

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

**April 11, 2006**

**HELD AT THE MIAMI COUNTY COMMISSIONERS CHAMBERS  
IN THE MIAMI COUNTY ADMINISTRATION BUILDING**

The Governing Body of the City of Paola, Kansas, met with Mayor Stuteville presiding.

Councilmembers present: Mayor Stuteville, Council Members Shields, Rowlett, Moulder, and Pritchard.

Council Members absent: None.

Also present: Councilmember-elect Dial, Councilmember-elect Hamilton, Clerk Droste, City Attorney Tetwiler, Engineer/Planner Faust, Public Works Director Bieker, Police Chief Smail, a representative from the Miami County Republic, and others.

The regular council meeting was called to order.

**Agenda Item 1 - ROLL CALL:** Mayor Stuteville and Council Members Shields, Moulder, Rowlett, and Pritchard were all present.

**Agenda Item 2 - PLEDGE OF ALLEGIANCE:** Mayor Stuteville invited everyone in attendance to join in the Pledge of Allegiance.

**Agenda Item 3 - PETITIONS, REMONSTRANCES, AND COMMUNICATIONS**

Mr. Calvin Chestnut addressed the Council in regard to the demand for rental housing in Paola. He indicated that he has received many calls for rental units and that Paola no longer qualifies for USDA 515 Program Funds. He requested that the Council consider a property tax rebate program for rental properties similar to the one that Bonner Springs offers to developers. He presented Mayor Stuteville with a copy of the Bonner Springs program.

**Agenda Item 4 - CONSENT AGENDA**

- a. **Approval of minutes of the meetings of March 28, 2005**
- b. **Approval of Salary Ordinance number 06-06**
- c. **Approval of Appropriation Ordinance No. 579**

Councilmember Pritchard made a motion to approve the Consent Agenda as amended and authorize the Mayor to sign. Councilmember Rowlett seconded the motion and all voted aye.

## **Agenda Item 5 – CONSIDER CERTIFICATE OF ELECTION RESULTS**

Clerk Droste presented the official results of the general election that was held on April 4. For ward 2: Johna Dial 76 and Stan Moulder 56; for Ward 4: Michael Hamilton 196 and LeAnne Shields 113. Councilmember Rowlett made a motion to accept the certificate of election results naming Johna Dial, Ward 2 and Michael Hamilton, Ward 4 as the candidates receiving the most votes. The motion was seconded by Councilmember Pritchard and all voted aye.

## **Agenda Item 6 - ADJOURN SINE DIE**

Councilmember Rowlett made a motion to adjourn sine die. The motion was seconded by Councilmember Pritchard and all voted aye.

Mayor Stuteville presented plaques of appreciation to Councilmembers LeAnne Shields and Stan Moulder and thanked them for their service to the City of Paola.

Clerk Droste administered the Oath of Office to Councilmembers-elect Johna Dial and Michael Hamilton.

Pastor Calvin Dollar from the Pearl Street Baptist Church presented an invocation.

Mayor Stuteville called the new Council to order.

## **Agenda Item 7 - ELECTION OF COUNCIL OFFICERS**

Councilmember Pritchard made a motion to nominate Councilmember Rowlett as President of the Paola City Council. The motion was seconded by Councilmember Hamilton and all voted aye.

Councilmember Rowlett made a motion to nominate Councilmember Pritchard as Vice President of the Paola City Council. The motion was seconded by Councilmember Dial and all voted aye.

## **Agenda Item 8 - DESIGNATION OF DEPOSITORIES FOR CITY FUNDS**

Clerk Droste presented a request to name the depositories for City funds. Councilmember Rowlett made a motion to designate Citizens State Bank, TeamBank, Peoples Bank, First Option Bank and Landmark National Bank as depositories for City funds. The motion was seconded by Councilmember Pritchard and all voted aye.

## **Agenda Item 9 - APPROVAL OF PLEDGED SECURITIES**

Clerk Droste presented a report of pledged securities from each bank with City funds on deposit. Councilmember Pritchard made a motion to approve pledged securities from

Citizens State Bank, First Option Bank, TeamBank, and Landmark National Bank. The motion was seconded by Councilmember Dial and all voted aye.

**Agenda Item 10 - APPROVAL OF WAIVER FROM CONFORMANCE TO CERTAIN PROVISIONS OF GENERALLY ACCEPTED ACCOUNTING PRINCIPLES**

Clerk Droste presented and explained a Resolution waiving conformance to certain provisions of generally accepted accounting principles. Councilmember Rowlett made a motion to approve A RESOLUTION REQUESTING A WAIVER FROM CONFORMANCE TO CERTAIN PROVISIONS OF GENERALLY ACCEPTED ACCOUNTING PRINCIPLES. The motion was seconded by Councilmember Pritchard and all voted aye. The Resolution was assigned No. 2006-003.

**REPORTS OF OFFICERS, BOARDS AND COMMITTEES**

**Agenda Item 11a - Public Hearing for the purpose of considering a request to waive the restriction for selling any alcoholic beverage within 500 feet of a park, school or church for El Tapatio Mexican Restaurant at 120 W Peoria.**

Councilmember Pritchard made a motion to open the public hearing. The motion was seconded by Councilmember Hamilton and all voted aye.

Clerk Droste explained that the public hearing was necessary for the Council to consider a waiver of the restriction for selling alcoholic beverages within 500 feet of a church, school, or park. El Tapatio Mexican Restaurant has applied for a Drinking Establishment License at 120 W Peoria in the former Beethoven's building. The building is within 500 feet of the Park Square. El Tapatio has a Cereal Malt Beverage License that was issued to its former location, and Beethoven's had a Drinking Establishment License, but neither is transferable.

No addressed the Council during the public hearing.

Councilmember Pritchard made a motion to close the public hearing. The motion was seconded by Councilmember Dial and all voted aye.

Councilmember Pritchard made a motion to approve a waiver of the restriction for selling any alcoholic beverage within 500 feet of a park, school or church for El Tapatio Mexican Restaurant at 120 W Peoria. The motion was seconded by Councilmember Rowlett and all voted aye.

**Agenda Item 11b - Consider approval of a new Drinking Establishment License for El Tapatio.**

Clerk Droste reported that El Tapatio Mexican Restaurant has filed an application for a Drinking Establishment License. The required \$250 application fee has been paid and the building has passed the required fire safety inspection.

Councilmember Hamilton made a motion to approve a new Drinking Establishment License for El Tapatio Mexican Restaurant subject to the receipt of a copy of a State Liquor License and the surrender of the existing Licenses. The motion was seconded by Councilmember Rowlett and all voted aye.

**Agenda Item 11c - Consider a request for a letter of support for the designation of the Jackson Hotel as a building of historical significance to the City of Paola for Mr. Richard Miller.**

Mr. Richard Miller addressed the Council and requested a letter of support for designating the Jackson Hotel as a building of historical significance to the City of Paola. He reported that he and his son had recently purchased the property and they intend to restore the building. To assist in their efforts, they are seeking the help of the State and Federal Historical Societies in the form of grants and low interest loans. The letter of support would help them in these efforts.

Councilmember Rowlett made a motion to approve and authorize the mayor to sign a letter of support for the Jackson Hotel. The motion was seconded by Councilmember Pritchard and all voted aye.

**Agenda Item 11d - Consider a request for a change order for the waste water treatment plant from CAS Construction.**

Engineer Planner Faust presented a request for a “no cost” change order from CAS Construction for Contract A on the new waste water treatment plant. The request is for a 30 day time extension for completion of the plant due to the late delivery of control panels for the mechanical systems. Mr. Steve Marks with CAS Construction explained the request in detail.

Councilmember Rowlett expressed concerns over allowing a time extension and incurring additional expenses from Larkin for inspection and testing services. He asked Mr. Marks if CAS would be willing to indemnify the City for additional costs from Larkin that were a result of the extension. Mr. Marks agreed.

After discussing the request, Councilmember Rowlett made a motion to approve a 30-day no cost time extension for Contract A with CAS Construction, provided that CAS Construction agree to indemnify the City of Paola for any additional inspection or testing fees from Larkin resulting from the time extension. The motion was seconded by Councilmember Pritchard and all voted aye.

**Agenda Item 11e - Consider bids for the Baptiste Drive Reconstruction Project.**

Engineer Planner Faust presented bids for the Baptiste Drive reconstruction project. The low bidder was Amino Brothers Company, Inc. of Kansas City, Kansas in the amount of \$4,346,456.03. He also presented the “Authority to Award - Contract Commitment of City

Funds” form from the Kansas Department of Transportation. Engineer Planner Faust reported that this was the final step in proceeding with the project and awarding the contract.

After discussing the bids and the authorization, Councilmember Pritchard made a motion to approve the authorizing signatures on the “Authority to Award Contract – Commitment of City Funds” between the City of Paola and KDOT for Baptiste Drive improvements. The motion was seconded by Councilmember Dial and all voted aye.

**Agenda Item 11f - Consider a Resolution authorizing the issuance of general obligation temporary notes.**

Clerk Droste presented a Resolution authorizing the issuance of general obligation temporary notes to finance the Baptiste Drive reconstruction project.

Councilmember Rowlett made a motion to approve A RESOLUTION OF THE CITY OF PAOLA, KANSAS, AUTHORIZING AND PROVIDING FOR THE PUBLIC SALE OF THE CITY’S GENERAL OBLIGATION TEMPORARY NOTES, SERIES 2006-A, IN A TOTAL PRINCIPAL AMOUNT OF APPROXIMATELY \$2,035,000. The motion was seconded by Councilmember Pritchard and all voted aye. The Resolution was assigned No. 2006-004.

**Agenda Item 11g - Consider bids for the Rockwood Estates Phase III Benefit District.**

Engineer Planner Faust presented bids for the Rockwood Estates Phase III Benefit District. The low bidder was McCorkendale Construction in the amount of \$521,959.75. The improvements are authorized by Resolution 2005-010.

Councilmember Rowlett asked about the three year letter of credit for the special assessment payments. Councilmember Rowlett explained that the three year letter of credit is different from the 25% requirement to cover the developer’s portion of the benefit district costs. Clerk Droste explained that during the first two phases of the project, the developer sold so many lots before the specials were assessed that the three year letter of credit was not required because the exposure to the City was negligible. Droste explained that the letter of credit is required to cover the City’s liability for bond payments in the event that a developer defaults by not making payments on special assessments on unsold lots.

Councilmember Rowlett made a motion to award the contract for infrastructure improvements associated with the Rockwood Estates, Phase III Benefit District to McCorkendale Construction in the amount of \$521,959.75, subject to the delivery of an irrevocable letter of credit equal to 25% of the construction costs prior to the execution of the contract, and pursuant to the City’s policy on benefit districts. The motion was seconded by Councilmember Pritchard and all voted aye.

**Agenda Item 11h - Consider approval of the Waste Water Treatment Plant Construction Draw #10.**

Clerk Droste presented construction draw #10 for the new waste water treatment plant for approval.

Councilmember Pritchard made a motion to approve construction draw #10 in the amount of \$383,895.87 for the new waste water treatment plant. The motion was seconded by Councilmember Dial and all voted aye.

**Agenda Item 11i - Consider approval of the Lewis Drive Construction Draw #3.**

Engineer Planner Faust presented construction draw #3 for the Lewis Drive reconstruction project. He provided a status report on the project and reported that concrete would be poured for the curbs beginning later this week. Also work on the drainage ditch was progressing nicely.

Councilmember Pritchard made a motion to approve construction draw #3 in the amount of \$103,427.10 to Cutting Edge Excavating and Trucking for the Lewis Drive improvements. The motion was seconded by Councilmember Dial and all voted aye.

**Agenda Item 12 - NEW BUSINESS**

Clerk Droste presented the results of sealed bids for a truck and some equipment from the Public Works Department as follows:

1993 Ford Pick Up	Chester Stuteville	\$825.00
Grasshopper 928 D	Chester Stuteville	\$3,750.00
Heckendorn Mower	Russell Pippin	\$550.00
2000 Yard Machine	Ronnie McReynolds	\$127.50

Droste reported that several employees had bid on the equipment and that Ronnie McReynolds was one employee who was the successful high bidder on the 2000 Yard machine.

Councilmember Hamilton made a motion to accept the bids for the truck and the equipment as presented. The motion was seconded by Councilmember Dial and all voted aye.

Clerk Droste presented a request from Holy Trinity Church for a waiver of the \$60 fee for a Special Event License. Engineer Planner Faust provided background on the request. After discussing the request, Councilmember Pritchard made a motion to waive the \$60 Special Event License Fee for Holy Trinity Church. The motion was seconded by Councilmember Hamilton and all voted aye.

Clerk Droste reported that he and Mayor Stuteville met with Donna Crawford with Government Assistance Services to discuss strategies for the City's application for CDBG grant funds next year. Droste explained that there was discussion about the defined target area, the infrastructure improvements in the target area, and the amount of the grant request.

All of these were areas of concern by the CDBG officials. Mrs. Crawford would be contacting the CDBG officials for additional guidance.

Councilmember Pritchard asked about the Automatic Aid and Tender Aid agreements for the Fire Department. Clerk Droste reported that these documents have not been addressed and would likely not be on the agenda at the next meeting due to the City Manager's vacation.

Councilmember Pritchard asked if the 295<sup>th</sup> Street issue would be on the agenda for the Planning Commission's next meeting. Engineer Planner Faust indicated that it would not as the developer has not proceeded with plans for the project.

Councilmember Rowlett discussed the issue of infrastructure improvements in the CDBG target area. Clerk Droste indicated that the meeting with Mrs. Crawford took place on Friday and that he visited with the City Manager on Monday (yesterday) and that a strategy has not yet been developed.

Mayor Stuteville nominated Dr. Paul Francis for the Community Center Board and Mr. Steve Cowman for the Planning Commission. Councilmember Rowlett made a motion to accept the Mayor's nominations. The motion was seconded by Councilmember Pritchard and all voted aye.

Mayor Stuteville asked Clerk Droste to prepare an ordinance to place a stop sign to stop east bound traffic on Sundance Drive at the intersection of Industrial Park Drive. She indicated that she had discussed this intersection with Police Chief Smail and that he agreed that a sign should be placed at the intersection.

**Agenda Item 13 – ADJOURNMENT.**

With no additional business to come before the Council, Councilmember Dial made a motion to adjourn the meeting. Councilmember Hamilton seconded the motion and all voted aye.

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Artie Stuteville, Mayor

ATTEST: (seal)

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Daniel G. Droste, City Clerk