

**MINUTES OF THE COUNCIL MEETING
OF THE CITY OF PAOLA, KANSAS
6:30 O’CLOCK P.M.**

May 8, 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, Rowlett, and Hamilton.

Council Members absent: None.

Also present: Manager VanderHamm, Clerk Droste, Attorney Tetwiler, Police Chief Smail, Public Works Director Bieker, Planner Givens, Human Resources Director Belt, Brian McCauley with the Miami County Republic, and others.

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

Mary Glen addressed the Council regarding the recent increase in the Lake Miola camping fees. She also requested that Paola city residents be allowed to reserve campsites one week in advance. Mayor Stuteville explained the process that the Lake Miola Committee and the Council followed in considering the camping fees.

Ryan Debock, Youth Pastor at the Presbyterian Church addressed the Council regarding the skate park. He requested that the City allow an organized skate boarding event to be held on a city parking lot. The event would be held on May 24th, the day after school recesses for the summer. Issues relative to existing Ordinances and liability insurance were discussed. Manager VanderHamm reminded the Council that this would likely be the first of several events to promote the skate park.

Joe White with Anthony Construction Management reported on the status of the Baptiste Drive project. He reported that the asphalt overlay was beginning today. He indicated that since it is too late in the season for sod therefore the contractor will be temporary seeding and

installing the sod in the fall. The temporary seeding is included in the contract and will cost approximately \$7,500, the cost of sod is \$67,000.

Police Chief Smail introduced Patrol Officer Jim Seastrom and Sergeant Jeff Wilhelm to the Council.

Agenda Item 4 - CONSENT AGENDA

- a. Approval of minutes of the meetings of April 24, 2007 and May 1, 2007.
- b. Approval of Salary Ordinance number 07-08.
- c. Approval of Appropriation Ordinance No. 604.
- d. Approval of the renewal of a Drinking Establishment License for El Tapatio Restaurant.

Councilmember Pritchard requested that the \$1,000 payment to Larkin Associates, Inc. be removed from the Appropriation Ordinance for discussion later in the meeting.

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

Mayor Stuteville requested that the Agenda be amended as follows: Agenda Items 5a and 5b be moved and discussed after Agenda Item 5g.

Agenda Item 5c - Consider a Petition and Resolution to form a benefit district to finance the construction of streets, storm sewers and sanitary sewers for Phase I of Hidden Meadows Estates.

Councilmember Rowlett stated that since he was a partner in the development of Hidden Meadows, it was his desire to recuse himself from all discussion regarding the development and he left the Council meeting room.

Clerk Droste presented a petition to form a benefit district to finance the construction of streets, storm sewers, and sanitary sewers for Phase I of Hidden Meadows. He reported that the petition does request that 100% of the cost of these improvements be included in the benefit district financing, however, the City's Infrastructure Policy requires the developers to pay for 25% of the costs. Clerk Droste reported that he has discussed this requirement with the developers and they have agreed to abide by this requirement.

Clerk Droste also advised the Council that the City's Infrastructure Policy does not allow for the cost of storm sewers in newly developing areas to be included in benefit district financing. However, the benefit districts for Rockwood Estates did include these costs.

Clerk Droste presented the authorizing Resolution to form the benefit district. He reported that the Resolution was prepared by Mary Carson and it does contain the

appropriate language regarding the requirement for the developers to pay for 25% of the cost of the improvements outside of the benefit district financing.

Councilmember Dial made a motion to approve A RESOLUTION DETERMINING THE ADVISABILITY OF AND AUTHORIZING THE MAKING OF CERTAIN IMPROVEMENTS IN THE CITY OF PAOLA, KANSAS, AND THE CREATION OF AN IMPROVEMENT DISTRICT ACCORDING TO THE FINDINGS OF THE GOVERNING BODY (HIDDEN MEADOWS ESTATES– PHASE I). The motion was seconded by Councilmember Hamilton and all voted aye. Clerk Droste assigned No. 2007-006 to the Resolution.

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

Agenda Item 5d - Consider an agreement with Treanor Architects, PA to design the new Fire Station.

Clerk Droste presented a contract with Treanor Architects to design the new Fire Station. City Attorney Tetwiler reported that he has reviewed the contract, however he has been unable to make contact with Mr. Andy Pitts with Treanor Architects regarding his concerns.

Councilmember Rowlett made a motion to table any action on the contract until the City Attorney is able to satisfy his concerns regarding the contract. The motion was seconded by Councilmember Pritchard and all voted aye.

Agenda Item 5e - Consider an agreement to construct the auxiliary building at the new Police Station located at the former KDOT facility.

Police Chief Smail explained the necessity for the auxiliary building at the new Police Station. He indicated that items such as emergency trailers and other larger equipment would be stored in the building. The proposed contract with ESH Quality Structures, Inc. in the amount of \$29,000 is for the construction of the structure itself and does not include wiring, insulation, plumbing, sheet rock, and heating and cooling. The costs for these additional items are estimated at \$18,000 to \$25,000, making the total cost of the building between \$47,000 and \$54,000.

Police Chief Smail reported that the City Attorney has reviewed the contract and he expressed concerns regarding the payment schedule and lack of a completion date. The contractor has agreed to accept one payment for the entire amount at the completion of the project as approved by our Building Inspector. The project is to be completed by July 10th. A revised contract will be submitted by the contractor.

Councilmember Rowlett made a motion to approve a contract with ESH Quality Structures, Inc., as amended to be verified by the City Attorney, in the amount of

\$29,000 to construct the auxiliary building at the new Police Station. The motion was seconded by Councilmember Dial and all voted aye.

Agenda Item 5f - Presentation by Police Chief Smail on proposed elevations of the new Police Station.

Police Chief Smail presented options for building elevations for the new Police Station prepared by Treanor Architects. He reported that the architect was instructed to design the structure to be compatible with existing structures in town.

Police Chief Smail presented four renderings. The first rendering incorporated the use of columns as on the Courthouse, the glass front as on the County Administration Building, similar brick as used on City Hall, and mini-tower as incorporated in the new Fire Station. The Council agreed that the first rendering was preferred over the other options.

Agenda Item 5g - Report on the status of the new Waste Water Treatment Plant.

Public Works Director Bieker reported that he had contacted Greg Kendall with the Larkin Associates with several lingering issues. On April 18, 2007, Joe Courtney, Greg Kendall, Alan Daniels and Director Bieker met and discussed when and how to resolve these issues. The following is a list of the items that were discussed:

- 1) Door on office/lab building (east side) window needs sealed and door is hard to shut.
- 2) Diffusers on the Shrieber A-Basin need to be replaced or repaired.
- 3) Float Balls on RAS pit need to be adjusted.
- 4) Grass needs to be reseeded around plant site. Greg did not think we could get a complete reseed.
- 5) Overhead door at belt press room needs to be replaced or repaired (west door). The supplier is blaming the poor operation of this door on plant staff's lack of maintenance and moisture. This door had issues before there was moisture introduced.
- 6) Algae/moss needs to be cleaned by owner.
- 7) Repaint drain pipes.
- 8) Fix computer glitch to be able to print out records at each jobsite station.
- 9) Fix settling around A-Basin.
- 10) Thermostat on grit pump needs to be replaced and wired correctly. Wired incorrectly or wrong thermostat used and caused the grit pump to freeze and break.
- 11) Main Lift station pumps plug up on low flow below 350 gpm. Pumps will not prime when shut down over 2 days and manually have to back flow pumps to get pumps to prime.
- 12) Still need to do walk through and final inspection with KDHE.

Mayor Stuteville asked when the plant began operations. Director Bieker indicated that the plant has been operating since April of 2006. After discussing the outstanding issues,

Manager VanderHamm recommended that withholding the \$1,000 payment to Larkin may encourage them to get something done on the issues.

Agenda Item 5a – Consider approval of an agreement with Jay Newton to serve as Interim City Manager.

Attorney Tetwiler presented a final draft of a contract with Jay Newton to serve as Interim City Manager. Attorney Tetwiler reported that Mr. Newton had agreed to the terms that were offered and that a fax signature on the contract has been received.

Councilmember Rowlett made a motion to approve the agreement with Jay Newton to serve as Paola's Interim City Manager, and authorize the Mayor and City Clerk to sign. The motion was seconded by Councilmember Pritchard and all voted aye.

Agenda Item 5b - Consider options for recruiting a full-time City Manager.

Clerk Droste reported that at the May 1st Special Meeting, he was instructed to provide information to the Council relative to the search for a new City Manager as follows:

- A City Manager's salary survey of neighboring communities and communities of similar size.
- A copy of the employment ads that were posted in 2004.
- A listing of the newspapers, magazines, and internet sources where employment ads might be placed.

Additionally, Clerk Droste presented a copy of the publication "*Recruiting Guidelines for Selecting a Local Government Administrator*" as published by the International City/County Management Association.

Clerk Droste reported that the salary survey was updated and expanded to include Louisburg, Spring Hill, Atchison, Pratt, and Lansing in addition to the cities included in the 2004 survey. Salaries range from a high of \$107,000 to a low of 56,700.

The listing of internet and governmental publications was discussed for placing recruitment ads. The costs associated for these resources had changed very little since 2004 with few exceptions. Clerk Droste and Human Resources Director Belt recommended that the list of advertising resources be expanded to include the municipal associations of neighboring states such as Colorado, Missouri, Oklahoma, Nebraska, and others in the Midwest.

The content of the ad was discussed in detail. The Council agreed that the shorter version of the recruitment ad should be posted. After discussing publication deadlines, it was agreed that the ad should run for at least 30 days with an initial application review date of July 15th. After discussing other requirements, the consensus of the Councils was that the minimum requirements would include the following:

- A Bachelor's Degree in Public Administration or related field required, Masters Degree preferred.
- 7 years minimum municipal government experience.

- Strong management, communication, budgetary skills, project development, infrastructure development, and growth planning.
- Salary negotiable, depending on qualifications, current manager started at \$85,000

Agenda Item 6 -NEW BUSINESS

Manager VanderHamm presented the financial reports for April. Sales tax collections continue to remain strong and are \$204,133 above budget projections.

Manager VanderHamm thanked the Mayor, Council, and City Staff for their support and assistance over the past two years.

Clerk Droste presented a request from the Downtown Merchants regarding a sidewalk sale event in June. As a draw for the event, they want to hire a band to play at the Gazebo. However, since the Chamber of Commerce is not the sponsor of the event, there is no one who is offering to provide insurance for the event. There has been a request to allow the event to take place without the required liability insurance. The Council suggested that Clerk Droste obtain more detailed information from the Chamber of Commerce regarding the event. There was consensus that the City should support the efforts of the downtown merchants to be successful.

Councilmember Hamilton thanked Manager VanderHamm for his service to the City.

Councilmember Rowlett had no new business to discuss.

Dial asked if there was a way to collect data to monitor the number of Paola residents who are camping at Lake Miola versus other campers. She also suggested that keeping track of the number of days that the campground is full would be helpful in making decisions relative to the camp grounds.

Councilmember Pritchard reported that he had received an e-mail from the League of Kansas Municipalities regarding help for the people of Greensburg, Kansas. He suggested that the Council consider some form of assistance. Councilmember Pritchard thanked Manager VanderHamm for his service.

Mayor Stuteville asked if the Council wanted to give some direction on the request for the skate board event from Mr. Ryan Debock. It was recommended that the event be held on the concrete pad in Wallace Park, one of the churches provide liability insurance for the event, and safety equipment would be required. Manager VanderHamm agreed to contact Mr. Debock regarding the requirements for the event.

Mayor Stuteville thanked Manager VanderHamm for his service to the City.

Mayor Stuteville 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 (K.S.A. 75-4319(B)(2) is the authorities for this recess).

Councilmember Rowlett made a motion to adjourn to Executive Session, to include the Mayor, Council, City Manager, City Clerk, and City Attorney, for 15 minutes for the purpose of a consultation with an attorney for the governing body which is deemed privileged in the attorney-client relationship; the regular meeting to reconvene at 9:00 p.m. The motion was seconded by Councilmember Dial and all voted aye.

Councilmember Pritchard made a motion to reconvene the adjourned meeting. The motion was seconded by Councilmember Hamilton and all voted aye.

Agenda Item 7 – ADJOURNMENT.

With no additional business to come before the Council, Councilmember Hamilton 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