

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

**July 22, 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, Human Resources Director Belt, Brian McCauley with the Miami County Republic, Gerald Barenklau, Amy Barenklau, Le Anne Shields, Rich Lentz, Doris Karney, Brenda Hallstrom, Hannes Poetter and Alan Hire.

**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**

Doris Karney addressed the Council regarding a proposal to have a series of musical bands perform at the Gazebo at the Park Square. They indicated that these bands were willing to play free of charge and the concerts would create energy downtown and promote the downtown merchants. Brenda Hallstrom also addressed the Council suggesting that the alleys around the Park Square be improved with planters, murals, artwork, and activities to attract people to Paola and promote the downtown merchants.

Clerk Droste explained that he had visited with Mrs. Karney regarding the music events on the Park Square, and he indicated that the major concern was liability insurance for the events. Mayor Stuteville indicated that the Governing Body has always been very supportive of the downtown merchants and suggested that they approach the Heartland Group and the Chamber of Commerce for assistance and possible sponsorship for the music events.

Hannes Poetter addressed the Council and thanked them for their efforts in securing the former USD 368 Administration Building for the new Fire Station. He indicated that this action was very beneficial to the downtown merchants by preserving the existing parking.

#### **Agenda Item 4 - CONSENT AGENDA**

- a. **Approval of minutes of the meetings of July 8, 2008.**
- b. **Approval of Salary Ordinance number 08-14.**
- c. **Approval of Appropriation Ordinance No. 633.**

Councilmember Bell questioned the summer audit for the pool, rental for portable toilets, a payment to the Leadership Academy, rental to the County for Municipal Court, and Rotary lunches for the Community Center Director and the Librarian. Councilmember Pritchard questioned invoices for the mill and overlay on 303<sup>rd</sup> Street and invoices to Kansas City Power and Light.

After discussing the items in question, Councilmember Dial made a motion to approve the Consent Agenda including the minutes of the July 8, 2008 meetings, Salary Ordinance No. 08-14, and Appropriation Ordinance No. 633, and authorize the Mayor to sign. Councilmember Pritchard 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 - Consider a Resolution amending the Official Traffic Control Device Map to reduce the speed limit to 15 mph on Angela Street between Panther Drive and 303<sup>rd</sup> Street.**

Clerk Droste presented a Resolution for consideration that would reduce the speed limit to 15 mph on Angela Street between Panther Drive and 303<sup>rd</sup> Street at Paola High School. He reported that the issue was discussed with USD 368 Superintendent Rod Allen and he preferred that there be no changes to the previous traffic speeds or controls on the street.

After discussing the Resolution, Councilmember Pritchard made a motion to approve A RESOLUTION AMENDING THE OFFICIAL TRAFFIC CONTROL DEVICE MAP FOR THE CITY OF PAOLA, KANSAS. The motion was seconded by Councilmember Dial and all voted aye. The motion passed 4 to 0. Clerk Droste assigned number 2008-002 to the Resolution.

##### **Agenda Item 5b - Consider an Ordinance consenting to the amendment of terms for the Industrial Revenue Bonds for Spring Star Development, LLC (Best Western Hotel).**

Manager Wieland reported that Spring Star Development, LLC has been successful in re-negotiating the interest rate on the Industrial Revenue Bonds with TeamBank, the holder of the bonds. An Ordinance by the City of Paola authorizing the amendment to the bonds is required. The interest rate on the bonds is being lowered from 7.80% to 6.01%.

After discussing the request, Councilmember Rowlett made a motion to approve AN ORDINANCE OF THE CITY OF PAOLA, KANSAS, AUTHORIZING THE EXECUTION AND DELIVERY OF AND CONSENTING TO A FIRST AMENDMENT OF A TRUST

INDENTURE BY AND BETWEEN THE CITY OF PAOLA, KANSAS, AS ISSUER, AND TEAMBANK, N.A., A NATIONAL BANKING ASSOCIATION, PAOLA, KANSAS, AS TRUSTEE. The motion was seconded by Councilmember Bell and all voted aye. The motion passed 4 to 0. Clerk Droste assigned No. 2972 to the Ordinance.

**Agenda Item 5c - Consider an Ordinance amending Floodplain Regulations in the Land Development Ordinance.**

Planner Givens presented an Ordinance amending the Land Development Ordinance by incorporating new floodplain regulations. On August 19, 2008, an updated Flood Insurance Study and Flood Information Rate Map will become effective for the City of Paola. The Federal Emergency Management Agency (FEMA) and the State National Flood Insurance Program require these new regulations to be adopted prior to the effective date of the new maps.

Mayor Stuteville asked if the floodplain study that was completed for Osage Street was incorporated into the new rate maps. Planner Givens indicated that new data cannot be considered by FEMA until the updated study and maps become effective. The new data will be submitted to FEMA, however, there are no assurances that FEMA will accept the new data and amend the maps.

After discussing the Ordinance, Councilmember Dial made a motion to approve AN ORDINANCE TO REVISE AND UPDATE THE PAOLA FLOODPLAIN MANAGEMENT ZONING REGULATIONS BY REPEALING SECTIONS 05.230, 05.231, 20.350, 21.251-K, 21.255, AND 23.400 OF THE PAOLA LAND DEVELOPMENT ORDINANCE AND INCORPORATING BY REFERENCE NEW FLOODPLAIN ZONING REGULATIONS BASED ON THE MODEL RECOMMENDED BY FEMA AND THE KANSAS DEPARTMENT OF AGRICULTURE. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 4 to 0. Clerk Droste assigned No. 2973 to the Ordinance.

**Agenda Item 5d - Consider an Ordinance amending the zoning classification of property located north of 327 Street, west of Hospital Drive, south of Stewart Lane, and west of US 169 Highway.**

Planner Givens reported that in May, the Council considered the recommendation by the Planning Commission to rezone the property located at 24870 W 327<sup>th</sup> Street from Business Park to Estate. At that time, the Council remanded the request back to the Planning Commission for further consideration as there were concerns about the zoning classification of other neighboring properties.

At their June meeting, the Planning Commission considered rezoning options for the area north of 327<sup>th</sup> Street, west of Hospital Drive, south of Stewart Lane, and west of US 169 Highway. The Planning Commission concluded that this area was best suited to be zoned Estate to allow for the residential and agricultural uses. Additionally, business and industrial uses could be allowed with a Conditional Use Permit.

Mr. Gerald Barenklau addressed the Council thanking them for their consideration of the request and reported that all of the area land owners were in favor of the zoning change.

After discussing the issue, Councilmember Pritchard made a motion to approve AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN LAND LOCATED IN THE CITY OF PAOLA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE LAND DEVELOPMENT ORDINANCE OF THE CITY OF PAOLA, KANSAS. The motion was seconded by Councilmember Dial and all voted aye. The motion passed 4 to 0. Clerk Droste assigned No. 2974 to the Ordinance.

**Agenda Item 5e - Consider approval of pay estimate #7 for the Paola Justice Center.**

Manager Wieland presented pay request number 7 in the amount of \$494,583.70 for the Paola Justice Center. He reported that work is progressing very well and the exterior brick should be completed in a matter of days.

After discussing progress on the construction, Councilmember Pritchard made a motion to approve pay estimate #7 in the amount of \$494,538.70 to Altmar, Inc. for the Paola Justice Center. The motion was seconded by Councilmember Dial and all voted aye. The motion passed 4 to 0.

**Agenda Item 5f - Consider approval of a change order for the Paola Justice Center.**

Manager Wieland presented change order number 3 to the Council for consideration. He reported that the change order incorporated the relocation of the utility transformer pad, revisions to the sidewalk and curbing, elimination of the trash enclosure, changes to sprinkler heads, relocation of a fume hood, addition of a retaining wall, removal of rock for the sewer line, and additional sewer clean outs. Total net cost of the changes was an addition of \$9,988.00 to the contract price.

After discussing the changes, Councilmember Dial made a motion to approve change order #3 in the amount of \$9,988.00 to Altmar, Inc. for the Paola Justice Center. The motion was seconded by Councilmember Bell and all voted aye. The motion passed 4 to 0.

**Agenda Item 5g - Consider 2009 Budget Notice of Public Hearing to be set for August 5, 2008.**

Manager Wieland reported that he is requesting action to approve the Budget Notice and approve the Budget Public Hearing for August 5, 2008.

Councilmember Bell stated that he did not feel that the Council had adequate input on the budget and he had concerns about approving the budget hearing without additional budget discussion. Manager Wieland indicated that by approving the budget for publication, the Council establishes the maximum budget amount and that the budget could be trimmed to a lower amount when adopted.

Councilmember Dial stated that she had no reservations about approving the budget for publication and setting the date for the Budget Public Hearing. She stated that if the Council

agreed that additional discussion is necessary, an additional budget work study session could be planned prior to the Budget Public Hearing to discuss the budget in further detail.

Councilmember Bell indicated that he did not feel comfortable with the budget process and did not feel that the Council has had sufficient time to respond to the proposed budget. After discussing Councilmember Bell's concerns, the Council agreed that a work study meeting be scheduled for July 29<sup>th</sup> to further discuss the details of the proposed budget.

After the discussion, Councilmember Pritchard made a motion to approve the proposed 2009 budget for publication at \$12,932,587 and set August 5, 2008 as the date for the budget public hearing. The motion was seconded by Councilmember Dial. Councilmembers Rowlett, Dial, and Pritchard voted aye and Councilmember Bell voted nay. The motion passed 3 to 1.

#### **Agenda Item 6 – NEW BUSINESS.**

Clerk Droste reminded the Governing Body that they are scheduled to participate in the Miami County Fair Parade tomorrow at 7:00 pm. He indicated that the Council would be riding in automobiles that were being provided by Lang Chevrolet.

Manager Wieland reported that he and Clerk Droste spoke with Mrs. Lynda Fort, Executive Director of the Kansas Bed and Breakfast Association. She would like to visit with the Council in September during a work study session to discuss the Bed and Breakfast Industry and also share ideas on how other communities use their Transient Guest Tax funds.

Manager Wieland reported that he will be meeting next week with Mr. Bill Marshall regarding the proposed Triathlon at Lake Miola. He also reported that today he received the Preliminary Official Statement for the PBC Revenue Bonds for the Fire Station and the Community Center improvements.

Councilmember Pritchard asked about one day per week trash pick up versus the current twice weekly pick up. After discussing the issue, Manager Wieland indicated that he would examine the bids and options that were offered when the current trash collection was approved. Councilmember Rowlett suggested that the Council have a future work study discussion about solid waste options, green leadership, recycling, and other related issues.

Mayor Stuteville asked about the publication for bids for the improvements to the Gazebo at the Park Square. Planner Givens indicated that he would confirm the details and report to the Mayor.

Mayor Stuteville asked the Council if their schedules would allow for a work study session on Tuesday, July 29<sup>th</sup> at 6:30 pm here at the Public Works Building. No one objected to the time and date for the work study meeting.

#### **Agenda Item 7 – ADJOURNMENT.**

With no additional business to come before the Council, Councilmember Dial made a motion to adjourn to a work study meeting. Councilmember Pritchard 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