

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

January 13, 2009

**HELD AT THE PAOLA JUSTICE CENTER
805 North Pearl Street 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, Project Manager Browning, Mike Welter, Le Anne Shields, Carol Everhart and Brian McCauley with the Miami County Republic.

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.

Mayor Stuteville stated that Agenda Item 5f would be tabled as the report has not been received.

Agenda Item 4 - CONSENT AGENDA

- a. **Approval of minutes of the meetings of December 9, 2008.**
- b. **Approval of Salary Ordinance number 08-26 & 08-27.**
- c. **Approval of Appropriation Ordinance No. 643 & 644.**
- d. **Approval of the Journal Entries Report for December, 2008.**

Councilmember Bell asked if the payment to Wilson and Company should be approved since the utility rate study has not been received. Manager Wieland reported that he has already instructed staff to pull that check and not mail it.

Councilmember Pritchard made a motion to approve the Consent Agenda as presented, 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 site plan for 1101 Industrial Park Drive.

Manager Wieland reported that the current use of 1101 Industrial Park Drive is office and warehouse for the Briley family Sonic operations. The Briley's have offered a portion of the warehouse to the Lighthouse Presbyterian Church for youth ministry activities. This use is included in the definition of "Assembly and Worship" under the Land Development Ordinance.

In reviewing this change of use, the Planning Commission reviewed previously required site improvements that were delayed pending City improvements to Industrial Park Drive. Since those street improvements have been indefinitely delayed, the Planning Commission recommended that the previously required site improvements should be completed. During their December 16th meeting, the Planning Commission recommended approval of the submitted site plan with the following requirements:

- 1) Installation of 27 parking spaces, one to be handicapped accessible.
- 2) Existing parking lot to be hard surfaced to accommodate the required parking spaces.
- 3) Installation of 3 street trees along Industrial Park Drive.
- 4) Installation of 2 parking lot landscaping plant units.
- 5) Installation of sidewalks along Hospital and Industrial Park Drives.
- 6) The above items to be completed within 6 months.
- 7) Any improvements damaged during future street projects to be replaced by the City of Paola to at least the standard that existed prior to the project.

Councilmember Bell expressed concerns that the improvements might be destroyed by the City if Industrial Park Drive is improved. Manager Wieland indicated that the only likely damage would be to the approach and a small portion of the parking lot.

Councilmember Pritchard asked if the property owners were agreeable to the conditions. Manager Wieland indicated that they would prefer to have more time to complete the improvements.

Mayor Stuteville asked if the number of parking spaces would be sufficient for the proposed use. Manager Wieland indicated that since the use will be for youth group activities, fewer parking spaces would be needed as most parents will be dropping off and picking up children.

After discussing the site plan, Councilmember made a motion to approve the site plan for 1101 Industrial Park Drive subject to the conditions as recommended by the Planning Commission. Councilmember Dial seconded the motion and all voted aye. The motion passed 4 to 0.

Agenda Item 5b - Consider approval of a pay request #1 from Triangle Builders from the Goss Donation Fund.

Manager Wieland presented a pay request from Triangle Builders in the amount of \$3,700.00 for the design services for the Park Square Fountain renovation.

Councilmember Rowlett reported that the committee met with Triangle Builders to review the proposal for the fountain renovations. Triangle Builder's proposal for the renovation totaled \$160,000 however the budget for the project is only \$120,000. He indicated that it would be his preference to hold off approving the payment for design services until the details of the project could be further refined.

After further discussion, Councilmember Rowlett made a motion to table action on pay request #1 from Triangle Builders for the Park Square Fountain renovation. Councilmember Bell seconded the motion and all voted aye. The motion passed 4 to 0.

Agenda Item 5c – Consider approval of pay estimate #6 for the Paola Community Center.

Manager Wieland presented pay estimate #6 from Legacy Contractors, LLC in the amount of \$43,058.68 for the Paola Community Center renovation. He reported that the project is very close to completion with the exception of the seating, theater lighting, and the replacement of the glass globes for the light fixtures. However, the majority of the remaining improvements are outside the scope of the original contract.

Councilmember Pritchard asked about the status of the theater seating. Manager Wieland reported that all of the seats are out of the theater and are at the upholstery shop. Manager Wieland indicated that donations have been received for approximately 200 of the 300 seats and he was optimistic that more would be received to cover the remainder.

Councilmember Pritchard asked how the seats would be paid for if donations were not sufficient to cover the cost. Manager Wieland indicated that this issue could be discussed at a future meeting, but he might recommend that the \$40,000 that was placed in the CIP fund for the Community Center roof be used for this purpose.

Councilmember Rowlett complimented the City Manager, City Staff, the contractor and the Community Center Board on their efforts in making this project so successful. Manager Wieland thanked Councilmember Rowlett for his comments and also acknowledged that a number of volunteers were instrumental in making the project a success.

Councilmember Dial made a motion to approve pay estimate #6 in the amount of \$43,058.68 to Legacy Contractors, LLC for the Paola Community Center. Councilmember Rowlett seconded the motion and all voted aye. The motion passed 4 to 0.

Agenda Item 5d – Consider participation in the Miami County Multi-jurisdictional Mitigation Plan.

Manager Wieland reported that the Disaster Mitigation Act of 2000 requires local governmental jurisdictions to have an approved Mitigation Plan in order to continue eligibility for mitigation project funding. Miami County has contracted with E-FM Consulting of Lawrence for preparation of the county and community mitigation plans. The cost of the plan is being paid by a grant from FEMA and the State of Kansas. The city will incur some “soft costs” for staff time to provide information for the consulting use in preparing the plan.

Mike Welter, Miami County Emergency Management Director, provided background information on the process and explained the need for having an approved plan.

After further discussion, Councilmember Rowlett made a motion to approve the Authorized Representation Resolution with EFM Consulting, LLC and authorize the Mayor to sign. Councilmember Dial seconded the motion and all voted aye. The motion passed 4 to 0.

Agenda Item 5e – Consider approval of a water leak allowance for 501 S Hospital Dr.

Clerk Droste presented a request for a water leak allowance for 501 South Hospital Drive. He indicated that the leak was caused by a malfunctioning toilet that apparently ran for an extended period of time. He reported that normally a leaking toilet will not waste enough water to qualify for a leak allowance due to the design of the leak allowance calculation. Clerk Droste explained that since a leaking or malfunctioning toilet is a normal maintenance item, he was not inclined to recommend that the request for the leak allowance be approved.

After further discussion, Councilmember Pritchard made a motion to not approve the request for a water leak allowance for 501 S Hospital Drive. Councilmember Bell seconded the motion and all voted aye. The motion passed 4 to 0.

Agenda Item 5f – Discussion regarding the preliminary draft of the utility rate study.

Councilmember Bell asked if it would be possible for a representative from Wilson and Company to be present at the next meeting to explain the delay in presenting the report. Manager Wieland indicated that it was his intent to have Wilson and Company present at the next meeting to present the report and answer any questions.

Councilmember Dial made a motion to table discussion on the utility rate study until the next meeting. The motion was seconded by Councilmember Pritchard and all voted aye.

Agenda Item 6 – NEW BUSINESS.

City Attorney Tetwiler reported that Municipal Court was held in the new Justice Center Court Room for the first time last Thursday and he indicated that the facility is wonderful.

Clerk Droste presented and discussed final numbers for sales tax collections for 2008. He presented an analysis comparing previous year tax collections with and without the additional 0.25% increase for the new Fire Station.

Clerk Droste presented and discussed preliminary budget analysis reports for 2008. Councilmember Rowlett complimented the City Manager and Staff on maintaining cash reserves for 2009.

Carol Everhart, Director of the Paola Chamber of Commerce, reported that on January 27th the Economic Development Council will meet. The City Council was invited to attend this meeting.

Manager Wieland presented a report of building permits for 2008. He reported that there were 15 new home permits issued by the Community Development Department. Of the 15 permits issued, 12 were inside the city limits of Paola and 3 were for homes located in the growth area. A total of 511 permits were issued for the entire year.

Manager Wieland reported on the Governor's "State of the State Address" which was presented on January 12th. In her address, she proposed that several correctional facilities be closed, including the one in Osawatomie. She also recommended the reduction or elimination of several revenue sources to municipalities including liquor taxes, machinery and equipment taxes, and a portion of the gasoline tax.

Manager Wieland reported that the Miami County Commissioners will be discussing the County Growth Area agreements at their Study Session tomorrow. He distributed copies of the memorandum from the County Planning Director on this subject.

Manager Wieland reported that he would like to present a "legislative policy statement" for the Council to consider and adopt. The policy statement will be presented to the State Legislature and to the League of Kansas Municipalities.

Manager Wieland reported that plans for the triathlon event at Lake Miola are progressing and additional information will be forthcoming.

Councilmember Rowlett recommended that some zoning restrictions in the Growth Area need to be reviewed to make sure that they make sense.

Councilmember Rowlett asked about the newspaper article about the Marais Des Cygnes Public Utility Authority (MDCPUA) and the reinvestment of reserve funds. Clerk Droste explained that the reserve funds required under the terms of the revenue bonds were invested with MBIA, Inc. The reserve funds were recently withdrawn from MBIA, Inc. because the firm was downgraded by Moody's and Standard & Poor's. The \$2.5 million in reserve funds were previously earning 4.4% and are now reinvested in a bank certificate of deposit at 1.8%. He discussed additional details of the status of the cash position of the MDCPUA.

Councilmember Rowlett asked about the recent action by the City of Louisburg to replace Ted Hayden with Jeff Cantrell on the MDCPUA Board. Manager Wieland reported that Jeff Cantrell did replace Ted Hayden on the Board. He also reported that the Board has not yet

elected a new Chairman. He explained that it would be his recommendation that the positions of Chairman and Vice Chairman be filled by an elected official from each of the cities.

Councilmember Dial thanked staff for the tours of the city facilities at the last work study meeting.

Councilmember Pritchard also complimented staff on the tour of the facilities and reported that he would be out of town for the next City Council meeting.

Mayor Stuteville asked about the status of the liquor license for Shipman Liquors. Clerk Droste reported that the license was issued yesterday, on January 12th. Manager Wieland reported that Mr. Shipman did complete the repairs required by the Fire Safety Inspection, but he was still working on repairs required by the Building Inspection Department.

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.

Artie Stuteville, Mayor

ATTEST: (seal)

Daniel G. Droste, City Clerk