

EL DORADO CITY COMMISSION MEETING

September 15, 2014

The El Dorado City Commission met in a regular session on September 15, 2014 at 7:00 p.m. in the Commission Room with the following present: Mayor Michael Fagg, Commissioner Chase Locke, Commissioner Bill Young, Commissioner Nick Badwey, Commissioner David Chapin, City Attorney Jim Murfin, Assistant City Engineer Scott Rickard, City Clerk Tabitha Sharp, and Human Resources Director Suzie Locke.

VISITORS

Courtney Sutton	734 Audrey Dr	El Dorado, KS
Dean Adamson	1434 SW 10 th	El Dorado, KS
Patricia Howard	1434 SW 10 th	El Dorado, KS
Chris Barth	924 W 1 st	El Dorado, KS
Judith Storandt	105 Race	El Dorado, KS
Samuel and Amanda Powers	1126 Shelden	El Dorado, KS
Art Anderson	635 Marmaton	El Dorado, KS
Coy & Terry Cartmell	115 W Kansas #7	El Dorado, KS
Gary Ball	817 W 4 th	El Dorado, KS
Jim Lohse	602 W Towanda	El Dorado, KS
John Scribner	4386 NE Ellis	El Dorado, KS
Tony Grunder	825 Rim Rock	El Dorado, KS
Nancy Green	1013 S Topeka	El Dorado, KS
James Cook	719 Fredrick Dr	El Dorado, KS
Glenn Hobson	1100 Towanda	El Dorado, KS
Pat Hicks	1147 S Arthur	El Dorado, KS
BJ Wardlaw	1350 Lawndale	El Dorado, KS
Debbie Marshall	38 SE 70 th	Leon, KS
Ryan & Krista Cook	615 W Cave Springs	El Dorado, KS
Daniel Jones	128 N Vine	El Dorado, KS
Bob Hendricks	1801 W Central	El Dorado, KS
Justin Jones	821 W Locust	El Dorado, KS
Ken & Lora Nakaten	1006 E McCollum	El Dorado, KS
Mike Maloney	425 Lynn Ct	El Dorado, KS
Brad Meyer	222 E 2 nd	El Dorado, KS
Ken Huffman	222 E 2 nd	El Dorado, KS
Shane Krause	830 W 4 th	El Dorado, KS
Peggy Borbon	432 S Ohio	El Dorado, KS
Jamie Turner	300 S Main	El Dorado, KS
Mike Glendenning		

CALL TO ORDER

Mayor Michael Fagg called the September 15, 2014 meeting to order.

INVOCATION

Pastor Terry Engler, Family Worship Center, opened the meeting with an invocation.

PLEDGE OF ALLEGIANCE

Ms. Lee’s 3rd Grade Class at Skelly Elementary led the Pledge of Allegiance.

PUBLIC COMMENT

Art Anderson, 635 Marmaton, stated he did not think the City needed to be involved in the farmer’s market.

Bob Hendricks, American Legion Commander, stated that between 7 and 8,000 people came to the traveling wall event. He stated that it was a great event.

Commissioner Chase Locke stated that he thought it was great to see all of the people in town for the event.

Mayor Michael Fagg thanked the volunteers from the American Legion for their work at the event.

Shane Krause, 830 W 4th, stated that when he served on the City Commission, he was also a member of the EFABC. He stated that the lease with the Legion was intended to secure a site for the stadium and to assist the American Legion with their troubles. He stated that the original intention was to only lease the stadium grounds and eventually turn those over to the EFABC. He stated that the city and the authority never intended to purchase the land up front, a vision shared by the Legion at the time. He stated that with the change in Legion leadership, the sale of the land was forced.

Mr. Krause stated that the City has paid for many things on the Legion's property for five years including maintenance, environmental clean-up and utilities. He stated that it was not the intention of the City Commission at the time to continue to pay the lease costs over the entire one hundred years. He stated that it was intended that after the sale of the stadium site, this did not happen.

Mr. Krause stated that he believed that the City should terminate the lease and correct the mistake of the previous Commission. He stated that the costs to the City could total more than \$2 million if the lease is not terminated.

Mr. Hendricks stated that the 45 acres Mr. Krause discussed was actually only 38 acres. He stated that the sale of the student housing property was approved by the City Manager.

CONSENT AGENDA

Approval of the City Commission minutes, September 2, 2014.

Commissioner Bill Young moved that the Consent Agenda, as presented, be approved.

Commissioner David Chapin seconded the motion.

Motion carried 5 – 0.

LEGION PARKING LOT

Scott Rickard, Assistant City Engineer, stated that this is intended as a discussion item amongst the City Commission.

Mayor Michael Fagg stated that the Legion made a mistake by not coming to the City per the contract, but also that the City must pay something because the parking lot obviously needed repaired.

Mr. Rickard stated that after reviewing it, the city would have gone about it a different way. He stated that it would have cost approximately \$16,000. He also stated that the item was not budgeted.

Mayor Fagg stated he felt that it was a fair compromise.

Commissioner Chase Locke stated he felt that it was an honest mistake, but he did not know how much of it the City should be responsible for. He stated that they could probably agree on a number to help the Legion.

Mayor Fagg stated he also felt they should amend the contract. He felt it should be spelled out clearer.

Commissioner Locke stated he would be interested in having more information on what Mr. Krause brought in.

Commissioner Nick Badwey read paragraph four from the American Legion Lease stating that all golf course costs will be paid by the City of El Dorado.

Commissioner Badwey stated that as Mr. Krause pointed out, there are no longer golf operations, and the traffic is solely for the Legion. He stated he did not see where the city has an obligation using what the lease says. He stated if we wanted to amend the lease and agree to maintain the new parking lot, he would be supportive of that.

Commissioner Badwey stated he would like to provide Commander Hendricks an answer tonight.

Commissioner David Chapin stated that he felt the City always sees what could have and should have been done after the project is completed. He stated that he remembers what Mr. Krause stated as true. He felt that they should listen to legal counsel. He also stated that he did not think the entire contract could be addressed this evening.

Commissioner Chapin stated he felt the American Legion made a mistake by doing the parking lot without contacting us. He stated again that he felt the contract needed to be determined with advice from legal counsel.

Commissioner Bill Young stated that there were challenges with all of the new leadership in both organizations. He stated that if they pay for the parking lot now, it could be something that they have to pay for again in the future.

Mayor Fagg stated that according to item number nine, the parties agree to work together.

Commissioner Young stated that according to the lease, the intent is to provide a facility for the stadium and to further golf operations.

Mr. Krause stated that the executive board at the Legion had the same vision at the time of the contract as the authority did. He stated that the thought was to have a park through the middle of the Legion in the area that could not be easily developed and the sale of that park land would give more money to the Legion. He reiterated that they should have terminated the lease after the sale of the land for the stadium. He stated that the termination of the lease would ease the burden on the City.

Mayor Fagg asked the Commission how they would like to move forward.

Commissioner Badwey stated that there would need to be a motion.

Mayor Fagg asked where it discussed the property taxes.

City Clerk Tabitha Sharp stated that staff are researching that portion now.

Bob Hendricks, American Legion Commander, stated that the Legion was required to provide an appraisal for the property before the lease. He stated that after that, their taxes increased by 300%. He stated that the authority promised that the stadium would be named after the Legion, and it was not. This has caused issues with members of the Legion.

Mr. Hendricks asked why the provision would be in place to reduce the lease amount when the stadium was completed if they planned on terminating the lease.

Commissioner Badwey stated that the way he read the lease was that the maintenance costs cease when the golf operations no longer continue.

Mr. Hendricks asked if the legal description is in the lease.

Commissioner Badwey stated it does.

Mr. Hendricks stated that it is the entire American Legion golf course.

Mr. Hendricks stated that he has tried to work with the City. He stated that everytime he tries to get on as a personal appearance, he is denied. He stated that he asked the assistant to be there as a personal appearance on this meeting and was again denied.

City Clerk Tabitha Sharp stated that there is a new Assistant to the City Manager and he understood that the discussion regarding the American Legion was to all be under this agenda item.

Mayor Fagg asked how much they were paid for the stadium.

Mr. Hendricks stated he thought it was \$270,000 and they bought back eight acres. He stated that they contributed more to the stadium if you look at the price per acre at the time than anyone else and have not been recognized.

Commissioner Locke stated that the lease will have to be clarified at another time, but he is not opposed to giving them something. He stated he thought they made an honest mistake.

Mr. Krause stated that the rent was reduced because of the sale of property. He stated that there was no specification in the lease on what property could be sold.

Mr. Krause stated that the purpose of the whole area was to be named the American Legion Sports Complex, not the stadium itself. This was because there was to be a larger sports complex which contained the stadium.

City Attorney Jim Murfin stated that if the City Commission has the will to seek a solution to the issues presented, and the Legion is willing to enter into those negotiations, it might make more sense to wait until that meeting could be held before anything is paid on the parking lot.

Mayor Fagg stated that because there was no motion, he asked if the Commission would like to follow City Attorney Murfin's direction.

Commissioner Locke stated he was in support of City Attorney Murfin's suggestion.

Commissioner Badwey stated he would act on the advice of counsel.

Commissioner Chapin stated he would like to rely on counsel's advice as well.

Commissioner Young stated he agreed. He believed it was an honest oversight on the behalf of the Legion. He stated if they do not follow the advice of counsel, the open future Commissions up to more questions.

Commissioner Locke stated he would like it done as soon as possible.

Mayor Fagg stated he would like to add that he was disappointed in the City Manager because it has not already been worked out.

Commissioner Badwey stated that the City Manager cannot change the lease without direction from the City Commission.

Mayor Fagg stated that he should at least have gone to talk to them.

Commissioner Young stated that the City Manager was doing as he was told. He stated that the last consensus was that they should have come to the City first.

DANGEROUS ANIMAL ORDINANCE DISCUSSION

Brad Meyer, Director of Public Works, stated that they had come to the City Commission previous regarding the ordinance on Pit Bulls in the City of El Dorado. He stated that it has developed into a dangerous animal ordinance.

Mr. Meyer stated that he was directed to gather information from other cities. He stated that staff provided that information to the City Commission.

Mr. Meyer stated that they revised the ordinance based on the direction provided by the City Commission after discussion with the public.

Mr. Meyer stated that the ordinance provided will clean up other parts of the animal ordinance as well as create a section on dangerous animals.

Mr. Meyer stated that there is not a list of specific dangerous animals in this ordinance.

Mr. Meyer stated that it was important to note that there has always been a dangerous animal ordinance; this was is more extensive than the current one.

Mr. Meyer stated that the proposed ordinance provides a “two strikes and you’re out” rule. The fine will be substantially different than the current ordinance and allows the judge to make other determinations.

Mr. Meyer stated that the second portion of the proposed ordinance will allow pit bulls within the City of El Dorado as long as they are registered. He stated that there will be requirements for: spay/neuter, micro chipping, photo documentation and other items. He stated that this is the only breed specified in the ordinance.

Mr. Meyer stated that there is no language regarding service animals in this ordinance.

Commissioner Chase Locke stated that he would like to clarify that if the dog is not indoors, it must be on a shorter leash or in a confined kennel.

Mr. Meyer stated that the dog would be able to be in the back yard until the point it is declared a dangerous animal. Then it will be required to be on the shorter leash, etc...

Commissioner Nick Badwey stated that any animal that is not currently declared dangerous would start with a clean slate.

Mr. Meyer stated that he was correct.

Commissioner Locke stated he was in support of the ordinance, he stated he was not in support of a muzzle or short leash if the dog was enclosed in a fence and not declared dangerous.

Commissioner Locke asked if there would be an investigation of where the animal would be kept prior to registration.

Mr. Meyer stated that there would be.

Commissioner Locke encouraged citizens to send their comments to the Commissioners.

Commissioner Bill Young asked if it was on the website.

Suzie Locke, Human Resources Director, stated that they could go online to the City Commission’s agenda center and look at the documentation on tonight’s agenda.

Commissioner Young encouraged citizens to go out and look at the ordinance and contact them with their thoughts.

Mayor Michael Fagg asked if the other cities also had the language regarding the Animal Control Officer and Public Works Director making the decision regarding the animal.

Mr. Meyer stated they did. He stated that is because the animal control department is in the Public Works division. He stated that there will be analysis from staff, police and veterinarians if necessary.

Mayor Fagg asked about the six month sentence for a person that violates the ordinance.

Mr. Meyer stated that he thought that was the most common portion of the dangerous animal ordinances he read.

Commissioner Badwey stated that it would always be up to the judge and also typically be directed at those with a flagrant disregard for the law.

Mayor Fagg asked about the requirement for fencing being different for the two sections.

Mr. Meyer stated he caught that, and it would be corrected.

Mayor Fagg asked about the portion on windows and screen doors keeping the dog in the house.

Mr. Meyer stated that is a part of the current ordinance.

Mayor Fagg asked about the tethering ordinance.

Mr. Meyer stated that it is the wish that the animals not be tethered. He stated that the goal is to eliminate the situation where an animal is tethered all day and something bad happens to the animal. He stated that the city has recently dealt with a case of an animal who lost its life because it was caught up.

Commissioner David Chapin clarified that this ordinance will not prevent a dog from biting someone.

Mr. Meyer stated it would not.

Commissioner Chapin stated that the purpose was to put restrictions on the citizens so that they treat their pets properly.

Commissioner Chapin stated that he was concerned that the renters in town would not be able to comply with this ordinance.

Mr. Meyer stated that it was up to the Commission to decide on. He stated it is in the current ordinance and has worked well.

Commissioner Chapin asked how Mr. Meyer would deal with that.

Commissioner Badwey stated he felt that they needed to select a different breed of dog.

Mr. Meyer stated that as part of the ordinance there is also an insurance requirement and that most of the insurance companies he spoke to stated that they would not insure a home owner who had a pit bull.

Commissioner Chapin asked if there was a stand-alone dog insurance policy.

Mr. Meyer stated that the insurance companies they called said they would not insure the dog only. He stated that many of the agencies had a list of dogs they would not insure. He stated that the Commission is free to make the changes they want.

Mr. Meyer stated that he has received many phone calls asking why the City was considering lifting the pit bull ban. He stated that he answered them saying people have come to the city requesting that they lift the ban.

Mr. Meyer stated that of the cities he has researched, half of them wished they had not lifted the pit bull ban and the other half have seen no significant issues after lifting the ban.

Commissioner Locke stated that he would like to encourage the citizens to contact them regarding the ban. He stated he has only received one call from a citizen strongly opposed to it.

Commissioner Badwey stated he has received one call against it and two calls for the lift on the pit bull ban. He stated he wanted to commend Mr. Meyer and his staff on their work on the ordinance.

Commissioner Badwey stated that if a person cannot meet the responsibilities for having this type of dog, they should reconsider what type of dog they get.

Commissioner Young stated he has received calls from both sides of the issue. He stated that it is important to make sure that the owner understands the responsibilities of owning an animal in the City of El Dorado. He encouraged the public to go to the website and look at the ordinance.

City Clerk Tabitha Sharp stated that if citizens go to the new website and click on City Government and then City Commission, they will be able to view the contact information for the City Commission.

Mayor Fagg stated that he would like comments from the State Humane Society and the local veterinarians.

Mr. Meyer stated that the only veterinarian they have heard from is El Dorado Animal Clinic.

Commissioner Young thanked El Dorado Animal Clinic for their input and encouraged everyone to provide feedback on the subject.

Gary Ball, 817 W 4th, stated he was in support of the current ordinance. He stated he has been attacked several times over his time in the city as a postal service worker. He stated that pit bulls are stronger than other dogs that might attack someone. He stated he would like to see information provided to the neighbors.

Patricia Howard, 1434 SW 10th, stated that it comes down to responsible dog owners. She stated that she was in support of an ordinance about the dog, not the breed.

Dan Adamson, 1434 SW 10th, stated that he also believed it was the owner, not the dog that is the issue. He stated that he was fine with the micro chipping, but did not think people could afford all of the other items.

Peggy Borbon, 432 Ohio, stated that she is in support of lifting the ban because of her daughter's support dog which is a pit bull.

Jamie Turner, 300 S Main, stated that she felt the City has done a good job on the ordinance. She stated that the language regarding the noxious or offensive odors and the portion about excrement might need to be clarified. She stated that in the dangerous animal section, she felt that it needed to be specified that the injury is off of the animal's property. She stated that she did not think it was fair to term a nuisance animal as a dangerous animal because it will keep others from housing it properly in another area.

Ms. Turner also stated that she felt the portion on attacks on other animals should be limited to attacks on other domestic animals.

Commissioner Young stated that it is changed on the new version.

Ms. Turner stated that the window portion should be changed to window screens.

Commissioner Locke asked if they could change the language about the property to be indoors. He stated that if the postal employee is on the property delivering mail, he should not have to fear doing his job.

Commissioner Young agreed, he stated that staff could work on that portion.

Commissioner Badwey thanked the citizens for their input.

Commissioner Young again encouraged people to go to the website and look at the proposed ordinance.

Commissioner Locke stated he thought they would be able to make a decision in October after the citizens' comment.

COMMUNITY MARKET

Suzie Locke, Human Resources Director, stated that she is available for discussion regarding the Community Market business plan.

Commissioner Chase Locke stated that he originally heard from individuals in support of the plan. He stated that he has recently heard from individuals opposed to the plan. He asked what the main guidelines would be for someone wishing to use the community market.

Ms. Locke stated that there are two challenges with the question. The first is that without the building, the conversation is a moot point. She stated that they have provided a plan which assumes ownership of the building. She stated that the plan provided has some guidelines but is not set in stone because the building has not been secured. She stated that if the facility were operated as envisioned by the City, it would require a permit and proper licenses from the State.

Commissioner Locke asked if they could think about insurance yet since the building has not been acquired.

Ms. Locke stated that as part of the special event permit, there is a piece requiring liability insurance.

Scott Rickard, Assistant City Engineer, stated that he felt it was important to discuss the history of the plan. He stated that several years ago, there were requests from the community for a central market place. He stated that after the requests were made, several plans were considered.

Commissioner Bill Young stated that this has been Commission driven for several years, and that they have reviewed several sites.

Commissioner Locke stated that there are many younger people excited about this effort. He stated that the biggest question has been about if people will be able to get in to sell their items.

Ms. Locke stated that a part of that is regulated by the State, so they mandate what kind of goods can be sold.

Mayor Michael Fagg requested that this also be on the website.

Ms. Locke stated that it is already there.

Commissioner Young stated that there have been a lot of options over the years. He stated that the vast majority of the comments he has received have been positive.

Commissioner Young stated that one of the things about the building we are considering is the ability to provide space year around, regardless of weather. He confirmed that the building was on the historic register.

Ms. Locke stated that it is a qualifying historic building and that it is within the historic district.

Commissioner Young stated that the Sales Tax Committee was in favor of the building, and the City Commission appointed them to provide the recommendations.

Commissioner Locke stated that this is an opportunity to house some of the specialized products in our community. He also thought that it could be used as an incubator space that would launch future businesses. He stated that it is an exciting opportunity for the city.

Ms. Locke stated that the next step in the process would be to have a community stakeholders meeting. She stated that they want people to be involved in how the space is utilized.

Mayor Michael Fagg asked who wrote the business plan.

Ms. Locke stated that staff did.

Mayor Fagg stated that he felt that the 4-H organization covered most of these items. He stated that he felt between the Numana building, depot, civic center and 4-H building, there were plenty of buildings available.

Ms. Locke asked for specific things covered by the extension office because they are one of the big proponents of the project.

Mayor Fagg stated that he would have to read through it again, but he thought that the section which states the items that come from the comprehensive plan were stretching it a little.

Ms. Locke stated that those are objectives in the 2030 comprehensive plan that staff felt the building could meet.

Mayor Fagg stated that he is not against Farmer's Markets. He stated that he felt that this should be a Chamber project or another local organization.

Mayor Fagg asked how they arrived at the number for the displaced sales tax.

Ms. Locke stated that they used the impact model developed by WSU which has proved to be accurate in most of the projects it has been used with. She stated that the anticipated revenue was based on other farmer's markets and the amount anticipated to be sold here.

Ms. Locke stated that she would be happy to provide the model to the City Commission so they could see the numbers that were run.

Mayor Fagg stated he did not see where costs were considered including maintenance and upkeep.

Ms. Locke stated that maintenance and upkeep would be minimal at the beginning.

Mayor Fagg asked if an inspection had been done.

Mr. Rickard stated that a structural engineer from Wichita came and looked at the building.

Commissioner Locke clarified that we are only discussing the barn portion of the building.

Mayor Fagg asked about meeting rooms.

Ms. Locke stated that potentially in the future there is space for that, but not in the immediate future.

Mayor Fagg stated that there would be no heating and air costs.

Ms. Locke stated that he is taking what she said out of context. She stated that in the immediate future, as a community market, there would be little to no costs. She stated that in the future if they chose to develop the meeting space, there would be potential costs associated with that.

Commissioner Locke stated it would be a shell to protect from the elements.

Mayor Fagg asked if they had bought the building and how much it was.

Ms. Locke stated that the cost of the building is \$72,000.

Mr. Rickard asked the City Attorney to step in. He stated that the contract was still contingent on some issues.

Mr. Murfin stated that a contract has been prepared, but he did not know if it had been completed.

Mr. Rickard stated that there is a some title review going on. It had not been purchased yet.

Ms. Locke stated that after approval in the City Budget, staff moved forward with the project.

Mayor Fagg asked who brought the project to the sales tax committee.

Ms. Locke stated that she did.

Mayor Fagg stated that the project was city staff driven.

Commissioner Young stated that staff presented the project at the request of the City Commission.

Mayor Fagg read from the business plan, particularly the section regarding the ownership of the farmer's market and the licenses required. He stated that it was too complicated.

Ms. Locke stated that is the law, and anyone selling within the city limits should be required to follow the laws.

Mayor Fagg stated that he didn't think we could sell much if we had all of those requirements.

Ms. Locke stated that we should write our State Legislators and talk to them about the requirements for farmer's markets.

Mayor Fagg stated he did not think the city should own another building.

Ms. Locke stated that she has information regarding the taxes on the property.

Mayor Fagg stated that the city should let someone else do it.

Ms. Locke stated that staff were acting on the wishes of the City Commission in the past, two weeks ago, the wishes of the sales tax committee and the 2015 budget.

Mayor Fagg stated he was concerned that this would be another issue like the wind turbine.

Commissioner Locke stated that sometimes they have to take a risk based on what they are hearing from their citizens. He stated that this was a quality of life feature in our community.

Commissioner Young stated he would like to go over the impact numbers.

Ms. Locke stated that the first table shows the City's income in property taxes and stormwater in 2013 which totaled \$732.18. She stated that the city would not make that money if they owned the building; there would be displaced sales tax, new sales tax, vendor fees and special event reservations. She stated the total revenue with those items would be approximately \$5,000 in revenue. She stated that the State of Kansas made \$16.53, under the new plan, projected sales tax would be around \$11,000. Ms. Locke stated that USD 490 currently makes \$688, they would not have a direct monetary impact, but the area served has approximately 68% of its students on free and reduced lunches who could be helped by the programs we hope to bring to the farmer's market allowing them fresh fruits and vegetables. Butler County currently receives \$400 in property tax, and it is projected that they would see \$500 in new sales tax. The City of El Dorado receives \$500 in property tax, they are projected to receive \$5,000 in income. The Community College received about \$200 in property tax, and would not receive a monetary impact, but they are looking at partnerships with their agriculture and culinary programs.

Commissioner Young stated that based on the table compiled by the WSU program, we go from \$1,800 total property tax to the potential of \$16,000 each year.

Mayor Fagg stated that the city receives \$4,900.

Ms. Locke stated that it is projected that income will increase as it is open more.

Mayor Fagg asked if there are around 29 farmer's market in Kansas and how many are owned by cities.

Ms. Locke stated she was unsure how many were owned by cities, but most of them follow the same rules as in the business plan.

Mayor Fagg asked if we could lease the building and try the plan. He asked if it could be done at the Depot.

Commissioner Young stated that you cannot pull vehicles into the Depot.

Mr. Rickard stated that when we were looking at the barn concept, the estimates were around \$100,000 to build something like that.

Ms. Locke stated the great part of this location is the neighborhood and that no major streets have to be crossed to access it.

Commissioner Locke stated that there is good parking.

Mayor Fagg asked about the Numana building.

Commissioner Locke stated that it was not in their business plan, their facility is not available for that.

City Clerk Tabitha Sharp stated that the Depot is not available most weekends because it is rented for small events.

Commissioner Young stated that the desire of the Farmer's Market vendors was to be able to sell from the back of their vehicle if they wanted.

Commissioner David Chapin stated that he discussed it with Wal-Mart and Dillons, they do not get help from the City. He stated he felt that it would be another situation like the American Legion contract, five years from now, the Commission would be trying to find out how to fix it.

Commissioner Chapin stated he did not think that those individuals would go out and get the licensing required to be in the Farmer's Market building.

Commissioner Locke stated that it was his understanding that everyone on the Commission was in support of this in the beginning. He stated that he would like to encourage people to go on the website and contact the City Commission regarding this subject.

Commissioner Chapin stated that if the city is working on this project, they will not be able to do the other items that they should be working on. He stated that they should not be competing against other businesses.

Ms. Locke asked if he supported the spray park.

Commissioner Chapin stated that he did because it was a feel good project; it competes with the city's pool, but not with others.

Commissioner Young stated that Wal-Mart also sells slip and slides and pools.

Commissioner Locke stated since he was hearing this from Commissioner Chapin for the first time, they now have an opportunity to hear from others in the community and have a productive conversation at the next meeting on how to move forward. He felt that it deserved a fair chance now that the information is out there.

Ms. Locke stated that if they have suggestions on how to make the plan more plausible, staff would be happy to do it.

Commissioner Chapin stated that the work staff has done is fine. He stated that he is against going in and subsidizing business.

Commissioner Locke encouraged citizens again to look at the plan, ask questions and contact them regarding the community market so that the commission has both sides of the issue.

Commissioner Young agreed with Commissioner Locke.

Judith Storandt, 105 Race, stated that she is Director of the Kids Need to Eat program. She stated that community markets provide benefits to other businesses. She stated that they bring people to our community and they go to the stores while they are in town for the market.

Ms. Storandt stated that she understands the concern about the building. She stated that this is a modest investment and could be eventually spun off to another group.

Mayor Fagg asked Ms. Storandt if the 4-H building would work better.

Ms. Storandt stated that she was glad that the Commission was looking at other venues. She stated that the 4-H building is not consistent in its availability. She stated that in order for a community market to succeed, it needs consistency, uniformity and identity as to its location. She stated that the 4-H building cannot be reserved more than 365 days in advance.

Ms. Storandt stated that the 4-H building is a great example of how a building can be used in our community. She stated that the community market needs its own identity.

Commissioner Chapin asked about restrooms in the building.

Mike Glendenning, 4509 NW HWY 196, confirmed that sales tax money was spent to purchase this building.

Mayor Fagg confirmed he was correct.

Mr. Glendenning stated he would like to see the sales tax used to reduce property tax. He also asked if the center section can be taken out of the proposed building.

Mr. Rickard stated that they have discussed leaving it as it is. He stated that restrooms would have to be upgraded to meet ADA requirements.

Mr. Rickard also stated that the first item that sales tax addresses is property tax reduction.

Mr. Glendenning stated that he had not seen a reduction in his property tax.

Mr. Rickard stated that was due to the increase in property valuations.

Mr. Glendenning stated he didn't think it would be too expensive to fix the building.

EL DORADO SEWER IMPROVEMENTS (CDBG GRANT) PROJECT #392

Scott Rickard, Assistant City Engineer, stated that staff are asking the Commission to hold a public hearing regarding the proposed CDBG grant for sewer improvements. He stated this will improve a portion on the southwest side of El Dorado that are requiring a lot of maintenance.

Mr. Rickard stated that the grant would be \$500,000, and the remaining cost of \$600,000 would be paid for by the city.

Mr. Rickard stated that this project has been in the CIP for several years. We did not receive the grant when we applied for it two years ago, so we are trying again.

Mayor Michael Fagg asked if we would borrow the money.

Mr. Rickard stated that we would request an amendment to the current State Revolving Loan.

Mayor Fagg asked if the current rate would change.

Mr. Rickard stated that it would just be an amendment that adds to the original amount.

Commissioner David Chapin confirmed that this is just to move forward with the grant.

Mr. Rickard stated that the resolutions will be stating that we are a government and that we are supporting the project.

Mayor Michael Fagg opened the public hearing.

Mayor Fagg asked if there was a more pressing issue that this could be used on.

Mr. Rickard stated that there is not, this is the area of town where the maintenance staff spends the majority of its time.

Mayor Fagg closed the public hearing.

Commissioner David Chapin moved that Resolution No. 2743, a resolution certifying legal authority to apply for the 2015 Kansas Small Cities Community Development Block Grant Program from the Kansas Department of Commerce and authorizing the Mayor to sign and submit such an application.

Commissioner Chase Locke seconded the motion.

Motion carried 5 – 0.

Commissioner Nick Badwey moved that Resolution No. 2744, a resolution assuring the Kansas Department of Commerce that funds will be continually provided for the operation and maintenance of improvements to the sanitary sewer system to be financed with Community Development Block Grant Funds.

Commissioner Bill Young seconded the motion.

Motion carried 5 – 0.

Commissioner Bill Young moved that the Mayor have authority to sign all other supporting documents related to the Community Development Block Grant.

Commissioner Nick Badwey seconded the motion.

Motion carried 5 – 0.

PROJECT #354 – PAVING ATCHISON STREET (LOCUST TO CAVE SPRINGS) AND CAVE SPRINGS (ATCHISON TO DENVER)

Scott Rickard, Assistant City Engineer, stated that staff are requesting a public hearing for the repaving of Atchison, Locust to Cave Springs and Cave Springs, Atchison to Denver. Mr. Rickard stated that the current streets are concrete in need of removal and replacement. He stated that the improvement district will be responsible for half of the cost of removal and replacement of curb and the driveway. The remainder will be a sales tax project.

Mr. Rickard stated that the plan is that the Public Works Department will build the roads. The costs sent to the residents utilize a contractor, so we anticipate that the assessments will be lowered significantly.

Mayor Michael Fagg confirmed that they would replace the concrete with concrete.

Mr. Rickard stated that they would. He stated that the most expensive part of a concrete street is the labor and setup. He stated that there is less maintenance, the road lasts longer and there is less assessment on the citizens.

Mayor Fagg asked why it is not done all over town.

Mr. Rickard stated that we do not have the man power to do that.

Mayor Fagg confirmed that it will be less expensive.

Mr. Rickard stated that it is less for staff to perform the work because we have all of the equipment and labor. He stated if a contractor were to do it, it would be cheaper to do an asphalt street.

Mayor Michael Fagg opened the public hearing.

Teresa Fiuretto, 521 S Denver, stated that this assessment was a lot of money for her. She asked how many years it would be spread over.

Mr. Rickard stated that the typical spread is 10 years, it can be spread to 20 with the approval of the Commission.

There was approval from the City Commission.

Ms. Fiuretto stated that she would have to sell her house if this project moves forward. She stated that it would bring down the value of the home because of the assessments.

Mr. Rickard stated that they figure assessments by using the linear footage of curb.

Ms. Fiuretto stated that 20 years would help. She clarified that it could be less.

Mr. Rickard stated that it could be if Public Works is able to do it.

Ms. Fiuretto asked how long it would take.

Mr. Rickard stated they will try and start it as soon as the project is approved.

Commissioner Bill Young stated he would like to spread it over 20 years so that it would be more manageable and allow them to have a better street.

Commissioner Locke asked if they needed to do anything to change the number of years for the assessment.

Mr. Rickard stated that after the project, the assessments will be spread and the Commission can specify that they would like to make them due over a period of 20 years.

Mayor Fagg closed the public hearing.

Commissioner moved that Resolution No. 2745, 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/project No. 354).

Commissioner Chase Locke seconded the motion.

Motion carried 5 – 0.

WEBSITE DISCUSSION

Suzie Locke, Human Resources Director, and Ken Huffman, IT Director, stated that they have been working on the city's website project over the past year. The project has been opened to the public and they are present to give a brief demonstration.

Commissioner David Chapin asked if the video feed was available.

Mr. Huffman stated that we are limited by the equipment in the Channel 7 room.

Ms. Locke stated that the website has the ability.

Mr. Huffman stated that they would have to upgrade the current equipment.

Commissioner Chase Locke stated that he was excited that people can pay their bills online. He stated that the majority of the issues he deals with on the Commission have to do with poor communication. A lot of that was because of the difficulty navigating the website.

Commissioner Bill Young asked if we could put the community market or dog issue under the community voice so people can talk about it.

Ms. Locke stated that they could.

Mayor Michael Fagg asked what the cost of the website was.

Ms. Locke stated that over three years it is \$13,482.84. She stated that after that, yearly maintenance is about \$4,500 per year. She stated that because civic plus specializes in government websites, updates they make to other sites can be applied here.

Commissioner Locke stated that he felt it was a good price in his experience.

Mayor Fagg asked if there were a lot of man hours keeping this updated.

Ms. Locke stated that it has been spread across the departments. She also stated that most of the content is static, and current events will be in the community voice area as well as alerts.

Mayor Fagg asked how 360 works with this.

Ms. Locke stated that our last year for 360 was this year. She stated that the government information will be transferred to our site. The 360 site will remain as long as their board wishes to support it.

Ms. Locke stated that the Chamber of Commerce is building a similar site and it will be released soon.

NEW BUSINESS

Commissioner Chase Locke stated that he has concerns sometimes regarding the community divide that happens over the many different issues. He stated that he wants citizens to feel confident and be excited about the City. He stated that he wants to have the most productive and positive conversations possible.

Commissioner Locke stated he wanted to see young people stay in the community. He stated that a big part of that is community pride.

Commissioner Locke stated that this coming weekend is the El Dorado Homecoming, and it was a good opportunity to show that community pride and support the young people.

Commissioner Bill Young stated he was contacted regarding the compost site. He stated that the individual asked what lead to the decision not to allow commercial haulers to dump at the compost site. He stated that the biggest reason was the amount of debris that ended up at the compost site. He stated that caused us to burn the pile more often and that causes a smell in El Dorado. He stated that a grinder to fix the problem would also be quite expensive.

Commissioner Young asked if the rest of the Commission would revisit the issue of having the compost site open to commercial haulers on the weekends.

Commissioners Badwey and Locke agreed as well as Mayor Fagg.

Mayor Fagg stated it needed to be monitored on the weekends to ensure that there are not people dumping from outside the city limits.

Commissioner Young stated he understood that. He stated that the person that contacted him lives outside of El Dorado, but works in El Dorado.

Commissioner Badwey stated that they used to work that out by requiring that a person provide a copy of their water bill, and in the case of the business owner, he would take a copy of the person's bill he was working for.

Commissioner Young stated that the EFABC has been discussing the agreement on the stadium. He stated that they have been working on a better way to handle the lease agreement. He stated that the city has requested that they not be expected to pay for more than they use the stadium. He stated the proposed contract shows that the City would pay for 5% or \$2,600.

Mayor Fagg asked how long the commitment would be.

Commissioner Young stated that this would be specific to this year. He stated that he thought the addendum would be reviewed regularly.

Commissioner Nick Badwey moved to approve the calculation of the lease payment based on the hourly usage of the stadium July 1st – June 30th. The payment for the 2014-2015 school year will be \$2,600 or five percent usage.

Commissioner Chase Locke seconded the motion.

Mayor Fagg asked what our five percent usage was.

Ms. Locke stated the Mayor's Dinner, Men's Flag Football, AAU Track Meet, Leadership Butler, and other miscellaneous items.

Motion carried 5 – 0.

Mayor Fagg stated that at the Holly Frontier Refinery advisory meeting they stated that there will be 1600 workers coming in for turn around. He stated that it would be quite a large impact. He also stated that Haverhill would be very busy between shifts and citizens might want to consider other routes.

Ms. Locke stated that the Chamber and CVB have worked together to put together a welcome packet that points those workers to the different services and stores in El Dorado.

EXECUTIVE SESSION

Commissioner Bill Young moved to recess into an Executive Session for the purpose of discussing legal matters, and to reconvene the regularly scheduled meeting in the City Commission room at 10:45 p.m.

Commissioner Chase Locke seconded the motion.

Motion carried 5 – 0.

Mayor Fagg called the meeting back to order.

ADJOURNMENT

Commissioner Nick Badwey moved to adjourn the meeting at 10:45 p.m.

Commissioner David Chapin seconded the motion.

Motion carried 5 – 0.

City Clerk Tabitha D. Sharp

Mayor Michael A. Fagg