

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

June 9, 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 and 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, Rob Nichols, Members and Families of the Paola Fire Department, Librarian Rosy King, Members of the Paola Free Library Board, Carol Everhart with the Paola Chamber of Commerce, and Brian McCauley with the Miami County Republic, and others.

Agenda Item 1 - CALL TO ORDER: The regular council meeting was called to order by Mayor Artie 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.

Rob Nichols addressed the Council regarding the Freedom’s Frontier National Heritage Area. He reported that on June 18th, the recently completed feasibility study and the management plan for the Heritage Area will be presented to the public at the Helzberg Auditorium in Kansas City, Missouri. He requested a letter of support from the City for the project. Mayor Stuteville thanked Mr. Nichols for his presentation and agreed to provide a letter of support for the Freedom’s Frontier National Heritage Area.

Fire Chief Andy Martin introduced Bruce Hartig who was recently promoted to Assistant Fire Chief. Chief Martin praised both candidates for the position, John Hinman and Bruce Hartig, indicating that it was a very difficult decision to choose between the two. After the pinning ceremony, Assistant Fire Chief Hartig introduced his family.

Agenda Item 4 - CONSENT AGENDA

- a. **Approval of minutes of the meetings of May 26, 2009.**
- b. **Approval of Salary Ordinance number 09-11.**
- c. **Approval of Appropriation Ordinance No. 654.**
- d. **Approval of the May, 2009 Journal Entries Report.**

Councilmember Dial made a motion to approve the Consent Agenda including the minutes of May 26, 2009, Salary Ordinance No 09-11, and Appropriation Ordinance No 654, and the May, 2009 Journal Entries Report, 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 approval of Change Order No 1 for the Fire Station project.

Manager Wieland presented a change order for the contract on the Fire Station project with Legacy Contractors, LLC as follows:

1) Delete landscaping allowance	-\$3,000
2) Delete raising door header on 3 rd bay	-\$3,900
3) Delete turn-out lockers	-\$10,188
4) Delete appliances	-\$5,560
5) Delete beds	-\$2,560
6) Delete fire line/water line to building	-\$10,200
7) Delete sewer relocation allowance	-\$8,000
8) Delete interior pipe bollards	-\$2,196
9) Delete fire extinguishers	-\$550
10) Add roof insulation to R27 on roof	<u>+\$9,207</u>
Total	-\$36,947

The revised total contract amount after the change order will be \$1,963,044.00.

Councilmember Bell questioned the rigidity of the foam sample from the roofing system and asked about the \$8,000 deduction for the sewer. Manager Wieland indicated that the sewer allowance is being removed from the contract but would still be paid from the project funds to repair the sewer line. Councilmember Rowlett suggested that the entire sewer improvement costs be paid from the savings created by the change order. Manager Wieland recommended that any decision to pay for all of the sewer improvements from the project funds be delayed until the entire project is complete.

After additional discussion, Councilmember Dial made a motion to approve Change Order No 1 in the amount of -\$36,947.00 to the contract with 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 5b - Consider approval of a pay request for the Fire Station project.

Manager Wieland presented the final pay request for Phase I of the Fire Station Project in the amount of \$66,654. He reported that Phase I included all of the demolition work on the facility.

Councilmember Bell questioned the cost of the letter of credit that was included on the itemization of the pay request. Manager Wieland explained that a letter of credit or a performance bond was required because the City was financing the project with proceeds from the sale of bonds. The cost of the letter of credit or performance bond is a typical cost of bond financed project.

After further discussion, Councilmember Rowlett made a motion to approve a pay request #3 in the amount of \$66,654.00 to Legacy Contractors, LLC for the Fire Station 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 Park Square Fountain project.

Manager Wieland presented pay request number 4 for the Park Square Fountain renovation project in the amount of \$22,336.00. He reported that the pay request was adjusted to reflect the fact that the pump and light controllers were not yet installed. The remaining amount on the contract is \$14,393.00.

After additional discussion, Councilmember Dial made a motion to approve a pay request #4 in the amount of \$22,336.00 to Triangle Builders, LLC for the Park Square Fountain renovation project. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 4 to 0.

Agenda Item 6 – NEW BUSINESS

Clerk Droste presented the sales tax report for the month of May and reported that collections amounted to \$146,132. Year to date, sales tax collections are -\$34,806 less than at the same time in 2008.

Manager Wieland reported that the Community Development Department has been contacted by the management of Sundance Apartments requesting that the City provide a property inspection program. They have requested that one-twelfth of the units be inspected monthly so that every unit would receive an inspection annually. The owners of the apartments would reimburse the City for the cost of the inspections. Councilmember Bell expressed his objections to having the government inspecting private property. Councilmember Rowlett indicated that this is something that the City should look into. After additional discussion, Mayor Stuteville suggested that staff contact other communities that have similar programs to see what is typically involved.

Manager Wieland reported that the Community Development Department has posted 4 abandoned properties as uninhabitable.

Councilmember Bell inquired about the utility rate study. Manager Wieland reported that he and Councilmember Rowlett met with Louis Funk of Bartlett & West to discuss the report. Revisions to the rate study are in process and he hoped to have a final recommendation soon.

Councilmember Bell indicated that a rate increase needed to be finalized by the first of July. Councilmember Bell expressed his dissatisfaction with the resolution of the rate study and the delay on the rate increase.

Councilmember Bell asked about the annual report of the Community Center Director. Manager Wieland indicated that the report would be presented at the same time that the budget for the Community Center is discussed.

Councilmember Bell stated that he has a problem with the City paying for the City Council and employees to attend Annual Chamber of Commerce Dinner.

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