

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

**May 13, 2008**

**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 Bell.

Council Members absent: None

Also present: Manager Wieland, Clerk Droste, Attorney Tetwiler, Police Chief Smail, Planner Givens, Public Works Director Bieker, 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 Bell 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 April 22, 2008.
- b. Approval of Salary Ordinance number 08-08 and 08-09.
- c. Approval of Appropriation Ordinance No. 628.
- d. Approval of the renewal of a Drinking Establishment License for El Tapatio Restaurant.

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 4 to 0.

**Agenda Item 5 - REPORTS OF OFFICERS, BOARDS AND COMMITTEES**

**Agenda Item 5a - Public Hearing to consider the petition to vacate the alley in Block 7, Snyder’s Addition to the City of Paola.**

Councilmember Rowlett made a motion to open the Public Hearing to consider the petition of Mr. Mark Holschier, requesting the vacation of the alley in Block 7, Snyder's Addition to the City of Paola. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 4 to 0.

Clerk Droste presented a petition from Mark Holschier requesting that the alley in Block 7, Snyder's Addition to the City of Paola be vacated. He reported that the Public Hearing Notice was published in the Miami County Republic on April 9<sup>th</sup> and adjacent property owners were notified by mail. Letters were also sent to local emergency services and utilities.

Clerk Droste explained that the applicant was requesting the alley vacation to accommodate a new parking lot for his building and to resolve an encroachment issue with a small outbuilding. Droste reported that one of the neighboring property owners, Gary Lasher, had concerns over the location of his new property line should the alley be vacated. However, this issue was being resolved between Mr. Lasher and the applicant.

Clerk Droste reported that he had received written responses from AT&T, Kansas Gas Service, City Planner Justin Givens, and City Public Works Director Gerry Bieker. All expressed concerns over utilities currently located in the alley. Clerk Droste stated that if the Council were to approve the petition, the City should reserve and retain a utility easement in the former alley right of way.

Mayor Stuteville asked if there was anyone in the audience that would like to address the Council as a part of the Public Hearing on this petition. No one came forward.

Mayor Stuteville asked the Council if they had any questions. Councilmember Bell asked about the location of the utilities and who is responsible for repairs when utilities are worked on if the alley is vacated. Clerk Droste indicated that any improvements located within the utility easement are at the owner's risk.

Councilmember Pritchard asked Public Works Director Bieker why his letter did not recommend approving the petition. Public Works Director Bieker responded that he is never in favor of giving up ownership of the property even when utility easements are retained. He added that access to the utilities is always easier when the City owns the property rather than just the easement.

After discussing the petition, Mayor Stuteville asked if anyone in the audience had anything further to add to the discussion. No one came forward.

Councilmember Dial made a motion to close the Public Hearing. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 4 to 0.

Councilmember Rowlett made a motion to approve the petition of Mark Holschier, requesting the vacation of the alley in Block 7, Snyder's Addition to the City of Paola, Kansas, as identified in the petition, provided however, that the City of Paola, reserves for itself, and its assigns, the right to erect, install, operate, replace, repair and maintain any and all water lines, sewer lines, gas lines, telephone lines, electrical utility lines, and cable TV

lines presently located, if any, under, through, over, along and across the described portion of the street so vacated; and that all costs associated with this action be paid by the petitioner. The motion was seconded by Councilmember Dial and all voted aye. The motion passed 4 to 0.

**Agenda Item 5b - Consider an Ordinance vacating a portion of the right-of-way of Block 7 Snyder's of the City of Paola.**

Councilmember Pritchard made a motion to approve AN ORDINANCE VACATING THE RIGHT-OF-WAY OF THE ALLEY IN BLOCK 7, SNYDER'S ADDITION TO THE CITY OF PAOLA, KANSAS. The motion was seconded by Councilmember Rowlett and all voted aye. The motion passed 4 to 0. Clerk Droste assigned No. 2971 to the Ordinance.

**Agenda Item 5c - Presentation by the Roots Festival Committee on the 2008 Roots Festival.**

Mr. Lee Mott, President and Stage Manager of the Roots Festival, reported the 2008 Roots Festival would be the 19<sup>th</sup> year for the event and it will be held on August 22<sup>nd</sup> and 23<sup>rd</sup>. Committee members of the 2008 Roots Festival are: Rick Johnson, Vice President & Assistant Director of Food Vendors; Tam Mott, Treasurer & Hospitality Director; Tammy Johnson, Secretary & Games and Rides; Gary Patillo, Founder & Director of Cultural Acts; Steve McMullan, Director of BBQ; Debbie Winterscheid, Director of Marketing; Brenda Wrischnik, Director of Arts & Crafts; Christie Johnson, Director of Volunteers; Judy Fennel, Director of Food Vendors; Tammy Bell, Director of Mercantile; Bill Sanders, Security Director; and Josh Furnish, Environmental Technician.

Mr. Mott reported that the feature musical act will be Johnny Lang. The event also hosts the East Central State Barbecue Championship. He reported that the event is run entirely by volunteers and that there are no paid directors. All of the monies raised by the event are used to put on the festival.

Mr. Mott described recent improvements to the festival such as the location of the stage and the addition of private security to promote the safety of festival patrons and Park Square Merchants are offered free booth space to promote their business.

Mr. Mott requested that the Council consider approval of (1) the dates of the festival, August 22<sup>nd</sup> and 23<sup>rd</sup>; (2) allow for setup to begin on August 21<sup>st</sup> at 10 am; (3) approve the closing of streets around the Park Square as of 10 pm on August 21<sup>st</sup>; (4) a City of Paola Police presence as in the previous years; (5) No Parking signs posted by City Staff as in past years; (6) additional picnic tables and trash cans provided by Paola Public Works as in past years; and (7) waiver of fees associated with the use of the Park Square. He stated that the Festival would provide liability insurance for the event as required by the City.

Mayor Stuteville asked if there were any merchants that had objections to closing the east side of the Park Square early on Thursday morning. Mr. Mott indicated that last year there was some confusion with one of the new merchants on the east side of the Park Square, but that had been worked out. He would be providing the signatures of the business owners acknowledging the "inconveniences" caused by the festival.

Mayor Stuteville thanked Mr. Mott for his presentation. No action was taken on the request.

**Agenda Item 5d - Consider approval of pay estimate #5 for the Paola Justice Center.**

Manager Wieland presented pay estimate number 5 in the amount of \$274,714.50 for the Paola Justice Center.

After discussing progress on the project, Councilmember Dial made a motion to approve pay estimate #5 in the amount of \$274,714.50 to Altmar, Inc. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 4 to 0.

**Agenda Item 5e - Consider approval of Change Order #2 for the Paola Justice Center .**

Manager Wieland presented Change Order #2 in the amount of \$6,719.00 to the contract with Altmar, Inc. on the Paola Justice Center. Manager Wieland reported that the change order included the following items:

- No change in the number of work days to the contract.
- Add GFI outlets in the Booking Area Room.
- Change location of water meter.
- Add fire hydrant near the east parking entrance.
- Add sanitary sewer to the existing storage building.
- Delete 2" water supply line to the building.
- Add post indicator valve for the fire suppression system.
- Use geotech fabric where necessary on site plan.
- Use asphalt millings provided by the City in lieu of AB3 base rock under parking and driveway pavement.
- Add French Drains and Nyoplast underground drain tile pipe as indicated on site plan.
- Add parking signs indicating "No Parking – Fire Lane" where indicated on site plan.

Mayor Stuteville questioned the need for adding the sanitary sewer to the storage building. Manager Wieland indicated that the sewer line was necessary to accommodate the car wash bays in the building. Councilmember Bell expressed concerns with having a car wash bay in a metal building. Police Chief Smail indicated that the wash bays were covered with a waterproof material to handle the moisture.

After discussing the change order, Councilmember Rowlett made a motion to approve Change Order #2 in the amount of \$6,719.00 addition to the contract for the Paola Justice Center. Councilmember Dial seconded the motion and all voted aye. The motion passed 4 to 0.

**Agenda Item 6 - NEW BUSINESS**

Clerk Droste presented sales tax revenue reports for the month of April. He also presented a recent newspaper article from the Kansas City Star reporting on the movie "Last Ounce of Courage".

Manager Wieland reported that he received a request from Lakemary Center, Inc. to waive the connection fees for the water and sewer service at their new services building. Councilmember Rowlett questioned previous discussions regarding waivers of these fees. Staff was instructed to research previous fee waivers.

Manager Wieland reported that the vault for the interconnect with Rural Water District No 2 will be installed next week. He also reported that proposals for the utility rate review are being should be received by the end of the week. The budget process for 2009 will begin very soon.

Councilmember Bell asked if the Council would be taking action on a \$66,000 change order for the water treatment plant. Mayor Stuteville indicated that the Marais Des Cygnes Public Utility Authority Board approves those change orders. The structure of the MDCPUA Board and the relationship with the City was discussed.

Mayor Stuteville nominated the following individuals to fill Board vacancies:

- Transient Guest Tax Committee
  - Rick Schoenberger
  - Julie Miller
  - Hugo Carrette
- Tree Board
  - Brenda Wrischnik
  - Fran Hamilton
- Planning Commission
  - Dr. George Gage
  - John McLean
  - Steve King
- Community Center Board
  - Mary Gilman
  - Don Pepoon
  - Cathy Stalbaumer
  - Devon Rolf

Councilmember Rowlett made a motion to approve the Mayor's appointments to the Transient Guest Tax Committee, Tree Board, Planning Commission, and Community Center Board. Councilmember Dial seconded the motion.

Councilmember Bell questioned why Leanne Shields was not appointed to the Community Center Board. He indicated that Mrs. Shields is an active volunteer for the Community Center and should be on the Board. Mayor Stuteville indicated that these individuals were recommended to her and these were her nominations. On a call of the motion, Councilmembers Rowlett, Dial, and Pritchard voted aye, Councilmember Bell voted nay. The motion passed 3 to 1.

**Agenda Item 7 - EXECUTIVE SESSION for preliminary discussions relating to the acquisition of real property. K.S.A. 75-4319(B)(6) is the authority for this recess.**

Councilmember Dial made a motion to adjourn to Executive Session, to include the Mayor, Council, City Manager, and City Clerk, for 20 minutes for the purpose of preliminary discussions relating to the acquisition of real property; the regular meeting to reconvene at 7:00 p.m. Councilmember Pritchard seconded the motion and all voted aye. The motion passed 4 to 0.

Councilmember Pritchard made a motion to reconvene the adjourned meeting. Councilmember Dial seconded the motion and all voted aye. The motion passed 4 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 Pritchard made a motion to adjourn the meeting. Councilmember Rowlett seconded the motion and all voted aye. The motion passed 4 to 0.

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Artie Stuteville, Mayor

ATTEST: (seal)

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Daniel G. Droste, City Clerk