

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

April 14, 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, Rowlett, and Bell.

Council Members absent: Dial

Also present: City Manager Wieland, City Clerk Droste, City Attorney Tetwiler, City Planner Gotfredson, Public Works Director Bieker, Police Chief Smail, Carol Everhart with the Paola Chamber of Commerce, Rev. Roy Rhodes, 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, Rowlett, and Bell were all present. Councilmember Dial 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. No one addressed the Council.

Agenda Item 4 - CONSENT AGENDA

- a. **Approval of minutes of the meetings of March 24, 2009.**
- b. **Approval of Salary Ordinance number 09-06 and 09-07.**
- c. **Approval of Appropriation Ordinance No. 650.**
- d. **Approval of the Journal Entries Report for March, 2009.**

Councilmember Pritchard questioned two items on the Appropriation Ordinance. After a discussion, Councilmember Pritchard made a motion to approve the Consent Agenda including the minutes of March 24, 2009, Salary Ordinance No 09-06 and 09-07, Appropriation Ordinance No 650, and the Journal Entries Report for March, 2009, and authorize the Mayor to sign. Councilmember Bell seconded the motion and all voted aye. The motion passed 3 to 0.

Agenda Item 5 - CONSIDER CERTIFICATE OF ELECTION RESULTS

Clerk Droste presented a Certificate of Election Results from Janet White, Miami County Clerk. The certificate, dated April 13, 2009, listed the following results from the general election held on April 7, 2009:

Paola City Mayor:	Artie Stuteville	193 votes
Paola City Council Ward 1:	James L. Pritchard	54 votes
Paola City Council Ward 3:	Jack Rowlett, Jr.	58 votes

Councilmember Rowlett made a motion to accept the certificate of election results naming Artie Stuteville, Mayor; Jim Pritchard, Ward 1; and Jack Rowlett, Jr, Ward 3 as the candidates receiving the most votes. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 3 to 0.

Agenda Item 6 - ADJOURN SINE DIE

Councilmember Rowlett made a motion to adjourn sine die. The motion was seconded by Councilmember Bell and all voted aye. The motion passed 3 to 0.

Clerk Droste administered the Oath of Office to Mayor Stuteville and Councilmembers Jim Pritchard and Jack Rowlett, Jr.

Reverend Roy Rhodes of the Cross Point Assembly of God Church gave an invocation.

Mayor Stuteville called the new Paola City Council to order and resumed the adjourned meeting.

Agenda Item 7 - ELECTION OF COUNCIL OFFICERS

Councilmember Rowlett made a motion to nominate Councilmember Pritchard as President of the Paola City Council. The motion was seconded by Councilmember Bell and all voted aye. The motion passed 3 to 0.

Councilmember Pritchard made a motion to nominate Councilmember Dial as Vice President of the Paola City Council. The motion was seconded by Councilmember Rowlett and all voted aye. The motion passed 3 to 0.

Agenda Item 8 - DESIGNATION OF DEPOSITORIES FOR CITY FUNDS

Clerk Droste presented a memorandum regarding the deposit accounts for the City of Paola.

Councilmember Bell made a motion to designate Citizens State Bank, Great Southern Bank, Patriots Bank, First Option Bank and Landmark National Bank as depositories for City funds. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 3 to 0.

Agenda Item 9 - APPROVAL OF PLEDGED SECURITIES

Clerk Droste presented a report on pledged securities for deposits that exceed the amount insured by FDIC Insurance. Balances in excess of the \$250,000 FDIC Insurance are collateralized with investment assets and or letters of credit. The City of Paola currently has deposit accounts with Citizens State Bank, Great Southern Bank, and First Option Bank. A summary of the pledges as of 03/31/09 is as follows:

<u>Bank</u>	<u>Deposits</u>	<u>FDIC Insurance & Pledged Assets</u>	<u>Excess Collateral</u>
Citizens State Bank	\$4,646,031	\$5,342,593	\$696,562
First Option Bank	\$4,645,408	\$6,335,203	\$1,689,795
Great Southern Bank	\$1,821,374	\$2,553,089	\$731,715

After discussion, Councilmember Pritchard made a motion to approve pledged securities from Citizens State Bank, First Option Bank, and Great Southern Bank. The motion was seconded by Councilmember Rowlett and all voted aye. The motion passed 3 to 0.

Agenda Item 10 -CONSIDER A RESOLUTION NAMING THE OFFICIAL CITY NEWSPAPER.

Clerk Droste presented A RESOLUTION DESIGNATING THE MIAMI COUNTY REPUBLIC AS THE OFFICIAL NEWSPAPER OF THE CITY OF PAOLA for consideration and discussion.

Councilmember Rowlett made a motion to approve A RESOLUTION DESIGNATING THE MIAMI COUNTY REPUBLIC AS THE OFFICIAL NEWSPAPER OF THE CITY OF PAOLA. The motion was seconded by Councilmember Bell and all voted aye. The motion passed 3 to 0. The Resolution was assigned number 2009-001.

Agenda Item 11 - REPORTS OF OFFICERS, BOARDS AND COMMITTEES

Agenda Item 11a - Consider approval disbursements from Transient Guest Tax Funds.

Manager Wieland presented a request from the Paola Convention and Tourism Committee to approve disbursements from the Transient Guest Tax Fund as follows:

- 1) The American Legion - \$1,000 – for the lighting project at Russell Field.
- 2) Swan River Museum - \$500 – for the Patterson Circus Brochures.
- 3) Downtown Merchants - \$500 – for the concert performances at the Park Square.
- 4) Heartland Art Guild - \$500 – for the annual art miniatures exhibit.
- 5) Best Western Hotel – not to exceed \$4,000 – for removal of trees from the Ursuline property at the northeast corner of Baptiste Drive and Hedge Lane.

The Council questioned the request from the Best Western Hotel to remove the trees from the Ursuline property. Manager Wieland explained that the request was to pay for the removal of trees so that the businesses would have greater visibility from Highway 169.

After discussing the issue at length, Councilmember Pritchard made a motion to approve disbursements from the Transient Guest Tax Fund as presented, excluding the \$4,000 request to remove trees on the Ursuline property. The motion was seconded by Councilmember Rowlett. Councilmember Bell stated that he is a member of the American Legion and abstained from voting. Councilmembers Rowlett and Pritchard voted aye. The motion passed 3 to 0.

Agenda Item 11b - Consider a request to waive the fee for a building permit.

Manager Wieland presented a request from the American Legion to waive the building permit fee for the electric work at Russell Baseball Field.

After discussion, Councilmember Rowlett made a motion to approve the request from the American Legion to waive the \$69.00 fee for a Building Permit for electrical work at the Russell Baseball Field. The motion was seconded by Councilmember Pritchard. Councilmember Bell stated that he is a member of the American Legion and abstained from voting. Councilmembers Rowlett and Pritchard voted aye. The motion passed 3 to 0.

Councilmember Bell thanked the City Council and the Paola community for their generous support for the lighting project at the Russell Baseball Field. He reported that as of today, nearly all of the \$40,000 has been raised to complete the project.

Agenda Item 11c - Consider approval of the final pay request for the Paola Justice Center project.

Manager Wieland presented the final pay request from Altmar, Inc. for the Paola Justice Center. He reported that the project is now complete and upon receipt of the line waivers, the final payment will be submitted to the contractor.

Councilmember Pritchard made a motion to approve the final pay request number 15 in the amount of \$152,568.20 to Altmar, Inc. for the Paola Justice Center project. The motion was seconded by Councilmember Bell and all voted aye. The motion passed 3 to 0.

Agenda Item 11d - Consider approval of a Change Order for the Park Square Fountain project.

Manager Wieland presented Change Order No 1 from Triangle Builders, LLC for the Park Square Fountain project. The change order includes the following items:

- 1) Remove 2 extra floors in fountain base: \$1,200.00
- 2) Review & design for additional work: \$300.00

Manager Wieland indicated that the change order would be covered by the contingency funds in the budget for the project and it would not increase the overall price of the project.

Councilmember Rowlett questioned the request for \$300 for review and design work. He indicated that he did not see the necessity for additional review and design work for removing the additional concrete bases. If warranted it could be reconsidered at a later time.

After further discussion, Councilmember Rowlett made a motion to approve Change Order No 1 in the amount of \$1,200.00 with Triangle Builders, LLC on the Park Square Fountain renovation project. The motion was seconded by Councilmember Bell and all voted aye. The motion passed 3 to 0.

Agenda 11e - Consider approval of a pay request for the Park Square Fountain project.

Manager Wieland presented pay request number 2 from Triangle Builders for the Park Square Fountain project in the total amount of \$38,407.63. The pay request includes the following:

- 1) Triangle Builders Pay Request #2 in the amount of \$24,895.00.
- 2) Balance of payment to Vac Pac, Inc. for the pumps in the amount of \$8,002.95.
- 3) For water features to Lenexa SPP Distribution in the amount of \$5,509.68.

Councilmember Pritchard made a motion to approve a pay request in the amount of \$38,407.63 to Triangle Builders, LLC for the Park Square Fountain renovation project. The motion was seconded by Councilmember Bell and all voted aye. The motion passed 3 to 0.

Agenda Item 11f - Consider approval of the Lake Miola Fee Schedule.

Clerk Droste presented a revised Lake Miola Fee Schedule for consideration. He reported that the fee schedule was revised to include the new Water Space Lease Fees for Private Boat Docks and the Sewer Hook Up Fees for campers. No other fees were changed.

Councilmember Rowlett made a motion to approve the revised Lake Miola Fee Schedule as presented. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 3 to 0.

Agenda Item 11g - Consider approval of a Resolution adopting the Lake Miola Dock Ownership Policy.

Clerk Droste presented A RESOLUTION ADOPTING THE LAKE MIOLA DOCK OWNERSHIP POLICY for consideration. Public Works Director Bieker reported that the policy had previously been presented to the Council in a work study meeting for discussion and was drafted based on input from the dock owners.

Councilmember Pritchard made a motion to approve A RESOLUTION ADOPTING THE LAKE MIOLA DOCK OWNERSHIP POLICY. The motion was seconded by Councilmember Rowlett and all voted aye. The motion passed 3 to 0. The Resolution was assigned number 2009-002.

Agenda Item 11h -Consider approval of a contract with Legacy Contractors, LLC for the new Paola Fire Station project.

Manager Wieland presented an Agreement for the Paola Kansas Fire Station Renovation Project between the City of Paola and Legacy Contractors, LLC. He reported that he, the City Attorney, City Clerk, and the Fire Chief met with Rob George of Legacy Contractors to negotiate the contract for the new Fire Station.

Manager Wieland reported that the contract would allow the contractor to begin demolition work and that the renovation would begin once a Conditional Use Permit is approved. The anticipated starting date for the contract is May 13th.

Councilmember Rowlett questioned who would be providing builders risk insurance since the building is owned by the City. Clerk Droste indicated that he has contacted the City's insurance agent and will coordinate coverage with the contractor's agent.

After further discussion, Councilmember Rowlett Motion to approve a design-build contract with Legacy Contractors, LLC. in the amount of \$1,999,991.00 for the Paola Fire Station project. The motion was seconded by Councilmember Bell and all voted aye. The motion passed 3 to 0.

Agenda Item 11i - Economic Development Report from Carol Everhart, Paola Chamber of Commerce.

Carol Everhart with the Paola Chamber of Commerce presented the quarterly report of economic development activity. Additionally, she presented the Balance Sheet and Profit & Loss Statement for Paola Economic Development.

Mrs. Everhart reported that on April 16th, the Miami County Commissioners are hosting a Project Open House for the Paola Bull Creek Bridge Project from 5:00 to 7:00 pm. On April 22nd, the Paola Economic Development meeting will be held at the USD 368 Board Room and Terry Rumery will speak about economic development projects in Chillicothe, MO. May 2nd is the annual Home & Business Expo at Paola High School.

Mrs. Everhart summarized recent meetings with business contacts regarding economic development. She reported specifically on meetings with Kansas City Area Development Council and Kansas City Power & Light regarding potential development.

Agenda Item 12 – NEW BUSINESS

Clerk Droste presented the sales tax report for the month of March. He reported that \$201,706 was collected in March bring the year to date total to \$581,387.

Clerk Droste presented an invitation from Lakemary Center for an open house for their new Adult Services Building on May 8th from 3:00 pm to 5:00 pm.

City Attorney Tetwiler reported that he has reviewed Senate Bill 213 which regulates alcohol sale and consumption at special events on public streets, roads, highways. There was concern that this new regulation may impact the Roots Festival in Paola. It was his opinion, after his initial review, that this new regulation would not have an impact on Paola's Roots Festival Ordinance.

Public Works Director Bieker reported that approximately 2,000 feet of older sewer line was rehabilitated on Diamond and Shawnee Streets.

Planner Gotfredson reported that the annual review of the Comprehensive Plan will be underway soon. Shortly afterwards, he will be working on revisions to the Land Development Ordinance. He encouraged the Council to let him know if there were any pressing issues with the LDO that needed immediate attention.

Councilmember Bell asked about the status of the Jackson Hotel and asked if the owners had received tax credits on the project. Manager Wieland reported that he was unaware of the specifics on the tax credits issue and he reported that the owner has experienced some health problems and is currently unable to work on the project.

Councilmember Bell asked if My Fathers House would be able to afford to pave its parking lot and he stated that it may not be right to require them to do so.

Councilmember Bell commented on home values in the area and stated that Paola should consider housing incentives such as those that Karney, Missouri is offering in their community. Councilmember Rowlett indicated that incentives to homebuyers would be very effective in helping the housing market.

Manager Wieland reported that the Paola Community Center will be hosting the Kansas Historical Theater Association meeting tomorrow.

Mayor Stuteville recommended that Steve Cowman and Steve Wrischnik be reappointed to the Planning Commission. Councilmember Rowlett made a motion to approve the Mayor's reappointments of Steve Cowman and Steve Wrischnik to the Planning Commission. The motion was seconded by Councilmember Bell and all voted aye. The motion passed 3 to 0.

Agenda Item 13 –ADJOURNMENT.

With no additional business to come before the Council, Councilmember Pritchard made a motion to adjourn. Councilmember Bell seconded the motion and all voted aye. The motion passed 3 to 0.

Artie Stuteville, Mayor

ATTEST: (seal)

Daniel G. Droste, City Clerk