

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

April 13, 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, Bell; and Council Members Elect Wilhoite and Minden.

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, Pastor Jim Hopwood, Gail Bell, Deana Wilhoite, Courtney McConico, 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 23, 2010.**
 - b. **Approval of Salary Ordinances 10-06 and 10-07.**
 - c. **Approval of the Journal Entries Report for March.**

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 675.

Councilmember Rowlett made a motion to approve Appropriation Ordinances 675 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 6 - CONSIDER CERTIFICATE OF ELECTION RESULTS

Clerk Droste presented a Certificate of Election Results from Janet White, Miami County Clerk. The certificate, dated April 12, 2010, listed the following results from the general election held on April 6, 2010:

Paola City Council Ward 2:	Geecoulia (Gee Gee) Wilhoite	21 votes
Paola City Council Ward 4:	Mark Minden	211 votes
	Pete Bell	96 votes
	Write In	1 vote

Councilmember Rowlett made a motion to accept the certificate of election results naming Gee Gee Wilhoite, Ward 2 and Mark Minden, Ward 4 as the candidates receiving the most votes. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 4 to 0.

Agenda Item 7 - ADJOURN SINE DIE

Councilmember Rowlett made a motion to adjourn sine die. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 4 to 0.

Mayor Stuteville presented Johna Dial and Pete Bell with a plaque of appreciation and thanked them for their service to the City of Paola.

Clerk Droste administered the Oath of Office to Councilmembers Geecoulia (Gee Gee) Wilhoite and Mark Minden.

Reverend Jim Hopwood of the United Methodist Church gave an invocation.

Councilmember Pritchard made a motion to resume the adjourned meeting. The motion was seconded by Councilmember Rowlett and all voted aye. The motion passed 4 to 0.

Mayor Stuteville called the new Paola City Council to order.

Agenda Item 8 - ELECTION OF COUNCIL OFFICERS

Councilmember Rowlett made a motion to nominate Councilmember Pritchard as President of the Paola City Council. The motion was seconded by Councilmember Minden and all voted aye. The motion passed 4 to 0.

Councilmember Pritchard made a motion to nominate Councilmember Rowlett as Vice President of the Paola City Council. The motion was seconded by Councilmember Minden and all voted aye. The motion passed 4 to 0.

Agenda Item 9 - DESIGNATION OF DEPOSITORIES FOR CITY FUNDS

Clerk Droste presented a memorandum regarding the deposit accounts for the City of Paola.

Councilmember Rowlett made a motion to designate Citizens State Bank, Great Southern Bank, Patriots Bank, First Option Bank and Landmark National Bank as depositories for City funds. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 4 to 0.

AGENDA ITEM 10 - APPROVAL OF PLEDGED SECURITIES

Clerk Droste presented a report on pledged securities for deposits that exceed the amount insured by FDIC Insurance. Balances in excess of the \$250,000 FDIC Insurance are collateralized with investment securities. The City of Paola currently has deposit accounts with Citizens State Bank, Great Southern Bank, and First Option Bank. A summary of the pledges as of 03/31/10 is as follows:

<u>Bank</u>	<u>Deposits</u>	<u>FDIC Insurance & Pledged Assets</u>	<u>Excess Collateral</u>
Citizens State Bank	\$4,737,216	\$4,839,716	\$102,500
First Option Bank	\$2,209,269	\$2,286,329	\$77,060
Great Southern Bank	\$1,048,006	\$1,705,939	\$657,933

Councilmember Minden suggested that the Pledged Securities Report should be provided to the Council on a regular basis rather than just annually at the first meeting in April. Clerk Droste indicated that he would be happy to provide the report every month.

After discussion, Councilmember Pritchard made a motion to approve pledged securities from Citizens State Bank, First Option Bank, and Great Southern Bank. The motion was seconded by Councilmember Rowlett and all voted aye. The motion passed 4 to 0.

Agenda Item 11 - REPORTS OF OFFICERS, BOARDS AND COMMITTEES

Agenda Item 11a – 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 El Potro Mexican Café at 602 N Pearl.

Councilmember Pritchard made a motion to open the public hearing. The motion was seconded by Councilmember Rowlett 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 an application has been received for a Drinking Establishment License for El Potro Mexican Café located at 602 N Pearl. Since the restaurant is within 200 feet of Pearl Street Baptist Church, a Public Hearing is required prior to issuing the new license. He reported that the Public Hearing Notice was printed in the Miami County Republic, posted at City Hall, and posted on the City’s website. He also reported that the former restaurant that occupied this same building previously held a Drinking Establishment License.

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

Agenda Item 11b – Consider waiving the restriction for selling or consuming any alcoholic beverage within 200 feet of a park, school, or church.

Clerk Droste reported that El Potro Mexican Café has been very successful since it opened and that they are planning an outdoor dining area on the east side of the building where alcoholic beverages would be served. Clerk Droste recommended that the Council consider approving the waiver subject to the restrictions on screening, amplified sound or music, and hours of operation as discussed in a previous Council Work Study Meeting. He expressed concerns over approving the restriction and the license and then passing a subsequent ordinance that places restrictions on the extended premises.

City Attorney Tetwiler indicated that any extended premises or outdoor serving area would be required to comply with any new ordinances. Clerk Droste agreed that he would advise the applicants about the proposed restrictions so that they could plan accordingly.

After additional discussion, Councilmember Rowlett 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 El Potro Mexican Café located at 602 N Pearl. The motion was seconded by Councilmember Pritchard. Councilmembers Minden, Rowlett, and Pritchard voted aye and Councilmember Wilhoite voted nay. The motion passed 3 to 1.

Agenda Item 11c – Consider approval of a new Drinking Establishment License for El Potro Mexican Café at 602 N Pearl.

Councilmember Pritchard made a motion to approve a new Drinking Establishment License for El Potro Mexican Café located at 602 N Pearl subject to the issuance of a State of Kansas Drinking Establishment License. The motion was seconded by Councilmember Rowlett. Councilmembers Minden, Rowlett, and Pritchard voted aye and Councilmember Wilhoite voted nay. The motion passed 3 to 1.

Agenda Item 11d – Consider approval disbursements from Transient Guest Tax Funds.

Manager Wieland reported that the Paola Convention and Tourism Committee has recommended approval of three requests for funding from the Transient Guest Tax Fund. They recommended approval for \$500.00 to the Heartland Art Guild for the Miniatures Art Show and \$500.00 to Paola Heartland Tourism for the Concerts in the Park program, both subject to a report on how funds from 2009 were spent. A third recommendation was to provide \$1,000.00 for the Courthouse Gardens project.

After discussion, Councilmember Minden made a motion to approve disbursements from the Transient Guest Tax Fund as recommended by the Paola Convention and Tourism Committee. The motion was seconded by Councilmember Rowlett and all voted aye. The motion passed 4 to 0.

Agenda Item 12 – NEW BUSINESS

Clerk Droste presented Revenue and Expenditure Reports for the month of March. He also provided a Preliminary Budget Analysis report for 2010 and a summary report on Tax Revenues for 2010. The reports were explained and discussed.

Clerk Droste presented Councilmembers Wilhoite and Minden with City Code Books, Personnel Manual and forms, and The Governing Body Handbook published by the League of Kansas Municipalities.

Clerk Droste reported that City Planner Gotfredson had completed the process of converting the Land Development Ordinance (LDO) into a format that was compatible to post on the City's website. The LDO is now available to be viewed or downloaded from the website.

Public Works Director reminded the Council that the City-wide Spring Clean Up is scheduled for Saturday, April 24th. He also reported that the Bull Creek Bridge should be opening very soon.

Manager Wieland reported that he would be organizing a Council planning session prior to the budget workshops to discuss priorities for the City.

Manager Wieland reported that on April 20th at 7:00 pm, there will be a Public Meeting regarding the proposed parking restrictions on residential streets.

Manager Wieland thanked the Council for the support offered during the time of the loss of his brother.

Councilmember Minden asked if the Public Works Department had ever considered converting some vehicles to run on used cooking oil from the local restaurants. Director Browning indicated that he would research the issue.

Councilmember Minden asked Police Chief Smail if the gates with the stop signs at the ball parks in Wallace Park could be opened at night after the games are over.

Councilmember Minden asked Public Works Director Browning about the chip and seal process for streets. He has received several complaints about the chip rock accumulating in residents yards. Director Browning indicated that the chip and seal process is the most cost effective treatment to extend the life of some streets.

Councilmember Minden asked about televising Council meetings and about having the meetings start later in the evening. Manager Wieland reported that the Franchise Agreement with Suddenlink Communications does not provide for Public Education and Government (PEG) access channels. The Franchise Agreement will need to be amended to provide for PEG channels before the meetings can be re-broadcast on cable TV.

Councilmember Minden asked if any consideration had been given to passing a surcharge rate for high volume water users. Manager Wieland reported that the current rate structure which has a uniform rate for all users regardless of volume replaced an old rate structure that gave a discounted rate to high volume users. The high volume users are already paying much higher rates and he did not recommend increasing them further.

Councilmember Rowlett asked if there were some street signs throughout town that could be eliminated. Public Works Director Browning agreed that there are some signs that may be redundant and could be eliminated when signs are replaced to meet the new Federal standards. Councilmember Rowlett asked specifically about the truck traffic signs on the west side of town and on Wea Street. The effectiveness of the truck traffic routes was discussed.

Councilmember Rowlett asked if the County had made any decisions regarding the growth areas. Manager Wieland stated that the County would be studying the growth areas over the next several months to a year before any decisions are made. Councilmember Rowlett suggested that a review of the regulations for the growth area need to be reviewed and adjusted as necessary.

Councilmember Pritchard asked about the status of curb-side recycling. Manager Wieland reported that he was still waiting on a final proposal from L&K Services. He also reported that the County has indicated that they may install a composting area for lawn waste at the County Transfer Station.

Councilmember Pritchard asked about changing the time for Council meetings. Manager Wieland suggested that both regular meetings and work study meeting be moved to 6:00 pm so that there is a consistent time for all meetings. Clerk Droste agreed to present and Ordinance at the next meeting to change the times for Council meetings to 6:00 pm.

Mayor Stuteville made the following recommendations for Board appointments:

Tourism and Convention Board: Rick Schoenberger, Julie Miller and Hugo Carette.

Planning Commission: Tom Bonner and Les Smith.

Library Board: Jarrod Youk, Blake Heid, Larry McGee, and Mary Chamberlin.

Paola Housing Authority: Bob Nichols.

Community Center Board: Mike Brown and Linda Barnett.

Councilmember Rowlett made a motion to approve the Mayor's appointments to the Tourism and Convention Board, Planning Commission, Library Board, Housing Authority, and Community Center Board as recommended. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 4 to 0.

Agenda Item 13 - ADJOURNMENT.

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

Artie Stuteville, Mayor

ATTEST: (seal)

Daniel G. Droste, City Clerk