

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

August 22, 2006

**HELD AT THE PAOLA PUBLIC WORKS BUILDING
29370 Old KC Road in Paola**

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, 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
No one addressed the Council.

Agenda Item 4 - CONSENT AGENDA

- a. **Approval of minutes of the meetings of August 8, 2006**
- b. **Approval of Salary Ordinance number 06-15**
- c. **Approval of Appropriation Ordinance No. 588**

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

Agenda Item 5 – REPORTS OF OFFICERS, BOARDS AND COMMITTEES

Agenda Item 5a - Consider bids for trash collection services.

Manager VanderHamm presented background on the expiration of the existing contract with L&K Services for trash collection service. He reported that bid requests were sent out to three companies and bids were received from two of them, L&K Services and Waste Management. Mr. VanderHamm presented a summary of each of the bids as follows:

L&K Services:	Twice weekly residential	\$11.50 (no change)
	Senior Rate	\$7.00 (no change)
	Fuel Surcharge	1% up or down for every 20 cent fluctuation, reviewed every 6 months.
	Term	3% increase / 10 year term option
	Optional item	Monthly City Cleanup - \$1.15/mo

Waste Management:

Twice weekly residential	\$20.25
Alternate once weekly	\$12.50
Senior Rate	\$7.00 (no change)
Fuel Surcharge	fluctuates per proposed schedule.
Environmental Surcharge	2%

After discussing the proposals, Manager VanderHamm recommended that the Council accept the proposal from L&K Services for 10 years.

Mr. Larry Smith with L&K Services explained the option for monthly city wide cleanup. For an additional charge of \$1.15 per month, large items would be picked up monthly. Currently, the City at large pays for the annual clean up which amounted to \$5,029.03 in 2006 and \$6,872.49 in 2005.

The Council discussed the proposal from L&K Services in detail, including the length of the contract, twice weekly pickup versus once weekly pickup, yard waste, and rates for low-income elderly citizens.

City Attorney Tetwiler reminded the Council that the contract needs to comply with the cash basis law and he cautioned that L&K could be sold and the new owner may not provide the same quality of service in the future. Mr. Smith indicated that including a clause that addressed these issues was acceptable to him.

Councilmember Pritchard made a motion to award the trash collection services contract to L&K Services for a period of 10 years with the annual spring clean up and contract amendments to comply with the cash basis laws and prior approval for any transfer of the contract to a new owner as proposed by City Attorney Tetwiler. The motion was seconded by Councilmember Dial and all voted aye.

Mr. Smith also recommended that the annual city wide clean up be advertised and picked up on one single day. They have sufficient manpower and equipment to complete the pickup in one day rather than four or five days as in the past.

Agenda Item 5b - Update from the Roots Festival Committee.

Debbie Winterschied presented an update to the Council on the upcoming Roots Festival. She indicated that the stage would be relocated to the east side of the Square in the street instead of the north side. There will be three entrance gates at the northwest, southwest and southeast. There are 65 BBQ teams registered for the BBQ competition. An \$8 admission will be charged and children 10 years of age and under are free. The new alcohol policy will be enforced, and the Assembly of God Church will operate a "Care Cab" to provide transportation to anyone who needs help getting home. In addition to the City police support, 10 additional private security officers will be provided.

Agenda Item 5c - Update from Anthony Construction Management on the Baptiste Drive project.

Joe White with Anthony Construction Management presented a summary of the project. Currently, the contractor is 75% complete on the Sanitary Sewer improvements and the water line relocation is done. The widening portion of the west portion of the roadway is just being started and the curbs and gutters on east side have been completed.

The north entrance to Angela Drive to the school should open tomorrow and crews will move to the south side. The mill and overlay work will begin from Hospital Drive to US 169 as soon as the Angela Drive intersection is finished.

Manager VanderHamm asked if the business access issues had been worked out. Mr. White indicated that communications with the businesses has been good and everyone is getting used to the detours. Police patrols have helped in keeping traffic speeds down in the construction zone. The contractor is now at 55 days of the 175 day contract period.

Agenda Item 5d - Request from Mary Wheeler of the Kiwanis Club to waive the \$60 Special Event Permit fee for the Circus planned for September 16th at Wallace Park.

Mary Wheeler, President of the Kiwanis Club, presented a request for a waiver of the \$60 Special Event Permit fee. She reported that the Kiwanis Club is a new service organization that just celebrated its 1 year anniversary and has a membership of 15. She explained the focus of the community service projects that the club is involved in.

Councilmember Pritchard made a motion to approve waiving the \$60 Special Event Permit fee for the Kiwanis Club Circus on September 16th. The motion was seconded by Councilmember Rowlett and all voted aye.

Agenda Item 5e - Consider an Ordinance increasing fees for attorneys appointed to represent indigent defendants in Municipal Court.

Clerk Droste presented an ordinance increasing the attorney fees for court appointed legal representation for indigent defendants in municipal court. The fees would be increased from \$35 to \$50 per hour with a maximum of \$500.00. These fees are billed to the defendants and most are repaid.

Councilmember Rowlett made a motion to approve AN ORDINANCE AMENDING TITLE I, SECTION 115.060 OF THE CODE OF THE CITY OF PAOLA, KANSAS. The motion was seconded by Councilmember Dial and all voted aye. The Ordinance was assigned No. 2922.

Agenda Item 5f - Consider approval of an Ordinance and a contract with the League of Kansas Municipalities for ordinance codification service.

Clerk Droste presented an ordinance and contract with the League of Kansas Municipalities for ordinance codification services. The contract provides for codification of 350 pages of Code at a cost of \$8,000 plus incidental and extra expenses.

After discussing the proposal in detail, Councilmember Hamilton made a motion to approve AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE CODIFICATION OF THE GENERAL ORDINANCES OF THE CITY OF PAOLA, KANSAS, AND THE PUBLICATION OF SUCH CODIFICATION IN LOOSELEAF BOOK FORM, and authorize the Mayor to sign a Contract for preparation and printing of a Code of City Ordinances. The motion was seconded by Councilmember Rowlett and all voted aye. The Ordinance was assigned No. 2923.

Agenda Item 5g - Final pay request for the Lewis Drive improvements.

Public Works Director Bieker presented the final pay request for the Lewis Drive Improvements. The final contract price after change orders amounted to \$910,697.18 less \$2,511.39 for concrete that was outside specifications. The second seeding and fertilization of the site was completed today. Mayor Stuteville questioned if the seeding was done too early and if some funds should be withheld to insure that the seeding takes.

After discussing the pay request, Councilmember Pritchard made a motion to approve the final pay request to Cutting Edge Excavating & Trucking in the amount of \$11,276.74 for the Lewis Drive Improvement Project. The motion was seconded by Councilmember Dial and all voted aye.

Agenda Item 5h - Discussion about the City's group insurance benefits for employees.

Clerk Droste presented a discussion regarding the City's participation in the cost of group health insurance. Currently the City pays 75% of the cost of that insurance for employees

regardless of the plan that the employee selects: single, dependent, or family coverage. Included in the discussion was a survey of surrounding communities and what they offer to their employees. In considering an increase in the City's participation in insurance premiums, it is important to keep in mind that the level of employee participation could change as a result of any change. Therefore, it is difficult to estimate the total cost that the City could expect to pay if it were to change the amount that it pays for employee coverage.

After discussing the spreadsheets, Councilmember Dial asked if there were any additional benefits that the City could offer that the employees would value. Councilmember Hamilton suggested that a survey could be presented to employees asking what they might prefer in the way of additional benefits or increased participation in existing benefits. Clerk Droste agreed that a survey could be presented to employees and the results would be reported back to the Council.

Agenda Item 5i - Discussion about a potential ¼ cent sales tax increase for the construction of a new Fire Department Building.

Manager VanderHamm indicated that since the City was unsuccessful in obtaining the USD 368 property, it must now plan for other options for its facilities. New legislation allows the City to consider increasing the rate on sales tax to pay for the improvements.

Mayor Stuteville stated that she did not support a financing strategy that exceeded 10 years. Manager VanderHamm presented financing scenarios with 10 and 15 year bonds that had annual payments of \$300,000 or less. A quarter percent increase in sales tax would generate approximately \$300,000 in annual revenues that would be used to make the bond payments. One question that remains is how much is needed for a new fire station.

Mike Gage reported that the Olathe Fire Department recently spent \$4.5 million for a station with 3 double stacked bays. Our department is asking for a building with 6 double stacked bays. Gage reported that there were other amenities that were included in the Olathe building that Paola would not need. Manager VanderHamm reported that Louisburg is building a fire station with 5 single bays for \$1 million.

Councilmember Rowlett stated that determining the scope and the estimated cost of the project was the first step prior to asking the voters to increase sales tax. He suggested that a request for proposal should be sent out to architectural firms to begin the process for planning for the new station.

Chief Smail asked the Council if there has been any decision about the location of the new police station or the fire station. Smail indicated that his staff would be happy with the old KDOT property as a home for a new police station. Mike Gage stated that the fire department prefers a downtown location because of the quick access to any part of town and quick access out of town in any direction. Additionally, most of the volunteers live in the downtown area which aids in quick response times.

Agenda Item 6 - NEW BUSINESS

Manager VanderHamm Work study session will be moved to Thursday, September 7th at 6:30 pm due to the Labor Day holiday. The agenda will include the status of 295th Street relocation/closure as it impacts future developments in Paola. Phone calls would be made or letters sent to interested residents in the area to advise them of the discussion.

Manager VanderHamm requested an executive session for the purpose of a consultation with an attorney for the governing body which is deemed privileged in the attorney-client relationship and for preliminary discussions relating to the acquisition of real property. The executive session would be the last item of business.

Councilmember Hamilton had no new issues to discuss.

Councilmember Rowlett asked about the Planning Director position and if interviews were in process. Manager VanderHamm reported that 3 of the 4 candidate interviews were completed and the fourth would be held next week. At least two of the four candidates would be asked back for a second interview. He was hopeful that the position would be filled by the end of September or the first part of October.

Councilmember Dial asked about the search for the Community Center Director and City Engineer. Manager VanderHamm reported that one interview has been held and others would be completed in the next couple of weeks. The engineer position would be evaluated in the near future.

Councilmember Pritchard asked about the Overhill Drive project. Public Works Director Bieker reported that the last concrete pour was completed today and the cleanup will be completed soon. Councilmember Pritchard stated that he preferred holding meetings here at the Public Works Building over the Community Center basement.

Mayor Stuteville reported that there had been a resignation from the Transient Guest Tax Committee and she nominated Lue Anne Hellyer to fill the vacancy. Councilmember Hamilton made a motion to approve the Mayor's nomination. The motion was seconded by Councilmember Rowlett and all voted aye.

Agenda Item 7 - EXECUTIVE SESSION - Executive Session for the purpose of a consultation with an attorney for the governing body which is deemed privileged in the attorney-client relationship and for preliminary discussions relating to the acquisition of real property. K.S.A. 75-4319(B)(2) and K.S.A. 75-4319(B)(6) are the authorities for this recess.

Councilmember Rowlett made a motion to adjourn to Executive Session for 30 minutes for the purpose of a consultation with an attorney for the governing body which is deemed

privileged in the attorney-client relationship, and for preliminary discussions relating to the acquisition of real property; the regular meeting to reconvene at 8:15 p.m. The motion was seconded by Councilmember Pritchard and all voted aye.

At 8:15 p.m. the meeting was reconvened.

Agenda Item 8 – ADJOURNMENT.

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

Artie Stuteville, Mayor

ATTEST: (seal)

Daniel G. Droste, City Clerk