

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

**April 27, 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, Wilhoite, and, Rowlett.

Council Members absent: Councilmember Minden was absent at the beginning of the meeting but arrived shortly thereafter.

Also present: City Manager Wieland, City Attorney Tetwiler, City Planner Gotfredson, Public Works Director Browning, Police Chief Smail, Dick Allenbrand, Adam Hale, Kristen Gibbert, Dana Abbott, Madisyn Abbott, Richard Lentz, 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, Wilhoite, and Rowlett. Councilmember Minden was absent at the beginning of the meeting.

**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.

Mayor Stuteville, City Manager Wieland and Police Chief Smail presented Police Officer Adam Hale with the Bronze Award of Service. Officer Hale was recognized for his efforts in administering CPR to a citizen on March 11, 2010.

**Agenda Item 4 - CONSENT AGENDA**

- a. **Approval of minutes of the meeting of April 13, 2010.**
- b. **Approval of Salary Ordinances 10-08.**

Councilmember Pritchard noted some corrections to the minutes and made a motion to approve the Consent Agenda as presented and authorize the Mayor to sign. The motion was seconded by Councilmember Wilhoite and all voted aye. The motion passed 3 to 0.

**Agenda Item – APPROPRIATION ORDINANCE 676.**

Councilmember Pritchard asked if he could receive details on the amounts spent for the City's safety program and for training before the budget discussions take place.

Councilmember Pritchard made a motion to approve Appropriation Ordinances 674 as presented, and authorize the Mayor to sign. The motion was seconded by Councilmember Rowlett and all voted aye. The motion passed 3 to 0.

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

Councilmember Minden arrived at the meeting and took his seat with the Council.

**Agenda Item 6a – Consider an Ordinance amending Section 105.120 of the Paola City Code regarding the time for City Council Meetings.**

Councilmember Rowlett made a motion to approve AN ORDINANCE AMENDING TITLE I GOVERNMENT CODE, CHAPTER 105 ADMINISTRATION, ARTICLE I GOVERNING BODY, SECTION 105.120 MEETINGS, TO THE MUNICIPAL CODE OF THE CITY OF PAOLA, KANSAS. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 4 to 0 and the Ordinance was assigned number 3009.

**Agenda Item 6b – Consider a Resolution changing the time of City Council Meetings from 5:30 pm to 6:00 pm.**

Councilmember Pritchard made a motion to approve A RESOLUTION CHANGING THE TIME TO CONDUCT THE PUBLIC MEETINGS OF THE PAOLA CITY COUNCIL. The motion was seconded by Councilmember Minden and all voted aye. The motion passed 4 to 0 and the Resolution was assigned number 2010-002.

**Agenda Item 6c – Consider an Ordinance amending Section 100.005 of the Paola City Code defining unlawful use of the Corporate Seal of the City of Paola.**

Manager Wieland reported that this ordinance is being presented pursuant to the discussions at work study meetings regarding changes to the alcohol ordinances. The ordinance would prohibit any use of the City's Official Seal for any sort of advertising without prior written approval. Councilmember Rowlett suggested that the ordinance should make it unlawful for any unauthorized use of the City Seal, not just for advertising. Councilmember Minden suggested that in the event that the City Manager is unavailable that language be added to provide for approval by the City Manager's designee. City Attorney Tetwiler asked about the penalty for a violation. No specific penalty was discussed.

After the discussion, Councilmember Rowlett made a motion to table action on the ordinance until the next regular meeting. The motion was seconded by Councilmember Minden and all voted aye. The motion passed 4 to 0.

**Agenda Item 6d – Consider approval of a subdivision plat for property located at 30175 W 287<sup>th</sup> St.**

Planner Gotfredson presented a request for a four lot subdivision at 287<sup>th</sup> Street and Osawatomie. He reported that the property is in the growth area and the request was presented to the Miami County Engineer for comments. The Miami County Engineer's only recommendation was to restrict the location of driveway access for the lots and that the restrictions be noted on the plat. The Paola Planning Commission recommended approval of the plat with the restrictions recommended by the County Engineer at their April 20<sup>th</sup> meeting.

Councilmember Minden asked why this particular property is in Paola's growth area since it is so far west of town. Councilmember Rowlett suggested that the growth area be discussed at a work study meeting.

After additional discussion, Councilmember Pritchard made a motion to approve the preliminary and final plat for a four lot subdivision at 30175 W 287<sup>th</sup> Street as recommended by the Paola Planning Commission. The motion was seconded by Councilmember Minden. Councilmember Rowlett asked if the motion should include the access restriction recommended by Miami County. After additional discussion, Councilmember Pritchard made a motion to amend his original motion to make approval of the plat conditional upon the addition of language restricting driveway access to the lots as recommended by the Miami County Engineer. The motion to amend the original motion was seconded by Councilmember Rowlett and all voted aye. The motion passed 4 to 0.

**Agenda Item 6e – Consider approval disbursements from Transient Guest Tax Funds.**

Manager Wieland presented a request from the Paola Convention and Tourism Committee to approve disbursements from the Transient Guest Tax Fund as follows: \$500 for the Paola Farmers Market; \$500 for the annual car show sponsored by the Paola Heartland and Tourism Committee; and \$500 to the American Legion Riders to promote their first annual motorcycle show.

After discussion, Councilmember Rowlett 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 Pritchard and all voted aye. The motion passed 4 to 0.

**Agenda Item 7 – NEW BUSINESS**

Councilmember Minden stated that there are several properties in town that are in violation of the City's codes including the Muffler Mart, Alan's Tires, and Brewer's. He was specifically concerned about the number of automobiles parked at these properties and that one has turned into a junk yard.

Councilmember Minded asked about the Library and if there was any that it could become a district library. Mayor Stuteville reported that the Library Board has been working on that issue for a number of years.

Councilmember Rowlett asked if the agenda could be revised to move the Appropriation Ordinance back to the Consent Agenda and to remove the information about who made the motion and how everyone votes.

Councilmember Wilhoite expressed concerns about the condition of Petrolius and Mulberry Streets on the west side.

Councilmember Pritchard agreed with Councilmember Minden's comments about the properties that have a number of vehicles stored on their properties. He also asked about the need to provide an option for recycling electronic devices such as computers and television sets.

Mayor Stuteville asked about codes enforcement mowing. Manager Wieland reported that bids are being solicited from private companies for this service.

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

Councilmember Rowlett made a motion to adjourn to Executive Session, to include the Mayor, Council, City Manager, City Planner, and City Attorney for 20 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 6:50 p.m. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 4 to 0.

At 6:50 pm the Governing Body came out of Executive Session and Councilmember Rowlett 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 Rowlett 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