

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

April 25, 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.

The regular council meeting was called to order.

Agenda Item 1 - ROLL CALL: Mayor Stuteville and Council Members Pritchard, Dial, Rowlett, and Hamilton were all present.

Agenda Item 2 - PLEDGE OF ALLEGIANCE: Mayor Stuteville invited everyone in attendance to join in the Pledge of Allegiance.

Agenda Item 3 - PETITIONS, REMONSTRANCES, AND COMMUNICATIONS
Rick Shoenberger addressed the Council regarding the inspections that have been done on the old El Tapatio building regarding electrical and fire suppression issues. He expressed concerns that if these issues are unsafe now, they were also unsafe when El Tapatio was inspected as part of the alcohol license. The inspection process was discussed.

Agenda Item 4 - CONSENT AGENDA

- a. **Approval of minutes of the meetings of April 11, 2005**
- b. **Approval of Salary Ordinance number 06-07**
- c. **Approval of Appropriation Ordinance No. 580**

Councilmember Pritchard noted an error on page 2 item 8 of the minutes. Councilmember Rowlett made a motion to approve the Consent Agenda as corrected 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 - Public Hearing for the purpose of considering a request to waive the restriction for selling any alcoholic beverage within 500 feet of a park, school or church for The BBQ Shack, LLC at 705 N Pearl.

Councilmember Rowlett made a motion to open the public hearing. The motion was seconded by Councilmember Dial and all voted aye.

Clerk Droste explained that the public hearing was required as a result of an application for a Cereal Malt Beverage License for the BBQ Shack at 705 N Pearl. The property is located within 500 feet of the Pearl Street Baptiste Church.

Councilmember Pritchard made a motion to close the public hearing. The motion was seconded by Councilmember Rowlett and all voted aye.

Councilmember Pritchard made a motion to approve a waiver of the restriction for selling any alcoholic beverage within 500 feet of a park, school or church for The BBQ Shack, LLC at 705 N Pearl. The motion was seconded by Councilmember Rowlett and all voted aye.

Agenda Item 5b - Consider approval of a new Cereal Malt Beverage License for The BBQ Shack, LLC at 705 N Pearl.

Clerk Droste presented a request for a Cereal Malt Beverage License for the BBQ Shack, LLC at 705 N Pearl. Droste noted that the final fire safety inspection was pending due to the remodeling of the building. After discussing the application, Councilmember Rowlett made a motion to approve a new Cereal Malt Beverage License for The BBQ Shack, LLC at 705 N Pearl, subject to a final fire safety inspection. The motion was seconded by Councilmember Dial and all voted aye.

Agenda Item 5c - Receive and award bids on Temporary Financing Notes in the principal amount of \$2,035,000.

Greg Varnberg with Piper Jaffray presented four bids on Temporary Financing Notes in the amount of \$2,035,000. The low bid was submitted by Country Club Bank at 3.94450%.

After discussing the bids, Councilmember Pritchard made a motion to accept the bid from Country Club Bank for 3.94450% to purchase General Obligation Temporary Notes in the principal amount of \$2,035,000 from the City of Paola. The motion was seconded by Councilmember Dial and all voted aye.

Agenda Item 5d - Consider a Resolution authorizing the issuance of General Obligation Temporary Notes in the principal amount of \$2,035,000.

Clerk Droste presented a Resolution authorizing the issuance of General Obligation Temporary Notes in the amount of \$2,035,000 for the consideration of the Council.

After discussing the Resolution, Councilmember Rowlett made a motion to approve A RESOLUTION AUTHORIZING ISSUANCE OF GENERAL OBLIGATION TEMPORARY NOTES OF THE CITY OF PAOLA, KANSAS, IN THE PRINCIPAL AMOUNT OF \$2,035,000 FOR THE TEMPORARY FINANCING OF THE COSTS OF CONSTRUCTION OF CERTAIN IMPROVEMENTS IN THE CITY; AND ESTABLISHING THE TERMS AND CONDITIONS OF THE TEMPORARY NOTES. The motion was seconded by Councilmember Pritchard and all voted aye. The Resolution was assigned No. 2006-005.

Agenda Item 5e - Consider the preliminary and final development plan for Light Automobile Service usage at 1121 E Kaskaskia.

Engineer Planner Faust presented a report on the preliminary and final development plan for light automobile service usage at 1121 E Kaskaskia. At their April 18th meeting, the Planning Commission approved the plan subject to submittal and approval of a landscaping plan, photometric study, and a detailed drainage plan.

The Planning Commission did consider an objection raised by a similar business that was required to have a 1 acre site as a condition for approval. Engineer Planner Faust indicated that the LDO does allow for a smaller site if the plan meets an additional 5% open space requirement as well as all other requirements. This site meets the additional open space requirement as well as other site requirements.

After discussing the plan, Councilmember Pritchard made a motion to approve the preliminary and final development plan for the proposed light automobile service business to be located on Lot 10, Block 2, Academy Addition, contingent upon submittal and approval of a landscaping plan, photometric study, and a detailed drainage plan. The motion was seconded by Councilmember Hamilton and all voted aye

Agenda Item 5f - Consider an Ordinance authorizing a stop sign for eastbound traffic on Industrial Park Drive at the intersection of Hospital Drive.

Mayor Stuteville indicated that she had inquired about this situation after a citizen pointed out to her that there was no stop sign at this intersection. After discussing the need for a stop sign at the intersection, Councilmember Dial made a motion to approve AN ORDINANCE AMENDING TITLE III, SCHEDULE IV, OF THE TRAFFIC CODE PROVIDING FOR STOP SIGNS, OF THE CITY OF PAOLA, KANSAS. The motion was seconded by Councilmember Pritchard and all voted aye. The Ordinance was assigned No. 2912.

Agenda Item 5g - Update on the Lewis Drive reconstruction project.

Engineer Planner Faust presented an update on the construction progress on Lewis Drive. He reported that traffic would be allowed on a portion of the new street tomorrow. Also, the water line, sanitary sewer, and storm water improvements along Lewis and Morningside Drives are all complete. Curbing along the street and islands are 90% completed and the work on the drainage ditch has been started. Work on the entrance to Chinese Restaurant will begin soon.

Faust also reported that there were added costs associated with the fly-ash stabilization of the road base, added private utility services and additional block wall and curbing. These additional costs have not yet been finalized and a change order will be submitted to the Council for approval.

Councilmember Hamilton asked about addressing for the occupants of the former Electric Shop building. Faust indicated that this issue was still being discussed but that the City preferred that a building be addressed from the street that takes access. The liquor store should be addressed from North Pearl and the Electric Shop should be addressed from Lewis Drive.

Agenda Item 6 - NEW BUSINESS

Manager VanderHamm reported that the Baptiste Drive reconstruction project would begin on May 8th. Saturday, May 13th will be the Council Retreat, an agenda will be provided in advance. June 19th is the annual Chamber of Commerce Dinner at Evergreen Events.

Engineer Planner Faust discussed a meeting that was held on April 24th with Miami County regarding the bridge over Bull Creek at the south end of town. Faust reported that the County wants to include improvements to this bridge in their 5 Year Plan with the Kansas Department of Transportation (KDOT). In the meeting, the County was considering four different options:

- 1) Remove the 24' deck and replace it with a 28' deck and the supporting structure would be repaired.
- 2) Remove the 24' deck and replace it with a 28' deck. Deteriorated structure will be removed and spans/expansion joints will be modified.
- 3) Removes the concrete deck and arches and replaces with steel girders and a 28' deck. This option would completely change the look of the bridge.
- 4) Demolish the bridge and replace it with a new structure.

Faust reported that the County was asking for input from the City and needed a response as the request needed to be filed with KDOT immediately. After discussing the options, the Council was hesitant to make a decision as the information was not made available for review prior to the meeting. However, based on the discussion of the issues the consensus of the Council was to preserve the current look of the bridge as in Option 2 if the structural integrity of the bridge support structure was sufficient.

Councilmembers Hamilton, Rowlett, and Dial had no new business to discuss.

Councilmember Pritchard reported that the code enforcement complaint that he had received was not in our growth area and he had forwarded it on to the County Commission. He asked about the status of the railroad bridge near Pizza Hut that was hit by an Army transport truck over the weekend. No serious damage was known to occur from the accident.

Mayor Stuteville commented on the \$1,000 that was sent to the City from the County for park improvements. She also requested a tour of the sewer plant at the next as a part of the Work Study Session on May 2.

Agenda Item 7 – ADJOURNMENT.

With no additional business to come before the Council, Councilmember Hamilton made a motion to adjourn the meeting. Councilmember Dial seconded the motion and all voted aye.

Artie Stuteville, Mayor

ATTEST: (seal)

Daniel G. Droste, City Clerk