

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

June 24, 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, Carol Everhart with the Paola Chamber of Commerce, 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

Le Anne Shields addressed the Council regarding the discussing that took place during the April 8th Paola City Council Meeting regarding the construction of the new Paola Justice Center. She expressed concern regarding the fact that the project is over budget and she requested copies of documents relative to the construction of the facility under the Freedom of Information Act. Additionally, she questioned the size of the facility and if the Council ever took official action to name the facility the Paola Justice Center rather than the Paola Police Station. She also requested that the requested information be provided to the Miami County Republic.

City Manager Wieland indicated that the information would be provided as requested. Mayor Stuteville stated that the newspaper is provided all of the information that the City Council is provided and they already have all of the details on the project. Mayor Stuteville thanked Mrs. Shields for her concerns and stated that her questions would be answered.

No one else addressed the Council.

Agenda Item 4 - CONSENT AGENDA

- a. Approval of minutes of the meetings of June 10, 2008.
- b. Approval of Salary Ordinance No. 08-12.
- c. Approval of Appropriation Ordinance No. 631.
- d. Renewal of the Drinking Establishment License for Rounders.
- e. Renewal of the Drinking Establishment License for Beethoven's #9.

Council Members Pritchard and Bell asked for clarification on several items on the appropriation ordinance. Clerk Droste and Public Works Director Bieker explained the items in question.

Councilmember Pritchard made a motion to approve the Consent Agenda including the minutes of the June 10, 2008 meeting, Salary Ordinance No. 08-12, Appropriation Ordinance No. 631, renewal of the Drinking Establishment License for Rounders, and the renewal of the Drinking Establishment License for Beethoven's #9 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 for the purpose of considering a petition from Mr. Dale Windler to vacate Railroad Street in Block 1, East Heights Addition to the City of Paola.

Councilmember Rowlett made a motion to open the public hearing. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 4 to 0.

Clerk Droste reported that he received a petition from Mr. Dale Windler to vacate Railroad Street in Block 1 of East Heights Addition to the City of Paola. Appropriate notice was published in the May 28th edition of the Miami County Republic as required by State Statute. Additionally, notices were mailed directly to all adjoining property owners, Kansas City Power & Light, Southwestern Bell Telephone/AT&T, Suddenlink Cable TV, Kansas Gas Service, Miami County EMS, Paola Fire Chief, Paola Public Works Director, and Paola City Planner. The notice was also posted at City Hall and on the City's website.

Clerk Droste reported that he had received letters from Kansas Gas Service, Paola Public Works, Paola Fire Department, Eugene Butel, and Christine Ripple objecting to the petition. Mr. Butel and Mrs. Ripple are adjoining property owners. Copies of the letters were provided to the Council.

Clerk Droste indicated that KSA 12-505(a) states that "...The petition shall not be granted if a written objection thereto is filed with the city clerk, at the time of or before the hearing, by any owner or adjoining owner who would be a proper party to the petition but has not joined therein. When only a portion of a street, alley or public reservation is proposed to be vacated, the petition shall not be granted if a written objection is filed with the clerk of the governing body by any owner of lands which adjoin the portion to be vacated."

Clerk Droste asked if there was anyone in attendance who wished to speak in regard to the petition. No one asked to speak in regard to the petition.

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

Charlie Smith asked about the width of Railroad Street. He indicated that the street is basically maintained as a gravel alley and it is not wide enough for two cars to pass. With additional traffic due to activity at his business, it was his opinion that the street needs to be widened. After discussing the request, Staff was instructed to look into the situation.

Pursuant to the Public Hearing, Councilmember Rowlett made a motion to deny the petition of Dale Windler, requesting the vacation of Railroad Street in Block 1, East Heights Addition to the City of Paola, Kansas, as identified in the petition. The motion was seconded by Councilmember Dial and all voted aye. The motion passed 4 to 0.

Agenda Item 5b – Consider an Ordinance vacating the right-of-way of Railroad Street in Block 1, East Heights Addition of the City of Paola.

Clerk Droste reported that pursuant to action taken on the petition of Mr. Dale Windler, action on this agenda item is no longer necessary.

Agenda Item 5c - Consider approval of pay estimate #6 for the Paola Justice Center.

Manager Wieland reported that there is noticeable progress on the project as the masonry work, interior framing, and site work continue. He reported that the pay request does include some stored materials but most of the request is for work performed on site. The request represents a completion of 41% of the total contract amount.

After discussing the request, Councilmember Dial made a motion to approve pay estimate #6 in the amount of \$305,713.29 to Altmar Inc. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 4 to 0.

Agenda Item 5d - Report from Carol Everhart, Executive Director of the Paola Chamber of Commerce.

Mayor Stuteville thanked Carol Everhart for all of the work that she did in helping to secure the \$200,000 donation from Mr. & Mrs. Goss for the renovation of the Park Square Gazebo and water fountain and for the purchase of equipment for the Fire Department. She indicated that Mrs. Everhart's efforts were instrumental in the success of receiving the gift.

Councilmember Rowlett discussed the budget for the economic development activities for the Chamber of Commerce. He reminded the Council that there was approval to fund these activities in the amount of \$5,900.00 from the Transient Guest Tax Fund. The procedure for requesting monies from the Transient Guest Tax Fund was discussed.

Mayor Stuteville asked about the procedures for approving expenditures for the improvements funded by the Goss Donation. Carol Everhart indicated that Mr. & Mrs. Goss asked that she approve invoices prior to payment by the City.

Councilmember Rowlett requested that the Council consider awarding the contract for improvements to the Park Square Gazebo to Triangle Builders without seeking additional bids. He explained that Alan Hire is a member of the committee that has been working on the project and has already provided substantial time in putting together project estimates. Another concern was timing as Mr. & Mrs. Goss are anxious for the improvements to be completed. Councilmembers Bell and Pritchard expressed concerns over not bidding the project competitively. The process of competitively bidding a project was discussed including the necessity to provide specifications to potential bidders so that all of the contractors are bidding the same services. After discussing the issue at length, the Council agreed that the proposed improvements to the Gazebo would be pursued as a design-build project.

Carol Everhart presented a quarterly report to the Council on economic development activity. She reported that economic development contacts have increased noticeably in the past few weeks. The billboard at Lake Miola has been replaced and the billboard on K-68 Highway near the Louisburg Cider Mill will be completed soon.

Carol Everhart reported that brochures and economic development flyers were distributed to restaurants for Alumni Weekend. She also reported that two free weekend stays were given away at the Kansas Sampler Convention. The winners were from Wamego and Concordia and one of the winners will be visiting Paola this coming weekend. Additionally, two group tours have been scheduled to come to Paola.

Agenda Item 6 – NEW BUSINESS.

Manager Wieland reported that on Thursday there will be a K-68 Corridor meeting and a meeting with the Ursuline Sisters on the marketing of their campus. He also reported that meetings with the low bidder on improvements to the Paola Community Center are progressing very well. Manager Wieland reported that budget meetings will begin at the next Council Work Study Session.

Councilmember Bell asked about the status on the repairs to the sewer at Lake Miola. Public Works Director Bieker reported that tentative approval from the Kansas Department of Health and Environment has been received for re-routing the sewer north to the line that serves Bur Oak Subdivision. Before repairs begin, the locations of the air relief valves have to be determined by the engineers.

Councilmember Rowlett reported that the League of Kansas Municipalities will be hosting a first ever Energy Summit on Thursday, June 26th.

Councilmember Dial asked about the recycling trailer and about fireworks in the Paola growth area. Clerk Droste reported that the recycling trailer is owned by Miami County and that the County fireworks regulations would apply in the growth area.

Councilmember Pritchard reported that he attended the Rockwood Homeowners Association Meeting and they are requesting either a 30 MPH Speed Limit sign or a Children Playing sign be posted at the entrance to the subdivision. After discussing the request, it was agreed

that a Children Playing sign would be posted. Councilmember Pritchard also reported that the water detention pond and a damaged curb were also discussed.

Mayor Stuteville commented on how nice the paving on 303rd Street was. She also commented on the flower boxes around the Gazebo at the Park Square. Mayor Stuteville also reported that the exhibit on the Lone Ranger at the Swan River Museum was exceptional and everyone should take some time to view the exhibit.

Agenda Item 7 – 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. The motion passed 4 to 0.

Artie Stuteville, Mayor

ATTEST: (seal)

Daniel G. Droste, City Clerk