

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

March 10, 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, and Bell.

Council Members absent: Council Member Rowlett

Also present: City Manager Wieland, City Clerk Droste, City Attorney Tetwiler, City Planner Gotfredson, Public Works Director Bieker, Police Chief Smail, Building Inspector Trout, Chase Jordan with the Miami County Republic, Carol Everhart with the Paola Chamber of Commerce, Brad Kinaman, Sarah Gotfredson, and Richard Lentz.

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, and Bell were all present. Council Member Rowlett was absent.

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.

Mayor Stuteville stated that the agenda for the meeting has been amended to include Item 5f – Consider projects to be submitted to the Kansas Department of Transportation for funding under the American Recovery and Reinvestment Act of 2009.

City Manager Jay Wieland introduced the new City Planner, Mike Gotfredson, to the Governing Body. Mayor Stuteville welcomed Mr. Gotfredson to the City of Paola.

Agenda Item 4 - CONSENT AGENDA

- a. **Approval of minutes of the meetings of February 24, 2009.**
- b. **Approval of Salary Ordinance number 09-04.**
- c. **Approval of Appropriation Ordinance No. 648.**
- d. **Approval of the Journal Entries Report for February, 2009.**

Councilmember Dial made a motion to approve the Consent Agenda including the minutes of February 24, 2009, Salary Ordinance No 09-04, and Appropriation Ordinance No 648, and Journal Entries Report for February, 2009, and authorize the Mayor to sign. Councilmember Pritchard seconded the motion and all voted aye. The motion passed 3 to 0.

Agenda Item 5 - REPORTS OF OFFICERS, BOARDS AND COMMITTEES

Agenda Item 5a – Consider bids for 2 new mowers for the Public Works Department.

Manager Wieland reported that annually the City budgets for the replacement of two mowers for the Public Works Department. He presented bids from the following vendors:

| | | |
|------------------------|---------------------------|----------------|
| Smitty’s Lawn & Garden | Hustler 3500 | \$16,275 each |
| Hopper 4 Life | No description | \$12,250 each |
| Heritage Tractor | Exmark FR 25 KO | \$11,550 each |
| Blue Valley Tractor | Exmark Front Runner | \$17, 189 each |
| Blue Valley Tractor | Grasshopper (manual deck) | \$12,099 each |
| Blue Valley Tractor | Grasshopper (power deck) | \$12,499 each |
| Wiseman | Grasshopper DT 725 | \$11,750 each |
| Family Center | Ferris IS 4500 | \$14,165 each |
| Family Center | Ferris IS 5100Z | \$16,165 each |

The low bid was given by Heritage Tractor for 2 Exmark FR 25 KO mowers for \$11,550.00 each.

After further discussion, Councilmember Pritchard made a motion to accept the bid from Heritage Tractor for two Exmark mowers in the amount of \$23,100.00. The motion was seconded by Councilmember Dial and all voted aye. The motion passed 3 to 0.

Agenda Item 5b - Consider approval of the preliminary plat for Paola Commons.

Manager Wieland reported that the City Council had tabled action on this issue at their February 24th meeting pending additional information from the applicant. He reported that nearly all of the outstanding issues have now been addressed to the satisfaction of City staff. The only outstanding issue is the ownership of the right of way on the west side of the property.

After further discussion, Councilmember Dial made a motion to approve the preliminary plat for Paola Commons. The motion was seconded by Councilmember Bell and all voted aye. The motion passed 3 to 0.

Agenda Item 5c – Consider an agreement for improvements to the fountain in the Park Square.

Clerk Droste presented an agreement from Triangle Builders, LLC in the amount of \$119,150.00 for the renovation of the fountain in the Park Square. He reported that the contract was drafted pursuant to the scope and budget that was presented at the last Council Work Study Meeting. The contract calls for completion in 80 days.

After further discussion, Councilmember Pritchard made a motion to approve an agreement with Triangle Builders, LLC in the amount of \$119,150.00 for improvements to the fountain in the

Park Square, and authorize the Mayor to sign. Councilmember Bell seconded the motion and all voted aye. The motion passed 3 to 0.

Agenda Item 5d – Consider approval of a pay request for improvements to the fountain in the Park Square to be paid from the Goss Donation Fund.

Clerk Droste presented pay request number 1 from Triangle Builders in the total amount of \$19,992.00 for the fountain renovation. The pay request includes the following items:

| | |
|---|--------------------|
| Design Services/Project Management | \$3,700.00 |
| Order deposit for pumps | \$4,500.00 |
| Order deposit for fountain features & accessories | <u>\$11,792.00</u> |
| Total | \$19,992.00 |

Councilmember Dial made a motion to approve the pay request from Triangle Builders, LLC in the amount of \$19,992.00 to be paid from the Goss Donation Fund. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 3 to 0.

Agenda Item 5d – Consider a request to waive a building permit fee.

Manager Wieland presented a letter from Miami County Administrator, Shane Krull, requesting that the building permit fee in the amount of \$367.25 be waived for an improvement project at the County Courthouse.

After further discussion, Councilmember Pritchard made a motion to waive the building permit fee in the amount of \$367.25 as requested. The motion was seconded by Councilmember Dial and all voted aye. The motion passed 3 to 0.

Agenda Item 5e – Consider projects to be submitted to the Kansas Department of Transportation for funding under the American Recovery and Reinvestment Act of 2009.

Manager Wieland reported that pursuant to the discussions at the Council Work Study Session, Public Works Director Bieker and Project Manager Browning prepared applications for the following projects for funding under the American Recovery and Reinvestment Act of 2009:

- 1) Mill and overlay on Old KC Road from Piankishaw to Miami for \$62,000.
- 2) Mill and overlay on Hospital Dr from Wea to Baptiste for \$65,000.
- 3) Mill and overlay on Old KC Road from Piankishaw to Baptiste for \$72,000.
- 4) Mill and overlay on Old KC Road from Bull Creek Bridge to Miami for \$125,000.
- 5) Mill and overlay on Hospital Dr from Wea to Osage for \$85,000.

Manager Wieland reported that only \$4 million in funds are available in KDOT District IV which includes 17 counties. He recommended that the Council consider matching funds of 10% to enhance the possibility that the projects might be selected for funding.

Mayor Stuteville asked where the matching funds would come from. Public Works Director Bieker indicated that the funds would come out of the current project budgets.

After further discussion, Councilmember Dial made a motion to approve “Requests for Construction Projects Using Recovery Funds 2009” for the following projects:

- 1) Mill and overlay on Old KC Road from Piankishaw to Miami for \$62,000.

- 2) Mill and overlay on Hospital Dr from Wea to Baptiste for \$65,000.
- 3) Mill and overlay on Old KC Road from Piankishaw to Baptiste for \$72,000.
- 4) Mill and overlay on Old KC Road from Bull Creek Bridge to Miami for \$125,000.
- 5) Mill and overlay on Hospital Dr from Wea to Osage for \$85,000.

including a 10% match of City funds, and authorize the Mayor, President of the Council, Vice President of the Council, City Manager and City Clerk to sign. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 3 to 0.

Agenda Item 6 – NEW BUSINESS.

Clerk Droste presented the Sales Tax Revenue Report for February. He reported that sales tax collections for the month of February were \$163,803 as compared to \$215,879 in January. The February sale tax revenue represents collections for retail sales in December, 2008. Droste reported that he called the Kansas Department of Revenue (KDOR) to inquire about the reduction in revenue. He reported that KDOR explained that major retailers are now required to submit sales tax reports and remittances electronically and that some December sales tax was actually remitted to the cities in January. When comparing the sales tax collections for January and February of 2009 to the same period in 2008, total collections were \$379,682 versus \$384,657.

Councilmember Bell thanked Public Works Director Bieker and City Manager Wieland for assistance with the American Legion baseball field project.

Councilmember Pritchard asked about the Biking Across Kansas event that was scheduled to come through Paola this summer. Carol Everhart with the Paola Chamber of Commerce reported that she received an e-mail earlier today with details about the event. She agreed to forward that information on to the Council and City staff.

Mayor Stuteville recommended that Alan Hire be reappointed to serve on the Convention and Tourism Committee and Linda Barnett to serve the remaining term for Tim Raulston and Heather George to serve the remaining term for Eleanor Watson on the Paola Community Center Board. Councilmember Dial made a motion to approve the Mayor's appointments to the Convention and Tourism Board and to the Paola Community Center Board. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 3 to 0.

Agenda Item 7 –ADJOURNMENT.

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

Artie Stuteville, Mayor

ATTEST: (seal)

Daniel G. Droste, City Clerk