

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

July 28, 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, Members and Families of the Paola Fire Department, 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

Fire Chief Andy Martin introduced Joe Flake who was recently promoted to Captain. Chief Martin praised Captain Flake for his dedication to the Paola Fire Department. Assistant Fire Chief Bruce Hartig presented the Captain’s Badge and Pins to Cathy Flake for the pinning ceremony. After the ceremony, Captain Flake introduced his family.

Council Mayor Stuteville asked the audience if anyone desired to address the Council about any issue that is not an agenda item.

Chad Oehlert addressed the Council regarding water rates. He questioned the Council regarding the sale of water to Rural Water District No 1 at a rate cheaper than the rate sold to his business. Mayor Stuteville explained that RWD1 is a wholesale customer and that by keeping them as a wholesale customer, water rates will be lower but the decision to sell water to RWD1 at any rate has not yet been made. Mr. Oehlert asked that his business be given consideration for lower rates for his business as are being considered for RWD1. After

additional discussion, Manager Wieland indicated that discussion about water rate related issues is scheduled for the next council work study meeting. Mayor Stuteville invited Mr. Oehlert to attend this meeting.

Alan Hire addressed the Council regarding the water issue. He indicated that the Best Western Hotel experienced a 55% increase in its water bill. He also stated that water rates are going to continue to increase due to the structure of the financing for the water plant. He stated that the City of Paola is paying for additional pipeline to serve Louisburg and stated that additional financing costs were incurred due to the financial condition of the City of Louisburg. Mayor Stuteville and Clerk Droste indicated that there were no additional costs associated with the financing for the plant because of the participation of Louisburg in the project. After additional discussion, Clerk Droste reminded Mr. Hire about the 5 minute limit for discussion at this point in the Council Meeting. Councilmember Bell objected to the City Clerk interrupting the discussion.

Agenda Item 4 - CONSENT AGENDA

- a. **Approval of minutes of the meetings of July 14, 2009.**
- b. **Approval of Salary Ordinance number 09-14.**
- c. **Approval of Appropriation Ordinance No. 657.**

Councilmember Bell stated that he objected to the expenditures for to A&B Tree Service, for music on hold at City Hall, payments to D&K Leasing, and expenses for the Community Center Director to attend a conference in Cleveland, Ohio. Manager Wieland explained the reasoning behind the decision to approve participation in the conference.

After discussion, Councilmember Dial made a motion to approve the Consent Agenda including the minutes of July 14, 2009, Salary Ordinance No 09-14, and Appropriation Ordinance No 657, and authorize the Mayor to sign. Councilmember Rowlett 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 a Conditional Use Permit for a light auto service business at 812 S Silver.

Planner Gotfredson presented a request for a Conditional Use Permit for auto sales at the former convenience store and gas station located at 812 S Silver. He indicated that this is a good fit for this property and he introduced the applicants Mr. and Mrs. Bruce Brown.

Planner Gotfredson indicated that the applicant does not intend to use the existing gas pumps. Councilmember Bell questioned the costs associated with leaving gas tanks idle. The applicant indicated that he has checked into this issue and was not concerned.

Councilmember Rowlett asked about the landscaping requirements for the site. Planner Gotfredson indicated that he felt that the landscaping requirements were met for this particular site.

Mayor Stuteville questioned if auto repair would be performed on site. The applicant indicated that they will not be doing any repairs on site, just cleaning and detailing of cars.

After additional discussion, Councilmember Pritchard made a motion to approve ORDINANCE NO 2992 APPROVAL OF CONDITIONAL USE PERMIT 09-CUP-06 as presented. The motion was seconded by Councilmember Dial and all voted aye.

Agenda Item 5b - Consider a Conditional Use Permit for a pet grooming business at 5 N Silver.

Planner Gotfredson presented a request for a Conditional Use Permit for a pet grooming business at 5 N Silver. Mayor Stuteville asked if the CUP was for a 1 year term. Planner Gotfredson indicated that it was not and that the CUP can be returned to the Council should the business violate the terms of the permit. Questions regarding the location of the business in relation to the pizza restaurant were addressed. Planner Gotfredson indicated that there was sufficient separation between the two businesses so that this would not be an issue.

After additional discussion, Councilmember Dial made a motion to approve ORDINANCE NO 2993 APPROVAL OF CONDITIONAL USE PERMIT 09-CUP-07. The motion was seconded by Councilmember Pritchard and all voted aye.

Agenda Item 5c - Consider a site plan for a six unit attached single family development at Industrial Drive and Hospital Drive.

Planner Gotfredson presented a site plan for a single family development at Industrial Drive and Hospital Drive. He indicated that the developer intends to market these units as condominiums. At some point in the future, additional units are planned but are not shown on this site plan.

Mayor Stuteville asked about a buffer between these units and the apartments to the north. Planner Gotfredson indicated that this issue could be addressed in the landscaping requirements. The rear and front setbacks and parking issues were discussed. Councilmember Bell expressed concerns that the available parking was inadequate. Councilmember Rowlett indicated that the units are designed for seniors and that parking needs should be less than that for a typical family.

Parking issues and the rear yard buffer were discussed at length. Planner Gotfredson agreed to discuss these issues with the developer.

After additional discussion Councilmember Pritchard made a motion to approve the site plan as presented. The motion was seconded by Councilmember Dial and all voted aye.

Agenda Item 5d - Consider a site plan for a new residential unit for Lakemary Center.

Planner Gotfredson presented a site plan for a new residential unit for Lakemary Center. He indicated that the only issue of concern with the plan is the emergency access to the building and the two residential buildings to the north.

In early discussions, the Fire Chief recommended a drive be extended from the north that goes behind the buildings on the east side to provide emergency access. The owner and contractor have proposed a gravel emergency access road from the west that extends to the south of the new building, then a geo-textile mat material covered with gravel and then earth and grass would be installed that would provide a base for emergency vehicles to access the front of all three buildings. Fire code requires an all-weather road for emergency vehicle access and there is some question if the gravel and the geo-textile mat materials meet this requirement.

Alan Hire explained the layout of the Lakemary campus and the challenges involved with the location of the emergency access road. He explained the proposed gravel road and how the geo-textile mat material would be installed.

The Council expressed concerns about the proposed emergency access road and if it would be adequate to provide access for emergency vehicles.

After further discussion, Councilmember Pritchard made a motion to send the matter back to the Planning Commission for further review on the emergency access road. The motion was seconded by Councilmember Dial and all voted aye.

Agenda Item 5e - Consider an amendment to the Land Development Ordinance related to condominiums.

Planner Gotfredson reported that the City's Land Development Ordinance does not have a section pertaining to condominiums. He presented an Ordinance that amends the LDO to provide for condominiums.

After additional discussion, Councilmember Dial made a motion to approve ORDINANCE NO 2994 AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE (LDO) RELATED TO CONDOMINIUMS. The motion was seconded by Councilmember Bell and all voted aye.

Agenda Item 5f - Consider an amendment to the Land Development Ordinance related to noticing for public hearings.

Planner Gotfredson reported that the LDO currently requires that certain notices be provided to property owners by certified mail. State Statute only requires that notice be provided by first class mail. Planner Gotfredson indicated that this is a situation that the Council could consider changing to lower the costs associated with processing such thing as conditional use permits.

City Attorney Tetwiler indicated that he prefers the current requirements given the surety that the certified mail provides. After additional discussion, Councilmember Dial made a motion to approve ORDINANCE NO 2995 AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE (LDO) RELATED TO NOTICE OF PUBLIC HEARINGS. The motion was seconded by Councilmember Rowlett. Councilmembers Rowlett and Dial voted aye, Councilmembers Bell and Pritchard voted nay, and Mayor Stuteville voted nay. The motion did not pass by a vote of 2 to 3 and the Ordinance was not approved.

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

Manager Wieland presented a payment request for the Fire Station project. Councilmember Bell questioned the lack of safety fence and re-bar caps at the construction site. Manager Wieland agreed to discuss these safety concerns with the contractor.

After discussing the pay request, Councilmember Bell made a motion to approve a pay request #5 in the amount of \$231,815.00 to Legacy Contractors, LLC for the Fire Station project. The motion was seconded by Councilmember Rowlett and all voted aye.

Agenda Item 5h -Consider amending the Traffic Control Device Schedules to include an all-way stop at the intersection of Baptiste Drive and the northbound exit ramp of US 169 Highway.

Manager Wieland explained that the detour from the bull creek bridge construction has created issues at the northbound exit ramp off of US 169 Highway at Baptiste Drive. Police Chief Smail explained that traffic backs up the exit ramp into the main stream of traffic on US 169 Highway on school days only.

Manager Wieland indicated that City staff does have concerns that the proposed stop signs may not adequately resolve the situation and may create additional issues with Baptiste Drive traffic. The stop signs are the least expensive option when compared to traffic lights.

After discussing alternatives, Police Chief Smail indicated that he would prefer to provide a police officer to direct traffic during the peak time when school is in session.

After discussion, Councilmember Bell made a motion to provide police officers to direct traffic at the northbound exit ramp of US 169 Highway at Baptiste Drive during peak hours while school is in session and to approve A RESOLUTION AMENDING THE OFFICIAL TRAFFIC CONTROL DEVICE SCHEDULES FOR THE CITY OF PAOLA, KANSAS removing the reference to the stop signs for eastbound and westbound traffic on Baptiste Drive. The motion was seconded by Councilmember Rowlett and all voted aye. The Resolution was assigned number 2009-008.

Agenda Item 5i - Consider 2010 Budget Notice of Public Hearing to be set for August 11, 2009.

Manager Wieland requested that the Council set the public hearing for August 11, 2009 at 5:30 pm for the 2010 Budget in the amount of \$13,840,784. He reported that once the amount of the budget is set and published for the public hearing, the amount of the budget cannot be increased, but it can be decreased.

Manager Wieland stated that he wanted to make certain that the Council was aware that if the 2010 revenues and expenditures remain constant, in 2011 the City could be faced with additional cuts of \$100,000 to \$120,000 in expenditures to keep the budget at its current

level. Manager Wieland indicated that the city should look for additional revenue opportunities.

Manager Wieland reviewed the water service and the water plant reserve funds along with additional changes to the budget funds that were recommended at the last budget work study meetings. The need for additional rate increases for water and sewer rates was discussed at length.

Clerk Droste explained that the Council will be required to pass an ordinance increasing taxes even though the total mil levy will remain constant with the 2009 level of 40.371.

After additional discussion, Councilmember Rowlett made a motion to approve the proposed 2010 budget for publication at \$13,840,784 and set August 11, 2009 as the date for the budget public hearing. The motion was seconded by Councilmember Bell and all voted aye.

Agenda Item 6 – NEW BUSINESS

Clerk Droste reported that total sales tax for June amounted to \$207,417.00.

Clerk Droste reported that representatives of the US Census Bureau have requested that the City participate in promoting participation in the upcoming 2010 Census. Although the Census Bureau is asking for as much participation and support as possible, Droste recommend that the City participate in the following:

- Provide space to test job applicants
- Provide space to train employees
- Provide space for “Be Counted” sites and/or Questionnaire Assistance Centers
- Encourage persons to return their questionnaires
- Post Census information, provide link on our web site
- Use and distribute educational materials
- Participate in kick-off meetings

Additionally, a “Complete Count Committee” could be formed to assist in these efforts. Manager Wieland agreed to work with Clerk Droste on the Complete Count Committee.

Mayor Stuteville and Councilmember Pritchard indicated that they would be attending the Kansas Open Meetings Act and the Kansas Open Records Act training that will be held in Paola on Saturday, August 8th.

Planner Gotfredson asked the Council for direction regarding a potential auto sales business that is considering a location near the round about at Hedge Lane and K-68 Highway. He asked if the lot would require the lot to be paved or graveled. After discussing the issue and the Council agreed that the lot should be a hard surface.

Councilmember Rowlett suggested that consideration be given for utilizing Public Works Project Manager to act as the general contractor for the City Hall renovation project.

Councilmember Rowlett indicated that he would like to utilize a 10 year budgeting process. He indicated that many communities use multi-year budgeting to plan for future projects.

Mayor Stuteville reported that a visiting group of Masons came to Paola and they were very complimentary of the Paola Chamber of Commerce and the Best Western Hotel during their stay.

Mayor Stuteville reported that the annual Heartland Car Show was a huge success with over 200 cars participating.

Mayor Stuteville reported that Manager Wieland has volunteered to pay for his own personal transportation and lodging to the ICMA Conference. Manager Wieland reported that he will be recognized for 40 years of municipal service at the ICMA Conference.

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