

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

January 12, 2010

**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 Planner Gotfredson, Public Works Director Browning, Police Chief Smail, LeAnne Shields, Mary Harris, Peggy Reed, Hannes Poetter, Carol Everhart from the Paola Chamber of Commerce, and Jesse Trimble from the Miami County Republic.

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.

LeAnne Shields addressed the Council regarding the video taping and broadcasting of Council Meetings. Manager Wieland explained that a test recording was being made of this meeting and that the technical details were still being worked out. Ms. Shields asked the City Manager to contact her regarding the schedule for televising the meetings.

Carol Everhart with the Paola Chamber of Commerce thanked the City for making the Municipal Court Room available to the Chamber for their annual Directors Retreat.

Agenda Item 4 - CONSENT AGENDA

- a. Approval of minutes of the meeting of December 8, 2009.
- b. Approval of Salary Ordinance number 09-24a, 09-25, and 09-26.
- c. Approval of the Journal Entries Report for December, 2009.

Councilmember Rowlett made a motion to approve the Consent Agenda as presented and authorize the Mayor to sign. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 4 to 0.

Agenda Item – APPROPRIATION ORDINANCE 667, 668, and 669

Councilmember Bell questioned disbursements for gymnasium equipment, Knox Box, furnishings, and televisions for the new Fire Station and Rotary Club dues. Councilmember Bell stated that he objected to these types of expenditures for the Fire Station. Mayor Stuteville asked about the fees for court appointed attorneys. Councilmember Pritchard inquired about the expenditures for children's fire hats for Fire Prevention Week and the fees for court appointed attorneys. After discussion, Councilmember Rowlett made a motion to approve Appropriation Ordinances 667, 668, and 669 as presented, and authorize the Mayor to sign. The motion was seconded by Councilmember Dial. Councilmembers Rowlett, Dial, and Pritchard voted aye and Councilmember Bell voted nay. The motion passed 3 to 1.

Agenda Item 6 - REPORTS OF OFFICERS, BOARDS AND COMMITTEES

Agenda Item 6a - Consider approval of Change Orders 2 & 3 for the Paola Fire Station project.

Manager Wieland presented change orders for the Paola Fire Station project. Change Order No 2 in the amount of \$6,841.00 is for landscaping, water service line, sewer service line, additional concrete fill, and removal of an old foundation. Change Order No 3 in the amount of \$5,535.00 is for replacing both the north and south entry doors on the east side of the gym, including card reader security locks, all hardware and paint.

After discussion, Councilmember Pritchard made a motion to approve Change Order No 2 in the amount of \$6,841.00 and Change Order No 3 in the amount of \$5,535.00 to the contract with Legacy Contractors, LLC on the new Fire Station project. The motion was seconded by Councilmember Rowlett and all voted aye. The motion passed 4 to 0.

Agenda Item 6b - Consider approval of Pay Application No 10 for the Paola Fire Station project.

Manager Wieland presented pay application number 10 in the amount of \$133,509.00 from Legacy Contractors, LLC on the Paola Fire Station Project. He reported that the project is now complete with the exception of a few punch list items. The Fire Department has moved into the facility under a 90 day temporary occupancy permit.

After discussion, Councilmember Dial made a motion to approve Pay Application No 10 in the amount of \$133,509.00 to Legacy Contractors, LLC for the new Fire Station project. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 4 to 0.

Agenda Item 6c - Consider bids for improvements to the kitchen at the Paola Community Center.

Manager Wieland presented bids for improvements to the kitchen at the Paola Community Center. The proposed improvements include repairs to the ceiling, walls, flooring, and kitchen equipment. Bids were received from Legacy Contractors, LLC in the amount of \$14,941.00 and from Petelin Construction Company, Inc. in the amount of \$15,187.17. The project is being funded from a donation from Mr. Thomas Schwartz.

After discussion, Councilmember Dial made a motion to accept a proposal from Legacy Contractors, LLC in the amount of \$14,941.00 for improvements to the kitchen at the Paola Community Center. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 4 to 0.

Agenda Item 6d - Report on the status of property located at 115 W Wea Street.

Clerk Droste reported that the City Council requested an update on the status of building code issues on the property located at 115 W Wea. Droste reported that the Community Development Department provided a timeline report of inspections on the property over the past year. He also reported that the business is currently closed while the owner is on vacation and City Staff have been unable to inspect the property during the past few weeks.

Councilmember Rowlett indicated that he supported commencing dangerous structure proceedings on the property given the lack of progress in resolving the building code issues.

Agenda Item 6e – Preliminary Financial Report for Budget Year 2009.

Clerk Droste presented preliminary financial reports for budget year 2009. He reported that these preliminary numbers were unaudited and subject to auditor's adjusting entries.

Droste reported that for all budgeted funds, total revenues were \$13,415,069 or 99.7% of the 2009 Amended Budget. Expenditures totaled \$10,359,583 or 96.8% of the 2009 Amended Budget. Overall, the cash balance carryover for these funds totaled \$3,071,185 which exceeds the 2009 Amended Budget by \$315,348 or 11.4%.

Councilmember Rowlett asked about the water rates and take or pay amounts from the Marais Des Cygnes Public Utility Authority. Manager Wieland indicated that the water rates will be reviewed by the MDCPUA Board and adjusted as required. The take or pay numbers are adjusted annually. Councilmember Rowlett asked that the Council be provided a report on the operations for the MDCPUA.

Manager Wieland indicated that the positive financial results for 2009 were the direct result of the efforts of the Department Managers and he thanked them for the good job that they did in watching their budgets.

Agenda Item 7 – NEW BUSINESS

Planner Gotfredson reported that revisions to the Neighborhood Revitalization Plan should be ready for consideration by the Council in the very near future.

Councilmember Bell thanked Police Chief Smail for sponsoring a student to attend the Law Enforcement Academy in Salina, KS this coming summer. The Sheriff's Department and the American Legion are also sponsoring students to attend the academy.

Councilmember Rowlett reported that he and City Manager Wieland attended the Chamber Board Retreat where Blake Schreck from the Lenexa Chamber of Commerce spoke. Mr. Schreck's comments were focused on cities becoming more business friendly by streamlining their permit processes. Councilmember Rowlett asked if staff had completed written guidelines for businesses in this regard. Planner Gotfredson explained the efforts made in this regard. Hannes Poetter addressed the Council and stated that Paola does not have the business licenses that many cities require. Poetter stated that the staff at Paola City Hall were extremely helpful and that he would be hesitant to recommend that anything be changed.

Councilmember Rowlett asked about revisions to the LDO. Planner Gotfredson indicated that progress is being made and asked how the Council would prefer to proceed in amending the document. Councilmember Rowlett stated that since the Planning Commission needs to be involved in the process, he recommended a joint Work Study Meeting with the Planning Commission to discuss the issues.

Mayor Stuteville thanked the Public Works Department for their hard work in dealing with all of the recent snows.

Agenda Item 8 – DISCUSSION ITEM: Housing Incentive Policies

Prior to the discussion on housing incentive policies, Councilmember Rowlett recused himself from the meeting.

Manager Wieland indicated that he hoped to review the discussion items from the last Council Work Study Meeting and to obtain additional input from the Council in formulating a potential Housing Incentive Policy.

After discussing component issues of potential incentives, the following were agreed to be a consensus:

- 1) The incentive should be buyer based to encourage home sales.
- 2) All home buyers should be targeted, rather than limiting the incentive to first time home buyers or other restrictions.
- 3) The type of market should not be restricted or targeted. All single-family owner occupied housing types would be eligible.
- 4) The incentives to buyers would be offered on new housing stock where utility connection fees are being collected. The utility connection fees would be used to fund the incentives.
- 5) Incentives to builders could include the waiver or rebate of building permit fees.
- 6) Home buyer incentives including the waiver of monthly provided utility fees would not be considered.
- 7) The home buyer incentives could be used for down payment, closing costs, or to buy down the mortgage.

- 8) The incentive program could run for 12 months initially and include all homes where the utility connection fees are paid during that time period. Closing could take place after the program has been terminated and would still qualify for the incentive. The program could be extended by the Council.
- 9) Builders would be encouraged to use local suppliers and labor, however it could be difficult to make this a requirement of the program.
- 10) In subdivisions where the City does not provide water service, only sewer connection fees would be rebated. RWD2 could be invited to participate in the program for the water rebate for these properties.
- 11) The program could be administered by the Community Development Department.

Agenda Item 9 - ADJOURNMENT.

With no additional business to come before the Council, Councilmember Pritchard made a motion to adjourn. Councilmember Dial seconded the motion and all voted aye. The motion passed 3 to 0.

Artie Stuteville, Mayor

ATTEST: (seal)

Daniel G. Droste, City Clerk