

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

**October 9, 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, and Rowlett.

Council Members absent: Councilmember Hamilton.

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, and Rowlett were all present. Councilmember Hamilton was absent.

**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 September 25, 2007.
- b. Approval of Salary Ordinance number 07-18.
- c. Approval of Appropriation Ordinance No. 614.
- d. Renewal of a Class B Private Club License for the Paola Country Club.

Councilmember Pritchard questioned the \$808,124.38 payment to the Kansas State Treasurer and the \$46,098.79 payment to Killough Construction. Clerk Droste reported that the payment to the State Treasurer was for the principal and interest payment on the Series 2002B General Obligation Bonds and Public Works Director Bieker indicated that the payment to Killough Construction was for asphalt for 295<sup>th</sup> Street.

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. The motion passed 3 to 0.

**Agenda Item 5a – Public Hearing for the Community Development Block Grant Application for ADA Improvements to the Paola Community Center.**

Councilmember Pritchard made a motion to open the Public Hearing. The motion was seconded by Councilmember Rowlett and all voted aye. The motion passed 3 to 0.

Clerk Droste explained that the Public Hearing was required as part of the application process for the Community Development Block Grant (CDBG) Application that the Council was considering to submit for ADA improvements to the Paola Community Center.

Donna Crawford with Governmental Assistance Services presented a summary of the proposed application for CDBG grant funds. She indicated that the Council should consider the amount of the matching funds for the application in advance of the next meeting when the Council will be asked to consider a Resolution on the application. Mrs. Crawford indicated that the maximum CDBG grant amount is \$400,000 and there is a minimum matching funds requirement of 25%. She reported that there 1,014 handicapped/challenged persons living in Paola out of a total population of 4,561 or 22.23%. The population total is based on numbers from the US Department of Housing and Urban Development.

Douglas Loyd, architect for the project, presented a summary of the improvements that would be covered under the grant application. He reported that an elevator, restrooms on each floor, new entry, and other updates to the building would all be included in the project. The total estimated costs of the ADA improvements amount to \$489,000. He reported that the grant funds would allow the balance of the sales tax dollars to be used to pay for additional needed improvements to the facility.

Councilmember Pritchard made a motion to close the Public Hearing. The motion was seconded by Councilmember Dial and all voted aye. The motion passed 3 to 0.

**Discussion regarding the application for the Community Development Block Grant for ADA improvements for the Paola Community Center.**

Donna Crawford recommended that the Council provide an indication of the amount of matching funds that would be considered for the application. She suggested that the Council consider 25% matching funds. The matching funds would come from the sales tax proceeds.

After discussing the CDBG Grant Application for ADA improvements for the Paola Community Center, Councilmember Rowlett made a motion to proceed with the grant application in the amount of \$366,750 with matching funds of \$122,250 or 25%. Councilmember Dial seconded the motion and all voted aye. The motion passed 3 to 0.

**Agenda Item 5b - Consider an Ordinance relating to the Paola Community Center Board.**

Manager Newton presented a summary of the progress on the Community Center and commended the Council for hiring a Community Center Director, budgeting over \$80,000 in support for 2007 and increasing that amount by 10% for operations in 2008. He also

indicated that the sales tax funds, CDBG grant application, and new roof project are all indications of support for the Community Center.

Manager Newton reported that the proposed ordinance repeals existing ordinances pertaining to the Community Center Board and re-establishes the guidelines for the Board. Mayor Stuteville indicated that she had received comments from Chad Myers, Community Center Director, requesting that the last sentence in Section 110.030 be amended to read “No person appointed to the Board shall be appointed for more than two (2) consecutive terms, *unless approved by the Mayor and City Council.*” ; and that Section 110.040 be amended to read “In case of vacancy in membership of the Board due to death, resignation or otherwise, a successor shall be *recommended by the Paola Community Center Board of Directors and the Paola Community Center Director* and be appointed by the Mayor with the approval of the Governing Body to fulfill the unexpired portion of the term of the member he or she replaces. Councilmember Dial recommend that the words “*shall be recommended*” be changed to “*may be recommended*” because if no recommendation was received from the Board and Director, the Mayor would be unable to fill a vacant position.

Chad Myers, Community Center Director, reported that the Community Center Board has not formally met to discuss the Ordinance but copies have been provided to each of the Board Members. He stated that the Board supported the proposed additions to the Ordinance and that overall 4 of the 7 Board Members were in favor of the Ordinance.

Pete Bell, Community Center Board Member, stated that he personally has had no input on the Ordinance and that the Board has not met to discuss it. He stated that he has issues with the Ordinance and requested that the issue be tabled until the Board has had an opportunity to review the document. He questioned the reduction of the number of board members from 8 to 7. He went on to state that the Ordinance indicates that the Board is listed as being responsible for preparing and submitting the proposed budget listed in Section 110.060, he indicated that it should be the responsibility of the Director to perform these functions. Mayor Stuteville indicated that reducing the number of Directors to 7 was in response to the request of the Ursuline Sisters to vacate their seat on the Board. Mayor Stuteville also indicated that it would be easy to change the responsibility of preparing and submitting the budget from the Board to the Community Center Director.

After additional discussion, Councilmember Dial made a motion to approve AN ORDINANCE REPEALING ORDINANCE NOS. 2419, 2462, 2576, CHAPTER 110, ARTICLE I, SECTION 110 OF THE MUNICIPAL CODE OF THE CITY OF PAOLA AND ANY AND ALL OTHER PRIOR ORDINANCES OF THE CITY OF PAOLA, KANSAS, ESTABLISHING THE PAOLA CULTURAL CENTER AUTHORITY AND/OR AMENDING THE TERMS AND PROVISIONS OF SAID ORDINANCES; AND, ESTABLISHING THE PAOLA COMMUNITY CENTER BOARD, PROVIDING FOR THE APPOINTMENT OF ITS MEMBERS AND DEFINING THEIR DUTIES AND RESPONSIBILITIES, changing the responsibility of preparing and submitting the budget from the Board to the Director, leaving the number of Board Members at 7, and with the one change to Section 110.040 as previously discussed. The motion was seconded by Councilmember Rowlett and all voted aye. The motion passed 3 to 0. Clerk Droste assigned No. 2954 to the Ordinance.

**Agenda Item 5c - Consider an Ordinance relating to the Paola Tree Board.**

Clerk Droste reported that the Tree Board has requested a change to the qualifications for membership on the Bard. Currently, membership on the Tree Board is limited to residents or business representatives from the City of Paola or the "Community Growth Area" as created by interlocal agreement adopted by Ordinance No. 2797 and any successor ordinances.

After discussing the Ordinance, Councilmember Pritchard made a motion to approve AN ORDINANCE AMENDING ORDINANCE NO. 2843 ESTABLISHING THE ADVISORY TREE BOARD; PROVIDING FOR THE APPOINTMENT OF ITS MEMBERS; DEFINING THEIR DUTIES AND RESPONSIBILITIES. The motion was seconded by Councilmember Dial and all voted aye. The motion passed 3 to 0. Clerk Droste assigned No. 2955 to the Ordinance.

**Agenda Item 5d - Consider an Ordinance renewing the Franchise Agreement with Kansas City Power & Light Company.**

Clerk Droste presented an Ordinance renewing the franchise agreement with Kansas City Power and Light Company. He reported that the primary issues regarding the Ordinance are the amount of the Franchise Tax and the term of the agreement.

Clerk Droste reported that the proposed 5% Franchise Tax is comparable to many other communities in the State of Kansas. Only two communities have higher electric franchise taxes, Lincolville at 6% and Kansas City at 7.9%. The only other issue is the 20 year term, however Section X provides for renegotiating the amount of the franchise tax 60 days prior to the anniversary date of the agreement.

Councilmember Rowlett questioned the length of the agreement and questioned if the City could actually terminate the agreement in the future if circumstances dictate. He questioned that if there were alternative sources for electrical power in the near future, could this agreement be adapted to new market conditions.

After discussing the issue further, no action was taken on the Ordinance and the City Clerk was directed to research the term of similar agreements that other cities have negotiated with their electric service providers.

**Agenda Item 5e - Consider a new Water Conservation Plan.**

Public Works Director Bieker reported that he has received information that additional details are required for the plan and requested that the document be tabled until next meeting. Councilmember Rowlett made a motion to table action on the Water Conservation Plan. The motion was seconded by Councilmember Dial and all voted aye. The motion passed 3 to 0.

**Agenda Item 5f - Consider bids for the control vault for the interconnect with Rural Water District No. 2.**

Manager Newton reported that last evening, the Rural Water District No 2 Bard met and approved the bid from Dakota Pump Inc. in the amount of \$99,400 for the control vault for

the interconnect. The bid from Dakota Pump was recommended by Bartlett and West Engineers.

After discussing the bids, Councilmember Pritchard made a motion to approve the bid from Dakota Pump, Inc. in the amount of \$99,400 for the control vault for the interconnect with Rural Water District No 2. The motion was seconded by Councilmember Dial and all voted aye. The motion passed 3 to 0.

#### **Agenda Item 5g - Consider agreements for the K-68 Highway Study.**

Planner Givens reported that he had been advised by KDOT that the language for the agreements for the K-68 Highway Study is being redrafted by their legal department and requested that no action be taken on the agreements. No action was taken on the agreements.

#### **Agenda Item 5h - Consider a water leak allowance for 110 Hillcrest Drive and 208 W Miami.**

Clerk Droste presented requests from the homeowners at 110 Hillcrest Drive and 208 W Miami for water leak allowances in the amount of \$185.12 and \$75.47 respectively. He reported that repairs have been made to the properties and proper documentation submitted.

Councilmember Dial made a motion to approve a water leak allowance in the amount of \$185.12 for 110 Hillcrest Drive and \$75.47 for 208 W Miami. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 3 to 0.

#### **Agenda Item 6 - NEW BUSINESS**

Manager Newton thanked the Council for their support over the past few months and commended the City's Department Heads and employees for the fine job that they do.

Councilmember Rowlett recommended that the agreement with KDOT for the K-68 Highway Study should not provide that Paola be the lead entity. The Council and Staff agreed.

Councilmember Rowlett reported that Paola received some very good exposure at the League of Kansas Municipalities Annual Conference. The presentation on economic development was well received.

Councilmember Rowlett also reported that the League of Kansas Municipalities suggested that the cities communicate with their County Leaders about the upcoming KDOT comprehensive highway plan. Now is the time to prepare for efforts to have local projects included in the plan.

Councilmember Dial reported that a camper has been located in the trailer park and asked the Planning Department to follow up on the issue. She also asked about the new lights at the Silver and Baptiste Drive intersection. Public Works Director Bieker reported that power would be connected soon and the lights should be operational by the end of the week.

Councilmember Pritchard congratulated Councilmember Rowlett for being elected to serve as Vice President of the League of Kansas Municipalities. He also noted that the presentation on economic development at the LKM Annual Conference was very good.

The Council and the Mayor all thanked Jay Newton for serving as Interim City Manager.

Mayor Stuteville read an invitation for Miami Count Elected Officials to attend the Leadership Dinner on November 14<sup>th</sup> at the Osawatomie High School at 6:30 pm.

**Agenda Item 7 - EXECUTIVE SESSION - Executive Session for 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 authority for this recess.**

Councilmember Dial made a motion to adjourn to Executive Session for 10 minutes for a consultation with an attorney for the governing body which is deemed privileged in the attorney-client relationship; the regular meeting to reconvene at 7:10 p.m. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 3 to 0.

At 7:10 pm, Councilmember Rowlett made a motion to reconvene the adjourned meeting. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 3 to 0.

Councilmember Dial made a motion to adjourn to Executive Session for an additional 30 minutes for a consultation with an attorney for the governing body which is deemed privileged in the attorney-client relationship; the regular meeting to reconvene at 7:40 p.m. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 3 to 0.

At 7:40 pm, Councilmember Dial made a motion to reconvene the adjourned meeting. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 3 to 0.

No action was taken pursuant to the 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 Rowlett seconded the motion and all voted aye. The motion passed 3 to 0.

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Artie Stuteville, Mayor

ATTEST: (seal)

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Daniel G. Droste, City Clerk