

**MINUTES OF THE COUNCIL MEETING
OF THE CITY OF PAOLA, KANSAS
6:00 O’CLOCK P.M.**

May 11, 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, Rowlett and, Minden.

Council Members absent: None.

Also present: City Manager Wieland, City Clerk Droste, City Attorney Tetwiler, Public Works Director Browning, Police Chief Smail, Richard Lentz, Aaron Hofmann, Betty Kern, 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, Rowlett, and Minden were all present.

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 April 27, 2010.
- b. Approval of Salary Ordinances 10-09.
- c. Approval of Appropriation Ordinance No 677.
- d. Approval of the Journal Entries Report for April, 2010.
- e. Approval of the Pledged Securities Report for April, 2010.
- f. Approval of the renewal of a Drinking Establishment License for El Tapatio Mexican Restaurant.

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

Agenda Item 5 - REPORTS OF OFFICERS, BOARDS AND COMMITTEES

Agenda Item 5a - 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 was tabled at the previous meeting pending the resolution of the following issues: 1) redefining illegal use to include any unauthorized use; 2) possibly allowing an alternate designee to grant approval in the absence of the City Manager; and 3) specify a penalty for violation. Manager Wieland presented the changes and the Ordinance was discussed.

Councilmember Pritchard made a motion to approve AN ORDINANCE AMENDING TITLE I GOVERNMENT CODE, CHAPTER 100 GENERAL PROVISIONS, ARTICLE I CITY SEAL, SECTION 100.005 CORPORATE SEAL, TO THE MUNICIPAL CODE OF THE CITY OF PAOLA, KANSAS. The motion was seconded by Councilmember Rowlett and all voted aye. The motion passed 4 to 0. The Ordinance was assigned number 3010.

Agenda Item 5b - Consider a Resolution adopting the Code of Procedure for Kansas Cities, Second Edition, for conducting the public meetings of the City of Paola.

Manager Wieland presented a Resolution adopting the Code of Procedure for Kansas Cities, Second Edition, for conducting the public meetings of the City of Paola. Councilmember Rowlett asked for clarification on the amendment to Section 34 regarding the Mayor voting on an Ordinary Ordinance.

After discussion, Councilmember Rowlett made a motion to approve A RESOLUTION ADOPTING BY REFERENCE “THE CODE OF PROCEDURE FOR KANSAS CITIES, SECOND EDITION”, WITH CERTAIN OMISSIONS AND AMENDMENTS, AS A GUIDELINE FOR CONDUCTING PUBLIC MEETINGS FOR THE CITY OF PAOLA, KANSAS. The motion was seconded by Councilmember Wilhoite and all voted aye. The motion passed 4 to 0. The Resolution was assigned number 2010-003.

Agenda Item 5c - Consider an Ordinance amending Section 600.020 of the Paola City Code restricting the location where alcoholic liquor or cereal malt beverages can be sold or served.

Clerk Droste presented ordinances that amend and create new sections of the Paola City Code pertaining to Chapter 600 and the regulations related to alcohol. He discussed the need to adopt the changes and additions in 5 separate ordinances to comply with state statutes that dictate that ordinances cannot contain more than one subject.

Clerk Droste reported that the changes and additions have previously been discussed at Council Work Study Meetings. Each of the ordinances were discussed.

Councilmember Rowlett made a motion to approve AN ORDINANCE AMENDING TITLE VI BUSINESS OCCUPATION, CHAPTER 600 ALCOHOLIC BEVERAGES, ARTICLE I GENERAL PROVISIONS, SECTION 600.020 RESTRICTION ON LOCATION, TO THE MUNICIPAL CODE OF THE CITY OF PAOLA, KANSAS. The motion was seconded by

Councilmember Pritchard. Councilmembers Pritchard, Rowlett and Minden voted aye and Councilmember Wilhoite voted nay, the motion passed 3 to 1. The Ordinance was assigned number 3011.

Agenda Item 5d - Consider an Ordinance amending Article VII including Sections 600.380 and 600.390 of the Paola City Code regarding Temporary Permits for selling, serving and consuming alcoholic beverages.

Councilmember Pritchard made a motion to approve AN ORDINANCE AMENDING TITLE VI BUSINESS OCCUPATION, CHAPTER 600 ALCOHOLIC BEVERAGES, ARTICLE VII TEMPORARY PERMITS, SECTION 600.380 COMMUNITY CENTER TEMPORARY PERMIT, AND SECTION 600.390 ROOTS FESTIVAL TEMPORARY PERMIT, TO THE MUNICIPAL CODE OF THE CITY OF PAOLA, KANSAS. The motion was seconded by Councilmember Rowlett. Councilmembers Pritchard, Rowlett and Minden voted aye and Councilmember Wilhoite voted nay, the motion passed 3 to 1. The Ordinance was assigned number 3012.

Agenda Item 5e - Consider an Ordinance adding Section 600.025 to the Paola City Code regulating an Extension of Premises (Beer Gardens, etc.).

Councilmember Rowlett made a motion to approve AN ORDINANCE ADDING TITLE VI BUSINESS OCCUPATION, CHAPTER 600 ALCOHOLIC BEVERAGES, ARTICLE I GENERAL PROVISIONS, SECTION 600.025 EXTENSION OF PREMISES (BEER GARDENS, etc.), TO THE MUNICIPAL CODE OF THE CITY OF PAOLA, KANSAS. The motion was seconded by Councilmember Pritchard. Councilmembers Pritchard, Rowlett and Minden voted aye and Councilmember Wilhoite voted nay, the motion passed 3 to 1. The Ordinance was assigned number 3013.

Agenda Item 5f - Consider an Ordinance adding Section 600.395 to the Paola City Code regarding Temporary Permits for the sales and serving of alcoholic beverages.

Councilmember Pritchard made a motion to approve AN ORDINANCE ADDING TITLE VI BUSINESS OCCUPATION, CHAPTER 600 ALCOHOLIC BEVERAGES, ARTICLE VII TEMPORARY PERMITS, SECTION 600.395 CITY TEMPORARY PERMITS FOR THE SALES AND SERVING OF ALCOHOLIC BEVERAGES, TO THE MUNICIPAL CODE OF THE CITY OF PAOLA, KANSAS. The motion was seconded by Councilmember Rowlett. Councilmembers Pritchard, Rowlett and Minden voted aye and Councilmember Wilhoite voted nay, the motion passed 3 to 1. The Ordinance was assigned number 3014.

Agenda Item 5g - Consider an Ordinance adding Chapter 605 to the Paola City Code regarding Special Events.

Councilmember Pritchard made a motion to approve AN ORDINANCE ADDING TITLE VI BUSINESS OCCUPATION, CHAPTER 605 SPECIAL EVENTS, TO THE MUNICIPAL CODE OF THE CITY OF PAOLA, KANSAS. The motion was seconded by Councilmember Rowlett. Councilmembers Pritchard, Rowlett and Minden voted aye and Councilmember Wilhoite voted nay, the motion passed 3 to 1. The Ordinance was assigned number 3015.

Agenda Item 5h - Consider bids for an Emergency Action Plan for the dam at Heatherwood Estates.

Manager Wieland reported that the City is required by the State to file an Emergency Action Plan (EAP) for the dam at the detention pond at Heatherwood Estates. The Division of Water Resources notified the City on January 27, 2010 that the EAP must be completed within 180 days. The cost of the EAP would be paid from the Storm Water Management Fund.

Public Works Director Browning explained the background behind the requirement and the scope of the proposals. Proposals were received from the following firms:

Payne & Brockway, PA	\$29,000
BHC Rhodes	\$24,500
Allenbrand-Drews, Inc.	\$13,800
Ponzer-Youngquist, PA	\$8,500

After additional discussion, Councilmember Minden made a motion to approve the proposal from Ponzer-Youngquist in the amount of \$8,500 to prepare an Emergency Action Plan and Breach Analysis Map for the dam at Heatherwood Estates. The motion was seconded by Councilmember Wilhoite and all voted aye. The motion passed 4 to 0.

Agenda Item 6 – NEW BUSINESS

Public Works Director Browning presented correspondence from BG Consultants, Inc. that presented a summary of the new federal requirements for reflective street signs. He reported that the City has a longer timeline for compliance than originally thought. This will allow the expense for the sign replacement to be spread over multiple years.

Carol Everhart with the Paola Chamber of Commerce invited any interested individuals to attend the insurance meeting on June 2nd that will be held here at the Paola Justice Center. Kansas Insurance Commissioner Sandy Praeger will discuss the new health care reform legislation.

Councilmember Rowlett discussed the Sales Tax Revenues. He asked when the Council would be discussing these revenues and the affect on the current budget. Manager Wieland stated that this issue would be a part of the budget discussions that will begin later in May.

Councilmember Minden reported that he had been approached by a member of the Lighthouse Church about an outdoor classroom at the church property. The church was inquiring about funds from the City to help in the construction of the classroom. Clerk Droste reported that this could be a good Eagle Scout project for one of the local scouts.

Councilmember Minden asked about the new parking restrictions and when they would go into effect. Public Works Director Browning reported that a Resolution must be passed prior to the signs being installed. Browning reported that he has received some concerns from handicapped drivers who need to maintain parking in front of their homes. These details need to be addressed before moving forward.

Councilmember Rowlett reported that he was told by a resident that the City was planning on restricting parking on both sides of Osage Street. Public Works Director Browning indicated that there were some individuals at the Public Meeting that supported a parking restriction on both sides of Osage, but it is not the recommendation of City Staff to restrict both sides.

Councilmember Rowlett asked about the Shelter House at Wallace Park and if some fill dirt could be brought in to make the area safer. Public Works Director Browning reported that dirt would be brought in to soften the elevations. A grant application is being written for a terraced retaining wall on the south side, and a metal railing would be installed around the shelter to provide additional safety.

Mayor Stuteville thanked the Police and Public Works staff who worked on the landscaping at the Justice Center.

Agenda Item 7 - ADJOURNMENT.

With no additional business to come before the Council, Councilmember Rowlett 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