

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

**March 23, 2010**

**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 Browning, Police Chief Smail, Ed Kluber, Jay Hastert, Rick Elliott, Kim Smith, Larry Smith, Greg Leslie, Carol Everhart from 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 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**  
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 March 9, 2010.**
- b. **Approval of Salary Ordinances 10-05.**
- c. **Approval of the renewal of a Retail Liquor License for In Good Spirits.**

Councilmember Pritchard made a motion to approve the Consent Agenda as presented and authorize the Mayor to sign. The motion was seconded by Councilmember Dial and all voted aye. The motion passed 4 to 0.

**Agenda Item – APPROPRIATION ORDINANCE 674.**

Councilmember Bell questioned expenditures for meal reimbursements while traveling. He asked if the City has considered a per diem allowance rather than reimbursing actual expenses. Manager Wieland indicated that there has been some discussion about switching to a per diem.

Councilmember Bell questioned expenditures for equipment for the new fire truck. Manager Wieland reported that the truck did come with a deck water gun but other equipment such as hose and ladders needed to be purchased to equip the truck.

Councilmember Bell questioned the water purchased from the Marais Des Cygnes Public Utility Authority (MDCPUA). Clerk Droste reported that this invoice reflected the increase in water rates to the cities plus an additional assessment for operational expenses of approximately \$20,000.00. Councilmember Rowlett requested that the MDCPUA financial reports be provided to the Council on a regular basis.

Councilmember Bell also questioned invoices to Performance Incorporated and BCI Mechanical. After discussion, Councilmember Dial made a motion to approve Appropriation Ordinances 674 as presented, and authorize the Mayor to sign. The motion was seconded by Councilmember Rowlett. Councilmembers Pritchard, Dial, and Rowlett voted aye and Councilmember Bell voted nay. The motion passed 3 to 1.

## **Agenda Item 6 - REPORTS OF OFFICERS, BOARDS AND COMMITTEES**

### **Agenda Item 6a – Public Hearing for the purpose of considering a request to waive the restriction for selling any alcoholic beverage within 200 feet of a park, school or church for the BBQ Shack, LLC at 1613 E Peoria.**

Councilmember Rowlett made a motion to open the public hearing. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 4 to 0.

Mayor Stuteville asked if anyone in the audience had any comments to present during the Public Hearing. No one addressed the Council.

Clerk Droste reported that the BBQ Shack currently holds a CMB License and desires to expand to a Drinking Establishment License. Since the restaurant is within 200 feet of Lakemary Center, a Public Hearing is required prior to issuing the new license. He reported that the BBQ Shack is also planning an expansion at its present location.

At the conclusion of the discussion, Councilmember Rowlett made a motion to close the public hearing. The motion was seconded by Councilmember Dial and all voted aye. The motion passed 4 to 0.

### **Agenda Item 6b – Consider waiving the restriction for selling or consuming any alcoholic beverage within 200 feet of a park, school, or church.**

Pursuant to the discussion during the Public Hearing, Councilmember Pritchard made a motion to approve a waiver of the restriction for selling any alcoholic beverage within 200 feet of a park, school or church for the BBQ Shack, LLC at 1613 E Peoria. The motion was seconded by Councilmember Dial. Councilmembers Pritchard, Dial, and Rowlett voted aye and Councilmember Bell abstained. As an abstention is counted toward the majority, the motion passed 4 to 0.

**Agenda Item 6c – Consider approval of a new Drinking Establishment License for the BBQ Shack, LLC at 1613 E Peoria.**

Pursuant to the discussion during the Public Hearing, Councilmember Dial made a motion to approve a new Drinking Establishment License for the BBQ Shack, LLC at 1613 E Peoria subject to the issuance of a State of Kansas Drinking Establishment License. The motion was seconded by Councilmember Rowlett. Councilmembers Pritchard, Dial, and Rowlett voted aye and Councilmember Bell abstained. As an abstention is counted toward the majority, the motion passed 4 to 0.

**Agenda Item 6d – Consider renewal of the City’s liability/property/auto insurance coverages.**

Manager Wieland introduced Jay Hastert with Elliott Insurance Group to present the renewal of the City’s insurance coverages with EMC Insurance Company.

Mr. Hastert reported that he has been working with Clerk Droste to make sure that the values on the City’s facilities have been appropriately identified. EMC has proposed a renewal premium of \$86,394.00 as compared to \$83,661 for the current policy term. The premium increase amounted to \$2,733.00 or 3.2%. The increase was primarily due to the increases in property values. The coverages were discussed in some detail.

After the discussion, Councilmember Rowlett made a motion to approve the renewal of the City’s liability/property/auto insurance coverages through EMC Insurance Companies in the amount of \$86,394.00. The motion was seconded by Councilmember Bell and all voted aye. The motion passed 4 to 0.

**Agenda Item 6e – Consider approval of the final payment for the Fire Station Project.**

Manager Wieland presented the final payment request from Legacy Contractors for the Fire Station project. Manager Wieland reported that the City has an exceptional facility and that the contractor has done a very fine job.

After additional discussion, Councilmember Dial made a motion to approve a pay request #12 in the amount of \$2,500.00 to Legacy Contractors, LLC for the Fire Station Project. The motion was seconded by Councilmember Rowlett and all voted aye. The motion passed 4 to 0.

**Agenda Item 6f – Discussion regarding potential changes to trash collection services.**

Manager Wieland reported that he, Clerk Droste and Planner Gotfredson met with Mr. Larry Smith of L&K Services to discuss potential changes the City’s trash collection contract. He introduced Mr. Smith to the Council and asked him to present a proposal for changes in our trash service.

Mr. Smith reported that the Johnson County landfills and transfer stations may soon be refusing yard waste at their facilities. He explained that this change may necessitate changes

in collection of yard waste disposal. Mr. Smith stated that Miami County, the cities in the County, or even his company may consider opening a composting site or sites for the disposal of yard waste.

At the same time that changes are implemented for yard waste, Mr. Smith suggested that the Council consider implementation of a curb-side recycling program. Currently, L&K collects trash twice weekly on Monday or Tuesday and Thursday or Friday. He proposed that this could be changed to once weekly trash collection on Monday or Tuesday and once weekly curb-side recycling and yard waste collection on Thursday or Friday. It may be possible that this change could be made for the same price that is currently being paid for trash collection.

After additional discussion about yard waste, composting sites, and recycling options, the Council agreed that it supported adding curb-side recycling as soon as practical.

### **Agenda Item 7 – NEW BUSINESS**

Clerk Droste presented an invitation to the Council from the Tree Board to participate in the Arbor Day tree planting ceremony at the Cottonwood Elementary School on April 30<sup>th</sup> at 10:00 am.

Manager Wieland presented profit and loss statements for recent Community Center programs. The movie night lost \$23.00 and the recent Civic Theater production made a profit of \$816.59.

Manager Wieland reported that the Community Center and Library are co-hosting a volunteer appreciation dinner on Tuesday, April 6<sup>th</sup>. This dinner conflicts with the next Council Work Study Session. He recommended that the Work Study be moved to Wednesday, April 7<sup>th</sup> at 6:30 pm. The Council agreed.

Councilmember Bell stated that he agreed with Mayor Stuteville with the turn lane on Hospital Drive at Baptiste Drive. Public Works Director Browning agreed to discuss the intersection with the KDOT engineer on Thursday while he is in Paola to review the Baptiste Drive improvement project.

Councilmember Rowlett recommended that the stop sign at Hidden Meadows Court be removed since there is no traffic to stop for. It was agreed that there was no current need for the placement of that stop sign.

Mayor Stuteville recognized Boy Scout Greg Leslie who was in attendance.

Mayor Stuteville reminded everyone that the City-wide Spring Clean-up was scheduled for April 24<sup>th</sup>. Public Works Director Browning reported that the City would be not collecting televisions, computers or other electronic devices because of the cost of disposing of those items. Mr. Browning indicated that these items would have to be taken to Topeka for disposal.

**Agenda Item 8 – Executive Session. K.S.A. 75-4319(B)(4) is the authority for this recess.**

Councilmember Dial made a motion to adjourn to Executive Session, to include the Mayor, Council, City Manager, City Clerk, City Planner, and City Attorney for 30 minutes for the purpose of discussing confidential data relating to financial affairs or trade secrets of corporations, partnerships, trusts and individual proprietorships; the regular meeting to reconvene at 7:15 p.m. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 4 to 0.

At 7:15 pm the Governing Body came out of Executive Session and Councilmember Dial made a motion to reconvene the regular 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.

**Agenda Item 9 - 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.

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Artie Stuteville, Mayor

ATTEST: (seal)

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Daniel G. Droste, City Clerk