

Mayor Haines stated that it was the will of the Commission to publish it in the paper, on Channel 7 and to send a letter.

PROJECT NO. 544 AND 545 – SEWER IMPROVEMENTS

City Engineer Scott Rickard stated that we have had some problems with sewer lines recently. He stated that on Meadow there is an existing 8 inch line that is failing, flushing the line has resulted in pieces of clay pipe being flushed. He stated that they are proposing reaming or bursting the pipe.

Mr. Rickard stated that the estimated cost on project number 544 is \$64,640.20.

Mr. Rickard stated that Graham Park has required an emergency repair. He stated that the sewer line on the east side of the park was crumbling and so spot repairs were not working. He stated that we used a bypass until the new sewer line could be put in place. He stated that a twelve inch line was put in place of the eight inch line that failed.

He stated that the estimated cost of the project was \$73,086.64.

Commissioner Nick Badwey asked if the by-pass cost listed in the estimate of setting up the pump.

Mr. Rickard stated that it was the cost of putting it in. He stated that this estimate included having the pump for a bit longer than we actually had it, so it will be significantly less than originally quoted.

Commissioner Lewis confirmed that the CDBG grant was next to that area.

Mr. Rickard stated that unfortunately, we stopped to the east of it because we hadn't had trouble with the areas to the west.

Mayor Haines asked if the rains contributed to it.

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Mr. Rickard stated that it did. They believe that it was a bad batch of clay pipe. He stated that they called KDHE the minute it was detected and followed all of the proper procedures. He stated that they believe that it was diluted by all of the recent rain.

City Manager Dillner stated that the Commission is approving these projects in case there is a need to bond them at a later date.

Commissioner Guthrie asked how long we have to go to bond.

Mitch Walters, Gilmore Bell, stated that there isn't a time period. The resolution allows the city to issue tax exempt debt, if we did not pass them, we would be unable to issue that debt at a later date.

City Manager Dillner stated that this gives us flexibility in how we fund these items.

Commissioner Guthrie confirmed it would return to Commission before being executed in a bond.

City Manager Dillner confirmed that it would.

Mr. Rickard stated that there shouldn't be a public hearing listed on this item as shown in the agenda.

Commissioner Gregg Lewis moved that Resolution No. 2873 a resolution of the City of El Dorado, Kansas, authorizing and providing for the alteration, repair or reconstruction of sanitary sewers in the city; and providing for the payment of the costs thereof (project 544 and project 545).

Commissioner Matt Guthrie seconded the motion.

Motion carried 5 – 0.

REPORTS

CITY COMMISSION

Commissioner Kendra Wilkinson encouraged citizens to go vote.

Commissioner Nick Badwey stated that Prairie Trails meets on Thursday at 5:30 p.m.

Commissioner Gregg Lewis asked if employees can serve on advisory boards.

City Clerk Tabitha Sharp stated that we do not allow employees to serve, there is currently a part-time employee serving because he was put on the board at the time the rule was made. When his term is up, he will not be reappointed.

Commissioner Matt Guthrie encouraged people to go vote.

Commissioner Guthrie asked what the 25 foot setback rule for residential properties was.

Mr. Rickard stated that each property and condition is unique and so he doesn't want to quote something off the top of his head. He stated that the board of zoning appeals exists for the purpose of a variance.

Commissioner Guthrie stated that he is noticing more semis on Central lately. He asked if the PD could look into that.

Mayor Vince Haines stated that the REAP Economic Development Summit was held last week. He stated that our local director helped put that together.

Mayor Haines stated that the City Manager and Economic Development Director represented the City well at the KDOT task force meeting. He stated that it was refreshing to have us stand up and say that the state should just continue to fund what they had been instead of new projects.

Mayor Haines stated that he went to the Destination Bootcamp a few weeks ago. He stated that the workshop was well done. He stated that the bootcamp director will be in town for a presentation soon and will check up on the businesses that went.

CITY MANAGER

City Manager David Dillner stated that there was a storm sewer issue at BCC recently. He stated that staff are working with them to understand the problem.

City Manager Dillner stated that the partnering agencies will meet at the Train Depot at 4:30 p.m. on Tuesday. He stated that the conversation will be facilitated by WSU.

City Manager Dillner stated that the Prairie Trails Advisory Board will meet on Thursday at 5:30 p.m. to discuss a proposal we have received from GreatLife Golf.

City Manager Dillner stated that City Hall will be closed on November 12th in observance of Veteran's Day.

City Manager Dillner stated that the City has a question on the ballot tomorrow to renew the one cent sales tax.

ADJOURNMENT

Commissioner Nick Badwey moved to adjourn the meeting at 8:28 p.m.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 5 – 0.

City Clerk Tabitha D. Sharp

Mayor Vince Haines