

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

October 13, 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 Dial, Rowlett, and Bell.

Council Members absent: Councilmember Pritchard

Also present: City Manager Wieland, City Clerk Droste, City Planner Gotfredson, Public Works Director Bieker, Police Chief Smail, Richard Lentz, Alan Hire, LeAnne Shields, Carol Everhart with the Paola Chamber of Commerce, and a representative from the Miami County Republic.

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 Dial, Rowlett, and Bell were all present. Councilmember Pritchard 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. No one addressed the Council.

Agenda Item 4 - CONSENT AGENDA

- a. **Approval of minutes of the meeting of September 22, 2009.**
- b. **Approval of Salary Ordinance number 09-19 and 09-20.**
- c. **Approval of Appropriation Ordinance No. 662.**
- d. **Approval of the Journal Entries Report for September.**
- e. **Approval of the renewal of Class B Private Club License for the Paola Country Club.**

Councilmember Bell questioned the Appropriation Ordinance regarding expenditures to All Pro Laundry Equipment for the new Fire Station, meals for firefighters who attended a training in Wichita, expenses related to the sidewalk on 303rd Street, the Wilson and Company invoice for the utility rate study, and car wash tokens to Zarco 66. After discussion, Councilmember Rowlett made a motion to approve the Consent Agenda including the minutes of the meeting of September 22, 2009, Salary Ordinance No 09-19 and

09-20, Appropriation Ordinance No 662, Journal Entries Report for September, Class B Private Club Licenses for the Paola Country Club; and authorize the Mayor to sign. The motion was seconded by Councilmember Dial. Councilmembers Rowlett and Dial voted aye and Councilmember Bell voted nay. The motion passed 2 to 1.

Agenda Item 5 - REPORTS OF OFFICERS, BOARDS AND COMMITTEES

Agenda Item 5a - Consider a request to waive building permit fees from Lakemary Center.

Manager Wieland presented a request from Lakemary Center to waive the fees associated with the building permit on the new dormitory that is planned. Wieland reported that previously the Council has not waived the building permit fees for Lakemary's projects but the Council has lowered water and sewer connection fees to the actual costs incurred by the City. It was also reported that previously the Council has waived building permit fees for taxing entities such as the School District and the County but not for non-profit organizations.

After additional discussion, Councilmember Rowlett made a motion to not approve the request from Lakemary Center to waive building permit fees in the amount of \$4,860.75, and plan review fees of \$2,844.00. The motion was seconded by Councilmember Dial and all voted aye. The motion passed 3 to 0.

Agenda Item 5b - Consider a request to waive a sign permit fee from the Paola Sunrise Lions Club.

Manager Wieland presented a request from the Paola Lions Club to waive the sign permit fee of \$25 for a sign that the club was donating and installing at the Miami County Courthouse.

Councilmember Dial made a motion to approve the request from the Paola Sunrise Lions Club to waive the sign permit fee in the amount of \$25.00. The motion was seconded by Councilmember Rowlett and all voted aye. The motion passed 3 to 0.

Agenda Item 5c - Consider a request for a water leak allowance.

Clerk Droste presented a request from Allegri II, Inc for a leak allowance at 310 N Hospital Drive. Droste explained that the cause of the leak was determined to be a running toilet. He indicated that this is considered a maintenance item and that in the past the Council has not approved leak allowances for maintenance items such as this.

After additional discussion, Councilmember Dial made a motion to not approve the request for a water leak allowance in the amount of \$1,042.27 for Allegri II, Inc. at 310 N Hospital Drive. The motion was seconded by Councilmember Rowlett and all voted aye. The motion passed 3 to 0.

Agenda Item 5d - Consider an Ordinance authorizing the operation of golf carts and micro utility trucks in the City of Paola.

Clerk Droste reported that at the golf cart and micro utility truck (MUTs) ordinance was discussed at the last City Council meeting. At that meeting, there was an interest in expanding the definition of golf cart to include those designed to carry 6 persons and there were questions regarding the availability of insurance for MUTs. Droste explained that he was able to determine that insurance is available for MUTs but only if the vehicle has a state issued tag. In checking with the Motor Vehicle Department at the County, he learned that the State of Kansas will not issue tags for MUTs, therefore insurance cannot be obtained. He reported that the ordinance being presented for consideration at this meeting does redefine "golf cart" to include those designed to carry 6 persons and the insurance requirement for MUTs was eliminated.

Councilmember Dial expressed concerns about not requiring insurance for MUTs and would prefer to eliminate them from the ordinance completely. After additional discussion, the City Clerk was instructed to eliminate the references to the MUTs and return the ordinance for consideration at the next meeting.

Agenda Item 6 – NEW BUSINESS

Clerk Droste reported that the League of Kansas Municipalities is planning a Regional Supper to be held in Mission, KS on November 19th.

Carol Everhart with the Chamber of Commerce reported that Chad Myers, Director of the Paola Community Center, organized a very nice reception to honor Mr. Tom Schwartz for his generous support of the Community Center. She also reported that the dedication and reception for the Jack Goss Family will be held at the Paola High School Gymnasium due to expected cold weather. The reception will be at 4:00 pm on Saturday, October 17th and the 35th Infantry Band of the Kansas Army National Guard will play a free concert.

Manager Wieland reported that L&K Services has lowered the fuel surcharge adjustment in connection with the trash contract with the City. Therefore, no increase in trash rates is required at this time.

Manager Wieland reported that the City is purchasing water from the Marais Des Cygnes Public Utility Authority. A meeting of the MDCPUA Board is planned for tomorrow to discuss operations and finances.

Manager Wieland reported that video recording of the City Council Meetings had initially been planned to start this evening, however the contractor had to order the wiring for the audio recording and it has not yet been installed. Manager Wieland also noted that when he was working on the video recording policy, he noted that the Cable TV Franchise Agreement does not address public education and governmental education channels. He indicated that he and the City Attorney need to make contact with Suddenlink to amend our franchise agreement to include the language for these channels.

Councilmember Rowlett reported on the meeting with the Miami County Commissioners and the Louisburg City Council regarding the Kansas Department of Transportation Interlocal Agreement. He indicated that almost all of the entities involved in the project have already approved the agreement with the exception of Paola. He indicated that he has concerns about

entering into a 20 year agreement and with some design issues proposed for K-68 Highway. Manager Wieland asked if the Council would like a representative from the engineering firm to attend the next meeting to discuss the issue. Councilmember Dial indicated that she would like to have someone address the Council's concerns.

Councilmember Dial reported that she will be out of town on November 10th and will not be attending that Council Meeting.

Mayor Stuteville indicated that the reception for Mr. Tom Schwartz at the Paola Community Center was very nice and very well attended by the community.

Mayor Stuteville presented an invitation for the City Council to attend the Miami County Elected Officials and Leadership Dinner on November 17th in Louisburg.

Mayor Stuteville congratulated Councilmember Rowlett on completing his term as President of the League of Kansas Municipalities at the LKM Annual Conference in Topeka that concluded earlier today.

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

Councilmember Rowlett made a motion to adjourn to Executive Session, to include the Mayor, Council, City Manager and Public Works Director, for 10 minutes for the purpose of discussing personnel matters of non-elected personnel; the regular meeting to reconvene at 6:30 pm. The motion was seconded by Councilmember Dial and all voted aye. The motion passed 3 to 0.

At 6:30 pm, Councilmember Rowlett made a motion to reconvene the adjourned meeting. The motion was seconded by Councilmember Dial and all voted aye. The motion passed 3 to 0.

No action was taken pursuant to the executive session.

Agenda Item 7 - ADJOURNMENT.

With no additional business to come before the Council, Councilmember Dial made a motion to adjourn. Councilmember Rowlett seconded the motion and all voted aye. The motion passed 3 to 0.

Artie Stuteville, Mayor

ATTEST: (seal)

Daniel G. Droste, City Clerk