

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

November 25, 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: City Manager Wieland, Clerk Droste, City Attorney Tetwiler, Police Chief Smail, Public Works Director Bieker, Human Resources Director Belt, Brian McCauley with the Miami County Republic, Richard Lentz, Eric Schindler, Alan Everhart, and Shane Smith.

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.

No one addressed the Council.

Agenda Item 4 - CONSENT AGENDA

- a. **Approval of minutes of the meetings of November 11, 2008.**
- b. **Approval of Salary Ordinance number 08-23.**
- c. **Approval of Appropriation Ordinance No. 641.**
- d. **Approval of the renewal of the Retail Liquor License for County Seat Liquor.**

Councilmember Dial made a motion to approve the Consent Agenda including the minutes of the November 11, 2008 meeting, Salary Ordinance No. 08-23, Appropriation Ordinance No. 641, renewal of the Retail Liquor License for County Seat Liquor, 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 new requirements and fee schedule for docks at Lake Miola.

Manager Wieland thanked Public Works Director Bieker and Lake Miola Planning Committee Chairman Eric Schindler for all of their hard work in meeting with the dock owners and arriving at the proposed recommendations.

Public Works Director Bieker reported that the Lake Miola Planning Committee met with the dock owners and were able to arrive at a compromise recommendation as follows:

- 1) Condition of Docks: Dock owners have until June 1, 2009 to bring their docks up to the dock standards set out in the Lake Miola Regulations. If dock owners need additional time to make the repairs needed they can apply for a 90 day work extension as long as they have an approved building permit in place by June 1, 2009. If these procedures are not followed and repairs are not made before the deadline the owner forfeits their dock space and their dock will be removed from the water.
- 2) Condition of aging flotation material: Dock owners will have until June 1, 2010 to upgrade to an encapsulated foam flotation system. Dock owners that need additional time to complete upgrades can apply for a 180 day work extension as long as they have an approved building permit in place by June 1, 2010. If these procedures are not followed and repairs are not made before the deadline the owner forfeits their dock space and their dock will be removed from the water.
- 3) Rate Structure: The current rate for a dock space is \$35.00 per space per year. The following rate structure is proposed –

<u>Year</u>	<u>Fee per space per year (2 spaces per dock)</u>
2009	\$35.00
2010	\$100.00
2011	\$125.00
2012	\$150.00
2013	\$175.00
2014	\$200.00
2015	\$225.00

Additionally, beginning in 2010, dock owners will receive a \$25.00 reduction in the cost of a boat permit for each water space.

Councilmember Bell asked about the “waiting list” for new dock owners. Public Works Director Bieker indicated that this issue has not really been addressed. He discussed the difficulty in administering a list since the dock structures are privately owned.

Mayor Stuteville asked if the \$25.00 reduction was per dock or per space. Public Works Director Bieker indicated that it is a credit for each space. Each dock has two spaces.

Councilmember Pritchard asked about “grandfathering” any of the existing docks regarding the improvements. Public Works Director Bieker stated that the Committee did not recommend that any dock be “grandfathered” and all would be required to comply with the new regulations.

Mr. Shane Smith addressed the Council and stated that he was not a dock owner but he has wanted to have a dock for more than 5 years. He would like to see the City maintain a waiting list and volunteered to help create a list and maintain it. He also suggested that the fee increases be less dramatic.

Mr. Alan Everhart stated that he would like to see the Lake Miola Planning Committee remain active and perhaps expanded to include more lake users. He also suggested that the increased fees be used to pay for improvements to lake facilities.

Councilmember Dial made a motion to approve the recommendations of the Lake Miola Planning Committee pertaining to the condition, flotation materials, and fees for docks at Lake Miola, as presented. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 4 to 0.

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

Manager Wieland presented pay estimate 5 for the Paola Community Center. He reported that work is more than 90% complete and that many of the finishing details are being completed.

Mayor Stuteville commented on how beautiful the new paint in the auditorium looks. Manager Wieland reported that after the seats are refurbished, the auditorium will hold about 295 and that the Director and Board have been successful in soliciting donations for about 115 of the seats at \$150 each.

After further discussion, Councilmember Dial made a motion to approve pay estimate #5 in the amount of \$100,210.50 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 5c – Consider approval of an Ordinance changing the location of Municipal Court.

Manager Wieland presented an Ordinance changing the location of Municipal Court to the new Paola Justice Center beginning January 1, 2009.

After discussing the issue, Councilmember Dial made a motion to approve AN ORDINANCE AMENDING SECTION 115.050, CHAPTER 115 OF THE MUNICIPAL CODE OF THE CITY OF PAOLA, KANSAS. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 4 to 0. Clerk Droste assigned No 2981 to the Ordinance.

Agenda Item 5d – Consider approval of a Resolution changing the location of City Council Meetings.

Manager Wieland presented a Resolution changing the location of City Council Meetings to the new Paola Justice Center beginning January 13, 2009.

After discussion, Councilmember Pritchard made a motion to approve A RESOLUTION CHANGING THE PLACE TO CONDUCT THE PUBLIC MEETINGS OF THE PAOLA CITY COUCIL. The motion was seconded by Councilmember Dial and all voted aye. The motion passed 4 to 0. Clerk Droste assigned No 2008-007 to the Resolution.

Agenda Item 5e – Consider approval of a 2% Cost of Living Adjustment for city employees.

Manager Wieland recommended that the Council approve a 2% cost of living adjustment for full-time city employees effective January 4, 2009. He reported that this increase is included in the 2009 Budget.

After a discussion, Councilmember Pritchard made a motion to approve a 2% Cost of Living increase for full-time city employees effective January 4, 2009. The motion was seconded by Councilmember Dial and all voted aye. The motion passed 4 to 0.

Agenda Item 5f – Discuss a Water Plant Management and Operating Proposal from the City of Louisburg for the Marais Des Cygnes Public Utility Authority water plant.

Manager Wieland presented a draft of the water plant management and operating proposal from the City of Louisburg for the Marais Des Cygnes Public Utility Authority (MDCPUA) water plant. He reported that he and Public Works Director Bieker met with officials from the City of Louisburg to discuss the details of the proposal. With both cities having a direct interest in the cost effective operation of the water plant, it makes sense that one of the cities be responsible for the operation of the plant. The proposal utilizes the water plant operators from both cities who would be employees of the City of Louisburg.

Mayor Stuteville asked if the \$164,500 contract amount included salaries and benefits. Manager Wieland indicated that this is the amount for salaries and benefits for 2.5 employees. Other operational costs such as chemicals would be paid directly by the MDCPUA.

Councilmember Rowlett asked if the City Attorney has reviewed the agreement. Manager Wieland indicated that the agreement is between the City of Louisburg and the MDCPUA and not between the City of Paola and the City of Louisburg.

Councilmember Bell asked why the City of Paola would not want to be in charge of the operations of the water plant. Manager Wieland indicated that both cities have a vested interest in the cost effective operation of the water plant and that either city was capable of efficiently managing and operating the plant.

Councilmember Pritchard asked if the City of Paola was “giving up” any control by having Louisburg operate the plant. Manager Wieland indicated that the City of Paola still has 3 members on the 6 member Board and a “weighted” vote based on water consumption. Clerk Droste also serves as the Secretary-Treasurer for the MDCPUA.

The Council recommended that the MDCPUA Attorney review the agreement.

Agenda Item 6 – NEW BUSINESS.

Clerk Droste reported that the legal review update of the Municipal Code Book has been completed and the final codification review should be completed in early 2009. He indicated that he was very pleased with the process and the service provided by Sullivan Publications.

Public Works Director Bieker reported that the high pressure water main to the new water tower has been completed and will be disinfected and tested next week. Also approximately 1/3 of the new sewer line on Castle Street is completed, and roof drains on the Community Center were completed today. Manager Wieland congratulated the Public Works Department on the job that they have done on the high pressure water line.

Human Resources Director Belt presented information regarding the costs for the annual Employee Christmas Party. In 2008, party costs totaled \$5,190.55 or \$32.44 per attendee. This year, it is estimated that the party would cost just under \$3,000.00 or just over \$18.00 per person assuming the same attendance. She indicated that there has been a suggestion to forego the party this year and instead give non-shift employees December 26th as an extra holiday and a \$25 gift certificate. Shift employees scheduled to work on December 26th would be given a floating holiday to be used at their convenience during 2009. The total cost of the gift certificates would be \$2,500.

Councilmember Rowlett asked about the Fire Department since they would not get a benefit from the holiday. He recommended that they receive an additional amount for their gift certificate. After discussing the issue, in lieu of the annual Christmas Party, Councilmember Pritchard made a motion to approve a \$25 gift certificate for each city employee, a \$50 gift certificate for each Firefighter, a paid holiday on December 26th, 2008, and a floating holiday for shift employees who are scheduled to work on December 26, 2008. The motion was seconded by Councilmember Rowlett and all voted aye. The motion passed 4 to 0.

Manager Wieland reported that a section of the new sidewalk at the new Justice Center was being removed due to damage caused by rain shortly after the sidewalk was poured.

Manager Wieland reported that he did sign and return the agreement with the Department of Corrections for 4 convicts to work half-days during 2009. He also reported that 4 additional workers would be available through the Kansas Works Program for the next 6 months.

Agenda Item 7 – EXECUTIVE SESSION pursuant to K.S.A. 75-4319(B)(2).

Councilmember Dial made a motion to adjourn to Executive Session, to include the Mayor, Council, City Manager, Police Chief and City Attorney, for 10 minutes for

the purpose of a consultation with an attorney for the governing body which is deemed privileged in the attorney-client relationship; the regular meeting to reconvene at 6:45 p.m. The motion was seconded by Councilmember Rowlett and all voted aye. The motion passed 4 to 0.

At 6:45 pm, Councilmember Pritchard made a motion to reconvene the adjourned meeting. The motion was seconded by Councilmember Dial and all voted aye. The motion passed 4 to 0.

No action was taken pursuant to the Executive Session.

Agenda Item 8 – 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.

Artie Stuteville, Mayor

ATTEST: (seal)

Daniel G. Droste, City Clerk