

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

February 13, 2007

**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 Stuteville presiding.

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

Council Members absent: None.

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

PLEDGE OF ALLEGIANCE: Mayor Stuteville 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 Stuteville.

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

Agenda Item 3 - PETITIONS, REMONSTRANCES, AND COMMUNICATIONS

Mark Farmer asked if the public would be allowed to comment on Agenda Item 5a when prior to the Council taking action. Mayor Stuteville stated that she would allow the public to address the Council on the issue.

Agenda Item 4 - CONSENT AGENDA

- a. **Approval of minutes of the meetings of January 23, 2007**
- b. **Approval of Salary Ordinance number 07-02**
- c. **Approval of Appropriation Ordinance No. 598**

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 - Consider sites for the new Police and Fire Stations.

Councilmember VanderHamm reported that he, Mayor Stuteville, and Councilmember Dial had met with the Fire Department last week to discuss the location of the new Fire Department building. He reported that an alternate site to Parking Lot No. 1 and the former KDOT property appears to be cost prohibitive. He stated that the Fire Department has presented valid arguments to keeping the fire station downtown by calculating response time and documenting fire risks. Another positive issue would be the City investing in the downtown area. The only negative issue in using this site is the reduction of the current 60 public parking stalls to 46. Manager VanderHamm indicated that it was his opinion that Municipal Parking Lot No. 1 is the best choice for the new fire station.

Mike Gage and Marty Dashiell individually addressed the Council and thanked them for considering the downtown location for the new fire station.

Each of the Councilmembers thanked the Fire Department for coming to the meeting and for their input on the location of the new facility. Councilmember Pritchard made a motion to construct the new Police Station at the former KDOT facility and the new Fire Station at Municipal Parking Lot #1. The motion was seconded by Councilmember Rowlett and all voted aye.

Agenda Item 5b - Consider a Resolution authorizing improvements to Industrial Park Drive.

Manager VanderHamm reported that the city submitted a KDOT Economic Development grant application for improvements to the west half of Industrial Park Drive in August of 2004. KDOT has approved the grant and is seeking a commitment from the City prior to securing funds for the project. He indicated that the City still has the right to reject the project should bids on the project come in above estimates.

The estimated cost of the entire project is \$1,014,952 with KDOT paying 60%. The City's share of the project would amount to approximately \$405,981 and most would be assigned as special assessments. However, currently most of the property that would be included in the benefit district is owned by the City. A 10 year bond at 4.5% would require a debt service of \$51,307 per year beginning in 2009.

After discussing the issue, Councilmember Rowlett made a motion to approve A RESOLUTION RELATING TO STATE AID FOR THE IMPROVEMENTS OF CITY CONNECTING LINKS ON THE STATE HIGHWAY SYSTEM. The motion was seconded by Councilmember Hamilton and all voted aye. The Clerk assigned No. 2007-002 to the Resolution.

Agenda Item 5c - Consider a Resolution authorizing improvements to Hedge Lane from 303rd Street to 299th Street.

Manager VanderHamm reported that The City submitted an application for KDOT STP Funding in May of 2003 for improvements to Hedge Lane from 303rd Street to 299th Street. He stated that Hedge Lane is and will continue to be a major north / south route on the east side of town. This project would be a city-at-large project and not assessed to property owners. As with the previous project, the Council needs to commit to the project in order for KDOT to secure funding and proceed with the design and bid.

The cost estimate for the entire project is \$2,527,698 with KDOT paying 80% up to a maximum of \$1,500,000. The City's share would be \$1,027,698. A 10 year bond at 4.5% would require a debt service of \$129,880 per year beginning in 2010.

Councilmember Rowlett questioned the cost of the project and expressed concerns over future mill levy increases to pay for the project. The impact of the project was discussed. The Council took no action on the issue and asked that a Work Study Session be held next week to discuss the issue in detail.

Agenda Item 5d - Report on 2007 Legislative issues.

Manager VanderHamm reported that the Legislative Breakfast that was held last Saturday was well attended by the public. Lieutenant Governor Mark Parkinson, Kansas Chamber of Commerce Director Jeff Glendening, Senator Pat Apple, Representative Jene Vickery, Senator Dennis Wilson, Representative Bill Feuerborn, and Senator Karin Brownlee were all in attendance.

The Senate Ways & Means Committee has been holding hearings on reestablishing the Local Ad Valorem Tax Reduction Fund (LAVTR). The Committee seemed receptive to working with us to find some way to reinstate at least part of the demand transfers. There is certainly no guarantee at this point, but it was a positive meeting and a step in the right direction.

A compromise bill on the One-Call System is being considered whereby water and sewer utilities would be considered "Tier 2" members of one-call and would only have to provide a map, a daytime phone number, and an evening phone number. Manager VanderHamm indicated that this bill should not have much impact on our Public Works Department.

Kansas Open Meetings Act (KOMA) and Kansas Open Records Act (KORA) bills requiring the taping of executive session (HB 2054 and 2085) and the bill which would codify the concept of a "serial meeting" under KOMA (HB 2084) are dead for the session. The one remaining Kansas Press Association bill (SB 194) would require mandated KOMA and KORA training for all public officials. The League of Kansas Municipalities is lobbying for a modification to the bill to allow for local briefing on KOMA and KORA and certify that the briefing had been done, but no more. The Committee seemed receptive to this local approach to KOMA and KORA training.

The League of Kansas Municipalities has been working with several legislators and interested parties to draft a definition of "blight" for the eminent domain law. That definition was introduced this week as bills in both the House and the Senate (SB 296 and HB 2461).

HB 2288, the bill which is designed to fix the slider provisions from last year's Machinery and Equipment bill passed the House overwhelmingly and will be heard next Thursday in the Senate Assessment and Taxation Committee.

Senator Apple is sponsoring a bill that would freeze property tax valuations for senior citizens over the age of 65. A constitutional amendment would be required to enact the bill. The bill contains no "means testing" for qualification and there are concerns that the bill could severely impact communities with older populations.

Agenda Item 5e - Consider transferring the title of a 0.62 acre tract of land to Nick Hart.

Clerk Droste reported that the Council Meeting on September 27, 2005, a discussion was held regarding improvements to Lake Miola Drive to eliminate the potential safety issues with the low water crossing at the north end of the lake. The developer of Bur Oak Estates, Nick Hart, offered to pay for a new roadway extension for East Lake Miola Drive to 287th Street to provide a 2nd entrance and to bypass the low water crossing. In exchange for paying for the road extension, Mr. Hart asked that the city transfer title of the small tract of land that lies east of the new road and adjacent to his property. The Council, at that time, did not express any concerns or opposition to the proposal, but a vote was not taken on the issue. (Minutes of the September 27, 2005 meeting were reviewed.)

Mr. Hart proceeded with the project and paid for the installation of the road extension and is now requesting title to the property. Clerk Droste reported that a survey of the property shows it to contain 0.62 acres. Councilmember Hamilton asked if there was an estimate to the value of the 0.62 acre tract. Clerk Droste indicated that given the location and dimensions of the lot, it would have minimal value as a stand alone home site. However, when combined, it should enhance the value of Mr. Hart's property. Considering the fact that the City did not pay for the road extension, it is a fair deal for both parties.

Manager VanderHamm also reported that the City agreed to provide the culverts for the project at an estimated cost of \$2,000. However, the contractor who installed the roadway offered to provide the culverts at a cost of \$1,500 and the City agreed to reimburse Mr. Hart for the cost of the culverts.

After discussing the request, Councilmember Pritchard made a motion to approve the transfer of title of a 0.62 acre tract of land located at the northeast corner of East Lake Miola Drive and 287th Street to Nick Hart and to reimburse \$1,500 for the cost of the culverts. The motion was seconded by Councilmember Dial and all voted aye.

2. NEW BUSINESS

Manager VanderHamm reported that he attended the Miami County Intergovernmental meeting earlier today in Louisburg at their new Fire Station.

The Public Works Department held its annual CPR training at the monthly safety meeting on January 30th. There were 22 employees in attendance, all of whom received their certification. The employees also received First Aid Training. The cost for the training was \$30.60 per employee for a total of \$703.80.

Manager VanderHamm reported that the IRS has increased the mileage reimbursement rate from 44.5 to 48.5 cents per mile.

Manager VanderHamm presented a topographical survey of the area where Gold and Park Streets intersect. This is the area near the trailer court where concrete barriers were placed to protect trailers from being struck by vehicles. The survey indicated that the trailers are located very close to the property line and one trailer along Gold Street is located in the City's right-of-way. The situation was discussed and staff was asked to research building permit files to determine why or how the trailers were set in their present locations.

Manager VanderHamm reminded the Council that City Hall would be closed on Monday, February 19th in observance of Presidents Day.

Councilmember Hamilton had no new business to discuss.

Councilmember Rowlett reminded the Council that LKM Board Meetings are open to all members and that the September meeting will be held in Paola on the 13th and 14th. Also, the Governing Body Institute is scheduled for May 4 & 5 in Topeka.

Councilmember Rowlett reminded the Council about the situation on Osage Street regarding the flood zone as mapped by FEMA. In his conversations with Phil Elliott on the issue, Mr. Elliott would be satisfied if he were reimbursed the \$2,000 that he had to pay for flood insurance premiums for the buyer of his properties. Manager VanderHamm indicated that this situation has been unresolved for many years and that there were no guarantees that engineering reports provided to FEMA would actually change the flood zone in that area. Councilmember Rowlett suggested that the City consider settling the issue by reimbursing Mr. Elliott \$2,000 instead of pursuing additional engineering studies.

Councilmember Rowlett reported that he attended the February 1st meeting with KDOT on the K68 corridor study. He indicated that he supported the study but he felt that the study might be funded by county economic development funds.

Councilmember Pritchard asked if the pot holes at the intersection of East Street and Baptiste Drive could be filled. Mayor Stuteville also reported that there was a sizeable pot hole on Iron Street in front of Maple Vista.

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

Councilmember Dial made a motion to adjourn to Executive Session, to include the Mayor, Council, City Manager, and City Attorney, for 60 minutes for the purpose of discussing personnel matters of non-elected personnel and for the purpose of a consultation with an attorney for the governing body which is deemed privileged in the attorney-client relationship; the regular meeting to reconvene at 8:00 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 Dial and all voted aye.

Agenda Item 9 – ADJOURNMENT.

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

Artie Stuteville, Mayor

ATTEST: (seal)

Daniel G. Droste, City Clerk