

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

January 23, 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, Fire Chief Martin, 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 January 9, 2007**
- b. **Approval of Salary Ordinance number 07-01**
- c. **Approval of Appropriation Ordinance No. 597**

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 an Ordinance placing a Sales Tax proposition on the ballot to finance a new Fire Department facility.

Manager VanderHamm reported that January 30th is the deadline for presenting ballot issues to the County Clerk for the April election. He indicated that the Council needs to decide on the amount of any sales tax that will be presented for a vote of the electorate. He indicated that the State Statute limits the duration of a sales tax issue to 10 years when the tax is raised for a specific purpose, such as the new fire station.

Manager VanderHamm presented spreadsheets that estimate the amount of sales tax revenues for ¼ and ½ cent sales tax increases. The ¼ cent sales tax would not be sufficient to pay for the entire project as proposed and would require other revenues to retire the project debt. A ½ cent sales tax increase would cover the cost of the project within over the 15 years life of the debt.

The ballot question proposed is as follows:

Shall the following be adopted?

Shall the city of Paola, Kansas levy a retailers' sales tax in the amount of one-quarter of one percent (.25%), to take effect on July 1, 2007 and to be levied for ten years until June 30, 2017 upon on retail sales consummated within the city of Paola, with revenues of such tax to be used to finance construction and equipping of a new fire station and related facilities to serve the City, including acquiring a new fire truck (the "Fire Station Project") and to pay general obligation bonds or other obligations of the City issued to finance the Fire Station Project, all pursuant to K.S.A. 12-187 et seq., as amended?

Manager VanderHamm presented a proposed floor and site plan which utilizes Municipal Parking Lot No. 1 as the site for the facility. Manager VanderHamm pointed out that there are currently 60 public parking stalls in the parking lot, the proposed plan would provide 39 public parking spaces plus 6 additional spaces in front of the fire station. Councilmember Hamilton questioned the orientation of the building. He indicated that the northern exposure creates difficulty in keeping the drive free of snow and ice in the winter.

Councilmember Rowlett asked if the current wording of the ballot question that states "...including acquiring a new fire truck..." would require that the fire truck be purchased with sales tax funds. He questioned if this language limits flexibility if the cost of the facility exceeds the estimate. Mayor Stuteville suggested that perhaps Mary Carson should review the Ballot Question to make sure that the Council has flexibility about the purchase of the fire truck.

Manager VanderHamm stated that this is a difficult recommendation. There is no question that there is a need for a new fire station. Our volunteer department is running very well and Andy Martin is doing an excellent job as Fire Chief. Manager VanderHamm indicated that his biggest problem is the impact of the project on the tax levy. This impact is directly attributed to the total project cost, and a \$4 million fire station still seem high to him. He realizes that there must be a plan for the future and an attempt to get caught up with our

much needed equipment, but is it hard to absorb that much additional debt. Manager VanderHamm stated that the only feasible financing mechanism is a designated sales tax. Though a ½ cent sales tax would cover the debt, he is uncomfortable with the City's sales tax increasing to 1.5%, which will be significantly higher than surrounding communities. Therefore, it was his recommendation that the ¼ cent sales tax was the most palatable and perhaps the best way to insure a successful election.

Councilmember Rowlett made a motion to approve AN ORDINANCE TO SUBMIT TO THE QUALIFIED ELECTORS OF THE CITY OF PAOLA, KANSAS THE PROPOSITION OF LEVYING A ONE QUARTER CENT (.25%) RETAILERS' SALES TAX IN THE CITY OF PAOLA TO FINANCE THE CONSTRUCTION OF A NEW FIRE STATION AND RELATED FACILITIES, with the possibility of including the purchase of additional equipment. The motion was seconded by Councilmember Hamilton and all voted aye. Clerk Droste assigned No. 2935 to the Ordinance.

Agenda Item 5b - Consider approval of the final Development plan for Paola Crossing.

Planner Givens presented the final development plan for Paola Crossing. He reported that the Planning Commission reviewed and approved the plan subject to the following conditions:

1. An approved engineering analysis stating conformation with all requirements.
2. An approved lighting plan.
3. An approved signage plan prior to any sign construction.
4. Public Works approval of all Water, Sanitary, and Storm Water Sewer, design.
5. Conformation of approved materials for the awning.
6. An approved fire flow and fire protection analysis.
7. Letter of Conformation from all utility providers that connections exist or will be installed prior to occupancy.

Planner Givens noted that the location of the trash dumpster had been relocated to the back of the building as suggested by the Council. The plan was discussed in detail and Mr. Clint Steward of Taylor Design Group explained some of the remaining details that were in design.

After discussing the plan, Councilmember Hamilton made a motion to approve the final Development Plan for Paola Crossing subject to the conditions as presented. The motion was seconded by Councilmember Pritchard and all voted aye.

Agenda Item 5c - Report on the USD 368 Administration Building.

Planner Givens reported that the Paola Planning Commission revisited the approval of the metal siding on the USD 368 building. The issues that were discussed were the design review of the building and the proper zoning of the School District's property.

Planner Givens reported that the Planning Commission did approve the metal building as originally submitted. The commission felt that the building was previously approved based on its design and not the zone it was in. The consensus remains though that the section that staff used, as guidance, is vague and the Commission felt that the language should be cleaned

up to specifically state what the intention of the section is. The intention of the section will be addressed in future Planning Commission meetings.

Planner Givens reported that in researching the interpretation of the metal building section of the LDO, it was learned that offices are not allowed uses in Suburban zones. Since the city uses OHSSA SIC codes to determine use classification, the administration office is viewed separately from a school. The Commission agreed that Suburban Zoning may not be the right classification for the property and encouraged staff and the School District to work together to determine the right zone for the area.

Agenda Item 5d - Report on the status of the City's application for CDBG grant funds.

Manager VanderHamm reported that a letter was received from Governmental Assistance Services indicating that the City was not awarded a housing grant from the Kansas Department of Commerce. The City's application was one of 29 that were submitted and only 6 were selected for funding.

Manager VanderHamm reported that a city is only allowed one CDBG application per year. He suggested that if the Council was hesitant to apply for another housing grant, the Paola Community Center would like to apply for an Americans with Disabilities Act grant to fund repairs to the Community Center. The Council asked Manager VanderHamm to contact Mrs. Crawford for a recommendation.

Agenda Item 5e - Consider a Resolution restricting parking in Municipal Parking Lot No. 2.

Clerk Droste presented information on the request for restricted parking for Ann Davis at Pigeon West Antiques on the west side of the Park Square. Droste indicated that in his research, he found no ordinance authorizing the "No Parking – Loading Zone" restrictions for parking stalls 7 and 8, nor the "Handicapped Parking" restriction for stall 29. Droste indicated that the Council may want to consider the consequences of "reserving" parking for businesses on the Square. He also indicated that he was unable to find a standard parking sign with a restriction that fits this situation.

Mayor Stuteville asked if the parking restrictions that are posted in the alley behind the businesses on the south side of the Square are legitimate. Clerk Droste stated that the no parking signs in that alley are posted on the walls of the buildings and they were not placed there by the City. He reported that there are no parking restrictions listed in the ordinances for that alley.

Councilmember Rowlett indicated that he did not see a problem with providing one stall for the use of the antique store. After discussing the issue further, Councilmember Rowlett made a motion to approve A RESOLUTION AMENDING THE OFFICIAL TRAFFIC CONTROL DEVICE MAP FOR THE CITY OF PAOLA, KANSAS, amending Section 1 to read as follows: A "Unloading Zone – 9 am to 6 pm" restriction shall be posed at parking stalls numbered 7 and 10 in Paola Municipal Parking Lot No. 2. The motion was seconded

by Councilmember Hamilton and all voted aye. Clerk Droste assigned No. 2007-001 to the Resolution.

Agenda Item 5f - Consider approval of the renewal of a Caterer's License for Evergreen Events.

Clerk Droste presented an application for the renewal of the Caterer's License for Evergreen Events at 15 W Wea. The facility has not yet passed the required fire safety inspection. The Fire Inspector has noted that there are deficiencies in the fire alarm system and other minor issues that are being addressed by the owner.

Councilmember Rowlett made a motion to approve the renewal of a Caterer's License for Evergreen Events subject to passing the required fire safety inspection. The motion was seconded by Councilmember Pritchard and all voted aye.

Agenda Item 6 - NEW BUSINESS

Manager VanderHamm reported that at the end of January, he will be showing "Remember the Titans" movie to all employees, as well as a safety video, at the Community Center. This movie is all about diversity, adversity and team work. The safety video is part of our ongoing safety program effort through our Safety Committee. A recent letter from KMIT, our Workers Comp provider, shows our claim history since 1995 and 2006 saw the lowest number of claims (5), as well as our 2nd lowest annual cost at only \$12,146.29.

Manager VanderHamm reported that the storm siren that is budgeted for 2007 has been ordered. It is anticipated that the location will be north of Lake Miola by the Burr Oak entrance on 287th.

Manager VanderHamm reported that the adoption of an updated building code is a priority of our Building Official for 2007. Currently, we use the 1994 Building Code and are looking at the 2006 Code. This past week, Miami County took steps to adopt the 2006 Code, which includes requiring new houses to install a fire sprinkler system. We are allowed to decide which parts of any code we want to adopt and which parts we don't. That will be part of the Building Inspector's forthcoming recommendation.

Manager VanderHamm indicated that Suddenlink, our cable TV provider, has been reluctant to provide service to Heatherwood Estates and Cherokee Ridge. Clerk Droste sent a letter in an effort to get them to respond and address these concerns. If need be, Mr. Tetwiler will become directly involved.

Manager VanderHamm reported that Taylor Design Group, representing the owner of the Prairie Place Condominiums, has been working with staff on installation of draft stops and has asked for an extension on filing the final plat, which we require within 60 days of approval.

Manager VanderHamm advised that the Miami County Economic Development Board will be holding a retreat on February 27th. Part of the emphasis will be to look at its role in the County

and how the different city's efforts can work cooperatively. He also advised that the K-68 Corridor Coalition is scheduled to meet on February 1st.

Councilmembers Hamilton, Rowlett, and Pritchard had no additional issues to discuss.

Councilmember Dial asked about the concrete barrier on Gold Street next to the trailer park. Public Works Director Bieker reported that he received a request to place the barriers there by the owner of the trailer home. Councilmember Dial indicated that she was concerned about the location of the barriers being so close to the street.

Mayor Stuteville nominated Mr. Eric Schindler to serve on the Lake Miola Committee, to replace the seat previously held by John Hewitt. Councilmember Rowlett made a motion to approve the Mayor's nomination. The motion was seconded by Councilmember Pritchard and all voted aye.

Mayor Stuteville reported that Mr. Shipman and Mr. Leshner are willing to work with the City to replace the deteriorating sidewalk in front of their businesses.

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 Hamilton 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