

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

**April 22, 2008**

**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, Council Members Pritchard, Dial, Rowlett, and Bell.

Council Members absent: None

Also present: Manager Wieland, Clerk Droste, Attorney Tetwiler, Police Chief Smail, Planner Givens, Chamber of Commerce Director Carol Everhart, Brian McCauley with the Miami County Republic, and others.

**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 Bell were all present.

**Agenda Item 3 - PETITIONS, REMONSTRANCES, AND COMMUNICATIONS**  
Carol Everhart presented financial reports and economic development contacts from the Paola Chamber of Commerce Economic Development. She also presented a copy of the new Paola Chamber of Commerce brochure.

**Agenda Item 4 - CONSENT AGENDA**

- a. **Approval of minutes of the meetings of April 8, 2008.**
- b. **Approval of Salary Ordinance number 08-07.**
- c. **Approval of Appropriation Ordinance No. 627.**

Councilmember Bell questioned page 3 of the minutes of April 8<sup>th</sup>. He indicated that the discussion of the Justice Center did not include all of the details of the responses to his questions. Clerk Droste indicated that he would review the audio tape of the meeting and add additional detail of that discussion.

Councilmember Bell questioned several items on the Appropriation Ordinance. Clerk Droste provided clarification.

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. The motion passed 4 to 0.

**Agenda Item 5 - REPORTS OF OFFICERS, BOARDS AND COMMITTEES**  
**Agenda Item 5a - Consider approval of the Preliminary Site Plan for 902 N Pearl.**

Planner Givens presented the preliminary site plan for a commercial communications tower for T-Mobile at the property located at 902 N Pearl Street. He explained that the Planning Commission did approve the preliminary site plan at their April 15<sup>th</sup> meeting. Planner Givens went on to explain the issues that the Planning Commission considered and discussed in their approval of the site plan.

Councilmember Rowlett questioned the requirement for a surety for the removal of the tower should it be abandoned. After discussing the issues regarding the possible abandonment of the tower, the Council agreed that some form of surety should be required. Staff was instructed to research what other communities require in this regard.

Planner Givens reported that based on the setbacks required for a commercial communications tower, a variance will be applied for at the time that the final site plan is presented for approval. Planner Givens recommended approval of the preliminary site plan subject to the following contingencies:

1. A two hundred foot area map showing locations of buildings to help determine the impact of this structure on the neighboring property.
2. Acceptable fencing with an opacity of 1.00, which would include vinyl or wood privacy.
3. Testimony of an RF Engineer, or other Licensed Professional Engineer, substantiating the need for the requested height.
4. Assurances that the tower and accessory equipment must meet all requirements of the Federal Communications Commission and the Federal Aviation Administration.
5. Assurances that any tower that is not operated for a continuous period of two years shall be considered abandoned and the owner of such tower shall remove the same within 90 days of a receipt of notice from the City Council notifying the owner of such abandonment. If such tower is not removed within 90 days, the City may remove the tower at the owner's expense
6. That as shown on the site plan the compound is graveled.

After discussing the site plan, Councilmember Dial made a motion to approve a Preliminary Site Plan for a Commercial Communications Tower at 902 N Pearl as presented. The motion was seconded by Councilmember Rowlett and all voted aye. The motion passed 4 to 0.

**Agenda Item 5b - Consider approval of Preliminary/Final Site Plan for a new service center for Lakemary Center – 1500 Block E. Peoria.**

Planner Givens presented the preliminary site plan for the new service center for Lakemary Center in the 1500 block of East Peoria Street. He explained that the Planning Commission did approve the preliminary and final site plan at their April 15<sup>th</sup> meeting. Planner Givens went on to explain the issues that the Planning Commission considered and discussed in their approval of the plan.

Planner Givens recommended that the preliminary and final site plan be approve subject to the following conditions:

1. An approved landscaping plan be submitted to staff.
2. An approved lighting plan be submitted to staff.
3. An approved color and materials scheme be submitted to staff that reflects the requirements in Chapter 15 Quality and Monotony of the LDO.
4. An approved signage plan be submitted to staff including traffic regulation signage.

Councilmember Pritchard made a motion to approve the Preliminary and Final Site Plan for a new service center for Lakemary Center as presented. The motion was seconded by Councilmember Bell and all voted aye. The motion passed 4 to 0.

**Agenda Item 5c - Consider approval of the final pay request for the Library and Community Center roof projects.**

Manager Wieland reported that after an extended weather delay, the roofing projects for the Library and the Community Center were now complete.

Councilmember Bell asked about the warranty for the projects and asked if an extended warranty could be purchased from the contractor. Manager Wieland indicated that he would check into these issues.

After discussing the pay request, Councilmember Dial made a motion to approve the final pay request to JB Turner & Sons, Inc. in the amount of \$13,709.30 for the Library and Community Center roof projects. The motion was seconded by Councilmember Rowlett and all voted aye. The motion passed 4 to 0.

**Agenda Item 5d - Consider a request to temporarily close First Street between Silver and Gold Streets at Ray's Power Sports.**

Clerk Droste presented a request from Ray Minden to close First Street between Silver and Gold Streets on May 3<sup>rd</sup> and May 31<sup>st</sup>. The closure is necessary to accommodate the gathering and parking of motorcycles that are participating in charity riding events.

After discussing the request, Councilmember Pritchard made a motion to approve the temporary closing of First Street between Silver and Gold Streets from 9:00 am and Noon on

May 3<sup>rd</sup> and May 31<sup>st</sup>. The motion was seconded by Councilmember Bell and all voted aye. The motion passed 4 to 0.

### **Agenda Item 6 – NEW BUSINESS**

Clerk Droste presented a letter from the US Census Bureau acknowledging the completion of the address updates for the 2010 Decennial Census LUCA Program. The update included the following changes to addresses in the City of Paola:

New Additions:	256
Corrections:	14
Deletions:	32
Not in Jurisdiction:	8
Nonresidential:	1

Carol Everhart reported that an appreciation dinner was held for Outpost Productions last Wednesday. Everyone with the production company was very complimentary of the assistance that they received from everyone in town.

Manager Wieland reported that the street mill and overlay project was underway and that there will be some traffic and parking challenges in the coming weeks.

Manager Wieland reported that progress on the Justice was going well despite the rain. He also reported that the bid opening for the Community Center improvements was scheduled for May 1<sup>st</sup>.

Manager Wieland asked if May 3<sup>rd</sup> would be a good date for a Council Retreat. Several of the Council Members could not meet on that date and Manager Wieland will look into some weekday evening dates and report back to the Council.

Councilmember Bell asked when the budget meetings would begin. Manager Wieland reported that the final approved budget must be submitted to the County Clerk on August 25<sup>th</sup> and the Council will begin their review process in early June.

Councilmember Rowlett reported that the Tree Board will be hosting an Arbor Day celebration at Cottonwood Elementary School at 9:45 am on Friday, April 25<sup>th</sup>. Additional Arbor Day activities were planned for Saturday, April 26<sup>th</sup>.

Manager Wieland reported that the mediation team that negotiated the territorial agreement with Rural Water District No 2 will be interviewed by a reporter from the Kansas Rural Water Association. Councilmember Rowlett suggested that the article be shared with the League of Kansas Municipalities. Manager Wieland complimented Brian McCauley with the Miami County Republic on his coverage of this process.

Mayor Stuteville suggested that the Council take a tour of the construction site of the new water treatment plant for the Marais Des Cygnes Public Utility Authority.

Councilmember Pritchard complimented the look of the new grass sod on Baptiste Drive.

Mayor Stuteville asked about some of the curbs on the streets where the street mill and overlay is being done. Manager Wieland indicated that most of these short sections of curbs would have to be repaired by hand.

Mayor Stuteville asked if our new Wastewater Treatment Plant would be able to meet some of the new treatment requirements that were discussed in the article attached to the City Manager's Memo. Manager Wieland reported that our plan was well designed and should be able to meet these new requirements.

**Agenda Item 6 - EXECUTIVE SESSION for preliminary discussions relating to the acquisition of real property. K.S.A. 75-4319(B)(6) is the authority for this recess.**

Councilmember Dial made a motion to adjourn to Executive Session, to include the Mayor, Council, City Manager, and City Clerk, for 30 minutes for the purpose of preliminary discussions relating to the acquisition of real property; the regular meeting to reconvene at 7:15 p.m. Councilmember Pritchard seconded the motion and all voted aye. The motion passed 4 to 0.

Councilmember Pritchard made a motion to reconvene the adjourned meeting. Councilmember Dial seconded the motion and all voted aye. The motion passed 4 to 0.

Councilmember Dial made a motion to adjourn to Executive Session, to include the Mayor, Council, City Manager, and City Clerk, for an additional 15 minutes for the purpose of preliminary discussions relating to the acquisition of real property; the regular meeting to reconvene at 7:30 p.m. Councilmember Pritchard seconded the motion and all voted aye. The motion passed 4 to 0.

Councilmember Pritchard made a motion to reconvene the adjourned meeting. Councilmember Dial seconded the motion and all voted aye. The motion passed 4 to 0.

No action was taken pursuant to the Executive Sessions.

**Agenda Item 7 – ADJOURNMENT.**

With no additional business to come before the Council, Councilmember Pritchard made a motion to adjourn the meeting. Councilmember Rowlett seconded the motion and all voted aye. The motion passed 4 to 0.

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Artie Stuteville, Mayor

ATTEST: (seal)

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Daniel G. Droste, City Clerk