

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

September 26, 2006

**HELD AT THE PAOLA PUBLIC WORKS BUILDING
29370 Old KC Road in Paola**

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

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

Council Members absent: None.

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

PLEDGE OF ALLEGIANCE: Mayor Stuterville invited everyone in attendance to join in the Pledge of Allegiance.

Agenda Item 1 - CALL TO ORDER: The regular council meeting was called to order by Mayor Stuterville.

Agenda Item 2 - ROLL CALL: Mayor Stuterville and Council Members Pritchard, Dial, Rowlett, and Hamilton were all present.

Agenda Item 3 - PETITIONS, REMONSTRANCES, AND COMMUNICATIONS

Mr. Ed Hurlbut with the American Legion addressed the Council regarding off road vehicles that are damaging property along Bull Creek in the Southwest corner of town. He indicated that they are accessing the area at the end of Ottawa Street and recommended that the City consider installing a gate or other barrier to keep vehicles from accessing the area.

Agenda Item 4 - CONSENT AGENDA

- a. **Approval of minutes of the meetings of September 12, 2006**
- b. **Approval of Salary Ordinance number 06-17**
- c. **Approval of Appropriation Ordinance No. 590**

Councilmember Hamilton questioned the expense for portable toilet rental and cleaning on the Appropriation Ordinance. Public Works Director Bieker indicated that the City rents approximately 30 portable toilets and many of those are cleaned multiple times per week. Approximately 10 to 12 are located at Lake Miola.

Councilmember Pritchard 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 - Consider an Ordinance granting a Conditional Use Permit for Light Industry at 7 South Agate.

Amy Barenklau presented a report on the Planning Commission's recommendation to approve a Conditional Use Permit for a screen printing business at 7 S Agate Street. A screen printing is considered "Light Industrial" and does require a Conditional Use Permit for the zoning district. The Paola Planning Commission approved the request at their meeting on September 19th with the following conditions:

- 1) All work shall be completed within an enclosed structure.
- 2) Hours of operation shall be limited to 8am – 12am, Sunday through Saturday.
- 3) The maximum decibel level shall not exceed 70 decibels at the property line.
- 4) All printing and embroidery products not bio-degradable to be disposed of by approved methods and shall not enter the sanitary sewer system.
- 5) If a permanent trash dumpster is added, it shall be properly enclosed in a trash enclosure.
- 6) Parking area to be striped and ADA sign posted on building and pavement, as well.
- 7) Proper venting of production area to be provided that would not impact surrounding properties. Both the dryer and for any possible fumes from inks/dyes.
- 8) Parking spaces to be established so as to maximize the site distance for drivers exiting onto Agate Street from the alley.
- 9) After one year, the conditional use permit shall be reviewed by the Planning Commission to ensure compliance. The property owner shall be responsible for notifying adjoining property owners (as identified by the abstractor's search for the original CUP request) by regular mail two weeks in advance of the Planning Commission's review. If the owner will be requesting an amendment to the CUP, the notification shall follow the same procedures as the original CUP notification. Adjoining property owners will have an opportunity to comment on compliance to the conditions of the CUP.
- 10) At any time, the City may institute revocation of the conditional use permit for violations of the conditions of approval, expiration, or the reasons specified in Section 21.225 of the Land Development Ordinance. The City shall provide notice to the landowner and public in the same manner as was provided for the establishment of the conditional use permit.

After discussing the request, Councilmember Rowlett made a motion to approve CONDITIONAL USE PERMIT 06-CUP-07, AN ORDINANCE RELATING TO ZONING: AUTHORIZING A CONDITIONAL USE PERMIT FOR CERTAIN PROPERTY. The motion was seconded by Councilmember Pritchard and all voted aye. Clerk Droste assigned no. 2927 to the Ordinance.

Agenda Item 5b - Consider Adoption of an Ordinance amending water rates and service charges.

Manager VanderHamm presented an ordinance effecting rate and fees for water rates for 2007 and 2008 as discussed in a recent Council Work Study Session. The ordinance reflects a \$10 monthly flat fee beginning in 2007 to retire the debt for the new water treatment plant. Base water fees, regular service charges, and new service connection charges are not changed until 2008.

Clerk Droste recommended that the rate changes be effective with the March 31st billing cycles as indicated in the Ordinance so that staff can institute all rate changes once during the year. This would minimize the turmoil that the utility billing staff would encounter in implementing the ordinance. Manager VanderHamm indicated that by delaying the increases from January to March, the City would loose approximately \$42,000 in revenues. VanderHamm also added that the \$10 monthly service charge for the treatment plant debt would not be passed on to those senior citizens that are enrolled in the low-income discount program.

After discussing the rate study and the ordinance, Councilmember Rowlett 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 700.260 SERVICE CHARGE; AND ADDING SECTION 700.265 WATER PLANT DEBT SERVICE CHARGE TO THE MUNICIPAL CODE OF THE CITY OF PAOLA, KANSAS using March 31st as the effective date for increases in Sections 2, 3, and 4 of the ordinance. The motion was seconded by Councilmember Hamilton and all voted aye. Clerk Droste assigned no. 2928 to the Ordinance.

Agenda Item 5c - Consider an agreement with Bartlett & West for design of temporary booster pump and control vaults for the new water tower.

Manager VanderHamm reported that he and Public Works Director Bieker have been in discussion with Bartlett & West regarding this design contract. Manager VanderHamm indicated that the contract covers two separate projects that really should be segregated and addressed separately.

The design and construction of the control vaults to separate pressure zones needs to proceed as outlined in the agreement. However, the costs of the design and construction of the booster pumps could be reduced by the Public Works Department performing most of the

construction on the project. Most of the construction could be done by Public Works during the slower winter months and money could also be saved in design and inspection fees.

Manager VanderHamm indicated that Bartlett & West was willing to change the arbitration clause in the contracts. He also recommended that the issue be tabled until two new agreements could be drafted, one for each of the projects.

Councilmember Rowlett made a motion to table action on this issue until the projects could be separated into two contracts. The motion was seconded by Councilmember Dial and all voted aye.

Agenda Item 5d - Consider Adoption of an Ordinance amending the Standard Traffic Ordinance.

Clerk Droste reported that in discussing the City's ordinances with Sandy Jacquot with the League of Kansas Municipalities (LKM), we discussed the current procedures required to change traffic signs. Currently, each traffic sign change requires an ordinance which must be published to affect the sign change.

The LKM recommends, as an alternative, passing an ordinance that amends the Standard Traffic Ordinance by allowing the governing body, by resolution, to establish and fix the location of such traffic control devices as may be deemed necessary to guide and warn traffic under the provisions of this chapter, other traffic ordinances and the state laws. Any official traffic control device shall be marked and labeled on a map of the City of Paola and shall be filed with the city clerk.

Councilmember Hamilton made a motion to approve AN ORDINANCE AMMENDING THE STANDARD TRAFFIC ORDINANCE AS ADOPTED, LOCAL TRAFFIC REGULATIONS. The motion was seconded by Councilmember Pritchard and all voted aye. Clerk Droste assigned no. 2929 to the Ordinance.

Agenda Item 5e - Consider approval of Class B Private Club Licenses for the Paola Country Club and a Retail Liquor License for Park Plaza Liquors.

Clerk Droste presented a request to approve the renewal of Class B Private Club Licenses for the Paola Country Club and a Retail Liquor License for Park Plaza Liquors. He reported that both facilities have passed the required fire safety inspection and paid the appropriate fees.

Councilmember Pritchard made a motion to approve a Class B Private Club License for the Paola Country Club and a Retail Liquor License for Park Plaza Liquors. The motion was seconded by Councilmember Dial and all voted aye.

Agenda Item 5f - Discussion regarding the City's group benefits for employees.

Clerk Droste reported that at the last City Council Meeting, there was a discussion regarding the level participation that the City shares with the employees for the cost of the monthly premiums for group insurance. Currently, the City pays 75% of the premium and the employee pays the remaining 25%. This is true regardless of which plan the employee chooses (Employee only, Employee + Children, Employee + Spouse, or Employee + Family). The City pays 75% of the health, dental, and life insurance premiums.

During the discussion, there was some consideration to increasing the City's participation to some higher level. Droste presented three spreadsheets that identify the costs associated with increasing the level of participation by the City.

Spreadsheet #1 identifies how each of the 55 eligible employees participate in our group health and dental insurance. The spreadsheet calculates the total dollars that the City is currently spending at the 75% participation level. It also estimates the total dollars that might be spent at 80%, 85%, and 90% participation levels.

Droste explained that the important thing to consider is that the group of 55 eligible employees is not static. Employees will make a choice to use our group insurance based on the cost and benefits. For example, the 12 employees who are not enrolled in our group health plan are enrolled in a spouse's plan because it is less expensive. Additionally, some employees choose only single coverage on themselves and the spouse is covered by his or her employer's plan. Because group participation is not static, it is very difficult to estimate the financial impact of increasing the City's level of premium participation beyond 75%.

Droste also presented additional spreadsheets that are identical to spreadsheet #1. Spreadsheet #2 assumes a 10% premium increase, and Spreadsheet #3 assumes a 20% premium increase. These were also prepared to see how premium increases affect the total costs using the various levels of participation (75%, 80%, 85%, and 90%).

Clerk Droste also reported that he had received quotes for group vision coverage from several companies, however he had not completed the policy comparisons to determine the best value for city employees.

Councilmember Rowlett expressed concerns about increasing the City's participation in the group insurance plans after the budget had already been established for 2007. He indicated that he was not opposed to talking about an increase for employees, however, he would like to see that discussion during the budget process.

After discussing the issue further, Clerk Droste agreed to report on group vision options at a future meeting.

Agenda Item 6 - NEW BUSINESS

Manager VanderHamm presented the sales tax revenue report and collections for September amounted to \$139,997 which is down slightly as compared to the same time period last year.

Manager VanderHamm reported that Justin Givens has accepted the position of Planner. He has been the City of Sterling's Planner for nearly 4 years and has a degree in Urban Planning from KU. He will start October 2nd. He also reported that Chad Meyers has accepted the position of Community Center Director. He has considerable experience with program development, volunteer recruitment, facility management, and board relations. He will start October 16th.

Manager VanderHamm reported that contact has been made with John Brann from Ponzer-Younquist regarding the Hickory/Osage flood plain issue. He previously worked on the Hickory upgrades and is willing to assist us in providing FEMA with specific data required for consideration of a Letter of Map Revision.

Manager VanderHamm reported that the new Waster Water Treatment Plant is up and running. Though there are a few operational issues that are being worked out, finalizing the project with Larkin and C.A.S. is near. At some point, a follow-up tour of the facility would be appropriate. He also reported that the City has been contacted by an individual that desires to haul off the solid sludge produced by the plant. The City would pay \$5/ton as a fuel offset to get rid of the sludge.

Manager VanderHamm reported that he had a discussion with Jim Kaup and the Planning Commission regarding possible Suburban zone changes and the general concept of open or green space requirements. In essence, what are we as a city trying to accomplish by requiring green space? Other than just green grass, could we not provide an incentive to developers to include pocket parks, trails, and perhaps other amenities that would add quality of life to the new neighborhood? We agreed that this discussion needs to be held and this issue considered by the Planning Commission, as well as city staff and the City Council.

Councilmember Hamilton reported that he had been contacted by the Indian Hills Home Owners Association regarding the problem with vehicle speeds through the subdivision. The association is considering solutions to this problem such as removable speed bumps. He and Police Chief Smail will be meeting with them next Monday to discuss ways to resolve this problem.

Councilmember Dial reported that she had received a complaint about the condition of Gold Street near Kansas City Power and Light.

Councilmember Pritchard asked about the parking lot at Whitaker Park. Public Works Director Bieker indicated that the gas company was working on a repair. Pritchard also asked about the stop sign at Morningside Drive and Lewis Drive.

Mayor Stuterville reported that the manhole cover on East Peoria is loose and needs to be reset. She also indicated there is a group that is working on having Paola designated as the "Wedding Capitol of Kansas". The group is requesting that consideration be given to renting and reserving the gazebo in the Park Square for weddings. The funds could be used to repair and maintain the gazebo.

Mayor Stuteville asked the City Staff to look into the request from Mr. Hurlbut regarding the off road vehicles in the southwest part of town.

Councilmember Rowlett complimented the Public Works Department on the work on the Park Square. The new sidewalks are now completed and they look great.

Agenda Item 7 - EXECUTIVE SESSION (K.S.A. 75-4319(B)(1), K.S.A. 75-4319(B)(2), and K.S.A. 75-4319(B)(6) are the authorities for this recess.)

Councilmember Rowlett made a motion to adjourn to Executive Session for 55 minutes for the purpose of discussing personnel matters of non-elected personnel, for the purpose of a consultation with an attorney for the governing body which is deemed privileged in the attorney-client relationship, and for preliminary discussions relating to the acquisition of real property; the regular meeting to reconvene at 8:00 p.m. The motion was seconded by Councilmember Pritchard and all voted aye.

At 8:00 pm, Councilmember Dial made a motion to reconvene the adjourned meeting. The motion was seconded by Councilmember Hamilton and all voted aye.

Agenda Item 8 – ADJOURNMENT.

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

Artie Stuteville, Mayor

ATTEST: (seal)

Daniel G. Droste, City Clerk