

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

August 14, 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, Council Members Pritchard, Dial, Rowlett, and Hamilton.

Council Members absent: None.

Also present: Manager Newton, Clerk Droste, Attorney Tetwiler, Police Chief Smail, Public Works Director Bieker, Planner Givens, Brian McCauley with the Miami County Republic, Carol Everhart, 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
Janet McRea, the new Miami County Economic Development Director, introduced herself to the Council.

Agenda Item 4 - CONSENT AGENDA

- a. Approval of minutes of the meetings of July 24, 2007.
- b. Approval of Salary Ordinance number 07-14.
- c. Approval of Appropriation Ordinance No. 610.

Councilmember Pritchard made a motion to approve the Consent Agenda, as presented, and authorize the Mayor to sign. Councilmember Dial seconded the motion and all voted aye. The motion passed 4 to 0.

Agenda Item 5a – Public Hearing for and adoption of the proposed 2008 Paola City Budget.

Councilmember Dial made a motion to open the public hearing on the proposed 2008 Paola City Budget. The motion was seconded by Councilmember Rowlett and all voted aye. The motion passes 4 to 0.

Manager Newton reported that the required publication notice was made according to State Statute. He stated that the Council could take action to reduce the budget to an amount lower than the amount published, but it could not be increased. The total published expenditures for 2008 is \$12,164,482.

Mayor Stuteville asked the audience if there was anyone who desired to address the Council regarding the proposed budget for 2008. No one addressed the Council.

Councilmember Pritchard made a motion to close the public hearing and adopt the 2008 Paola City Budget in the amount of \$12,164,482 as published. The motion was seconded by Councilmember Hamilton and all voted aye. The motion passes 4 to 0.

Agenda Item 5b - Consider approval of an Ordinance Attesting to an Increase in Tax Revenues for Budget Year 2008.

Clerk Droste reported that due to a decrease in the mill levy for the Bond and Interest Fund and an increase in the mill levy for the General Fund, an Ordinance was required by State Statute that notifies the citizens that there will be an increase in the tax levy for budget year 2008. He reported that this ordinance was required even though the overall levy for 2008 was 1.554 mills lower than in 2007.

Councilmember Hamilton made a motion to approve AN ORDINANCE ATTESTING TO AN INCREASE IN TAX REVENUES FOR BUDGET YEAR 2008 FOR THE CITY OF PAOLA, KANSAS. The motion was seconded by Councilmember Dial and all voted aye. The motion passes 4 to 0. Clerk Droste assigned No. 2948 to the Ordinance.

Agenda Item 5c - Report from the Roots Festival Committee.

Lee Mott addressed the Council regarding the 2007 Roots Festival which is scheduled for August 24th and 25th. He thanked the City for the amount of support that is provided for the event. Once again this year, a private security team of 12 persons will supplement the City Police presence at the event. This is the 18th year for this annual event.

Agenda Item 5d - Consider approval of an Ordinance authorizing the water supply service agreement with the Marais Des Cygnes Public Utility Authority.

Mayor Stuteville stated that the Council discussed the proposed ordinance authorizing the water supply service agreement at a Work Study Meeting last week. There was significant and detailed discussion about the Public Utility Authority at that meeting.

Mary Carson, Bond Attorney, presented the Ordinance for consideration. She explained that there was language added by the Bond Insurance Company and that she was working with City Attorney Tetwiler on that language to make sure that it is acceptable to the City.

Greg Vahrenberg with Piper Jaffray reported that the status of the bond issue is on schedule and Bonds will be offered for sale next Wednesday and will close on September 12th.

City Attorney Tetwiler commented on the changes that were being required by the bond insurance company. He recommended that “as permitted by law and this Ordinance” be added to the first sentence in section 1303. Mary Carson stated that this amendment would be acceptable.

Manager Newton stated that the language in the ordinance was typical to other agreements that he has seen where bond insurance is involved.

Councilmember Dial made a motion to approve AN ORDINANCE AUTHORIZING EXECUTION OF A WATER SUPPLY SERVICE AGREEMENT WITH THE MARAIS DES CYGNES PUBLIC UTILITY AUTHORITY; MAKING COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY OF OBLIGATIONS OF THE CITY IN THE AGREEMENT; AND AUTHORIZING NECESSARY DOCUMENTS AND ACTIONS RELATING TO THE AGREEMENT, as amended. The motion was seconded by Councilmember Pritchard. Councilmembers Hamilton, Dial, and Pritchard voted aye; Councilmember Rowlett voted nay. The motion passes 3 to 1. Clerk Droste assigned No. 2949 to the Ordinance.

Agenda Item 5e - Consider approval of a Resolution repealing the benefit district for Hidden Meadows Estates – Phase I.

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 reported that he has received a letter from the developers of Hidden Meadows requesting that their petition to form a benefit district be withdrawn. A Resolution was presented which would repeal Resolution No 2007-006 which created the benefit district.

Councilmember Hamilton made a motion to approve A RESOLUTION REPEALING RESOLUTION NO. 2007-006 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 Pritchard and all voted aye. The motion passes 3 to 0. Clerk Droste assigned No. 2007-007 to the Resolution.

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

Agenda Item 5f - Consider approval of a Resolution of Support for Overland Property Group.

Clerk Droste reported that last year, the Council approved a Resolution of Support for Overland Property Group who was seeking housing tax credits from the Kansas Housing Resources Corporation for a senior housing project in Paola.

Councilmember Hamilton suggested that the term “low-income families” in the Resolution be changed to “low-income senior citizens”.

Councilmember Hamilton made a motion to approve a RESOLUTION OF SUPPORT, as amended. The motion was seconded by Councilmember Dial and all voted aye. The motion passes 4 to 0. Clerk Droste assigned No. 2007-008 to the Resolution.

Agenda Item 5g - Consider approval of an Ordinance approving an Emergency Interconnect Agreement and a Water Contract for Reciprocal Wholesale Water Supply with RWD No. 2.

Manager Newton stated that the agreements were approved by the RWD Board at their meeting last night, however, changes were made to the documents. He recommended that agreements be tabled until additional information is received from the Kansas Water Office.

Councilmember Dial made a motion to table any action on the agreements. The motion was seconded by Councilmember Pritchard and all voted aye.

Agenda Item 5h - Consider approval of Change Order No 1 with McCorkendale Construction for Rockwood Estates Phase III Benefit District.

Clerk Droste presented Change Order No 1 to the contract with McCorkendale Construction on improvements for Rockwood Estates, Phase III. He also presented the final pay request for the improvements. Droste reported that the information has been sent to the developers for their review, however they have not yet responded to the communication.

Councilmember Hamilton made a motion to approve Change Order No 1 in the amount of \$9,164.50 with McCorkendale Construction for Rockwood Estates Phase III and payment of Invoice No 7466 in the amount of \$6,501.00 and Invoice No 7465 in the amount of \$101,371.97, subject to review by the developers. The motion was seconded by Councilmember Dial and all voted aye. The motion passes 4 to 0.

Agenda Item 5i - Consider authorization for City Manager to solicit bids.

Manager Newton reported that it was his recommendation that bids be solicited for replacing the roofs of the Community Center and the Library prior to the balance of the renovations taking place. The status of the two roofs are such that additional damage could be avoided if the repairs are made sooner rather than later.

Councilmember Pritchard made a motion to authorize the City Manager to solicit bids for the Library roof and the Community Center roof. The motion was seconded by Councilmember Dial and all voted aye. The motion passes 4 to 0.

Agenda Item 5j - Consider authorization for the purchase of a curb machine.

Public Works Director Bieker presented a bid from CurbCat USA for a curb machine and accessories. He reported that this machine attaches to a skid steer and is the same machine that was used to install the sample curb in the Public Works parking lot. The equipment would be funded primarily from the MERF fund.

Councilmember Pritchard made a motion to authorize the purchase of a CurbCat and supplies from CurbCat-USA in the amount of \$43,527.00. The motion was seconded by Councilmember Hamilton and all voted aye. The motion passes 4 to 0.

Agenda Item 6 - NEW BUSINESS

Manager Newton reported that there will be a meeting of the Public Building Commission after this meeting.

Councilmember Pritchard stated that he enjoyed the City's employee picnic last Friday. Clerk Droste reported that it was very well attended despite the heat.

Agenda Item 7 EXECUTIVE SESSION - K.S.A. 75-4319(B)(2) is the authority for this recess.

Manager Newton reported that there was no longer a need for an executive session.

Agenda Item 7 – ADJOURNMENT.

With no additional business to come before the Council, Councilmember Dial made a motion to adjourn the meeting. Councilmember Hamilton seconded the motion and all voted aye. The motion passed 4 to 0.

Artie Stuteville, Mayor

ATTEST: (seal)

Daniel G. Droste, City Clerk