

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

**February 14, 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, Clerk Droste, 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**  
No one addressed the Council.

Manager VanderHamm introduced Vicki Belt the new Human Resources Director and Police Chief Smail introduced Robbie Fischer and Adam Hale, new Police Officers for the City of Paola.

**Agenda Item 4 - CONSENT AGENDA**

- a. **Approval of minutes of the meetings of January 24, 2005**
- b. **Approval of Salary Ordinance number 06-02**
- c. **Approval of Appropriation Ordinance No. 575**

Councilmember Moulder 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 - Presentation by James Kaup on the update of the Paola Comprehensive Plan.**

Planner Engineer Faust presented a draft of a community survey that Jim Kaup is working on in relation to the City's updated Comprehensive Plan. Mr. Kaup could not be in attendance tonight. Faust indicated that Mr. Kaup was concerned about the length of the survey and was concerned that if the survey was too long that it would generate a low response. Kaup suggested that perhaps 14a – 14e could be eliminated as they were not completely relevant to the Comprehensive Plan. Faust indicated that the goal of the survey is to get a true cross section of the population of the City.

Manager VanderHamm asked about Question 6 and indicated that some of the programs that the question asks about are not relative as the City does not run many of the programs mentioned in the question. VanderHamm stated that question 12b would be of particular interest to him, and he also suggested that questions 14b-e would be of interest to him but not necessarily relevant to the comprehensive plan. VanderHamm also suggested that question 16a-e include the word "Paola" at the beginning of each question. VanderHamm also suggested that question 20 include questions about the Park Square and Baptiste Drive. VanderHamm also commented that question 22 change "good schools" to something a little more specific or descriptive.

Councilmember Rowlett asked about being able to identify which Ward a survey comes from. Clerk Droste suggested that question 26 be changed to describe the City's Wards. Rowlett suggested that there needed to be an effort to determine what people identify Paola with and why people want to live in Paola.

Councilmember Pritchard suggested that questions 1a and 4a were too similar. He also suggested that question 2 should include the word "above" should be included in the questions. Councilmember Shields suggested that question 26 include an option for those who live in the growth area.

After discussing mailing options, it was decided that the survey would be mailed with the water department consumer confidence report (CCR) and mailed to every household. If the CCR was not available in time, the survey would be mailed separately to at least half of the households in the City. They would also be available at City Hall.

### **Agenda Item 5b - Consider Charter Ordinance No. 19 – Transient Guest Tax.**

Manager VanderHamm summarized the Charter Ordinance presented for consideration pursuant to the discussion that was held at the previous Council Meeting. VanderHamm indicated that the Ordinance changes three areas of State Statue, as follows:

- 1) Changes the rate from 2% to 5%;
- 2) Changes the number of members on the committee from 10 to 5;

- 3) The terms of committee members are 2 years with no term limits.

VanderHamm pointed out that the ordinance does not change any of the following issues:

- 1) The groups the Mayor should try to have represented on the committee include the bed & Breakfast/hotels, restaurants, local retail, and the Chamber – including the new events center.
- 2) The role of the committee is to review the options that will promote the community and support the events that bring people into town for overnight stays.
- 3) The City Council is the only body with the authority to spend Transient Guest Tax Funds.

VanderHamm also reminded the Council that Charter Ordinances must be published for two consecutive weeks and survive the 60 day protest period before becoming effective. The tax could not be collected, spent, nor the committee formed until after the protest period has expired.

Councilmember Pritchard questioned not having a term limit. Clerk Droste suggested that the reasoning behind not having a term limit was the lack of potential individuals willing to serve on the committee who meet the qualifications.

Councilmember Shields questioned whether or not someone on the Tourism Group would not be on the committee. Manager VanderHamm suggested that perhaps a member of the Tourism Group could serve as an “ex-officio” member, that is a non voting member of the committee.

Councilmember Rowlett made a motion to approve CHARTER ORDINANCE NO. 19 – AN ORDINANCE REPEALING CHARTER ORDINANCE NO. 12; AND AN ORDINANCE EXEMPTING THE CITY OF PAOLA, KANSAS FROM ALL THE PROVISIONS OF K.S.A. 12-1697(a) RELATING TO THE LEVY OF TRANSIENT GUEST TAX; FROM THE PROVISIONS OF K.S.A. 12-1698(e) RELATING TO THE CITY TRANSIENT GUEST TAX FUND; FROM ALL THE PROVISIONS OF K.S.A. 12-16,101 RELATING TO A COMMITTEE TO MAKE RECOMMENDATIONS FOR PROGRAMS AND EXPENDITURES; AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT. The motion was seconded by Councilmember Moulder.

Councilmember Shields suggested that a member of the Tourism Group would serve as an “ex-officio” member of the committee. Manager VanderHamm indicated that this need not be included in the ordinance.

The Council and Mayor all voted aye. The motion passed 5 to 0.

**Agenda Item 5c - Consider approval of Change Order No. 2 for Contract A on the construction of the new Waste Water Treatment Plant**

Engineer Planner Faust presented Change Order No 2 for Contract A on the new Waste Water Treatment Plant. The change order was detailed as follows:

- Install stairs at Drain Pump Room \$3,450.23
- Install VFDs on belt press loading pumps \$5,430.35
- Install shredder pump at digester sump \$1,077.57
- Modify CT Cabinet installation (deduct) (\$1,558.21)
- Total Change Order No 2 \$8,399.94

Additional items being submitted are as follows:

- Install retaining wall at Belt Press Building \$2,475.15
- Install additional support beam at clarifier \$4,521.48
- Additional materials testing \$6,000.00
- Total these changes \$12,996.63

Total all changes \$21,396.57

Councilmember Rowlett asked if some of these changes were defects in the original design or if they were changes that the City has requested. He also asked how many more of these were coming and how close the project was to being completed. Engineer Planner Faust indicated that the items were not included in the original design but should have. However, had they been included in the original design, the original cost would have been increased to include these items. Faust indicated that the change orders amount to less than 1% of the contract amount which is very good.

After further discussion, Councilmember Pritchard made a motion to approve Change Order No. 2 in the amount of \$21,396.56 to Contract A to CAS Construction for the construction of the new Waste Water Treatment Plant. The motion was seconded by Councilmember Rowlett and all voted aye.

**Agenda Item 5d - Consider approval of Change Order No. 3 for Contract B on the construction of the Force Main at the new Waste Water Treatment Plant**

Engineer Planner Faust presented Change Order No 3 for Contract B. Faust indicated that this is the final change order for Contract B and construction is substantially complete.

Details for the change order are as follows:

- Additional 345 linear feet of 16” PVC \$12,144.00
- Additional 55 linear feet of 8” PVC \$ 1,457.50
- Total Change Order \$13,601.50

Faust explained that the reason for the discrepancy was a late change in the route that was used to install the pipe. The engineers were only able to estimate the amount of materials needed for the new route rather than surveying the route to identify specific quantities for the job.

Councilmember Shields made a motion to approve Change Order No 3 in the amount of \$13,601.50 to Contract B to BRW Construction for the construction of the Force Main at the

new Waste Water Treatment Plant. The motion was seconded by Councilmember Rowlett and all voted aye.

**Agenda Item 5e - Consider approval of the Lewis Drive Construction Draw #1.**

Engineer Planner Faust presented pay request #1, and reported that they are approximately 13% finished with the project. Faust reported that the next step would be the installation of the storm sewer, then work would begin on the inlets and curbs.

After some additional discussion, Councilmember Pritchard made a motion to approve construction draw #1 in the amount of \$102,575.34 for the Lewis Drive improvements. The motion was seconded Councilmember Moulder and all voted aye.

**Agenda Item 5f - Consider approval of the Waste Water Treatment Plant Construction Draw #8**

Engineer Planner Faust presented construction draw #8 for the new waste water treatment plant. Councilmember Pritchard questioned a \$40 daily vehicle charge from Terracon. Faust explained that Terracon is a subcontractor who does the concrete testing for CAS Construction.

Councilmember Rowlett made a motion to approve construction draw #8 in the amount of \$1,093,236.22 for the new waste water treatment plant. The motion was seconded by Councilmember Shields and all voted aye.

**Agenda Item 5g - Discussion of Councilmember Moulder's water rate proposal.**

Councilmember Moulder presented his proposal for changes to the rate structure for water charges to City utility customers. His proposal would provide 2,000 gallons of water as a part of the base fee charged for water service. The proposal would also change the per gallon usage rates over the initial 2,000 gallons used. The proposed rate structure would decrease water fees to the low and moderate volume users and the very high users. The proposal was discussed at length with concerns being raised over the potential of 75% of utility customers receiving a rate decrease while the remaining 25% receiving a rate increase.

After an extensive discussion, there was agreement among the Council that perhaps another rate model, procedure, or program could be designed that would target just the elderly, low income resident. Manager VanderHamm indicated that the computer records at City Hall do not include demographic information and it could be difficult in determining if a rate structure actually will benefit the desired demographic target. No motion or decision was made on the proposal. Councilmember Moulder challenged the Council to come up with alternative proposals that provided relief to the low income residents of the City. The Council agreed that alternative solutions could be explored and discussed in the future.

## **Agenda Item 6 - NEW BUSINESS**

Manager VanderHamm presented a quit claim deed for a very small tract of real estate behind the Elliott Insurance building. Apparently, this tract is titled in the name of the City of Paola and was overlooked in a previous transaction. The City Attorney has suggested that this tract of land be deeded to Elliott Insurance Inc. to clean up the situation. Councilmember Rowlett made a motion to authorize the Mayor to sign the deed. The motion was seconded by Councilmember Shields and all voted aye.

Manager VanderHamm reported that he testified to the House Committee on Taxation in support of HB 2794 which is the City of Paola ¼ cent sales tax legislation. The bill passed unanimously out of committee to the consent calendar.

Manager VanderHamm presented the January financial report. He reported that sales tax revenues for January were up 11% over the same period in 2006.

Manager VanderHamm presented a copy of a letter from Governor Sebelius responding to his letter regarding the proposed decrease in business machinery and equipment taxes.

Manager VanderHamm shared a letter from Assistant Fire Chief Andy Martin regarding the exemplary behavior of some of our Police Officers during the recent fire at the Paola Middle School. Officers David Hughes and Paul Argeropoulos were commended for their efforts in dealing with a potentially dangerous situation.

Manager VanderHamm reported that the Marias des Cygnes Public Utility Authority (MDCPUA) Board has met and adopted its by-laws. The MDCPUA has also selected Bartlett & West to be the design engineering firm for the new water treatment plant.

Manager VanderHamm reported that the March work study session would be moved to Wednesday, March 8<sup>th</sup> due to a scheduling conflict at the Community Center.

Councilmember Shields asked if KCP&L has been installing street lights at Rockwood. Faust indicated that they have been and should be nearly complete. She also asked about the Cebridge franchise agreement. Manager VanderHamm reported that the contract is being reviewed by Cebridge's attorneys and should be presented for Council approval at February 28<sup>th</sup>. Councilmember Shields recommended that the Council should e-mail representatives on machinery tax issue.

Councilmember Rowlett asked for clarification on a statement in the newspaper from a member of the council that indicated that the council operating illegally regarding the issuance of a liquor license. The public hearing process for approving the waiver of the 500 foot restriction from a church, school, or park was discussed.

Councilmember Moulder had no additional business to discuss.

Councilmember Pritchard asked if the truck traffic signs had been installed. Manager VanderHamm indicated that all of the signs that the Council approved had been installed. Pritchard indicated that he had received complaints about the turn around at the south end of Angela Street at Lakemary Center. Manager VanderHamm indicated that the Public Works Department is aware of the situation.

Mayor Stuteville made a recommendation to reappoint Brenda Wreshneck and Fran Hamilton to the Tree Board, and to reappoint Bob Nichols to the Paola Housing Authority Board. Councilmember Rowlett made a motion to approve the Mayor's reappointments. The motion was seconded by Councilmember Moulder and all aye.

Mayor Stuteville reminded everyone that the final legislative breakfast in the county would be held next Saturday in Osawatomie at the High School.

**Agenda Item 7 – 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