

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

May 9, 2006

**HELD AT THE MIAMI COUNTY COMMISSIONERS CHAMBERS
IN THE MIAMI COUNTY ADMINISTRATION BUILDING**

The Governing Body of the City of Paola, Kansas, met with Mayor Stuteville presiding.

Councilmembers present: Mayor Stuteville, Council Members Pritchard, Dial, Rowlett, and Hamilton.

Council Members absent: None.

Also present: Manager VanderHamm, Clerk Droste, City Attorney Tetwiler, Engineer/Planner Faust, Public Works Director Bieker, Police Chief Smail, Brian McCauley from the Miami County Republic, and others.

The regular council meeting was called to order.

Agenda Item 1 - ROLL CALL: Mayor Stuteville and Council Members Pritchard, Dial, Rowlett, and Hamilton were all present.

Agenda Item 2 - PLEDGE OF ALLEGIANCE: Mayor Stuteville invited everyone in attendance to join in the Pledge of Allegiance.

Agenda Item 3 - PETITIONS, REMONSTRANCES, AND COMMUNICATIONS

Mayor Stuteville read a request from Anna Faust requesting that a swing set or monkey bars for older kids be installed at Whitaker Park. Mayor Stuteville asked Anna if she preferred swings or monkey bars if only one was able to be installed. Anna indicated that she preferred to have the monkey bars. Mayor Stuteville thanked Anna for her letter and stated that she would pass the request on to the City Manager and Public Works Director.

Agenda Item 4 - CONSENT AGENDA

- a. **Approval of minutes of the meetings of April 25, 2005**
- b. **Approval of Salary Ordinance number 06-08**
- c. **Approval of Appropriation Ordinance No. 581**

Councilmember Rowlett made a motion to approve the Consent Agenda and authorize the Mayor to sign. Councilmember Dial seconded the motion and all voted aye.

Agenda Item 5 – REPORTS OF OFFICERS, BOARDS AND COMMITTEES

Agenda Item 5a - Demonstration of the CodeRED system by Police Chief Dave Smail.

Police Chief Dave Smail gave a presentation on the new CodeRED system. He explained that the CodeRED system is a reverse 911 system that will be implemented throughout the County on May 15th. All of the cities in the County would also have access to the system. The system is provided by Emergency Communications Network who has been offering the service for 8 years, and has over 300 departments or agencies using the service. The system can send as many as 100,000 calls per hour or 1,600 per minute and could contact everyone in Paola in about one minute.

Councilmember Rowlett asked about the cost for the system. Police Chief Smail reported that the County would be paying for the service from the 911 funds. There would be no cost to the City unless the city used the service for a non emergency situation and those calls caused the County to exceed the allowed number of minutes under the contract. An additional “block” of minutes would be purchased.

Councilmember Dial asked if people who have cell phones would have to “opt in”. Police Chief Smail indicated that cell phones now pay a 911 fee; this fee database may be used to contact the cell phones that are from Miami County or Paola.

The system could be used for crime alerts, missing persons, tornadoes, fires, etc. Because the system is internet based, there are no capital expenditures for hardware. Samples of the system’s reports were reviewed.

Police Chief Smail reported that the “emergency preparedness wheels” would be delivered soon and will be ready for distribution.

Agenda Item 5b - Consider a request from the First Presbyterian Church for use of the Park Square for a family worship service on Sunday, June 4, 2006.

Clerk Droste presented a request from the First Presbyterian Church to use the Park Square on June 4th for a family worship service. Droste indicated that the event was scheduled on a Sunday morning when all of the businesses on the Square are closed and that the only request from the group was to be able to use the electrical service.

Droste reviewed the policy for use of the Park Square for the Council. He reported that there have been an increased number of requests for the use of the Square, especially for weddings.

After discussing the request, Councilmember Pritchard made a motion to approve the request from the First Presbyterian Church for the use of the Park Square on June 4, 2006. The motion was seconded by Councilmember Hamilton and all voted aye.

Agenda Item 5c - Consider a request from the Heartland Group to purchase and install banners on the Park Square for the car show.

Terry Grant with the Heartland Group presented a request to install 12 banners promoting the Car Show around the Square and in other areas of town. The Heartland Group would be purchasing the banners which would have a changeable date so that they could be used from year to year. The banners would be installed a month or so in advance of the car show to help promote the event. Other banners could be also be installed promoting other events such as the Roots Festival.

Councilmember Hamilton made a motion to approve the banners proposed by the Heartland Group and provide storage for the banners when not in use. The motion was seconded by Councilmember Rowlett and all voted aye.

Agenda Item 5d - Consider a lease agreement with the Miami County Fair Association for the use of property in Wallace Park for the Miami County Fair from July 20 to July 30, 2006.

Clerk Droste presented the lease agreement that is annually requested by the Miami County Fair Association for the carnival that is associated with the County Fair. After discussing the leased area, Councilmember Rowlett made a motion to approve the Lease with the Miami County Fair Association. The motion was seconded by Councilmember Pritchard and all voted aye.

Agenda Item 5e - Consider a pay request for the City's share of infrastructure improvements at Cherokee Ridge.

Manager VanderHamm presented a request for payment of the City's share of infrastructure improvements relative to the Cherokee Ridge subdivision. The Council had agreed earlier to pay for intersection costs and for costs associated for water line upgrades for the area. These costs were originally estimated at \$12,000 and \$25,000 respectively. Actual costs for the improvements were \$12,000 and \$32,854.50 with an additional amount of \$3,050 for staking and inspection services.

After discussing the improvements and associated costs, Councilmember Dial made a motion to approve payments to Cutting Edge Excavating and Trucking in the amount of \$44,854.50 and to Allenbrand-Drews in the amount of \$3,050.00 for improvements associated with Cherokee Ridge. The motion was seconded by Councilmember Pritchard and all voted aye.

Agenda Item 5f - Consider approval of the Waste Water Treatment Plant Construction Draw #11.

Manager VanderHamm presented construction draw #11 for the waste water treatment plant. Councilmember Pritchard made a motion to approve construction draw #11 in the amount of

\$575,234.70 for the new waste water treatment plant. The motion was seconded by Councilmember Dial and all voted aye.

Agenda Item 5g - Update on the Lewis Drive improvements.

Manager VanderHamm presented an update on the Lewis Drive project that will result in a change order for the project. He reported that there were several field changes that have occurred on the project, these are:

- 1) Fly-ash was added to stabilize the subgrade of the road bed, estimated amount \$12,228.
- 2) Drive approaches were modified to align with the new curb, estimated amount \$4,000.
- 3) The amount of grouted riprap increased from 796 square yards to 1020 square yards for an estimated amount of \$13,298.
- 4) Increase amount of flowable fill associated with sanitary sewer and water line crossings, estimated amount of \$17,000.
- 5) Realignment of 8" water main, estimated amount \$477.
- 6) Additional water and sewer connections for future development, estimated amount \$2,500.
- 7) Numerous other small design changes, cost yet unknown.
- 8) Additions or deletions associated with the block wall and flowable fill along the sanitary sewer, cost yet unknown.

These additional costs total approximately \$50,936 plus or 6% of the project. Councilmember Rowlett questioned the additional costs associated with the use of the trench boxes and Councilmember Pritchard stated that the sidewalk along N Pearl had been damaged by the backhoe that was working on the project.

Agenda Item 5h - Consider approval of the Lewis Drive Construction Draw #4.

Manager VanderHamm presented construction draw #4 for the Lewis Drive project. Councilmember Hamilton asked what safeguards are used to keep the project cost as close as possible to the bid amount. VanderHamm stated that project inspectors are on site to make sure that the project is constructed as designed and that staff is consulted as needed. Changes such as the addition of fly-ash to the subgrade are agreed to in advance.

After discussing the pay request, Councilmember Dial made a motion to approve construction draw #4 in the amount of \$214,630.92 to Cutting Edge Excavating and Trucking for the Lewis Drive improvements. The motion was seconded by Councilmember Hamilton and all voted aye.

Agenda Item 5i - Discuss / Consider an Ordinance addressing the consumption of Cereal Malt Beverages on the Park Square during the Roots Festival.

Manager VanderHamm reported that last year there was a discussion about alcohol consumption at the Roots Festival and that City Code prohibits alcohol consumption on City property. There was a desire to address this issue rather than ignore it.

Manager VanderHamm had met with City Attorney Tetwiler to draft an ordinance for discussion purposes. City Attorney Tetwiler reviewed the draft ordinance with the Council pointing out that it only allows for the consumption of cereal malt beverages and not alcoholic beverages such as wine coolers. It also does not allow for any cereal malt or alcoholic beverage sales. Beverages could only be consumed in paper or plastic containers and not from cans or bottles. The City Manager approves the permit for the event and it is done so at his discretion without legal recourse to the applicant.

The ordinance was drafted to allow for consumption on the "Paola Square" as defined in an exhibit. It was discussed that if the Roots Festival moved to Wallace Park this ordinance would need to be changed to reflect the new location.

After discussing the ordinance, the council instructed the City Manager and City Attorney to amend the ordinance as follows:

- 1) Change "Cereal Malt Beverages" to "Alcoholic Beverages".
- 2) Add specific language about prohibiting glass containers.
- 3) Eliminate gender specific language such as "his" or "her".
- 4) Eliminate the permit fee.

The ordinance would be amended and presented for the Council's consideration at the next meeting.

Agenda Item 6 - NEW BUSINESS

Manager VanderHamm reported on current legislative issues. The City's ¼ cent sales tax bill was approved by the Assessment and Taxation Committee and added to HB 2689. It is hopeful that this bill will pass before the session ends. He also reported that the Tax Payers Bill of Rights (TABOR) and the LAVTR funds for Cities and Counties for fiscal year 2007 and 2008 were both unlikely to pass.

Manager VanderHamm reminded the Council that the City Council Retreat was scheduled from 8:00 am to 4:00 pm Saturday, May 13th at the Paola Country Club.

VanderHamm also reported that the fire department review from Jim Keating has been received and he will be presenting it to Chief Harris and Assistant Chief Martin soon.

The City's insurance company has completed their evaluation of hail damage to city buildings and automobiles. Staff will be working with them to determine which buildings will be repaired.

The Marais Des Cygnes Public Utility Authority is working with USD 368 to construct a water tower on school district property. This tower will serve the City of Paola.

Councilmember Rowlett asked about the time frame for the new water tower. Manager VanderHamm indicated that the tower could be up and operational by the end of 2007.

Councilmember Pritchard expressed support for Anna Faust's request for more playground equipment at Whitaker Park.

Mayor Stuteville reported that former Mayor Grimes has a family member, Jonathan Sevens, who is in the National Guard and will be leaving for Iraq soon. Mayor Stuteville gave Jonathan a flag to take with him that will be flown during a mission and later returned to the City.

LMK Mayor's Conference in Hutchison will be held on May 19th. Councilmember Rowlett will attend and Mayor Stuteville and Councilmember Dial will confirm later. Councilmembers Pritchard and Hamilton cannot attend.

Agenda Item 7 - EXECUTIVE SESSION - Executive Session for preliminary discussions relating to the acquisition of real property. K.S.A. 75-4319(B)(6) is the authority for this recess.

Councilmember Rowlett made a motion to adjourn to Executive Session for 20 minutes for the purpose of preliminary discussions relating to the acquisition of real property; the regular meeting to reconvene at 7:45 p.m. The motion was seconded by Councilmember Pritchard and all voted aye.

Councilmember Rowlett made a motion to reconvene the adjourned meeting. The motion was seconded by Councilmember Pritchard and all voted aye.

Agenda Item 7 – ADJOURNMENT.

With no additional business to come before the Council, Councilmember Hamilton made a motion to adjourn the meeting. Councilmember Dial seconded the motion and all voted aye.

Artie Stuteville, Mayor

ATTEST: (seal)

Daniel G. Droste, City Clerk