

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

October 27, 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 Planner Gotfredson, Public Works Director Bieker, Deputy Police Chief Poore, Richard Lentz, Harold Achey, Jeff Hartl, Paul Bertrand with George Butler & Associates, Mike Moriarty with KDOT, Carol Everhart with the Paola Chamber of Commerce, and Jesse Trimble 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 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.

Jeff Hartl addressed the Council regarding the business climate downtown around the Park Square. He stated that the Council should consider incentives to attract and retain retail businesses downtown. He stated that one of the reasons that he was relocating his business to Anderson County was due to recent encounters with Paola Police Officers. He went on to elaborate on those encounters.

Agenda Item 4 - CONSENT AGENDA

- a. **Approval of minutes of the meeting of October 13, 2009.**
- b. **Approval of Salary Ordinance number 09-21.**
- c. **Approval of Appropriation Ordinance No. 663.**

Councilmember Bell questioned the Appropriation Ordinance regarding expenditures to the Rotary Club and expenditures for the Paola Community Center programming. After discussion,

Councilmember Pritchard made a motion to approve the Consent Agenda including the minutes of the meeting of October 13, 2009, Salary Ordinance No 09-21, Appropriation Ordinance No 663, and authorize the Mayor to sign. The motion was seconded by Councilmember Rowlett. 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 - Presentation and discussion regarding the K-68 Corridor Management Plan by George Butler & Associates.

Manager Wieland introduced Paul Bertrand with George Butler & Associates and Mike Moriarty with the Kansas Department of Transportation. Mr. Bertrand and Mr. Moriarty presented a summary of the background on the K-68 Highway Corridor Management Plan. The summary included a discussion on the growth projections for traffic volume and population in the area and along the K-68 corridor.

The main topics of discussion focused on intersection controls and the acquisition of additional right-of-way for the highway. The intersection controls include the use of “roundabouts” and “jug handles” instead of traditional traffic signals. It was explained that along some sections of the corridor, KDOT already has sufficient right-of-way. Additional right-of-way for the balance of the corridor would be acquired at a later date or could be dedicated as properties are developed. It was explained that there were no State funds available to acquire additional right-of-way immediately.

Implementation strategies for the management plan were discussed and include:

1. Reference the K-68 Corridor Management Plan in the City’s Comprehensive Plan.
2. Consider overlay districts that make special requirements for setbacks along the corridor.
3. Include KDOT in the review process for proposed developments along the corridor.
4. Preserve existing and acquire additional right-of-way as part of the development approval process.

Agenda Item 5b - Consider approval of the K-68 Highway Interlocal Cooperation Agreement.

Mike Moriarty with the Kansas Department of Transportation presented the K-68 Interlocal Cooperation Agreement for consideration. He explained that all of the local jurisdictions had previously approved the Partnership Agreement and the Project Agreement in 2008. The purpose of the Interlocal Cooperation Agreement is to formally agree to move forward and work as part of an advisory committee to implement the corridor plan. He explained that there are State funds available for corridor project improvements.

Councilmember Rowlett questioned the 20 year term of the agreement and expressed concerns about entering into such a long term agreement. Mr. Moriarty indicated that the City would have the ability to “opt out” of the agreement at any time, but would no longer be eligible for State funding for corridor projects.

Manager Wieland reported that the City Attorney has reviewed the document and had some recommendations for minor grammatical changes to the document.

After additional discussion, Councilmember Pritchard made a motion to approve an Interlocal Cooperation Agreement with the Kansas Department of Transportation regarding the K-68 Corridor Management Plan. The motion was seconded by Councilmember Dial and all voted aye. The motion passed 4 to 0.

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

Manager Wieland presented a pay request on the Fire Station Project. He reported that the project is now 92% complete including stored materials on site. He discussed the details of the current status of the project.

After additional discussion, Councilmember Dial made a motion to approve a pay request #8 in the amount of \$355,220.00 to Legacy Contractors, LLC for the Fire Station project. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 4 to 0.

Agenda Item 5d - Consider an Ordinance authorizing the operation of golf carts

Clerk Droste reported that changes to the proposed Golf Cart Ordinance were made pursuant to the discussion at the last City Council Meeting. He reported that the section authorizing the use of Micro Utility Trucks had been eliminated as directed by the Council.

Councilmember Pritchard discussed his concerns about golf carts not having seat belts for passengers. After additional discussion, Councilmember Bell made a motion to approve AN ORDINANCE ADDING SECTION 305.070 OF THE CODE OF THE CITY OF PAOLA, KANSAS, 1997, AUTHORIZING THE OPERATION OF GOLF CARTS ON THE STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF PAOLA; AND PROVIDING FOR RELATED MATTERS, INCLUDING PENALTIES FOR VIOLATION THEREOF; AND AMENDING SECTION 300.010 B OF THE CODE OF THE CITY OF PAOLA, KANSAS, 1997. The motion was seconded by Councilmember Rowlett and all voted aye. The motion passed 4 to 0 and the Ordinance was assigned number 3003.

Agenda Item 5e - Report from Carol Everhart, Director of the Paola Chamber of Commerce, on Economic Development.

Carol Everhart, Director of the Paola Chamber of Commerce reported on recent and upcoming events including the Goss Family recognition, the Harvest Festival, the Paola Business Expo, and the Kansas Day Celebration. Mrs. Everhart also reported on recent activities with local businesses.

Agenda Item 5f - Demonstration of the new Paola Economic Development Website.

Carol Everhart, Director of the Paola Chamber of Commerce presented a demonstration of the new Paola Economic Development website: <http://www.thinkpaola.com>

Agenda Item 6 – NEW BUSINESS

Clerk Droste inquired about the Council's attendance at the upcoming Miami County Elected Officials and Leadership Dinner and the League of Kansas Municipalities Regional Supper.

Councilmember Pritchard thanked City staff for sending out a letter advising him about high water usage at his home. He explained that because of that letter he discovered and fixed a leak in the water service line to his home. Clerk Droste explained that letters are routinely sent to customers when a large increase in water usage is observed.

Mayor Stuteville made a recommendation to appoint Shannon Hefley to the Paola Housing Authority to fill the remaining term of Earl Ventura. Councilmember Pritchard made a motion to confirm the Mayor's appointment of Shannon Hefley to the Paola Housing Authority. The motion was seconded by Councilmember Rowlett and all voted aye. The motion passed 4 to 0.

Mayor Stuteville expressed congratulations to Rosy King who was recently named Paola Business Woman of the Year.

Mayor Stuteville presented a letter from David Schwartz thanking the City for naming the auditorium at the Paola Community Center the Schwartz Family Theater.

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 and the Council, for 20 minutes for the purpose of discussing personnel matters of non-elected personnel; the regular meeting to reconvene at 7:30 p.m. The motion was seconded by Councilmember Dial and all voted aye. The motion passed 4 to 0.

At 7:20 pm, Councilmember Dial made a motion to reconvene the adjourned meeting. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 4 to 0.

No action was taken pursuant to the executive session.

Councilmember Pritchard made a motion to adjourn to Executive Session, to include the Mayor, Council, and the City Manager, for 60 minutes for the purpose of discussing personnel matters of non-elected personnel; the regular meeting to reconvene at 8:30 p.m. The motion was seconded by Councilmember Rowlett and all voted aye. The motion passed 4 to 0.

At 8:30 pm, Councilmember Pritchard made a motion to reconvene the adjourned meeting. The motion was seconded by Councilmember Dial and all voted aye. The motion passed 4 to 0.

At the conclusion of the executive session, Councilmember Dial made a motion to direct the City Attorney to draft an agreement to extend the contract with City Manager Wieland for an additional term of one year. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 4 to 0.

Councilmember Pritchard made a motion to adjourn to Executive Session, to include the Mayor, Council, and the City Manager, for 45 minutes for the purpose of discussing confidential data relating to financial affairs or trade secrets of corporations, partnerships, trusts and individual proprietorships (K.S.A. 75-4319(B)(4) is the authority for this recess); the regular meeting to reconvene at 9:15 p.m. The motion was seconded by Councilmember Rowlett and all voted aye. The motion passed 4 to 0.

At 9:15 pm, Councilmember Rowlett made a motion to reconvene the adjourned meeting. The motion was seconded by Councilmember Bell and all voted aye. The motion passed 4 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 Pritchard made a motion to adjourn. Councilmember Rowlett seconded the motion and all voted aye. The motion passed 4 to 0.

Artie Stuteville, Mayor

ATTEST: (seal)

Daniel G. Droste, City Clerk