

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

**June 23, 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, Community Center Director Myers, Mike Brown, Le Anne Shields, Richard Lentz, Carol Everhart with the Paola Chamber of Commerce, 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**  
Council 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 June 9, 2009.**
- b. **Approval of Salary Ordinance number 09-12.**
- c. **Approval of Appropriation Ordinance No. 655.**
- d. **Renewal of a Drinking Establishment License for Rounders.**
- e. **Renewal of a Drinking Establishment License for Beethoven’s #9.**

Councilmember Bell questioned the expenditure to the Olathe Gun Shop in the amount of \$2,795.00. Police Chief Smail explained that four 15 year old firearms were traded in for new ones. The city received a trade in credit of \$200 for each of the old firearms.

Councilmember Bell also expressed his disapproval of the expenditures for meals to the Paola Rotary Club, the Annual Chamber of Commerce Dinner, and Codes Enforcement Mowing. After discussing these items, Councilmember Bell expressed his perception that there are things going on with the City without the Council's knowledge and that City staff is hiding things from the Council.

Councilmember Dial made a motion to approve the Consent Agenda including the minutes of June 9, 2009, Salary Ordinance No 09-12, and Appropriation Ordinance No 655, and the renewal of Drinking Establishment Licenses for Rounders and Beethoven's #9, and authorize the Mayor to sign. Councilmember Pritchard seconded the motion. Councilmembers Rowlett, Dial, and Pritchard voted aye and Councilmember Bell voted nay. The motion passed 3 to 1.

## **Agenda Item 5 - REPORTS OF OFFICERS, BOARDS AND COMMITTEES**

### **Agenda Item 5a - Annual Report to the Governing Body from the Paola Community Center Director.**

Director Chad Myers provided a verbal annual report to the City Council regarding activities at the Paola Community Center. In summary, he reported that:

- The completion of remodeling of the Center allows programming to be offered year-round.
- The grand re-opening event "Vatican II – What the Hell Happened" was a huge success.
- Recent programming included:
  - Give Me That Old Time Religion
  - Paola High School Leadership Talent Show
  - Carlson Center Student Shows
  - Last Ounce of Courage
  - Festival International De La Musica Espana y Latino Americana
- Scheduled future programming includes:
  - The Free State Traveling Picture Show
  - Paola Community Center Theater Group
- Attendance for events at the Community for recent months were:
  - April – 1,200
  - May – 1,025
  - June – 1,251
- Approximately \$33,000 has been raised to pay for the cost of refurbishing the auditorium seats, with additional funds promised.
- He and the Community Center Board are creating a long range strategic plan for the Center.
- He discussed some identified needs for the Center:
  - Multiple meeting rooms being rented at the same time
  - Parking issues
  - Programs selling out
  - A new movie screen
  - New stage microphones
  - Update the light control board

- Tuck pointing of the building
- New windows for the building
- Update the stage rigging

Director Myers thanked the City Council for their support of the Community Center.

Councilmember Bell questioned the programming stating that the grand re-opening event lost money. Director Myers indicated that there were a number of “comp” tickets that were given to contractors and donors as a thank you.

Councilmember Bell indicated that he did not have an adequate accounting of the programming costs and he was concerned that money was being lost. He stated that the Community Center should be offering programming every weekend and not just once a month. Director Myers indicated that he and the Board did not feel that the community would support weekly programs at the Center.

Councilmember Bell stated that the “leadership of the community” do not attend events and support the Community Center. Mayor Stuteville and Councilmember Dial disagreed with Bell stating that they have attended many events.

Councilmember Bell stated that the Community Center’s marketing is too restrictive and the goals are not lofty.

After additional discussion, Mayor Stuteville and Councilmembers Pritchard, Dial and Pritchard all stated that they approve of the job that Director Myers and the Community Center Board is doing.

**Agenda Item 5b - Discussion regarding the 2010 Budget for the Paola Community Center Fund.**

Manager Wieland presented a draft of the proposed budget for the Community Center. He indicated that the salaries in the draft represent an estimate that is subject to the Council’s overall recommendation for COLA and merit increases for 2010. He also indicated that he is recommending that the transfer from the General Fund remain at \$88,000 annually. Other revenue for the Community Center relies on raising funds through grants.

Other budget line items were discussed, including the cash carry over estimates.

**Agenda 5c - Consider approval of amendments to the City of Paola Comprehensive Plan.**

Planner Gotfredson reported that State Statute requires the city to review and amend its Comprehensive Plan annually. He reported that the revisions were minor in nature and that no policies were being amended in the document.

The amended document was provided to the Council on a CD and Planner Gotfredson asked the Council if they had any troubles reviewing the amended document. Councilmember Pritchard reported that he did not have an opportunity to review the information.

Councilmember Rowlett noted that the history section of the document had been deleted and he thought that it was a good idea to leave it in the document.

After additional discussion, Councilmember Pritchard made a motion to table action on the amendments to the Comprehensive plan until a later meeting. The motion was seconded by Councilmember Dial and all voted aye. The motion passed 4 to 0.

**Agenda Item 5d - Consider installation of a 4-Way Stop at the intersection of 303<sup>rd</sup> Street and Hedge Lane.**

Manager Wieland presented a plan to install a 4-way stop sign along with a crosswalk at the intersection of 303<sup>rd</sup> Street and Hedge Lane. He reported that since the improvements to Hedge Lane have been delayed, accommodations need to be made for the safety of pedestrian traffic. Although traffic signals would be a preferred option, the 4-way stop is a much more economical solution.

Public Works Director Bieker reported that the intersection was designed by Allenbrand-Drews to make sure that all signage and markings are appropriately placed.

After additional discussion, Councilmember Pritchard made a motion to approve A RESOLUTION AMENDING THE OFFICIAL TRAFFIC CONTROL DEVICE SCHEDULES FOR THE CITY OF PAOLA, KANSAS. The motion was seconded by Councilmember Rowlett and all voted aye. The motion passed 4 to 0. Number 2009-005 was assigned to the Resolution.

**Agenda Item 5e - Discussion regarding the Utility Rate Study.**

Manager Wieland presented a report on water utility rates. He presented several rate adjustment options for consideration.

Manager Wieland explained that the analysis assumes a 13% unbilled water loss in the distribution system. Based on the assumptions of the analysis, the water utility fund would maintain the current level of reserves for 2009. Annually, the rates would need to be reviewed to make sure that reserves are not exhausted. Mayor Stuteville stated that the reserves were originally established with the intent to be used to offset future rate increases. Manager Wieland explained that the reserves should be maintained initially to help offset unexpected expenses in the transition period in moving to the new system.

The “take or pay” agreement with the MDCPUA was discussed. Manager Wieland indicated that the final calculations for the take or pay agreement have not yet been determined. He agreed to report back to the Council on this issue.

Sewer rates were discussed. Manager Wieland indicated any changes in the sewer rate would take place in early 2010.

Councilmember Rowlett questioned the amount of the reduction in costs in the analysis. Manager Wieland reported that there were some salaries that would need to be re-allocated to other funds.

Public Works Director Bieker stated that it was his opinion that the unbilled or lost water in the system is understated and that cost is not included in the analysis. Manager Wieland stated that his analysis used the same loss assumptions that were used by Wilson & Company and Bartlett & West.

After discussing the options, Manager Wieland recommended an increase in the water rate from \$4.00 per thousand gallons to \$5.00 per thousand gallons and the elimination of the discount for high volume users; and an increase in the debt service fee from \$12.00 to \$14.00 per month.

**Agenda Item 5f - Consider approval of an Ordinance amending utility rates.**

Clerk Droste presented and Ordinance amending water rates. Based on the discussion on the water rate analysis, the Ordinance would be amended to read as follows:

**SECTION 1.** That beginning July 1, 2009, Section 700.050 is hereby repealed in its entirety and a new Section 700.050 is hereby enacted in its place to read as follows:

**SECTION 700.050: NEW SERVICE CONNECTION CHARGES**

The following charges shall be made for new services within the City limits, such rates to include the furnishing and installation of all necessary valves, meter box and meter to bring the water to the property line; provided that the distance does not exceed one hundred (100) feet.

- 1) For water meters of 1 inch in diameter or less: \$3,000.00
- 2) For water meters greater than 1 inch and up to 2 inches in diameter: \$4,000.00
- 3) For water meters greater than 2 inches in diameter: The connection charge shall be established by the City Council on a case-by-case basis.

**SECTION 2.** That beginning with the June 30, 2009 billing statement, Section 700.250 is hereby repealed in its entirety and a new Section 700.250 is hereby enacted in its place to read as follows:

**SECTION 700.250: METERED VOLUME RATES**

A. The following monthly rates are hereby established for the consumption of water, to-wit:

1. In the City Limits: . . . . . \$0.50 per 100 gallons
2. Outside the City limits. . . . . \$0.70 per 100 gallons

B. These rates do not apply where rates are otherwise specified.

**SECTION 3.** That beginning with the June 30, 2009 billing statement, Section 700.267 Water Plant Debt Service Charge is hereby repealed in its entirety and a new Section 700.267 is hereby enacted in its place to read as follows:

**SECTION 700.267: WATER PLANT DEBT SERVICE CHARGE**

It is hereby ordered that every water supply service shall have a monthly water plant debt service charge or rate on each meter installed, as follows:

\$14.00 per month beginning with the June 30, 2009 billing statement.

After discussion, Councilmember Dial made a motion to approve AN ORDINANCE AMENDING TITLE VII UTILITIES, CHAPTER 700 WATER DEPARTMENT, ARTICLE II WATER RATES, SECTION 700.050 NEW SERVICE CONNECTION CHARGES, SECTION 700.250 METERED VOLUME RATES, AND SECTION 700.267 WATER PLANT DEBT SERVICE CHARGE TO THE MUNICIPAL CODE OF THE CITY OF PAOLA, KANSAS, as amended. The motion was seconded by Councilmember Bell and all voted aye. The motion passed 4 to 0. Number 2991 was assigned to the Ordinance.

**Agenda Item 6 – NEW BUSINESS**

Clerk Droste reported that the budget valuation numbers were received from the County this afternoon. The total real estate valuation for 2009 was 48,340,082 which is a decrease of 1.02% from the 2008 valuation. He indicated that the personal property valuation amounted to \$1,760,000 which is down almost 20%.

Manager Wieland reported that a new employee benefits broker has been selected and is working on the city's health insurance renewals. Additional services provided by the new broker include a wellness program and other services and benefits for employees.

Manager Wieland reported that he and Planner Gotfredson met with County staff to discuss cooperation on growth area issues.

Councilmember Bell thanked City Manager Wieland for presenting the water rate study.

Councilmember Rowlett reported that he attended the River Festival in De Soto and he worked at the Chamber of Commerce Beer Garden to see how the process worked. He reported that the vendors indicated that beer gardens are used at many festivals to raise funds and that they are very successful. He indicated that if there is interest, he suggested that this option be considered for the Roots Festival. The Council agreed that the idea should be researched and discussed further.

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

Councilmember Rowlett asked if it would be recommended that Economic Development Director Carol Everhart attend the Executive Session. City Attorney Tetwiler advised that "outsiders" should not attend Executive Sessions given potential liability issues regarding the confidentiality of matters discussed in the session.

After a discussion, 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 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 8:05 p.m. The motion was seconded by Councilmember Bell and all voted aye. The motion passed 4 to 0.

At 8:05 p.m., Councilmember Dial made a motion to reconvene the adjourned meeting. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 4 to 0.

No action was taken pursuant to the Executive Session.

**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.

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Artie Stuteville, Mayor

ATTEST: (seal)

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Daniel G. Droste, City Clerk