

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

November 24, 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 Browning, Deputy Police Chief Poore, Assistant Fire Chief Hartig, Hannes Poetter, Arlin Prothe, Aaron Prothe, 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.

Hannes Poetter addressed the Council regarding a proposal for housing incentives that he will present at the Council Work Study Meeting next week. He indicated that he would welcome any questions about the proposal prior to the meeting.

Aaron Prothe with Boy Scout Troop 105 introduced himself and indicated that he was in attendance to work on his Citizenship Merit Badge.

Agenda Item 4 - CONSENT AGENDA

- a. Approval of minutes of the meeting of October 27, 2009 and November 10, 2009.
- b. Approval of Salary Ordinance number 09-22 and 09-23.
- c. Approval of Appropriation Ordinance No. 664 and 665.
- d. Approval of the Journal Entries Report for October, 2009.
- e. Approval of the renewal of a Retail Liquor License for County Seat Liquor.

- f. Approval of the renewal of a Drinking Establishment License for Applebee's.

Councilmember Bell expressed his disapproval of the disbursements to the Marais Des Cygnes Public Utility Authority. After discussion, Councilmember Dial made a motion to approve the Consent Agenda as presented, 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 - Consider a Resolution adopting the National Incident Management System (NIMS).

Assistant Chief Hartig reported that the National Incident Management Systems (NIMS) is the system that the Fire Department uses to manage all of the incidents that they respond to. NIMS is a standard system that is recommended by National Homeland Security and the Federal Emergency Management Agency. The proposed Resolution adopts NIMS as the system will implement when responding to incidents.

After additional discussion, Councilmember Pritchard made a motion to approve A RESOLUTION ESTABLISHING THE NATIONAL INCIDENT MANAGEMENT SYSTEM KNOWN AS NIMS AS THE INCIDENT SYSTEM TO BE USED FOR PLANNING, RESPONDING, RECOVERY AND MITIGATING FROM BOTH NATURAL AND MANMADE DISASTERS WITHIN THE CITY OF PAOLA, KANSAS. The motion was seconded by Councilmember Rowlett and all voted aye. The motion passed 4 to 0 and the Resolution was assigned number 2009-011.

Agenda Item 5b - Consider a Resolution establishing a Water Leak Allowance Policy.

Clerk Droste presented a Resolution adopting a written water leak allowance policy based on the current practices of the City.

After additional discussion, Councilmember Rowlett made a motion to approve A RESOLUTION ESTABLISHING A WATER LEAK ALLOWANCE POLICY FOR THE CITY OF PAOLA, KANSAS. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 4 to 0 and the Resolution was assigned number 2009-012.

Agenda Item 5c - Consider a Resolution declaring the boundaries of the City of Paola.

Clerk Droste presented a Boundary Resolution which included the addition of two tracts that were annexed into the City of Paola early in 2009.

After additional discussion, Councilmember Dial made a motion to approve A RESOLUTION DECLARING THE BOUNDARY OF THE CITY OF PAOLA, KANSAS PURSUANT TO K.S.A. 1988 SUPP. 12-517. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 4 to 0 and the Resolution was assigned number 2009-013.

Agenda Item 5d - Consider the purchase of new beds for two dump trucks.

Manager Wieland presented a proposal to purchase two new beds for dump trucks for the salt and sand trucks for Public Works. Funding for the equipment would come from the Municipal Equipment Reserve Fund.

Councilmember Rowlett asked if the existing beds could be patched and repaired rather than purchasing new ones. He expressed concerns about reducing reserves given pending revenue cuts from the State of Kansas.

After additional discussion, Councilmember Pritchard made a motion to approve the purchase of two new dump truck beds in the amount of \$9,688.00 from Midwest Truck Equipment. The motion was seconded by Councilmember Dial and all voted aye. The motion passed 4 to 0.

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

Manager Wieland pay request #9 for the Fire Station Project and reported that the project is nearing completion. It is anticipated that the Fire Department will be moving in sometime in mid-December. Work on the street could be completed by the end of next week depending on the weather. Public Works Director Browning indicated that they would be working on the “dips” in Peoria Street.

Councilmember Dial made a motion to approve a pay request #9 in the amount of \$100,656.00 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 5f - Consider approval of a payment to the MDCPUA Debt Service Fund.

Manager Wieland presented a request to approve the payment of \$387,116.57 from the water plant reserve fund to the Marais Des Cygnes Public Utility Authority. He reported that the delays in the completion of the new water plant caused a shortage in revenues for the MDCPUA and the cities of Paola and Louisburg were required to make payments to meet the debt service payment on December 1st.

Councilmember Rowlett questioned the amount of water that the City was actually using versus the take or pay amounts. Clerk Droste reported that the take or pay amount exceeded actual consumption by 2.5 million gallons in October and 2.9 million gallons in November. Councilmember Bell asked about future debt payments and if the City would be required to make future debt payments. Manager Wieland indicated that this payment was necessary due to the delay in the completion of the water plant and future debt payments would be covered by the operational revenues of the MDCPUA.

The actual consumption versus the take or pay amounts was discussed at length. Councilmembers Rowlett and Bell expressed concerns about this issue and the effect on water rates.

After additional discussion, Councilmember Dial made a motion to approve the payment of \$387,116.57 to the MDCPUA. The motion was seconded by Councilmember Pritchard and all voted aye. Councilmembers Rowlett, Dial, and Pritchard voted aye and Councilmember Bell voted nay. The motion passed 3 to 1.

Agenda Item 5g - Consider a request to waive a building permit fee for the American Legion.

Manager Wieland presented a request from the American Legion to waive the building permit fee for improvements to the entrance of their building. He indicated that typically, the City has not waived building permit fees except for other taxing entities and for the baseball fields.

After additional discussion, Councilmember Rowlett made a motion to not approve the building permit fee for the American Legion. The motion was seconded by Councilmember Pritchard. Councilmember Bell abstained stating that he is a member of the American Legion. Councilmember Rowlett voted aye. Councilmember Dial abstained stating that her father made the request to waive the fee. Councilmember Pritchard voted nay. With a tie vote, Mayor Stuteville voted aye. The final vote was 2 – abstained, 2 – aye, and 1 – nay. As the abstained votes count toward the majority, the final vote was 4 to 1 in favor of the motion.

Agenda Item 5h - Review proposed changes to the Neighborhood Revitalization Plan Map.

Planner Gotfredson presented a map outlining proposed changes to the Neighborhood Revitalization Plan (NRP) Map. The NRP map is proposed to be expanded to include properties located south of Baptiste Drive and west of Hospital Drive, excluding commercial properties along Baptiste Drive and excluding the Ursuline Campus.

The importance of promoting of the Neighborhood Revitalization Plan was discussed.

Agenda Item 6 – NEW BUSINESS

Planner Gotfredson presented a preliminary request to vacate right of way that is adjacent to the former Sky Line Motel. The reason for the request is to allow the new owners of the motel to place a sign in front of the hotel and construct a privacy fence at the back of the property. The Council agreed that if the City has no need to keep the right of way, they would consider vacating. Utility easements would need to be maintained.

Clerk Droste presented information on sales tax collections for November in the amount of \$171,273. Year to date, sales tax revenues are 4.16% below 2008 collections.

Clerk Droste reported that a summary of changes to the Municipal Code Book will be discussed at the next Work Study Meeting.

Manager Wieland indicated that Miami County is considering permits for the sales of fireworks. The Council had no objections to this issue.

Manager Wieland indicated that he will be working on a Request for Qualifications (RFQ) for architect firms for the City Hall project. Councilmember Rowlett indicated that he has concerns with proceeding with the project with pending revenue cuts from the State. Manager Wieland indicated that it would take several months to send out and evaluate proposals.

Manager Wieland indicated that he was gathering information on housing incentives from other communities. He indicated that the Work Study Meeting would begin at 5:30 pm due to the number of discussion items.

Councilmember Bell asked about parking motorcycles on sidewalks during special events with the Patriot Guard and other motorcycle groups. After discussion, it was agreed that the groups should inquire in advance and permission could be granted depending on the location of the event.

Mayor Stuteville reported that she had been approached by residents in Country Club Heights regarding the Golf Cart Ordinance. Because North Pearl has a speed limit of 35 mph they cannot drive their golf cart to other parts of town. This issue was discussed.

Mayor Stuteville asked if the Council had a preference for a City Employee Christmas Party or giving gift certificates. The Council agreed that the gift certificates would be appreciated most.

Carol Everhart reminded everyone that the Christmas Tree Lighting Ceremony would be held at the Park Square on Friday, November 27th at 5:45 pm.

Agenda Item 7 - ADJOURNMENT.

With no additional business to come before the Council, Councilmember Pritchard made a motion to adjourn. Councilmember Dial seconded the motion and all voted aye. The motion passed 4 to 0.

Artie Stuteville, Mayor

ATTEST: (seal)

Daniel G. Droste, City Clerk