

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

September 12, 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: 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 22, 2006**
- b. **Approval of Salary Ordinance number 06-16**
- c. **Approval of Appropriation Ordinance No. 589**

Councilmember Pritchard 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 Adoption of the 2006 Uniform Public Offense Code.

Clerk Droste presented an ordinance adopting the Uniform Public Offense Code (UPOC) for 2006. He explained that the UPOC has been adopted by the City since 2004. The adopting ordinance excludes sections 3.8, 6.16, 6.19, 8.1, 9.5, 9.6, and 10.19 of the UPOC as these offenses would be tried in District Court rather than Municipal Court.

Councilmember Rowlett made a motion to approve AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF PAOLA, KANSAS; INCORPORATING BY REFERENCE THE “UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES”, EDITION OF 2006, WITH CERTAIN OMISSIONS. The motion was seconded by Councilmember Dial and all voted aye. Clerk Droste assigned No. 2924 to the Ordinance.

Agenda Item 5b - Consider Adoption of the 2006 Standard Traffic Ordinance.

Clerk Droste presented an ordinance adopting the Standard Traffic Ordinance (STO) for 2006. He explained that the STO has been adopted by the City since 1993.

Councilmember Pritchard made a motion to approve AN ORDINANCE AMENDING SECTION 300.010 OF THE CODE OF THE CITY OF PAOLA, KANSAS, 1997, INCORPORATING BY REFERENCE THE “STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES”, EDITION OF 2006. The motion was seconded by Councilmember Dial and all voted aye. Clerk Droste assigned No. 2925 to the Ordinance.

Agenda Item 5c - Consider modifications to the stop signs at the intersection of Overhill Drive and Morningside Drive.

Police Chief Smail presented a request to eliminate the stop signs for east and west bound traffic on Overhill Drive and recommended that a stop sign be added for north bound traffic on Morningside Drive. After discussing the intersection and comparing it to other similar intersections in the area, Councilmember Pritchard recommended that the intersection be unmarked as others in the neighborhood are.

Councilmember Pritchard made a motion to approve AN ORDINANCE AMENDING TITLE III, SCHEDULE IV, OF THE TRAFFIC CODE PROVIDING FOR STOP SIGNS, OF THE CITY OF PAOLA, KANSAS with the modification that Section 2 of the ordinance be deleted from the ordinance. The motion was seconded by Councilmember Hamilton and all voted aye. Clerk Droste assigned No. 2926 to the Ordinance.

Agenda Item 5d - Consider approval of Class A Private Club Licenses for the Veterans of Foreign Wars and the American Legion and a Drinking Establishment License for Applebee's.

Clerk Droste presented requests for renewal of Class A Private Club Licenses for the Veterans of Foreign Wars and the American Legion and a Drinking Establishment License

for Applebee's. He reported that all three facilities have passed the required fire safety inspection.

Councilmember Dial made a motion to approve Class A Private Club Licenses for the Veterans of Foreign Wars and the American Legion and a Drinking Establishment License for Applebee's. The motion was seconded by Councilmember Pritchard and all voted aye.

Agenda Item 5e - Consider an agreement with Bartlett & West for design of temporary booster pump and control vaults for the new water tower.

Clerk Droste and Public Works Director Bieker presented an agreement with Bartlett & West for preliminary and final design and bidding for a temporary booster pump and control vaults to separate pressure zones within the City's water system to accommodate the new 750,000 gallon water tower.

Councilmember Rowlett asked if all of the proposed improvements were all temporary and would be eliminated after the new water treatment plant comes on line. Public Works Director Bieker explained that the booster pumps were necessary to keep the new water tower filled and that they would likely not be used after the new water plant is finished. The control vaults would continue to be used after the new water plant is finished because the pressure created by the new tower needs to be regulated within our distribution system.

The water supply line connecting the new water tower with our distribution system was discussed. Since the water tower is within the City's distribution system after the Utility Authority's water meter, the cost of that supply line may be the City's. However, the installation of that supply line is included with the contract to construct the tower that is being paid for by the Utility Authority.

City Attorney Tetwiler expressed concerns over the form of the contract specifically as it relates to arbitration. He recommended that the Council not approve the contract in its present form.

Councilmember Rowlett made a motion to table the decision on the agreement with Bartlett & West. The motion was seconded by Councilmember Dial and all voted aye.

Agenda Item 5f - Consider an agreement with Taylor Design Group to complete a flood plain study for the area near the 300 Block of E Osage Street.

Councilmember Rowlett explained that approximately one and one half years ago, Phil Elliott had approached him about the flood zone that affected his property. It was Mr. Elliott's opinion that improvements to the storm water drainage along Hickory Creek / Hickory Street have eliminated the potential for the back up of water at Osage Street.

The proposed agreement with Taylor Design Group was discussed and concerns were expressed regarding the cost of the services with no guarantees that the flood zone would be revised by FEMA.

Councilmember Rowlett made a motion to not approve the agreement with Taylor Design Group and to table the issue to a later date to give staff time to explore other options. The motion was seconded by Councilmember Pritchard and all voted aye.

Agenda Item 5g - Consider a request to amend the agreement with Jim Kaup for the update of the City of Paola Comprehensive Plan.

Clerk Droste reported that with the departure of the City Planner, the firm that is working on the update of the City's Comprehensive Plan has indicated that they are being required to perform additional work without the help of the Planner. Jim Kaup has requested an additional \$8,500 to complete the plan. The City Manager has suggested that if the Council desires to renegotiate the contract, that perhaps a lesser amount such as \$5,000 be considered.

After discussing the request, Councilmember Rowlett made a motion to not approve the request. The motion was seconded by Councilmember Pritchard and all voted aye.

Agenda Item 5h - Discussion about the results of a survey of City employees regarding the City's group benefits.

Clerk Droste reported that at the previous Council meeting, staff was directed to survey the City's employees to determine if there was any preference regarding an increase in benefits provided to them. He presented the survey results:

53.7% of the surveys were returned and the results were as follows:

37% preferred that a new benefit be added:

63% wanted Vision

11% wanted Cancer

7% wanted Short Term Disability

19% did not make a selection

26% preferred that the City Pay 100% of dental insurance.

37% preferred that the City increase the amount that it pays for health insurance.

Other Suggestions included:

1 employee suggested saving money for next year.

2 employees suggested raising wages.

2 employees suggested that retirement benefits be increased (401 or 457 Plans).

1 employee suggested paying the same dollar amount in benefits for everyone.

Councilmember Prichard indicated that he supported paying 100% of dental insurance and 80% of health insurance. Councilmember Dial indicated that she would like to see options

for vision coverage, she cautioned against paying 100% for dental coverage because everyone would take the coverage regardless of need. She also wanted to see the results of a salary survey.

Councilmember Hamilton suggested that prior to making a decision on raising the amount that the city pays for benefits, the Council should understand the impact to the budget. He suggested that the spreadsheets that were presented at the last meeting should be reviewed before making a decision.

Agenda Item 5i - Consider changes to the Lake Miola Rules and Regulations.

Clerk Droste presented changes to the Lake Miola Rules and Regulations as recommended by the Lake Miola Committee. He indicated that with the camping and boating season nearing its end, there is no urgency in adopting the regulations. If the Council desires to approve the changes, they can be adopted as part of the codification process.

It was suggested that since there is no urgency in adopting the proposed changes, perhaps the Lake Miola Committee could make a complete review of the ordinance to make sure that everything is addressed.

Councilmember Rowlett made a motion to table changes to the Lake Miola Rules and Regulations. The motion was seconded by Councilmember Dial and all voted aye.

Agenda Item 6 - NEW BUSINESS

Clerk Droste reported that sales tax collections for August amounted to \$184,578 which is an all time record. The August collections are the result of June retail sales. The fire department response time study was discussed.

Councilmembers Pritchard, Dial, and Hamilton had no additional business to discuss.

Councilmember Rowlett asked if a new Fire Chief had been named. Clerk Droste reported that Andy Martin had been named Fire Chief to replace Bob Harris.

Councilmember Rowlett discussed the economic development expectations for the Paola Chamber of Commerce. He suggested that the Council draft an outline of expectations in advance of the discussions with the Chamber about economic development.

Councilmember Rowlett suggested that the contracts for construction of the new water treatment plant not be approved until all of the easements are acquired and all documentation is accounted for.

Mayor Stuteville asked about the stop sign at Lewis Drive and Morningside Drive. She indicated that when the construction was completed, the sign was posted to stop south bound

traffic on Morningside Drive instead of west bound traffic on Lewis Drive. Apparently the contractor reinstalled the sign incorrectly.

Agenda Item 7 – 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