

**MINUTES OF THE REGULAR COUNCIL MEETING  
OF THE CITY OF PAOLA, KANSAS  
5:30 O’CLOCK P.M.**

**July 11, 2006**

**HELD AT THE PAOLA PUBLIC WORKS BUILDING  
29370 OLD KC ROAD, PAOLA, KS.**

The Governing Body of the City of Paola, Kansas, met with Mayor Stuteville presiding.

Councilmembers present: Mayor Stuteville, Council Members Pritchard, Dial, Rowlett, and Hamilton.

Council Members absent: None.

Also present: Manager VanderHamm, Clerk Droste, City Attorney Tetwiler, Engineer/Planner Faust, Public Works Director Bieker, Police Chief Smail, Brian McCauley from the Miami County Republic, and others.

**PLEDGE OF ALLEGIANCE:** Mayor Stuteville invited everyone in attendance to join in the Pledge of Allegiance.

**Agenda Item 1 - CALL TO ORDER:** The regular council meeting was called to order by Mayor Stuteville.

**Agenda Item 2 - ROLL CALL:** Mayor Stuteville and Council Members Pritchard, Dial, Rowlett, and Hamilton were all present.

**Agenda Item 3 - PETITIONS, REMONSTRANCES, AND COMMUNICATIONS**  
Mayor Stuteville presented a Proclamation honoring Jordan Karr and Caleb Payne for being selected as All-Stars for the 33<sup>rd</sup> Annual Shrine Bowl Football Game to Shriners Jack Cordle, Harley Keeton and Ralph Reese.

**Agenda Item 4 - CONSENT AGENDA**

- a. **Approval of minutes of the meetings of June 27, 2006 and July 5, 2006**
- b. **Approval of Salary Ordinance number 06-12**
- c. **Approval of Appropriation Ordinance No. 585**

Councilmember Pritchard asked about the sidewalks on the Green Acres plat, he questioned how the developer would be protected in the future when the sidewalks are required to be installed. City Attorney Tetwiler suggested that an affidavit be prepared and filed of record in the Register of Deeds Office so that it would be of record with the property.

Mayor Stuteville asked if Zarco would be reimbursing the City for the cost of concrete only or if they would be reimbursing for labor as well. Manager VanderHamm stated that they would be reimbursing the cost of concrete and labor.

Councilmember Rowlett made a motion to approve the Consent Agenda and authorize the Mayor to sign. Councilmember Dial seconded the motion and all voted aye.

**Agenda Item 5 – REPORTS OF OFFICERS, BOARDS AND COMMITTEES**

**Agenda Item 5a - Consider approval of an Ordinance correcting Section 1 of Ordinance No. 2722 – Doherty Ornamental Iron 99CUP1.**

Engineer Planner Faust presented an ordinance correcting Section 1 of Ordinance No. 2722. He explained that the original ordinance did not contain the correct legal description of the Doherty Ornamental Iron property. The proposed ordinance corrects that error.

Councilmember Pritchard made a motion to approve AN ORDINANCE CORRECTING SECTION 1 OF ORDINANCE NO. 2722 CONDITIONAL USE PERMIT 99CUP1. The motion was seconded by Councilmember Dial and all voted aye. The Ordinance was assigned number 2920.

**Agenda Item 5b - Consider approval of Change Order No. 1 with Cutting Edge Excavating & Trucking for the Lewis Drive Improvements.**

Engineer Planner Faust presented Change Order No. 1 for the Lewis Drive improvements. Changes were necessary for the following items:

1) Fly-ash base stabilization with rock removal:	\$12,228
2) Flowable fill in sewer and water trenches:	\$10,880
3) Grouted Riprap along the channel:	\$13,500
4) Rock wall actual quantities:	\$26,505
5) Miscellaneous other minor changes:	<u>\$8,468</u>
Total	\$71,581

After discussing the change order, Councilmember Dial made a motion to approve Change Order No. 1 in the amount of \$71,581.57 with Cutting Edge excavating & Trucking for the Lewis Drive Improvements. The motion was seconded by Councilmember Pritchard and all voted aye.

**Agenda Item 5c - Consider approval of Lewis Drive Construction Draws 5, 6, & 7.**

Engineer Planner Faust presented pay request 5 for May, request 6 for June and request for 7 for the majority of the retainage. Faust reported that he met with Anthony Construction Management about the pay requests and it has been recommended that \$6,000 be withheld from request number 7 as no erosion control was installed during the project.

Faust explained that the contractor will return in the fall to re-seed the area. There is also an unresolved dispute over the strength testing of the concrete which was specified to be at 4,000 psi at 28 days. The average testing at 28 days was slightly under the specified strength at 3,850 psi.

After discussing the issues, Councilmember Rowlett made a motion to approve construction draws 5, 6, & 7 in the total amount of \$398,328.76 less \$6,000 for erosion control for the Lewis Drive Improvements. The motion was seconded by Councilmember Dial and all voted aye.

**Agenda Item 5d - 2007 Budget Presentation and Discussion.**

Manager VanderHamm began the presentation of the proposed 2007 Budget by reviewing the assessed valuation for the City at \$45,500,412 which is an increase of 8.8067% over 2006 values. One mil next year will equate to \$45,500. The proposed mill levy would be 41.893 which would be the lowest mill levy since 1995.

Manager VanderHamm reviewed the history of reserve balances and estimated that the 2006 carryover balances would be near 2005 levels at \$979,484.

Manager VanderHamm reported that water rates would need to be reviewed in anticipation of the new treatment plant in concert with the City of Louisburg through the Marais Des Cygne Public Utility Authority. This would be done in a similar manner as sewer rates were reviewed and monitored with the new sewer treatment plant.

Manager VanderHamm explained that the proposed mill levy is based only on new construction valuation and not on increases attributed to normal appreciation in value.

He reviewed the Administration Budget including proposed increase in payments to the Chamber of Commerce specifically for economic development efforts. He also reviewed the Police and Fire Department budgets. Both of these departments will have increased investments in vehicles and equipment.

Manager VanderHamm explained that the Building Inspection and Planning Departments would be segregated from the Administration Budget into a new Community Development Budget. Included in the new budget are both a part-time clerical position and a full-time building inspector.

The Bond & Interest fund has total debt service payments of \$1,455,573 scheduled for 2007.

The Family Aquatic Center no longer received sales tax revenue as of the end of 2006. Future operational expenses over revenues and maintenance costs will come from the reserve fund.

The Community Center Fund includes a General Fund transfer of \$80,192 which is a decrease of \$4,808 compared to 2006. This includes funds for a full-time director for the Center.

The City of Paola's 2006 Budget totaled \$11,143,862. Of that, \$1,856,411 was budgeted to come from property taxes, levied at 44.329 mills. Property taxes made up a total of 16.66% of the total 2006 budget. The proposed 2007 Budget totals \$11,587,562 or a \$443,700 spending authority increase. Property taxes make up a total of 16.45% of the total 2007 proposed budget. The mill levy for 2007 will drop by 2.436 mills to the lowest city level since 1995.

The timetable for approving and implementing the 2007 Budget is as follows:

July 25, 2006: Final regular Council Meeting date for the City Council to meet and finalize the Budget proposal to meet statutory requirements.

July 28, 2006: Final date to publish the proposed budget and set a date for public hearing. The published budget figure can always be decreased but not increased after publication.

August 8, 2006: Proposed budget approval date and Public Hearing.

August 14, 2006: Final date for a Public Hearing on the budget.

August 25, 2006: Final date for the City Clerk to file the levy amount with the County Clerk.

Manager VanderHamm reviewed the details of the Ad Valorem Tax requirements and Mills levied between 2006 and 2007. He also reviewed the individual fund summaries.

### **Agenda Item 6 - NEW BUSINESS**

Manager VanderHamm reported that Calvin Chestnut is building duplexes on Kaskaskia east of Hospital Drive. He has requested consideration for "no parking" on the north side of the street – across from the new town-homes because he is afraid that the elder occupants may have trouble backing out. This will be an agenda item for the July 25<sup>th</sup> Council Meeting.

Manager VanderHamm reported that Bartlett & West has sent bids out for the 750,000 gallon water tower. August 9<sup>th</sup> was the original deadline but has been moved up to August 3<sup>rd</sup> so bids can be reviewed at the MDC PUA Board's August 10<sup>th</sup> meeting.

Manager VanderHamm indicated that he and Jerry Bennett, RWD#2 Director met last week and discussed the proposed growth area modifications. He forwarded the preliminary map to his board members for their review prior to the meeting Monday night (July 10<sup>th</sup>) and stated the following:

"The looming questions will be "What compensation will be due RWD 2 for existing customers, future customer income loss and existing infrastructure purchase. Depending on what the court rules with the upcoming appraisal results will dictate the decision making process to RWD 2 and City of Paola. Just briefly reviewing the map and mirroring our appraisal in the Louisburg area, the number could be as high as \$20 million. Half the cost (\$10 million)

would have to be carefully considered by the City, as well as, what rate you will have to charge for retail sales. Nevertheless, this is quite a serious issue for both parties and we need to maintain open communication. We can't be remiss to conclude we need to resolve this matter in the best interests of each of our water customers, present and future."

Arleen Slayman sent USD 368 Superintendent Rod Allen and Manager VanderHamm a letter regarding her desire to see a public "Paola Recreation Commission" created. Manager VanderHamm will meet with her and Dr. Allen to discuss this matter and a possible petition drive to put the issue on the ballot. Typically the larger taxing entity would be used (i.e. USD #368) to provide for a larger funding tax base.

Manager VanderHamm reported that the "Baptiste Dr. Promotion" project is moving forward. He presented a letter the Chamber sent out explaining the event. A committee of affected businesses and the Chamber was formed and it was agreed that the businesses needed to "buy-in" to the promotion and participate financially. If the city picked up 1/2 the cost, they would cover the rest.

As part of the issues affecting businesses along Baptiste Drive, Dennis Wilson from New Century Dodge has requested consideration to allow a temporary tent be placed in an area near Baptiste and Hedge Lane/Hwy 169 for an "extended showroom". He would like to work with Wal-Mart or some other property owner and place a tent in an area that would generate more customer traffic while the road is torn up in front of his business. Manager VanderHamm stated that he has talked to Engineer Planner Faust about the LDO implications and whether something like this is allowed. Faust would define this as a 'special use' which directs the building inspector to review electric and sanitary. We would need to define a time-frame (2 months/3 months) and should review a site plan showing access/size/etc. - owner of the property would need to submit a letter agreeing to any conditions. The agreement with the city should also state this is a one-time event due to the special circumstances surrounding the construction along Baptiste Drive. The Council agreed that if a location could be secured and the Planning Commission agreed, they would not be in opposition to allowing the extended showroom. However there was concern expressed about allowing only New Century Dodge this flexibility, all affected businesses should be given the same consideration.

Manager VanderHamm reported that Pam Fette is working in the Building Inspection Department during the month of July. One option for more help in the Department is using part-time employees at the Library who are interested in more hours. Sue Grosdidier at the high school is now in charge of the student program and I have talked to her about the possibility of having a selected student work during the fall and spring semesters. If none of these options work out, hiring a regular part-time employee will be considered.

Planner and Building Inspector ads will be sent out this week. Ads will appear in the League Government Journal, American Planners Association web site, the Kansas City Star, all the county papers, university's planning departments, the KC Metro Chapter of ICC, and the Heart of America Chapter of ICC in Wichita. Contact has also been made

with Jim Kaup and Shawn Ackerson (Parkville, MO) who are both familiar with our performance-based Land Development Ordinance.

Donna Crawford with Governmental Assistance Services has contacted Clerk Droste about the next housing grant application. She wants to hold a public hearing in the first meeting of August, and she has been asked to make a presentation to the City Council and staff at the July 25<sup>th</sup> meeting outlining her proposed application.

Manager VanderHamm presented a letter from Jim Wise, Miami County Commission Chair, to jurisdictions along K-68 and KDOT requesting matching state funds for a K68 Corridor study.

Manager VanderHamm reported that he has scheduled meetings with 2 engineering firms regarding the possibility of providing engineering services. Brian Faust has agreed to sit in and help prioritize the needs of the city.

Clerk Droste reported that Clint Haley at Rounders has agreed to fasten the oak barrels to the pavement outside the restaurant so that they cannot be moved. This will provide a permanent solution to cars parking in the sight triangle at the intersection.

Manager VanderHamm reported that the August 1<sup>st</sup> Study Session Items will include Direction on the Chamber of Commerce/Economic Development issue and possible water rates adjustments.

Councilmembers Pritchard and Dial had no new business to discuss.

Councilmember Rowlett asked if the budget would be an agenda item on the next Council Meeting. Manager VanderHamm indicated that it would be.

Councilmember Hamilton asked about the color scheme of the new water tower. Manager VanderHamm reported that the School Board had selected option #9 as their favorite.

Mayor Stuteville reminded everyone about the reception for Engineer Planner Faust on July 12<sup>th</sup> from 4 to 6 pm.

Mayor Stuteville asked about the installation of the storm water line on Baptiste Drive near the Family Center. Manager VanderHamm stated that the contractor installed the pipe at the incorrect slope and it had to be removed and reinstalled correctly.

Mayor Stuteville reported that she had received an e-mail from a 7 year old boy in the 'Make a Wish' program. This young person is trying to make it into the Guinness Book of World Records by collecting the most business cards. Mayor Stuteville encouraged everyone to send this young boy their business cards.

Mayor Stuteville encouraged everyone to attend the City Employee Summer Party on August 4<sup>th</sup> at Wallace Park. She challenged everyone on the Council to sign up for the softball game!

**Agenda Item 7 - EXECUTIVE SESSION - Executive Session for preliminary discussions relating to the acquisition of real property. K.S.A. 75-4319(B)(6) is the authority for this recess.**

Councilmember Rowlett made a motion to adjourn to Executive Session for 20 minutes for preliminary discussions relating to the acquisition of real property; the regular meeting to reconvene at 8:00 p.m. The motion was seconded by Councilmember Dial and all voted aye.

At 8:00 p.m. the meeting was reconvened.

Councilmember Dial made a motion to direct the City Manager to prepare a response to the USD 368 Board of Education's request for proposals to purchase the School District's property located at 202 E Wea. The motion was seconded by Councilmember Pritchard and all voted aye.

**Agenda Item 8 – ADJOURNMENT.**

With no additional business to come before the Council, Councilmember Dial made a motion to adjourn the meeting. Councilmember Pritchard seconded the motion and all voted aye.

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Artie Stuteville, Mayor

ATTEST: (seal)

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Daniel G. Droste, City Clerk