

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

October 14, 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: Clerk Droste, Police Chief Smail, Public Works Director Bieker, Human Resources Director Belt, Fire Chief Martin, the Paola Fire Department Staff, Paola 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

Mayor Stuteville welcomed the Paola Fire Department to the meeting. Fire Chief Andy Martin announced that 12 members of the Department were trained for and passed the National Firefighter I & II Certification and all 12 passed the test. The Firefighters who passed the certification program are Chris Courtney, Mark Dozier, Mark Farmer, Woody Farmer, Wally Ferguson, Jason Frizzell, Lee Mott, John Paulsen, Jeremy Smail, Justin Smail, Colby Stanchfield, and Jeff VanDonsel. The Firefighters were presented with a Gold Firefighters Coin, a Recognition Plaque, Uniform Collar Brass, and a red carnation.

Mayor Stuteville asked the audience if anyone desired to address the Council about any issue that is not an agenda item. No one addressed the Council.

Agenda Item 4 - CONSENT AGENDA

- a. **Approval of minutes of the meetings of September 23, 2008.**
- b. **Approval of Salary Ordinance number 08-19 & 08-20.**
- c. **Approval of Appropriation Ordinance No. 638.**
- d. **Approval of the Journal Entries Report for September, 2008.**
- e. **Approval of the renewal of a Class B Private Club License for the Paola Country Club.**

Councilmember Pritchard and Mayor Stuteville questioned several items on the Appropriation Ordinance. After discussing the items in question, Councilmember Pritchard made a motion to approve the Consent Agenda including the minutes of the September 23, 2008 meeting, Salary Ordinance No. 08-19 & 08-20, and Appropriation Ordinance No. 638, renewal of a Class B Private Club Licenses for the Paola Country Club, 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 Firehouse Gym Use Policy.

Manager Wieland presented a Resolution for the adoption of the City of Paola Firehouse Gym Use Policy and the Request to Use the City of Paola Firehouse Gym. Manager Wieland explained that the policy and use request were presented and discussed at the Council Work Study Meeting on October 7th. Changes discussed at the meeting have been incorporated into the documents.

Councilmember Bell recommended that the Request to Use the City of Paola Firehouse Gym form should include a statement that the City of Paola is not responsible for any personal items brought into the facility that are lost, stolen or damaged.

After discussing the issue, Councilmember Dial made a motion to approve A RESOLUTION ADOPTING THE CITY OF PAOLA FIRESHOUSE GYM POLICY AND REQUEST TO USE THE CITY OF PAOLA FIREHOUSE GYM, EFFECTIVE OCTOBER 15, 2008 and incorporating the recommended changes. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 4 to 0. Clerk Droste assigned No. 2008-004 to the Resolution.

Agenda Item 5b - Consider approval of an Ordinance regulating murals.

Manager Wieland presented an Ordinance regulating murals within the corporate limits of the City of Paola. He reported that the Ordinance incorporates the issues discussed at the Council Work Study Meeting on October 7th. He also indicated that in addition, an application and permit procedure was added to accommodate the review and approval process. No fee would be charged for the application or the permit.

Wayne Johnson addressed the Council and stated that this Ordinance is a good start and he supported the historic aspects of the process. He indicated that he supported the appointment of the review committee that is referred to in the Ordinance and indicated that persons with knowledge of local history should be included on the committee.

Councilmember Bell expressed concerns over the possibility of potentially offensive subject matter could be included in a mural; that the mural must be limited to one historical subject or event; that the mural color, style, and size must be consistent with the building; and that an existing business' name cannot be incorporated into the mural.

After discussing the issues, Councilmember Rowlett indicated that the regulations could easily be adapted in the future as necessary, however, he indicated that he was satisfied with the Ordinance as drafted.

After discussing the Ordinance, Councilmember Pritchard made a motion to approve AN ORDINANCE AMENDING TITLE V. BUILDING AND CONSTRUCTION CHAPTER 515 OF THE CODE OF THE CITY OF PAOLA, KANSAS, 1997 REGULATING MURALS WITHIN THE CORPORATE LIMITS OF THE CITY OF PAOLA, KANSAS, as presented. The motion was seconded by Councilmember Dial. Councilmembers Pritchard, Dial and Rowlett voted aye and Councilmember Bell voted nay. The motion passed 3 to 1. Clerk Droste assigned No. 2980 to the Ordinance.

Agenda Item 5c – Consider approval of an invoice to be paid from the Goss Donation Fund.

Manager Wieland presented an invoice in the amount of \$438.50 for protective bags for the air masks for the SCBA equipment. He indicated that this invoice brings the total amount of the cost of the SCBA equipment to \$34,381.48. Originally, Mr. & Mrs. Goss approved the purchase of the equipment in the total amount of \$37,565.15.

Mayor Stuteville asked what the disposition of any residual funds would be used for. Councilmember Pritchard suggested that security cameras could be installed at the Gazebo and at the fountain to protect against vandalism and theft. Manager Wieland suggested that he and Chamber of Commerce Director Carol Everhart contact Mr. & Mrs. Goss to discuss their wishes on any residual funds.

After discussing the issue, Councilmember Dial made a motion to approve an invoice from Witmer Associates, Inc. for SCBA air mask bags for the Paola Volunteer Fire Department in the amount of \$438.50 to be paid from the Goss Donation Fund. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 4 to 0.

Agenda Item 5d – Consider acceptance of permanent and temporary construction easements for the Industrial Park Drive improvement project.

Public Works Director Bieker reported that some time ago, in preparing for the Industrial Park Drive improvement project, an agreement was reached with Leon Briley for right of way easements on his property in exchange for paving a portion of his parking lot. The Kansas Department of Transportation requires that the easements and the agreement be approved by the Governing Body as a part of the process.

Councilmember Rowlett stated that, given the current economic climate, he could not support the project. He felt that the City's matching funds for the project could be better used for other projects.

Manager Wieland indicated that a review of the City's contractual obligations and matching funds required for the project could be reevaluated and presented to the Council. Public Works Director Bieker reported that the project was scheduled for bid letting in January and that the utility companies are currently planning utility relocations. Manager Wieland stated

that the information could be assembled over the next few days and a special meeting could be called next week to discuss the issue further.

After further discussion, Councilmember Pritchard made a motion to table action on the issue. The motion was seconded by Councilmember Dial and all voted aye. The motion passed 4 to 0.

Agenda Item 6 – NEW BUSINESS.

Clerk Droste reported that the City was presented with a Gold Safety Award from KMIT at the League of Kansas Municipalities Annual Conference. This award qualifies the City for a 5% discount on its Workers Compensation Insurance premium.

Chamber of Commerce Director Carol Everhart reported that this coming Saturday is the Harvest Festival on the Park Square and she encouraged everyone to attend.

Manager Wieland stated that he would gather the information on the Industrial Park Drive project and get it to the Council so that a special meeting could be held by next Tuesday. He also reported that there will be a meeting tomorrow morning to discuss strategies for providing water service to the Northland Project area.

Councilmember Rowlett was congratulated for being installed as the President of the League of Kansas Municipalities.

Mayor Stuteville commented on the recently completed Eagle Scout Project by Travis Marcus at Petrolius Park.

Wayne Johnson reminded the Council to attend the annual dinner for the Historical Society on October 25th.

Brenda Hallstrom discussed a sign violation letter that was recently sent out on her business. Mayor Stuteville suggested that she contact the Community Development Department to get answers to her specific questions.

Agenda Item 7 – Executive Session – K.S.A. 75-4319(B)(1) is the authority for this recess.

Councilmember Pritchard made a motion to adjourn to Executive Session, to include the Mayor and City Council for 30 minutes, pursuant to K.S.A. 75-4319(B)(1), for the purpose of discussing personnel matters of non-elected personnel, the regular meeting to reconvene at 7:15 pm. The motion was seconded by Councilmember Dial and all voted aye. The motion passed 4 to 0.

At 7:15 pm the meeting was reconvened by Mayor Stuteville. No action was taken pursuant to the Executive Session.

Agenda Item 7 – ADJOURNMENT.

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

Artie Stuteville, Mayor

ATTEST: (seal)

Daniel G. Droste, City Clerk