

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

**February 28, 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 Shields, Rowlett, Moulder, and Pritchard.

Council Members absent: None.

Also present: Manager VanderHamm, City Attorney Tetwiler, Engineer/Planner Faust, Public Works Director Bieker, Police Chief Smail, a representative 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 Shields, Moulder, Rowlett, and Pritchard 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 recognized Boy Scout Justin Clark. Justin is attending the Council Meeting as a requirement for his Citizenship in the Community Merit Badge.

Mayor Stuteville indicated that she has a proclamation for National Athletic Training Month. The representative from Olathe Medical Center was unable to attend the meeting and the Mayor would present the proclamation to her outside of the meeting.

**Agenda Item 4 - CONSENT AGENDA**

- a. **Approval of minutes of the meetings of February 14, 2005**
- b. **Approval of Salary Ordinance number 06-03**
- c. **Approval of Appropriation Ordinance No. 576**

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

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

### **Agenda Item 5a - Consider an Ordinance granting a franchise to WK Communications.**

Manager VanderHamm reported that the City has been without a franchise agreement with our Cable TV provider since May of 2003. Manager VanderHamm indicated that he and the City Attorney were successful in negotiating a new agreement with WK Communications.

The final agreement allows for a 5% franchise fee beginning May 1, 2006; the term of the agreement is 10 years beginning on May 1, 2003; the franchise fee is applicable to the entire bill including premium channels; damages to the City's right-of-way are the responsibility of Cebridge; tree trimming is to be done according to industry standards; a performance review has been added that allow the City to evaluate Cebridge and provide an opportunity for Cebridge to correct any deficiencies; and the ordinance requires full insurance coverage including workers compensation and general liability in the amount of \$1,000,000.

Manager VanderHamm indicated that the City currently receives \$19,000 annually from the cable franchise fee. He estimated that this amount could increase to approximately \$30,000 at the 5% level.

After discussing the details of the ordinance, Councilmember Rowlett made a motion to approve ORDINANCE NO. 2906 – GRANTING A FRANCHISE TO WK COMMUNICATIONS, INC. FOR THE CONSTRUCTION AND OPERATION OF A CABLE SYSTEM including the penalty language in paragraph 4.1. The motion was seconded by Councilmember Shields. Councilmember Moulder stated that he was not in favor of increasing franchise fees because it increases the cost of living in Paola. However, he stated that the document was well written and he would support it. There was a call for a vote on the motion and all voted aye.

### **Agenda Item 5b - Consider approval of the preliminary and final site development plan for Lot 5 Baptiste Commons.**

Engineer Planner Faust presented a summary of the preliminary and final site development plan for a shopping center on Lot 5 of Baptiste Commons. The lot is located directly north of Applebee's and east of the Subway/H&R Block building.

Faust reported that the plan was approved by the Planning Commission contingent on the following:

- 1) Approval of a landscaping plan.
- 2) Approval of a lighting plan.
- 3) Submittal of site elevations.
- 4) Submittal of a 'waiver' of the right to protest the formation of a storm water benefit district for Lot 5.
- 5) Submittal of documentation from First Enterprises, Inc., its successors or assigns that they approve this development.

6) Submittal of building and shingle color samples.

Details of the plan were discussed including the storm water benefit district, color of the building, the height of the building, and parking.

Councilmember Shields made a motion to approve the preliminary and final site development plan for Lot 5 Baptiste Commons with the six conditions as presented. The motion was seconded by Councilmember Moulder and all voted aye.

**Agenda Item 5c - Consider approval of letter to proceed with matching share for KDOT Project No. 61 U-2010-01. (Baptiste Drive reconstruction.)**

Engineer Planner Faust presented a letter to proceed with matching share for the Baptiste Drive reconstruction. Faust indicated that the City's share of the total project could range between \$2,130,500 and \$2,600,000.

Councilmember Rowlett made a motion to approve letter to proceed with matching share for KDOT Project No. 61 U-2010-01 and authorized the City Engineer to sign. The motion was seconded by Councilmember Pritchard. Councilmember Shields asked why the Council was voting on this issue again after it had been previously been approved. Manager VanderHamm indicated that the Council was advised that it would have two additional opportunities to vote on this project. This was the first and the second would be at the approval or disapproval of the bids on the project. There was a call for a vote on the motion and all voted aye.

**Agenda Item 5d - Consider approval of Proposal for Construction Engineering Services with Anthony Construction Management, Inc. for the Baptiste Drive Reconstruction.**

Engineer Planner Faust presented a discussion regarding inspection services for the Baptiste Drive reconstruction. Faust indicated that proposals were received from four firms and that Anthony Construction Management (ACM) and Bartlett & West were selected as the number 1 and 2 firms respectively. ACM presented an estimate of engineering fees for the project at \$382,603.85 according to KDOT guidelines.

Councilmember Pritchard made a motion to approve the Proposal for Construction Engineering Services with Anthony Construction Management, Inc. for construction inspection services for the Baptiste Drive Reconstruction project in the amount of \$382,603.85. The motion was seconded by Councilmember Rowlett and all voted aye.

**Agenda Item 6 - NEW BUSINESS**

Manager VanderHamm provided a summary of recent legislative activity in Topeka. He reported that Senate Bill 492 would ban ALL unilateral annexations in all but 5 counties (Johnson, Wyandotte, Douglas, Shawnee & Sedgwick). The cities in the balance of the State would have to have any annexation approved by the local County Commission –no matter if

a petition was submitted or not. He also reported that House Bill 2719 would require tapping of executive sessions. Other than the obvious problems that this would create (i.e. confidentiality issues on personnel and legal advise from staff, etc.), it is simply not necessary. The bill has been pushed by the Kansas Press Association. And finally, he reported that Paola's local sales tax bill (HB 2794) is in the Senate's Assessment and Taxation Committee. It has not yet been set for a hearing.

Manager VanderHamm advised the Council that on Tuesday, March 7<sup>th</sup>, a 16" water main will be temporarily shut down for repairs. All those that will be affected will be notified.

Manager VanderHamm reported that the new siren has been installed and tested. He presented a map showing the new coverage areas. The new siren was tested last week and it performed very well for much of the south and east ends of town, including the hospital.

Manager VanderHamm indicated that a pre-closing on the IRBs for the new hotel was scheduled for Friday February 24<sup>th</sup>. The final closing is set for Wednesday, March 1<sup>st</sup>. The final building permit was issued Wednesday, February 22<sup>nd</sup>.

Manager VanderHamm presented the February Sales Tax Report. The report covers the sales in December of last year. Though it is down from 2004, you have to look at the 2 "holiday shopping" months together. This shows an increase in total sales taxes collected of over \$9,000 (\$298,356 compared to \$307,431) or a 3% increase.

Finally, Manager VanderHamm advised that Tim Underwood from the Home Builders Association of Greater KC will be making a presentation on "Traditional Neighborhood Developments" on March 2<sup>nd</sup>. It will be held at the Miami County Commission Chambers and starts at 1:30. VanderHamm indicated that he and other staff members will attend.

Councilmember Moulder reminded the Council that he would be presenting a water rate proposal at the work study session on March 8<sup>th</sup>. The proposal would include a senior discount.

Councilmember Pritchard indicated that he agreed that a discount should be provided to seniors. He reported that residents at Rockwood Estates have complained about construction traffic coming through the main entrance to the subdivision. The residents at Rockwood were very happy with the new street lighting that had recently been completed. He also indicated that Julie Miller had complimented the City staff in the process of opening her business. He requested that the Council consider changing the Council Meeting time from 5:30 pm to 6:30 pm.

Councilmember Rowlett indicated that the Planning Director for the City of Spring Hill would be attending the meeting with the housing development workshop on March 2<sup>nd</sup>.

Councilmember Shields stated that she liked the ad on cable TV about licensing dogs and cats.

Mayor Stuteville asked about the spring clean up schedule. Public Works Director Bieker indicated that it was scheduled for late April before the County's free dump schedule. Mayor Stuteville asked about the new utility poles along Baptiste Drive and inquired why they were not metal poles. Public Works Director Bieker indicated that it was a matter of cost.

**Agenda Item 7 - Executive Session for the purpose of discussing personnel matters of non-elected personnel. K.S.A. 75-4319(B)(1) is the authority for this recess.**

Councilmember Rowlett made a motion to adjourn to Executive Session for 20 minutes for the purpose of discussing personnel matters of non-elected personnel; the regular meeting to reconvene at 6:50 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 8 – ADJOURNMENT.**

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

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Artie Stuteville, Mayor

ATTEST: (seal)

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Daniel G. Droste, City Clerk