

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

July 14, 2009

**HELD AT THE PAOLA JUSTICE CENTER
805 North Pearl Street 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 Bell.

Council Members absent: None

Also present: City Manager Wieland, City Clerk Droste, City Attorney Tetwiler, City Planner Gotfredson, Public Works Director Bieker, Police Chief Smail, Chad Oehlert, Janet McRae, Richard Lentz, Carol Everhart with the Paola Chamber of Commerce, 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 Artie Stuteville.

Agenda Item 2 - ROLL CALL: Mayor Stuteville and Council Members Pritchard, Dial, Rowlett, and Bell were all present. No one was absent.

Agenda Item 3 - PETITIONS, REMONSTRANCES, AND COMMUNICATIONS
Council Mayor Stuteville asked the audience if anyone desired to address the Council about any issue that is not an agenda item.

Mr. Chad Oehlert addressed the Council in regard to the recent increase in water rates. He stated that he is the owner of the Paola Auto Wash and the Four Seasons Car Wash. He requested that the Council give some consideration for high volume water users. He stated that at the Paola Auto Wash in January of 2009 he used 296,300 gallons of water. Under the previous rates he paid \$1,635.45 for water and under the new rates he would have paid 2,311.57. Mr. Oehlert stated that the winter is his busiest season for the car wash. Additionally, due to the cold weather he has a “weep system” that runs water through the pipes to keep them from freezing. He indicated that he recently raised his prices but he requested that a new pricing system be considered for high volume users.

Mayor Stuteville stated that she can not only sympathize but she can empathize with his situation. As the owner of a laundromat, she too has experienced the rate increases. She

stated that the car wash and the laundry are conduits of utilities. Unfortunately, she stated that with the new water plant, the city will not be able to sell water for less than cost.

Councilmember Bell stated that the city is stuck with the current situation and there will be additional increases in sewer and water rates next year and in the future.

Agenda Item 4 - CONSENT AGENDA

- a. **Approval of minutes of the meetings of June 23, 2009.**
- b. **Approval of Salary Ordinance number 09-13.**
- c. **Approval of Appropriation Ordinance No. 656.**
- d. **Approval of the Journal Entries Report for June, 2009.**

Councilmember Bell stated that he objected to the expenditures for \$2,450.00 to Allenbrand-Drews, \$195.00 to the American Planning Association, \$38.00 to Audio Messaging Solutions, \$635.00 to ICMA, \$300.00 to Paola High School, and \$270.00 to Chris Troxel.

Councilmember Pritchard questioned the expenditures for swimming pool concessions and supplies for the Community Center Summer Enrichment Program. He asked that the Council be provided with the revenue information for these programs.

After discussion, Councilmember Pritchard made a motion to approve the Consent Agenda including the minutes of June 23, 2009, Salary Ordinance No 09-13, Appropriation Ordinance No 656, and the Journal Entries Report for June, 2009, and authorize the Mayor to sign. Councilmember Dial seconded the motion. Councilmembers Rowlett, Dial, and Pritchard voted aye and Councilmember Bell voted nay. The motion passed 3 to 1.

Agenda Item 5 - REPORTS OF OFFICERS, BOARDS AND COMMITTEES

Agenda Item 5a - Consider requests to waive building permit fees.

Manager Wieland presented requests from USD 368 and the Paola Housing Authority to waive building permit fees for projects. He stated that in the Council has waived these fees in the past for these entities. Manager Wieland stated that he did not necessarily have a recommendation on the requests and indicated that it was the Council's discretion to approve or deny the requests.

The scope of each of the projects was discussed and it was noted that Federal stimulus monies were being used to fund the improvements to the Housing Authority. Councilmember Bell stated that since there were Federal monies being used at the PHA then they should pay the fees, but USD 368 is trying to keep their mil levy down for tax payers. Councilmember Pritchard stated that given the shortage of revenues, he was reluctant to waive fees. Councilmember Rowlett agreed and stated that charging the School District was the same as charging our own taxpayers, but he was inclined to collect the fee from the PHA.

After additional discussion, Councilmember Rowlett made a motion to deny the request to waive building permit fees for the Paola Housing Authority in the amount of \$2,123.96 and to approve the request to waive the building permit fee for USD 368 in the amount of \$1,107.25. The motion was seconded by Councilmember Dial and all vote aye.

Agenda Item 5b - Informational presentation on Foreign Trade Zone Designations.

Janet McRae, Miami County Economic Development Director, addressed the Council regarding an effort to obtain Foreign Trade Zone (FTZ) Designation in Miami County. She explained that FTZ has nothing to do with property zoning and use regulations, but it is an opportunity for a business to avoid or delay the payment foreign trade duties under certain circumstances. A FTZ provides a business a competitive advantage to keep manufacturing costs lower or to get products to market faster. She provided specific examples of businesses that would benefit from being located in a FTZ.

Mrs. McRae indicated that the Miami County Commissioners will be considering a Resolution authorizing the inclusion of Miami County in the Foreign Trade Zone Service Area of the Greater Kansas City Foreign Trade Zone under the new procedures for securing FTZ status within the County. She asked that the City Council consider a letter of support for the County's Resolution.

After discussing the FTZ status and the benefits to the County and to the City of Paola, Councilmember Bell made a motion to approve a letter of support for the Foreign Trade Zone Designation. The motion was seconded by Councilmember Dial. Councilmember Rowlett stated that perhaps that it would be more appropriate to provide a Resolution of Support rather than a letter of support. After additional discussion, Councilmember Bell made a motion to amend his motion to be a "Resolution" instead of a "Letter" of support. The motion to amend the previous motion was seconded by Councilmember Dial and all voted aye. The motion passed 4 to 0 and the Resolution was assigned number 2009-006.

Agenda Item 5c - Consider approval of a disbursement from Transient Guest Tax Funds.

Manager Wieland presented a request from the Transient Guest Tax Committee to provide \$1,000.00 from the Transient Guest Tax Fund to support the Roots Festival. After additional discussion, a recommendation was made by Councilmember Rowlett to increase the support to \$2,000.00.

Councilmember Bell made a motion to approve a disbursement of \$2,000.00 to the Roots Festival Committee from Transient Guest Tax Funds with the approval of the Transient Guest Tax Committee. The motion was seconded by Councilmember Rowlett and all vote aye.

Agenda Item 5d - Consider a lease agreement with the Miami County Fair Association for the use of property in Wallace Park for the Miami County Fair from July 18 to July 27, 2009.

Clerk Droste presented a lease agreement with the Miami County Fair Association for the use of a portion of Wallace Park for the annual Miami County Fair.

After a discussion, Councilmember Pritchard made a motion to approve the Lease with the Miami County Fair Association and authorize the Mayor to sign. The motion was seconded by Councilmember Dial and all vote aye

Agenda Item 5e - Consider approval of a pay request for the Fire Station project.

Manager Wieland presented pay request number 4 from Legacy Contractors for the Fire Station Project. He indicated that the project is now 37% complete and recommended approval.

Councilmember Rowlett asked about the improvements to the sewer and street. He asked if the savings from the project funds could be used to pay for the sewer improvements. Manger Wieland stated that the specific amount provided for sewer improvements in the contract would be applied to these costs, but he would prefer to wait to the end of the project to make a final determination for the other costs.

Councilmember Bell stated that he was concerned about security and expressed concerns about safety at the site. Manager Wieland indicated that he would discuss these concerns with the contractor.

Councilmember Dial made a motion to approve a pay request #4 in the amount of \$249,969.00 to Legacy Contractors, LLC for the Fire Station project. The motion was seconded by Councilmember Pritchard and all vote aye.

Agenda Item 5f - Consider a Resolution updating the Official Traffic Control Device Schedules.

Clerk Droste presented a Resolution updating the Official Traffic Control Device Schedules for the City. He indicated that the schedules were recently reviewed for accuracy and were amended to clean up confusing descriptions.

Mayor Stuteville asked about the parking restriction for the Gingerbread House Bed and Breakfast. Manager Wieland indicated that the owners have asked that the restriction not be removed until a final decision is made on reopening the business.

After discussing the Resolution and the schedules, Councilmember Dial made a motion to approve A RESOLUTION UPDATING THE OFFICIAL TRAFFIC CONTROL DEVICE SCHEDULES FOR THE CITY OF PAOLA, KANSAS. The motion was seconded by Councilmember Pritchard and all vote aye. The Resolution was assigned number 2009-007.

Agenda Item 5g - Consider a surveying and storm water study for an area near Whitaker Park.

Public Works Director Bieker discussed an area north of Whitaker Park that drains to the south that creates water issues for neighboring properties. A keystone wall drainage way was proposed to help relieve the situation, however the property owners were not receptive to that solution. He indicated that the proposed study would be used to determine other solutions.

Councilmember Bell indicated that he has visited with some of the property owners and this is a 40 year old problem that is not easily resolved. The flat terrain makes it very difficult for the water to drain from the area. Councilmember Rowlett indicated that \$5,600 might pay for the keystone drainage way, instead of paying for just a study.

After additional discussion, Councilmember Dial made a motion to not approve the surveying and storm water study proposal from Allenbrand-Drews & Associates, Inc. The motion was seconded by Councilmember Bell and all vote aye.

Agenda Item 6 – NEW BUSINESS

Planner Gotfredson indicated that the next Planning Commission had several items that would be decided and subsequently brought to the City Council at the next meeting.

Public Works Director Bieker reported that the mill and overlay street project is complete and the project went very well.

Clerk Droste reported that the Governing Body has been invited to participate in the Miami County Fair Parade. He agreed to make arrangement for city vehicles for the Council to ride in. The parade is Wednesday, July 22nd at 7:00 pm.

Councilmember Bell asked about a golf cart ordinance. He indicated that he was in favor of allowing the use of golf cars with as few restrictions as possible. After additional discussion, Councilmember Rowlett suggested that we discuss the details at the next work study before drafting an ordinance.

Agenda Item 7 –ADJOURNMENT.

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

Artie Stuteville, Mayor

ATTEST: (seal)

Daniel G. Droste, City Clerk