

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

May 12, 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, City Clerk Droste, City Attorney Tetwiler, City Planner Gotfredson, Public Works Director Bieker, Police Chief Smail, Richard Lentz, Gene Farmer, Carl Gregg, Bob Stubbs, Harold Achey, Rick Holte, 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. No one 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.

Gene Farmer with the American Legion presented the City Council with a certificate of appreciation for supporting the lighting project for the Russell Baseball Field.

Agenda Item 4 - CONSENT AGENDA

- a. **Approval of minutes of the meetings of April 28, 2009.**
- b. **Approval of Salary Ordinance number 09-09.**
- c. **Approval of Appropriation Ordinance No. 652.**
- d. **Approval of the Journal Entries Report for April, 2009.**
- e. **Approval of the renewal of the Drinking Establishment License for El Tapatio.**

Councilmember Bell questioned a survey billing for the Justice Center. Clerk Droste explained that the survey work was part of the work performed for FEMA and the Flood Zone re-certification for the Justice Center Property.

Councilmember Dial made a motion to approve the Consent Agenda including the minutes of April 28, 2009, Salary Ordinance No 09-09, and Appropriation Ordinance No 652, Journal Entries Report for April, 2009, and the renewal of the Drinking Establishment License for El Tapatio, 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 the approval of a Conditional Use Permit for 202 E Wea (Paola Fire Station).

Planner Gotfredson reported that the Planning Commission did, after holding a public hearing, approve a Conditional Use Permit for a Fire Station a 202 E Wea without condition. He reported that one couple did attend the Public Hearing with a few questions but did not voice objection to the use.

Councilmember Rowlett made a motion to approve AN ORDINANCE AUTHORIZING A CONDITIONAL USE PERMIT. The motion was seconded by Councilmember Dial and all voted aye. The motion passed 4 to 0. The Ordinance was assigned number 2986.

Agenda Item 5b - Consider approval of a pay request for the Park Square Fountain project.

Manager Wieland presented a pay request from Triangle Builders, LLC for the Park Square Fountain project. The pay request was discussed, particularly the addition of the Change Order in the amount of \$1,200 versus including this amount in the Contingency line item.

Councilmember Pritchard made a motion to approve pay request #3 in the amount of \$24,021.37 to Triangle Builders, LLC for the Park Square Fountain renovation project. The motion was seconded by Councilmember Dial and all voted aye. The motion passed 4 to 0.

Agenda 5c - Consider approval of a pay request for the Fire Station project.

Manager Wieland presented a pay request from Legacy Contractors, LLC for the Fire Station project. He indicated that the project will be billed in phases and this pay request is for demolition work in Phase I. The reconstruction or remodeling costs will be included in Phase II.

Manager Wieland indicated that the architect's plans should be submitted for review at the end of May or early in June. Once plans are reviewed and approved, the reconstruction will begin in earnest.

Councilmember Bell questioned the cost for the letter of credit and asked who benefited from the sale of recycled materials. Manager Wieland indicated that performance bond premiums

or letter of credit expenses are allowable expenses on construction projects and that the contractor is entitled to any salvage on a reconstruction project.

Councilmember Dial made a motion to approve pay request #1 in the amount of \$201,631.00 to Legacy Contractors, LLC for the Fire Station project. The motion was seconded by Councilmember Rowlett and all voted aye. The motion passed 4 to 0.

Agenda Item 5d - Consider a Resolution amending a Human Resources Administrative Policy.

Manager Wieland presented a Resolution amending the policy for Group Health Care Insurance for Retirees. He indicated that the amendment to the policy had previously been discussed at a Council Work Study meeting.

Councilmember Dial made a motion to approve A RESOLUTION AMENDING AND ADOPTING A HUMAN RESOURCES ADMINISTRATIVE POLICY, EFFECTIVE MAY 12, 2009. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 4 to 0. The Resolution was assigned number 2009-004.

Agenda Item 6 – NEW BUSINESS

Clerk Droste presented the Sales Tax report for the month of April. Sales Tax revenue for the month amounted to \$152,794.

Councilmember Bell asked about the utility rate study. Manager Wieland reported that he has received the analysis from Wilson & Company, but he is still reviewing the sewer utility portion of the analysis. It will be presented at the next Work Study meeting.

Councilmember Bell asked about Wayne Johnson's request to install a light at the Swan River Museum. Planner Gotfredson indicated that he had discussed the issue with Mr. Johnson, but the request was denied due to the desired placement of the light fixture on the sidewalk. Councilmember Bell questioned the length of time that it was taking to resolve the request.

Mayor Stuteville reported that a dedication celebration was planned for the renovation of the Park Square Fountain on Saturday, June 27th at 4:00 pm.

Agenda Item 7 - EXECUTIVE SESSION - K.S.A. 75-4319(B)(4) is the authority for this recess.

Councilmember Dial made a motion to adjourn to Executive Session, to include the Mayor, Council, City Manager, City Clerk, City Planner, and City Attorney, for 60 minutes for the purpose of discussing confidential data relating to financial affairs or trade secrets of corporations, partnerships, trusts and individual proprietorships; the regular meeting to reconvene at 7:00 p.m. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 4 to 0.

At 7:00 p.m., 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.

Councilmember Rowlett made a motion to adjourn to return to Executive Session for an additional 30 minutes for the purpose of discussing confidential data relating to financial affairs or trade secrets of corporations, partnerships, trusts and individual proprietorships; the regular meeting to reconvene at 7:30 p.m. The motion was seconded by Councilmember Dial and all voted aye. The motion passed 4 to 0.

At 7:00 p.m., 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 Rowlett seconded the motion and all voted aye. The motion passed 4 to 0.

Artie Stuteville, Mayor

ATTEST: (seal)

Daniel G. Droste, City Clerk