

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

**August 26, 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, Police Chief Smail, Public Works Director Bieker, Brian McCauley with the Miami County Republic, Carol Everhart Executive Director of the Paola Chamber of Commerce, Le Anne Shields, Richard Lentz, and Brenda Hallstrom.

**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**

Brenda Hallstrom reported that the first free music concert at the Park Square was a success with over 100 persons attending the event. She also asked the Council about painting murals on buildings around the Park Square, close two of the alleys near the Park Square, and add park benches in the closed alleys. She reported that she was able to obtain 12 signatures of area businesses that supported the idea. After discussing the request, Mayor Stuteville recommended that Mrs. Hallstrom coordinate her efforts with the City Manager and staff to determine the appropriate manner to proceed in evaluating the ideas.

**Agenda Item 4 - CONSENT AGENDA**

- a. **Approval of minutes of the meetings of August 12, 2008.**
- b. **Approval of Salary Ordinance number 08-16.**
- c. **Approval of Appropriation Ordinance No. 635.**

Councilmember Bell questioned expenditures for the safety audit for the swimming pool and the psychological evaluation for a police officer to attend the Police Academy.

After discussing the items in question, Councilmember Pritchard made a motion to approve the Consent Agenda including the minutes of the August 12, 2008 meetings, Salary Ordinance No. 08-16, and Appropriation Ordinance No. 635, 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 - Consider a re-plat of Lots 84, 85, and Tract E of Rockwood Estates.**

Manager Wieland presented a request to re-plat Lots 84, 85, and Tract E of Rockwood Estates. He reported that the re-plat eliminates a “flag lot” and increases the green space for the development that will assist in controlling water runoff.

After discussing the request, Councilmember Dial made a motion to approve the re-plat of Lots 84, 85, and Tract E of Rockwood Estates. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 4 to 0.

### **Agenda Item 5b - Consider an Ordinance amending the City of Paola and Miami County Interlocal Agreement**

Manager Wieland reported that in the process of rezoning property in the Growth Area, the Miami County Commissioners expressed concern over possible commercial uses that might be allowed by a Conditional Use Permit (CUP). In discussing these concerns with the County, an amendment to the Interlocal Agreement was proposed that would require the applicant to provide written acknowledgement from the Miami County Planning Department approving the CUP and listing any conditions that the approval is subject to.

Councilmember Bell questioned if the additional approval would create an additional burden of time and money for the property owner. Manager Wieland indicated that he did not feel that the additional approval would create any extraordinary delays or costs to the property owner.

After discussing the issue, Councilmember Bell made a motion to approve AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF PAOLA, KANSAS AMENDING THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF PAOLA, KANSAS AND MIAMI COUNTY, KANSAS PROVIDING FOR THE REGULATION OF THE USE OF LAND WITHIN THE GROWTH AREA OUTSIDE THE CITY OF PAOLA, KANSAS AS ADOPTED BY CITY OF PAOLA, KANSAS ORDINANCE NO. 2797. The motion was seconded by Councilmember Dial and all voted aye. The motion passed 4 to 0. Clerk Droste assigned number 2975 to the Ordinance.

### **Agenda Item 5c – Consider an increase in the garbage and refuse disposal fee for residential utility customers.**

Manager Wieland reported that during the budget workshops, staff presented projections for the Health and Sanitation Fund that incorporated \$0.50 increases in September, 2008 and April, 2009. Additionally, Manager Wieland reported that L&K Services will be requesting a 4% increase in their contract amount under to the cost of living and fuel surcharge clauses

of their contract. He reported that the 4% increase will absorb approximately \$0.49 of the proposed increases. Manager Wieland reported that he is scheduled to meet with Larry Smith to discuss alternatives such as “pay as you throw” and curbside recycling.

After discussing alternatives, Councilmember Bell recommended that the Ordinance be amended to increase the fee for garbage and refuse disposal to \$14.00 per month beginning with the August 31, 2008 billing statement.

Councilmember Bell made a motion to approve AN ORDINANCE AMENDING SECTION 225.170 B ITEM 1, TITLE II, CHAPTER 225 OF THE CODE OF THE CITY OF PAOLA, KANSAS, as amended. The motion was seconded by Councilmember Rowlett and all voted aye. The motion passed 4 to 0. Clerk Droste assigned number 2976 to the Ordinance.

**Agenda Item 5d - Consider approval of pay estimate #1 for the Park Square Gazebo renovation.**

Manager Wieland presented pay request number 1 from Triangle Builders for the renovations to the Park Square Gazebo. The pay request includes \$6,000 for stored materials and \$300 for mobilization.

After discussing the request, Councilmember Pritchard made a motion to approve pay estimate #1 in the amount of \$6,300.00 to Triangle Builders, LLC for the Park Square Gazebo renovation. The motion was seconded by Councilmember Dial and all voted aye. The motion passed 4 to 0.

**Agenda Item 5e - Consider approval of pay estimate #2 for the Paola Community Center.**

Manager Wieland presented the second pay estimate from Legacy Contractors, LLC for the Community Center. He reported that problems with the construction of the elevator have been resolved and the contractor is waiting on the delivery of the elevator from the manufacturer. The installation of the heating and cooling systems is progressing and the cooling system in the auditorium has been tested and appears to be very effective and quiet.

Councilmember Bell questioned why the corner rooms on the second floor were used for mechanical rooms and that equipment was being installed prior to the damaged walls being repaired. Manager Wieland indicated that the change was necessary to accommodate the mechanical systems and it is unfortunate that those rooms had to be used for that purpose. Manager Wieland reported that he was working with the contractor to repair the walls.

Councilmember Bell asked if any planning for continuing the plumbing and electrical improvements to the 3<sup>rd</sup> floor was being done now while the ceilings on the 2<sup>nd</sup> floor are exposed. Manager Wieland indicated that he would discuss that issue with the architect and the contractor to see what could be done in that regard.

After discussing the pay request, Councilmember Dial made a motion to approve pay estimate #2 in the amount of \$245,827.00 to Legacy Contractors, LLC. for the Paola

Community Center. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 4 to 0.

### **Agenda Item 6 – NEW BUSINESS.**

Clerk Droste reported that the Auto-Draft Bill Payment for city utility bills is now being offered to all customers. The final tests were completed and the service has been posted on the city's website. He also reported that additional information on accepting credit and debit card payments would be presented at the next work study meeting.

Clerk Droste presented a Preliminary Budget Analysis for 2008. He indicated that the report is a one page summary of the monthly revenue and expenditure reports for the calendar year to date.

Clerk Droste asked the Council if they would like to appoint voting delegates to the League of Kansas Municipalities Annual Conference. Councilmembers Dial and Pritchard were assigned to be voting delegates to the LKM Annual Conference.

Police Chief Smail reported that there were very few incidents at the Roots Festival and that the festival was very well attended. Councilmember Bell asked if the Police attendance at the Roots Festival was at taxpayer expense or if the festival reimbursed the City. Chief Smail reported that the police presence at the festival is a taxpayer expense.

Manager Wieland reported that Librarian Rosy King is recuperating from knee surgery and will be returning to the Library soon on a limited basis. He also reported that Building Inspector Bill Trout was doing much better and may be returning to work in a few weeks.

Manager Wieland reported that the Kansas Historic Sites Board of Review has approved the nominations of the Paola City Hall and Paola Free Library to the Register of Historic Places. This approval qualifies the remodeling projects for tax credits that can be used to help finance the projects. Councilmember Bell asked if the Community Center could be apply for the same designation since the Ursuline Sisters are selling their property. Manager Wieland indicated that it certainly is a possibility, however the land with the building would need to be purchased by the City before an application could be considered.

Manager Wieland reported that the City does support the Leadership Miami County and if anyone on the Council is interested in participating in the program to let him know.

Manager Wieland presented the latest information regarding the State of Kansas Transportation Plan and the agenda for the next Miami County Intergovernmental meeting in September.

Councilmember Bell asked about the Economic Development Committee. Councilmember Rowlett reported that a Director's meeting was held earlier this morning and that the major topic of discussion was the Kansas Transportation Plan. Councilmember Rowlett discussed the importance of the cities and counties to cooperate in supporting the K-68 Corridor Study and to encourage the State of Kansas to acquire the right-of-way for the future expansion of

the highway. Manager Wieland reported that a Resolution of Support for the K-68 Corridor Study would be considered at the next Council Meeting. The next meeting of the Economic Development Committee will be September 30<sup>th</sup> at 9:00 am at the USD 368 Board Room.

Councilmember Bell reported that with the VFW he is planning events for POW-MIA Week which is September 15<sup>th</sup> through the 19<sup>th</sup> with a ceremony at the Veterans Memorial on September 19<sup>th</sup>. At that ceremony, he requested that the Mayor present a Proclamation in celebration of POW-MIA Week. He also reported that on October 14<sup>th</sup> a program would be presented at the High School by a well known former prisoner of war.

**Agenda Item 7 – ADJOURNMENT.**

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