

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

October 28, 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: Clerk Droste, Police Chief Smail, Public Works Director Bieker, Paola Chamber of Commerce Director Carol Everhart, 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
Mayor Stuteville asked the audience if anyone desired to address the Council about any issue that is not an agenda item.

Alan Everhart addressed the Council regarding changes to the boat dock regulations and lease terms. He indicated that a group of the boat dock owners would like to propose alternative terms than have been previously discussed at the Lake Miola Committee meetings. He also indicated that he was not prepared to present a proposal at tonight’s City Council Meeting. Mayor Stuteville indicated that the appropriate procedure would be to present any proposal at the next Lake Committee meeting that is scheduled for the first Thursday in November.

No one else addressed the Council.

Agenda Item 4 - CONSENT AGENDA

- a. **Approval of minutes of the meetings of October 14, 2008.**
- b. **Approval of Salary Ordinance number 08-21.**
- c. **Approval of Appropriation Ordinance No. 639.**

Councilmember Bell and Pritchard questioned several items on the Appropriation Ordinance. After discussing the items in question, Councilmember Pritchard made a motion to approve the Consent Agenda including the minutes of the October 14, 2008 meeting, Salary Ordinance No. 08-21, and Appropriation Ordinance No. 639, 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 approval of the re-plat of Parcel 6B, Paola Business Park No. 3

Ms. Kara Hendricks with Taylor Design Group presented the survey of the re-plat of Parcel 6B in Paola Business Park. She indicated that the lot would be split into two parcels, Lot 1 will be 1.04 acres and Lot 2 will be 7.62 acres and will include a private drive for ingress to the properties.

Manager Wieland reported that the Planning Commission did consider this item at their meeting on October 21st and did approve the re-plat subject to Council approval.

After discussing the issue, Councilmember Pritchard made a motion to approve the re-plat of Parcel 6B of Paola Business Park No. 3. The motion was seconded by Councilmember Dial and all voted aye. The motion passed 4 to 0.

Agenda Item 5b - Consider approval of an agreement with Kansas State University to maintain an automated weather station at Lake Miola.

Manager Wieland presented an agreement with Kansas State University to install and maintain an automated weather station at Lake Miola. The weather station is proposed to be located on top of the hill across the road and north of the swimming beach.

Manager Wieland explained that the station will be solar powered and would record weather conditions and soil moisture readings. The Planning Commission did conditionally approve the site plan for the station provided that a chain link fence is installed to provide security.

After discussing the issue, Councilmember Bell made a motion to approve an agreement with Kansas State University, Department of Agronomy to maintain an automated weather station at Lake Miola as presented and authorize the Mayor to sign. The motion was seconded by Councilmember Dial and all voted aye. The motion passed 4 to 0.

Agenda Item 5c – Consider approval of pay estimate #10 & #11 for the Paola Justice Center.

Manager Wieland presented pay estimates 10 and 11 for the Paola Justice Center. He reported that work on the Justice Center continues to progress nicely.

After discussing the issue, Councilmember Dial made a motion to approve pay estimate #10 in the amount of \$144,575.84 and pay estimate #11 in the amount of

\$84,756.20 to Altmar, Inc. for the Paola Justice Center. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 4 to 0.

Agenda Item 5d – Consider approval of a change order #4 for the Paola Justice Center construction contract.

Manager Wieland presented change order number 4 for the Paola Justice Center. The net cost of the change order amounted to no change in the dollar amount of the contract. The items included in the change order are as follows:

Site grading & fill changes	+\$7,763.00
Deduct carport	-\$15,840.00
Remove existing fence	+1,101.00
Change curb concrete specs.	-\$508.00
Hardware change	+\$2,371.00
Rock for parking lot subgrade	<u>+\$5,113.00</u>
Net total amount	0.00

After further discussion, Councilmember Dial made a motion to approve change order #4 in the net amount of \$-0- to the contract with Altmar, Inc. for the construction of the Paola Justice Center. The motion was seconded by Councilmember Bell and all voted aye. The motion passed 4 to 0.

Agenda Item 5e - Consider approval of pay estimate #4 for the Paola Community Center.

Manager Wieland presented pay estimate 4 for the Paola Community Center. He reported that work on the facility is going quite well. He indicated that the elevator should be delivered and installation should begin in November.

Manager Wieland indicated that there will be a change order on the project to address issues that needed to be addressed that were not included in the original scope of the contract. These items include improvements to the room that formerly was the Director's Office due to the amount of termite damage, rewiring of the light fixtures in the auditorium, and removing the seats for re-finishing.

After further discussion, Councilmember Dial made a motion to approve pay estimate #4 in the amount of \$152,908.65 to Legacy Contractors, LLC. for the Paola Community Center renovation. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 4 to 0.

Agenda Item 5f - Consider approval of invoices from the Goss Donation Fund.

Manager Wieland presented invoices from Larkin Aquatics and Triangle Builders for payment from the Goss Donation Fund.

Manager Wieland explained that the engineering invoice from Larkin was for preliminary design specifications for the improvements to the fountain. He explained that the footprint of

the fountain and the railing would not change but the pumps, piping, spray rings and nozzles, and lights will all be replaced.

After discussing the project, Councilmember Pritchard made a motion to approve invoices from Larkin Aquatics the amount of \$2,700.45 for preliminary design services for the Park Square Water Fountain and from Triangle Builders in the amount of \$31,019.00 for the Gazebo renovations, subject to final completion, to be paid from the Goss Donation Fund. The motion was seconded by Councilmember Dial and all voted aye. The motion passed 4 to 0.

Agenda Item 5g - Consider approval City of Paola Identity Theft Prevention Program Policy.

Clerk Droste presented a draft of an Identity Theft Prevention Policy for consideration. He explained that the City is required by The Federal Fair and Accurate Transaction Act of 2003 to adopt a formal identity theft prevention plan.

Councilmember Bell asked if the City's liability insurance would cover any loss incurred as a result of an identity theft that involved city utility accounts. Clerk Droste indicated that he would discuss that issue with the City's insurance agent.

After further discussion, Councilmember Pritchard made a motion to approve A RESOLUTION ADOPTING THE CITY OF PAOLA IDENTITY THEFT PREVENTION PROGRAM, EFFECTIVE OCTOBER 31, 2008. The motion was seconded by Councilmember Dial and all voted aye. The motion passed 4 to 0. Clerk Droste assigned No 2008-005 to the Resolution.

Agenda Item 5h - Discussion regarding the Industrial Park Drive improvement project.

Manager Wieland reported that he did contact the Kansas Department of Transportation (KDOT) to discuss the Industrial Park Drive improvement project. He reported that KDOT did confirm that the City could either cancel the project or request that the project be delayed until 2010.

KDOT indicated that if the project is delayed until 2010, funding could not be guaranteed and the project could be cancelled due to a shortage of funding.

If the City cancels the project, in addition to the engineering fees already incurred, the City would be responsible for any costs incurred by KDOT to date. Plan review fees in the approximate amount of \$5,000 plus any publication and bidding expenses could be anticipated.

Manager Wieland indicated that the total anticipated cost of the project is \$1,440,000 with about \$600,000 being the responsibility of the City.

Public Works Director Bieker added that there is a second KDOT project that is already scheduled for 2010 on Hedge Lane. In considering the Industrial Park Drive project, he

recommended that additional consideration be given to this second project in looking at the bigger picture.

Councilmember Rowlett expressed his concerns about the cost versus the benefit on the Industrial Park Drive project. He also stated that the Hedge Lane project could be revisited to just include some lane improvements and traffic controls instead of the round-a-bout and the amount of new street surface.

The projects were discussed at length and, at the conclusion of the discussion, the Council agreed that the Industrial Park Drive project should be cancelled and the Hedge Lane project should be readdressed to consider less expensive improvements and traffic controls.

Agenda Item 5i - Consider acceptance of permanent and temporary construction easements for the Industrial Park Drive improvement project. .

Project Manager Browning reported that KDOT has recommended that the City complete the process to acquire the required right of way even if the decision is made not to proceed with the Industrial Park Drive project. At some point in the future, the street will be improved and it would be best to acquire the right of way sooner rather than later.

Councilmember Bell asked if the City would still be required to pave the owner's parking lot in exchange for the right of way. Manager Wieland recommended that the Council approve the right of way subject to appraisal of the land.

After further discussion, Councilmember Bell made a motion to approve the permanent right of way easement from Leon Briley for the Industrial Park Drive improvement project, subject to appraisal. The motion was seconded by Councilmember Dial and all voted aye. The motion passed 4 to 0.

Agenda Item 6 – NEW BUSINESS.

Clerk Droste reported that the League of Kansas Municipalities has updated the Kansas Open Meetings Act Manual pursuant to legislative changes effective on July 1st.

Clerk Droste reported that the legal review of the City's updated Municipal Code Book was completed last week. Changes will be incorporated into the Code Book and should be completed in 2 to 4 months. The final codification process will begin as soon as the legal review update is completed.

The City of Paola will be hosting the LKM Regional Supper on November 19th at Evergreen Events. Mayor Stuteville and Councilmembers Rowlett, Pritchard, and Dial indicated that they would be attending the event.

Public Works Director Bieker asked the Council for direction with the Lake Miola Committee. The Council expressed support for the Committee's work on the dock issues and suggested that the Committee discuss the proposal of the dock owners and present a final recommendation to the Council for formal approval.

Chamber of Commerce Director Carol Everhart reported that the Harvest Festival was a great success. She thanked Public Works Director Bieker for organizing the Chili Cook-off and she thanked Manager Wieland for being a Chili Judge.

Mrs. Everhart also reported that she attended a Wind Energy Summit at Johnson County Community College. She also reported on Economic Development meetings and activities.

Manager Wieland reported that 41 applications for the City Planner position have been received. He and Human Resources Director Belt have selected 10 for consideration and 5 of those will be selected for an interview.

Manager Wieland reported that Wilson & Company will be meeting with Bartlett & West to finalize the utility rate study. The study should be completed by the end of November.

Manager Wieland reported that he was drafting a letter of support for the Osawatomic Correctional Facility. The letter will be presented to the Governing Body for signatures before being sent to the State.

Councilmember Rowlett asked if the speed monitors could be installed on Peoria Street near Paola Crossings. He has received complaints that traffic coming over the hill is dangerous to motorists pulling out of the parking lot at Paola Crossings.

Councilmember Pritchard reported that he has received an inquiry from the homeowners association at Rockwood Estates about the water detention pond. Manager Wieland reported that the developer was to meet with the group to finalize that issue. Manager Wieland indicated that he would contact the homeowner's association representative about the issue.

Mayor Stuteville nominated Linda Raske and Steve Stoeker to fill vacancies on the Tree Board. Councilmember Dial made a motion to approve the Mayor's nominees to the Tree Board. Councilmember Pritchard seconded the motion and all voted aye. The motion passed 4 to 0.

Mayor Stuteville asked about the new ditch washing out at 303rd. Public Works Director Bieker reported that the ditch will be re-seeded in the spring and once the grass takes root the problem should be resolved.

Agenda Item 7 – Executive Session – K.S.A. 75-4319(B)(1) is the authority for this recess.

Councilmember Dial made a motion to adjourn to Executive Session, to include the Mayor, City Council, and City Manager for 30 minutes, pursuant to K.S.A. 75-4319(B)(1), for the purpose of discussing personnel matters of non-elected personnel, the regular meeting to reconvene at 8:00 pm. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 4 to 0.

At 8:00 pm the meeting was reconvened by Mayor Stuteville.

Councilmember Dial made a motion to adjourn to Executive Session, to include the Mayor, City Council, and City Manager for an additional 30 minutes, pursuant to K.S.A. 75-4319(B)(1), for the purpose of discussing personnel matters of non-elected personnel, the regular meeting to reconvene at 8:30 pm. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 4 to 0.

At 8:30 pm the meeting was reconvened by Mayor Stuteville

Pursuant to discussions held during the Executive Session pursuant to K.S.A. 75-4319(B)(1), Councilmember Dial made a motion to award a 2.5% merit pay increase to City Manager Jay Wieland retroactive to October 15, 2008. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 4 to 0.

Agenda Item 7 – ADJOURNMENT.

With no additional business to come before the Council, Councilmember Rowlett made a motion to adjourn. Councilmember Dial seconded the motion and all voted aye. The motion passed 4 to 0.

Artie Stuteville, Mayor

ATTEST: (seal)

Daniel G. Droste, City Clerk