

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

January 24, 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 Shields, Rowlett, Moulder, and Pritchard.

Council Members absent: None.

Also present: Manager VanderHamm, Clerk Droste, City Attorney Tetwiler, Engineer/Planner Faust, Public Works Director Bieker, Police Chief Smail, a representative 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 Shields, Moulder, Rowlett, and Pritchard 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
No one addressed the Council.

Agenda Item 4 - CONSENT AGENDA

- a. **Approval of minutes of the meetings of January 10, 2005**
- b. **Approval of Salary Ordinance number 06-01**
- c. **Approval of Appropriation Ordinance No. 574**

Councilmember Shields made a motion to approve the Consent Agenda as amended and authorize the Mayor to sign. Councilmember Rowlett seconded the motion and all voted aye.

Agenda Item 5 – REPORTS OF OFFICERS, BOARDS, AND COMMITTEES.

Agenda Item 5a - Consider approval of the renewal of a Drinking Establishment License for Beethoven’s Restaurant at 120 W Peoria.

Councilmember Pritchard made a motion to approve the renewal of a Drinking Establishment License for Beethoven's Restaurant at 120 W Peoria. The motion was seconded by Councilmember Rowlett. Councilmembers Shields, Rowlett, and Pritchard voted aye; Councilmember Moulder voted nay; the motion passed 3 to 1.

Agenda Item 5b - Consider an Ordinance annexing Lot 2 of Stewart Subdivision into the City of Paola (Waste water treatment plant site).

Clerk Droste presented an Ordinance annexing Lot 2 of Stewart Subdivision into the City of Paola. This property is the site for the City's new Waste Water Treatment Plant.

Councilmember Rowlett made a motion to approve AN ORDINANCE ANNEXING LAND TO THE CITY OF PAOLA, KANSAS. The motion was seconded by Councilmember Shields and all voted aye. The Ordinance was assigned number 2905.

Agenda item 5c - Consider approval of the Miami County Medical Center Doctor's Building Condominium – Second Plat.

Engineer Planner Faust presented the Miami County Medical Center Doctor's Building Condominium – Second Plat for consideration. He reported that the Planning Commission has reviewed the plat and recommended approval.

Councilmember Moulder questioned if approving the plat would alter the outcome of the inquiry regarding the tax exempt status of the Medical Center property. Manager VanderHamm indicated that this plat should not change any existing ruling on the other portion of the building that was previously platted; this new plat may also be subject to real estate taxes.

Councilmember Rowlett made a motion to approve the Miami County Medical Center Doctor's Building Condominium – Second Plat as presented. The motion was seconded by Councilmember Pritchard and all voted aye.

Agenda Item 5d - Consider the resubmission of the Silver/Baptiste intersection for a KDOT Study and Grant

Engineer Planner Faust reported in April of 2005, the City was notified by the Kansas Department of Transportation (KDOT) that we were not selected for the funding of possible safety improvements at the Baptiste Drive/Silver Street Intersection. The city recently received notification that KDOT is again soliciting projects for the federal fiscal years of 2008 and 2009.

Federal-aid funds under this program are prorated on a 90/10 federal/local split. While no 'proposed design' exists, there have been previous Kansas Technical Engineering Assistance Program studies conducted at this location. The intersection will continue to experience increased traffic volumes and modifications that improve the safety should be considered. While we have not requested the

latest accident history at this intersection, the previous KDOT submittal identified 15 accidents in a two-year period.

The deadline for submittal of high crash intersections (at least 8 accidents) is April 3, 2006 and staff is seeking direction from the Council on whether to apply for this grant.

Engineer Planner Faust explained that previous submissions for this intersection did not include a new design for the intersection. He indicated that the current configuration of the intersection make it difficult to use a traffic light there.

Councilmember Rowlett made a motion to approve the resubmission of the Silver/Baptiste intersection for a KDOT Study and Grant. The motion was seconded by Councilmember Shields and all voted aye.

Agenda Item 5e - Consider a Charter Ordinance correcting the Transient Guest Tax.

Manager VanderHamm presented a summary report of previous discussions regarding Charter Ordinance No. 12 and the Transient Guest Tax. He indicated that the existing Charter Ordinance is not valid and the Council should consider a new ordinance to correct deficiencies in the old ordinance.

Manager VanderHamm indicated that there were five issues that the Council needed to agree on in order to draft the new ordinance. The issues are the guest tax rate, the number of committee members, which groups make up the committee, the role of the committee, and who has the authority to spend the funds.

Wayne Johnson suggested that some of the funds should be used to construct "Welcome to Paola" signs at the entrances to the City.

Councilmember Rowlett suggested that the guest tax be increased to 5%. The balance of the Council agreed.

Mayor Stuteville indicated that the old statute created a committee of 5. The Council discussed including representatives from the Bed & Breakfast / Hotels, the Chamber of Commerce, restaurants, retail, and possibly from the new events center. The Council agreed that five members was a good number for the committee.

Manager VanderHamm indicated that the State Statute provided for a broad scope of membership on the committee and he suggested that the makeup of our committee also have a broad scope of membership.

Councilmember Rowlett indicated that initial terms should be staggered with 2 members serving 1 year initial terms and 3 members serving terms of 2 years each. Thereafter, terms would be for 2 years each with no term limit on reappointments. The Council agreed.

Manager VanderHamm that the committee will have to set up guidelines or by-laws. He indicated that their primary role should be convention and tourism promotion as defined in the State Statute, "Convention and Tourism Promotion means: (1) Activities to attract visitors into the community through marketing efforts, including advertising, directed to at least one of the five basic convention and tourism market segments consisting of group tours, pleasure travelers, association meetings and conventions, trade shows and corporate meetings and travel; and (2) support of those activities and organizations which encourage increased lodging facility occupancy". Manager VanderHamm stated that in other words, we do not want to attract people to town for events for just a few hours; we want to attract them to town and encourage them to stay overnight. Additionally, their role is to make recommendations to the Council on how to spend the money, they do not make that decision on their own.

Mayor Stuteville asked if the next step was to have City Attorney Tetwiler draft the ordinance with these stipulations. City Attorney Tetwiler indicated that he would make the changes and have the ordinance in final form for the Council to consider at the next meeting.

Councilmember Shields asked if there had been a decision on who would be on the committee. Mayor Stuteville indicated that the committee would not be appointed until after the ordinance was approved.

Agenda Item 6 - NEW BUSINESS

Manager VanderHamm reported that one of the City's older Police patrol cars struck 2 deer and was totaled. Police Chief Smail has been instructed to contact the State Highway Patrol to see if they have any used cars available.

Manager VanderHamm indicated that work on the Lewis Drive reconstruction project has begun. Councilmember Pritchard asked about access through the intersection at Lewis Dr and Morningside Drive. Engineer Planner Faust reported that one lane is to remain open to access the businesses and residences in the area.

Manager VanderHamm reported that the Marias des Cygne Public Utility Authority (MDC PUA) Board met and reviewed the 5 design/engineering proposals for the water treatment plant and transmission lines. Professional Engineering Consultants, HDR Engineering, and Bartlett & West were the three firms that were selected for interviews. Not selected were Wilson & Company and Larkin. Manager VanderHamm also reported that the by-laws for the MDC PUA have been prepared and will need to be approved by the Council possibly at the February 14th meeting.

Manager VanderHamm reported that at the Work Study Session on February 7th the Council will meet with the Library Board at 6:30 pm. Afterwards, the Council will review all of the City's rates and fees for 2006, including water and sewer rates.

Councilmember Shields had no new topics to discuss.

Councilmember Rowlett announced that the Tree Board was hosing the Paola Tree Festival and Arbor Day Celebration on April 29th at Wallace Park from 9:00 am to 4:00 pm.

Councilmember Moulder asked if the new Kansas Collaborative Agreement that the Governor signed affects the Council. Councilmember Rowlett indicated that the document allows municipal groups to pool resources for efficiency and cost savings.

Councilmember Moulder asked about the \$40,000 for the Community Center roof. He asked if the matching funds for the roof would still be required since the sales tax monies were now available. Manager VanderHamm indicated that if the funds were not spent in 2006, it would be transferred to the CIP so that it would always be available for that use. Councilmember Shields indicated that the Community Center had raised the matching funds for the roof.

Councilmember Moulder asked if the drainage problem at the Shawnee and Agate intersection and the Diamond Street improvements between Shawnee and Miami would be completed in 2006. Public Works Director Bieker indicated that both projects are planned provided that timing and resources allow.

Councilmember Pritchard indicated that he had been visiting with residents along 295th Street and asked the meeting of homeowners next week. Engineer Planner Faust indicated that the meeting would be held at 5:30 pm on Tuesday, January 31st at the Community Center.

Councilmember Pritchard asked about lighting, sidewalks, and walking trails at Rockwood. Manager VanderHamm indicated that KCPL is installing the lighting and that sidewalks are only installed on one side of the street and that the walking trails would be completed as part of Phase III of the development.

Mayor Stuteville thanked Public Works for the sign that was put up at Whitaker Park. She also expressed concern about construction truck traffic on Morningside Drive.

Agenda Item 7 – ADJOURNMENT.

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

Artie Stuteville, Mayor

ATTEST: (seal)

Daniel G. Droste, City Clerk