

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

May 25, 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, Human Resources Director Belt, Richard Lentz, 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 May 11, 2010.
- b. Approval of Salary Ordinances 10-10.
- c. Approval of Appropriation Ordinance No 678.

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

Agenda Item 5 - REPORTS OF OFFICERS, BOARDS AND COMMITTEES

Agenda Item 5a - Consider an application for a Street Closure Permit pursuant to Chapter 605 of the Municipal Code of the City of Paola.

Manager Wieland presented an application from the Paola United Methodist Church to close Mission Street for a church social on Sunday, June 13th. After discussion, Councilmember Minden made a motion to approve the application from the Paola United Methodist Church to temporarily close Mission Street from 10:00 am to 2:00 pm on Sunday, June 13th. The motion was seconded by Councilmember Wilhoite and all voted aye. The motion passed 4 to 0.

Agenda Item 5b - Consider an Ordinance adding Section 220.145 of the Paola City Code regarding the possession and consumption of alcoholic or cereal malt beverages at Lake Miola.

Clerk Droste presented an Ordinance amending the regulations at Lake Miola to provide for the possession and consumption of alcoholic and cereal malt beverages with the exception of the sand beach and swimming area.

Councilmember Pritchard questioned if alcoholic beverages are permitted in boats on the water. Police Chief Smail indicated that the operator of the boat cannot be under the influence but passengers would be allowed to consume beverages.

Councilmember Minden questioned consumption of beverages while swimming out on the lake. He also questioned if there should be a time limitation should be enforced for consumption to discourage parties. Police Chief Smail indicated that in the past there have been very few incidents at the lake regarding alcohol and that the new regulations would allow for stricter enforcement at the beach. Councilmember Rowlett stated that if parties became a problem, the issue of a time restriction could be addressed at that time.

After the discussion, Councilmember Pritchard made a motion to approve AN ORDINANCE ADDING TITLE II PUBLIC HEALTH, SAFETY AND WELFARE, CHAPTER 220 PARKS AND PUBLIC PROPERTY, ARTICLE II LAKE MIOLA – IN GENERAL, SECTION 220.145 ALCOHOLIC AND CEREAL MALT 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 3016.

Agenda Item 5c - Presentation of the site plan for the Burger King restaurant planned for 302 Hedge Lane.

Planner Gotfredson presented a site plan for the new Burger King restaurant that is planned for the Walmart out-lot at 302 Hedge Lane.

Planner Gotfredson reported that Section 21.625 of the Land Development Ordinance (LDO) establishes criteria for site plan approval by the Planning Commission and City Council. In this case, none of the criteria apply and approval by the City Council is not required. However, since the property is located in the City Entrance area, a design review is required and was approved by the Planning Commission on May 18th.

Planner Gotfredson reported that the architects and engineers for the project will meet or exceed all of the development requirements of the LDO. Councilmember Rowlett suggested that all commercial projects should be approved by the Planning Commission and City Council. He recommended that Planner Gotfredson consult with the Planning Commission for their feelings on this issue.

Agenda Item 6 – NEW BUSINESS

Manager Wieland reported that the mill and overlay has been completed on Wea Street and much of the striping has been completed around town.

Manager Wieland reported that House Bill 2650 which is the new Highway Bill for the State of Kansas provides for no changes to the distribution of the motor fuel tax to the cities. The bill also provides that \$8 million will be spent in each county in the state between 2010 and 2020 and provides for a revolving loan fund to provide financing for local projects.

Manager Wieland reported that the Work Study Meeting on June 1st will include discussions on a proposed noise ordinance, the Growth Area, and the 2011 Budget.

Manager Wieland reported that talks continue with the entity that is interested in a location in the Industrial Park, however the site will now be less than the 7 acres that was originally discussed.

Manager Wieland reported that staff is working on the sight line issues at 303rd Street and Hospital Drive. Staff is also working with USD 368 on sidewalk improvements and with Miami County on the Neighborhood Revitalization Plan.

Mayor Stuteville asked if anyone has taken advantage of the new housing incentive program. Manager Wieland reported that there have been two or three persons who have expressed interest but have not yet completed the process to apply for the program.

Councilmember Minden thanked Public Works Director Browning for the great job on the street improvements on Wea Street. He also noted that the appearance of Alan's Tires seems to have improved.

Councilmember Minden recommended that new signs be installed at Lake Miola regarding the new Ordinance that was passed tonight. He also stated that there needs to be more trash containers at the Lake, especially in the International Park picnic area.

Councilmember Wilhoite thanked Public Works Director Browning in advance for the work that will be done on Petroleus and Mulberry Streets.

Agenda Item 7 – Executive Session for the purpose of discussing personnel matters of non-elected personnel. K.S.A. 75-4319(B)(1) is the authority for this recess.

Councilmember Rowlett made a motion to adjourn to Executive Session, to include the Mayor, Council, City Manager, City Clerk, Police Chief, Human Resources Director, and City Attorney, for 15 minutes for the purpose of discussing personnel matters of non-elected

personnel; the regular meeting to reconvene at 6:45 p.m. The motion was seconded by Councilmember Wilhoite and all voted aye. The motion passed 4 to 0.

At 6:45 p.m. Councilmember Minden made a motion to reconvene the adjourned meeting. The motion was seconded by Councilmember Rowlett and all voted aye. The motion passed 4 to 0.

No action was taken pursuant to the executive session.

Agenda Item 8 – 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