

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

April 10, 2007

**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 and Council Members Pritchard, Dial, and Hamilton.

Council Members absent: Councilmember Rowlett was absent at the beginning of the meeting.

Also present: Manager VanderHamm, Clerk Droste, Planner Givens, Police Chief Smail, Public Works Director Bieker, Carol Everhart, 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, and Hamilton were all present. Councilmember Rowlett was absent.

Agenda Item 3 - PETITIONS, REMONSTRANCES, AND COMMUNICATIONS

Bernard Armstrong with the Master Gardeners addressed the Council and requested that the City consider sponsoring a community garden. He reported that Wal-Mart and Slow Foods had approached the Master Gardeners about establishing a community garden and offered \$500 to \$1000 for seed money. He requested that the City look for any land that could be converted to community garden. The recommended size for individual plots was 20x40 or 20x50. Master Gardeners are willing to supply education and training. He requested at least one or two acres which could contain 15 to 16 plots per acre.

Agenda Item 4 - CONSENT AGENDA

- a. Approval of minutes of the meetings of March 27, 2007
- b. Approval of Salary Ordinance number 07-06
- c. Approval of Appropriation Ordinance No. 602

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 – CONSIDER CERTIFICATE OF ELECTION RESULTS

Clerk Droste presented a letter from County Clerk Kathy Peckman certifying the results of the election held on April 3, 2007. The official results are as follows:

Mayor	Artie Stuteville	338 votes
	Write In	2 votes
Ward 1:	Jim Pritchard	102 votes
	Write In	0 votes
Ward 3:	Jack Rowlett	82 votes
	Write In	0 votes
¼ Cent Sales Tax:	Yes	249 votes
	No	120 votes

Councilmember Dial made a motion to accept the certificate of election results naming Artie Stuteville, Mayor at large, Jim Pritchard, Councilmember Ward 1 and Jack Rowlett, Councilmember Ward 3 as the candidates receiving the most votes. The motion was seconded by Councilmember Pritchard and all voted aye.

Agenda Item 6 - ADJOURN SINE DIE

Councilmember Pritchard made a motion to adjourn sine die. The motion was seconded by Councilmember Hamilton and all voted aye.

Clerk Droste administered the Oath of Office to Mayor Stuteville and Councilmember Pritchard.

Fr. Keith Lunsford, Pastor of Holy Trinity Church, presented an invocation for the new Council.

Call the New Council to order: Mayor Stuteville presiding.

Agenda Item 7 - ELECTION OF COUNCIL OFFICERS

Councilmember Pritchard made a motion to nominate Councilmember Rowlett as President of the Paola City Council. The motion was seconded by Councilmember Dial and all voted aye.

Councilmember Dial made a motion to nominate Councilmember Pritchard as Vice President of the Paola City Council. The motion was seconded by Councilmember Hamilton and all voted aye.

Agenda Item 8 - DESIGNATION OF DEPOSITORIES FOR CITY FUNDS

Clerk Droste requested that the Council designate Citizens State Bank, TeamBank, Peoples Bank, First Option Bank and Landmark National Bank as depositories for City funds.

Councilmember Pritchard made a motion to designate Citizens State Bank, TeamBank, Peoples Bank, First Option Bank and Landmark National Bank as depositories for City funds. The motion was seconded by Councilmember Hamilton and all voted aye.

Agenda Item 9 - APPROVAL OF PLEDGED SECURITIES

Clerk Droste presented a report of pledged securities for City funds. Currently, the City of Paola has deposit accounts with Citizens State Bank, TeamBank, First Option Bank, and Landmark National Bank. A summary of the pledges as of 03/31/07 is as follows:

<u>Bank</u>	<u>Deposits</u>	<u>FDIC Ins and Pledged Assets</u>	<u>Excess (Shortage)</u>
Citizens State Bank	\$3,597,289	\$5,011,004	\$1,413,715
First Option Bank	\$4,310,311	\$4,683,801	\$373,490
TeamBank	\$2,039,267	\$2,533,370	\$494,103
Landmark	\$1,000,000	\$1,198,624	\$198,624
Peoples Bank	\$-0-	\$-0-	\$-0-

Councilmember Hamilton made a motion to approve pledged securities from Citizens State Bank, First Option Bank, TeamBank, and Landmark National Bank. The motion was seconded by Councilmember Dial and all voted aye.

Agenda Item 10 - APPROVAL OF WAIVER FROM CONFORMANCE TO CERTAIN PROVISIONS OF GENERALLY ACCEPTED ACCOUNTING PRINCIPLES

Clerk Droste presented and explained a Resolution waiving conformance to certain provisions of generally accepted accounting principles.

Councilmember Dial made a motion to approve A RESOLUTION REQUESTING A WAIVER FROM CONFORMANCE TO CERTAIN PROVISIONS OF GENERALLY ACCEPTED ACCOUNTING PRINCIPLES. The motion was seconded by Councilmember Pritchard and all voted aye. Clerk Droste assigned No. 2007-005 to the Resolution.

Agenda Item 11 - REPORTS OF OFFICERS, BOARDS AND COMMITTEES

Agenda Item 11a - Consider a request to install removable speed bumps or stop signs on Redbud Drive.

Clerk Droste reported that at the March 27th meeting, the Council requested that two traffic control device resolutions be drafted for Redbud Drive. One would authorize the installation of speed bumps as requested by the Indian Hills Homeowners Association; the other would authorize the installation of stop signs on Redbud Drive at the intersections of Roseberry Drive and Redbud Circle. A map was presented showing the possible locations for both types of devices.

Clerk Droste also presented promotional materials for the “SPEEDsentry” portable traffic speed recording and warning device. He reported that this device was discussed at the last Council Work Study meeting as a useful tool to be used throughout town to monitor traffic speed and volume.

Mayor Stuteville asked Justin Aude if he had an opportunity to discuss the “SPEEDsentry” system with the Homeowners Association. Mr. Aude reported that he did present the idea to the group and they were in favor of using the device as means to measure the volume and speed of traffic through the neighborhood. However, they did not consider it to be a permanent solution to the problem.

City Attorney Tetwiler suggested that the use of devices such as the “SPEEDsentry” would be a positive step toward traffic compliance and would be viewed favorably by the public in general. Police Chief Smail and Public Works Director Bieker both expressed their support for the purchase and use of the device.

Councilmember Hamilton asked if there were funds in the current budget for the purchase of the devices. Manager VanderHamm stated that funds could be available in Municipal Court for one unit and from the Public Works budget for another unit.

After discussing the options, Councilmember Pritchard made a motion to approve the purchase of two “SPEEDsentry” traffic control devices. The motion was seconded by Councilmember Dial and all voted aye.

Councilmember Rowlett entered the meeting room and took his seat with the Council.

Agenda Item 11b - Consider a request to waive the fees for use of the Park Square for the annual Heartland Car Show on July 21, 2007.

Clerk Droste presented a request from Terry DeGrande of the Paola Heartland Group to waive the fees associated with the use of the Park Square for the annual car show on July 21, 2007.

Councilmember Dial made a motion to approve the request to waive the fees associated with the use of the Park Square for the Heartland Car Show on July 21st. The motion was seconded by Councilmember Pritchard and all voted aye.

Agenda Item 11c - Consider an Ordinance levying the ¼ % sales tax that was approved by the electors on April 3rd.

Clerk Droste presented an Ordinance levying the ¼ cent sales tax that was approved at the election on April 3rd by a margin of 249 in favor to 120 opposed. He reported that the Ordinance was required for the Kansas Department of Revenue to begin collecting the new tax on July 1, 2007.

Councilmember Hamilton made a motion to approve AN ORDINANCE LEVYING A CITY RETAILERS' SALES TAX IN THE AMOUNT OF ONE-QUARTER OF ONE PERCENT (.25%) WITHIN THE CITY OF PAOLA, EFFECTIVE JULY 1, 2007. The motion was seconded by Councilmember Dial and all voted aye. Clerk Droste assigned No. 2941 to the Ordinance.

Agenda Item 11d - Consider approval of a Mutual Aid Agreement between the City of Paola Volunteer Fire Department and Johnson County Fire District No. 2.

Manager VanderHamm presented a draft of a mutual aid agreement between the City of Paola Volunteer Fire Department and Johnson County Fire District No. 2.

Councilmember Rowlett asked if the City Attorney had reviewed the document. City Attorney Tetwiler stated that he had not reviewed the document; however he suggested that the document could be approved subject to his review.

Councilmember Hamilton made a motion to approve a Mutual Aid Agreement with Johnson County Fire District No. 2 and authorize Fire Chief Andy Martin to sign on behalf of the City of Paola, subject to review of the City Attorney. The motion was seconded by Councilmember Pritchard and all voted aye.

Agenda Item 11e - Consider an agreement to provide a flood plain study at 304 E Osage and FEMA's Letter of Map Revision.

Manager VanderHamm presented proposals from Ponzer-Youngquist and Allenbrand-Drews for a Flood Map Study and a Letter of Map Revision for the area near 304 Osage Street. The proposal from Ponzer-Youngquist is in the amount of \$16,500 (including the \$4,400 FEMA review fee) and the proposal from Allenbrand-Drews is in the amount of \$8,750.00 plus \$4,400 for the FEMA review fee.

Manager VanderHamm stated that the study will not guarantee that FEMA will approve a flood map change. However, he stated that it was the City's responsibility to do the right thing and resolve the issue.

Councilmember Pritchard made a motion to approve an agreement with Allenbrand-Drews in the amount of \$8,750.00 plus \$4,400 to FEMA to provide a flood plain study and FEMA Letter of Map Revision. The motion was seconded by Councilmember Dial and all voted aye.

Agenda Item 11f - Consider an agreement with Allenbrand-Drews for traffic signal design services at the Baptiste Drive and North Silver intersection.

Manager VanderHamm presented an agreement with Allenbrand-Drews for traffic signal design services at the Baptiste Drive and North Silver intersection in the amount of \$8,400.00.

Public Works Director Bieker reported that Allenbrand-Drews estimated that the cost for installing the traffic signal would range between \$50,000 and \$70,000 depending on how much of the existing equipment could be used. The higher estimate included a new controller at a cost of approximately \$10,000.

Manager VanderHamm stated that the project would be paid from the Special Highway Fund. Councilmember Rowlett suggested that the cost of the project could be included in the General Obligation Bond financing for Baptiste Drive in order to save the cash in the Special Highway Fund for other projects. It was the consensus of the Council to include the total cost of the project in the GO Bonds for Baptiste Drive.

Councilmember Hamilton made a motion to approve the proposal from Allenbrand-Drews in the amount of \$8,400.00 for design of a stop light at the intersection of Baptiste and Pearl Streets using as much existing equipment as possible. The motion was seconded by Councilmember Dial and all voted aye.

Agenda Item 11g - Consider options for the design of the intersection at Industrial Park Drive and Hospital Drive.

Manager VanderHamm presented a discussion regarding the design of the intersection of Industrial Park Drive and Hospital Drive. He reported that this issue had been discussed at the November 22, 2005 Council Meeting. An excerpt of the minutes of that meeting was provided to the Council.

Manager VanderHamm presented cost estimates for each of the options. Also presented was a map that illustrates the additional roadway improvements that would impact this intersection once the area is fully developed. The volume of traffic for the intersection was estimated at more than 9,000 daily trips once the area was fully developed.

After discussing the options, Councilmember Hamilton made a motion to approve the roundabout design for the intersection of Industrial Park Drive and Hospital Drive. The motion was seconded by Councilmember Dial and all voted aye.

Agenda Item 12 - NEW BUSINESS

Manager VanderHamm reported that Building Inspector Brian Love has completed his 6 month probationary period and has a good feel for his role as a building inspector, his knowledge in fire plan review will be utilized. We will use Brad Henson for plan reviews

when and if Brian's primary inspection duties don't allow him to adequately and timely complete reviews.

The Miola Lake Committee will be meeting on Monday, April 9th at 5:30 to review their recommendation on the new rates that were approved the end of March.

Manager VanderHamm presented a list of follow-up issues along with an update of the status of each:

- Holly Lane Circle – possible light? (2/27/07)
 - Public Works Director Bieker has talked to KCPL about this and will follow up.
- Silver and Pearl – paint yellow (02/27/07)
 - Completed first week of March.
- Gold Street/Mobile Home Park – Barricade? (1/23/07)
 - Other than reviewing the mobile home park's general requirements for setbacks, etc., staff has not planned any other action on the barricades, and is waiting on additional direction.
- Additional lights in the Square (12/12/06)
 - Public Works Director Bieker has drafted an initial plan for decorative lights in the Square and will be working with KCPL to get an idea of cost.
- Shipman's sidewalk
 - Public Works Director Bieker has talked to Gary Lasher and he has agreed to participate in a sidewalk improvement that will be done sometime this summer.
- Gate &/or signs at Diamond and Ottawa? (VFW 9/26/06)
 - Signs have been installed. However, a vacation request has been received that would vacate a portion of Diamond's road right-of-way, which would have an impact on what other steps we could take (i.e.gate).
- Cable at Cherokee Ridge/Heatherwood
 - Staff has talked to our cable company and they have agreed to install cable in Cherokee Ridge, in spite of the fact that their franchise agreement requires a minimum of 15 customers. They will, however, require Heatherwood to have 15 customers prior to serving this area.
- Baptiste Peoria Bust
 - Wayne Johnson continues to raise private donations for this project. At some point, he will be back and ask the city for a contribution.

Manager VanderHamm presented a copy of a letter that Police Chief Smail sent to the League of Kansas Municipalities expressing support for a veto of House Bill 2528 concerning amendments to the concealed carry laws.

A letter was presented from the Kansas Water Office regarding a new application for water rights at Hillsdale Lake from Miami County Rural Water District No. 4. The application was for 50,000,000 gallons of water.

Councilmember Hamilton had no new business to discuss.

Councilmember Rowlett reported that on this coming Saturday, a group of volunteers will be painting the Gazebo in the Park Square. Anyone who would like to help can meet at the Park Square at 9:00 am on Saturday morning, weather permitting.

Councilmembers Dial and Pritchard had no new business to discuss.

Mayor Stuteville reported that she has been asked about repairs to Crestview Drive again today. She also reported that the Community Center would be having their membership dinner this coming Saturday.

Clerk Droste administered the Oath of Office to Councilmember Rowlett.

Agenda Item 13 – 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.

Artie Stuteville, Mayor

ATTEST: (seal)

Daniel G. Droste, City Clerk