

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

June 27, 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 Pritchard, Dial, Rowlett, and Hamilton.

Council Members absent: None.

Also present: Manager VanderHamm, Clerk Droste, City Attorney Tetwiler, Engineer/Planner Faust, Public Works Director Bieker, 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
No one addressed the Council.

Agenda Item 4 - CONSENT AGENDA

- a. **Approval of minutes of the meetings of June 13, 2005**
- b. **Approval of Salary Ordinance number 06-11**
- c. **Approval of Appropriation Ordinance No. 584**

Councilmember Rowlett made a motion to approve the Consent Agenda 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 - Discussion on the ‘First Responder’ request from Miami County EMS.

Manager VanderHamm reported that He, Bob Harris, and Andy Martin met with Miami County EMS Chief Jason Jenkins and Deputy Chief Darren Hall regarding the request that the Paola Fire Department become back first responders for the EMS service as Louisburg and Osawatomie are doing. VanderHamm indicated that assuming 5 calls per month, the additional cost to the City would be approximately \$7,200 per year plus approximately \$2,000 in additional liability insurance premiums.

Jason Jenkins explained the need for the first responder agreement to the Council. He explained that since the Fire Department in Osawatomie started assisting as a first responder, they have had a total of seven "Code Blue Saves". Andy Martin also addressed the Council on the subject.

At the conclusion of the discussion, Councilmember Rowlett made a motion to direct the City Manager to work with the City Attorney to draft an agreement to provide First Responder service for the Miami County EMS. The motion was seconded by Councilmember Hamilton and all voted aye.

Agenda Item 5b - Update on the status of the Baptiste Drive reconstruction project.

Manager VanderHamm reported that He, Clerk Droste, Engineer Planner Faust, and Public Works Director Bieker met with businesses on Baptiste Drive last Thursday to discuss the project. The purpose of the meeting was to discuss the construction schedule and to elaborate on ways to communicate road closings. The construction schedule would be posted on the City's website to provide an immediate resource for citizens and businesses alike.

In addition to the construction schedule, the group discussed lowering the posted speed limit from 35 to 20 during the reconstruction. The possibility of utilizing an electronic message sign at both ends of the construction zone was discussed. However, the cost of renting such a sign is impractical.

There was some later discussion regarding some promotional campaign for the businesses that are impacted by the project. The campaign could be a cooperative effort between the City, the Chamber of Commerce and the area businesses. Additionally, an informational ad will be placed on Channel 6 to advise citizens that the businesses are still open and accessible.

Agenda Item 5c - Consider a Conditional Use Permit for a Pet Grooming business 103 N Pearl.

Engineer Planner Faust reported that the Paola Planning Commission conducted a public hearing on June 20th, 2006 for the conditional use application at 103 N. Pearl. It is the desire of the applicants, Pampered Pets, Inc., to open a Pet Grooming Service in the existing building located at this address. The south half of the building will provide pet grooming services while the north half will continue to be Deb's Beauty Salon. During the public hearing, no one spoke in opposition to the proposed usage.

The Planning Commission recommended approval of the conditional use application and site plan for Pet Grooming Services at 103 N. Pearl with the following conditions:

- 1) Adequate ventilation shall be provided between adjoining structures.
- 2) Prior to receiving a permit, the applicant must submit copies of approvals from all regulatory agencies having jurisdiction over pet grooming services.
- 3) All pet waste shall be disposed of in an approved manner.
- 4) Noise levels shall be limited so as not to disturb surrounding properties.
- 5) All chemicals used in the grooming process shall be non-destructive to the public sanitary sewer system.
- 6) No overnight boarding of pets is permitted.
- 7) Hours of operation be limited to 7am – 7pm Monday through Friday and 8am – 5pm on Saturday.
- 8) Grass over sidewalk be eliminated.
- 9) One street tree be installed along Piankishaw prior to the one year renewal.
- 10) Parking stalls be defined by adequate painting or marking tape.
- 11) 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. This would be June of 2007.
- 12) 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 conditional use, Councilmember Pritchard made a motion to approve AN ORDINANCE RELATING TO ZONING: AUTHORIZING A CONDITIONAL USE PERMIT FOR CERTAIN PROPERTY. The motion was seconded by Councilmember Dial and all voted aye. The Ordinance was assigned No. 2919.

Agenda Item 5d - Consider approval of the preliminary and final plat for Green Acres.

Engineer Planner Faust reported that Green Acres is a Rock Springs Development that will be converting the Weaver Greenhouse property into three single-family lots along the south side of Osage Street. This development does not involve the extension of any public infrastructure. During their June 20th, 2006 meeting, the Paola Planning Commission considered the preliminary and final plat for Green Acres.

During the Planning Commission meeting there were extended discussions on whether the developer should be required to place sidewalks along these three lots as no other sidewalks exist in the area. After discussing whether this fit with the short and long-term sidewalk vision for the community and understanding the need to be consistent in our application of the requirement in other developments, it was the recommendation of the Planning Commission to require the developer to install sidewalks along these lots.

One additional issue raised by City Manager VanderHamm was the need to include language on the face of the plat that clearly defines that the lots within this development are only for residential usage and that the maximum height of grass shall be limited to 12". This should reduce/eliminate disputes on whether the land can be classified as 'agricultural' and the property 'hayed'.

After the discussion, the Planning Commission recommended approval of the plat contingent upon the following:

- 1) An additional 10' utility easement that abuts the road right-of-way shall be provided across all three lots.
- 2) Easement(s) shall be defined for Lot 1 where the private sewer line will be located across Lot 2.
- 3) Language to be included on the face of the plat:
 - Lots within Green Acres shall be for residential usage only.
 - The maximum height of grass on lots within Green Acres shall be 12".

Mayor Stuteville questioned the sewer connections for the lots. Faust indicated that the sewer connections would be separate from one another. Several years ago when Meadow Gate subdivision was developed to the south, the home on this property was added to that sewer line. The easement is required for the west lot to access the sewer line.

Councilmember Pritchard asked about the requirement for installing sidewalks on the property. Faust indicated that although these three lots would be the only ones that have sidewalks, with planned upgrades to the water line along Osage Street it is foreseeable that a sidewalk could be installed in the near future. Councilmember Hamilton asked if the water line were replaced, would these new sidewalks have to be removed to install the new water line. Faust indicated that they could be in the way of the existing water line, but a new line could be laid to avoid disturbing the sidewalks. Manager VanderHamm suggested that funds from the developer might be placed in escrow to install the sidewalks when the water line is replaced.

After discussing the plat, Councilmember Rowlett made a motion to approve the preliminary and final plat for Green Acres, with the cost of sidewalks to be paid in advance by the developer to City – with the City to install the sidewalks when the water line is installed. The motion was seconded by Councilmember Pritchard and all voted aye.

Agenda Item 5e - Consider approval of the site plan for the Marais Des Cygne Public Utility Authority water tower.

Engineer Planner Faust reported that the Marais des Cygnes Public Utility Authority and the City of Paola desire to purchase a small tract of land and construct a 750,000 gallon water tower near the northeast corner of the Cottonwood Elementary School property.

The Paola Planning Commission considered the preliminary/final site plan for the elevated storage tank during their June 20th, 2006 meeting. After discussing the plan, the Planning Commission recommended approval of the final site plan with the following comment:

- 1) If fencing is installed at this site, chain link is acceptable to help secure the base of this utility.

Mayor Stuteville asked about the Planning Commission granting a waiver for the paving of the access drive to the tower. Faust indicated that the access drive would be used only once or twice per week. Councilmember Rowlett also inquired about the paving waiver and asked if the waiver would create a problem in treating this situation different than other businesses. Manager VanderHamm indicated that because the water tower would only have very limited vehicle traffic, unlike a business or a residence, it really was not a comparable situation. Engineer Planner Faust pointed out that the communications tower at Lake Miola would be similar to the water tower and that access road was not paved.

Councilmember Hamilton made a motion to approve the site plan for the Marais Des Cygne Public Utility Authority water tower. The motion was seconded by Councilmember Dial and all voted aye.

Councilmember Rowlett asked about the color selection for the tower. Engineer Planner Faust indicated that the support structure for the “bowl” would be a normal unpainted concrete color. Originally, the Council had supported a yellow or gold color for the “bowl” with black lettering. The color rendering that the engineers put together revealed that this may not be the most appealing color combination. An alternate color scheme that was suggested has the “bowl” a white or light grey with black and yellow accents and black lettering. Manager VanderHamm indicated that color schemes would be shared with the School District.

Agenda Item 5f - Consider approval a renewal application for a Drinking Establishment License for Rounders at 2 W Piankishaw.

Clerk Droste presented an application from Rounders for the renewal of a Drinking Establishment License. Droste explained that the license expires on July 2nd and the fire safety inspection was not yet completed and approval would need to be contingent upon the inspection.

Engineer Planner Faust also suggested that a permanent resolution to cars parking in the sight triangle at the east corner of the building be included as a contingency. The parking problem was discussed in detail.

Councilmember Rowlett made a motion to approve a Drinking Establishment License for Rounders at 2 W Piankishaw subject to a satisfactory fire safety inspection, and providing a permanent solution to the parking problem in the sight triangle. The motion was seconded by Councilmember Hamilton and all voted aye.

Agenda Item 6 - NEW BUSINESS

Manager VanderHamm presented a Sales Tax collection summary report. He indicated that collections for June had increased 23% over collections during the same period last year. Year to date, sales tax collections exceed budgeted numbers by \$242,165.

Councilmember Hamilton congratulated the Chamber of Commerce on the success of their annual dinner and on the shop locally program that they announced at the dinner. Councilmember Hamilton asked if there was a uniform policy regarding a Councilmember responding to constituents' written or verbal concerns. He asked if a response should be verbal, written, or in person. Mayor Stuteville indicated that she usually calls or just visits with the individual in person.

Councilmember Rowlett asked about the Marais Des Cygne Public Utility Authority's use of eminent domain that was mentioned in the newspaper. He requested that sensitive or controversial items such as this be shared with the Council. Although this would not be a "Council decision", the Council will get questions and comments about sensitive MDC PUA issues and decisions.

Councilmember Dial had no new business to discuss.

Councilmember Pritchard asked about an air quality study at Taylor Forge. Manager VanderHamm indicated that the test had not yet been completed but it was in progress. Councilmember Pritchard also indicated that the survey indicated that there is a problem with loose dogs in the City and he was concerned about it.

Mayor Stuteville complimented the Chamber of Commerce on the annual dinner. She also complimented the Lewis Drive project, however she thought that it would have been nice if the red concrete adjacent to the sidewalks could have been stamped with the "brick template". Perhaps the next time that red concrete is used as an accent, the template can be used.

Agenda Item 7 – ADJOURNMENT.

With no additional business to come before the Council, Councilmember Dial 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