

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

July 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, 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 Poss, Julie McWilliams, Carol Everhart with 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. 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 July 13, 2010.
- b. Approval of Salary Ordinances 10-15.
- c. Approval of Appropriation Ordinance No 682.

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

Agenda Item 5 - REPORTS OF OFFICERS, BOARDS AND COMMITTEES

Agenda Item 5a - Consider approval of a new Cereal Malt Beverage License for Refreshment Solutions, Inc. d/b/a/ Spudley’s at 2 W Piankishaw.

Clerk Droste presented a request for a new Cereal Malt Beverage License for a new restaurant at 2 W Piankishaw. Droste reported that Jeff and Pam Thompson plan to open a family style restaurant by the name of “Spudley’s”. After discussion, Councilmember Pritchard made a motion to approve a new Cereal Malt Beverage License for Refreshment Solutions, Inc. doing business as Spudley’s at 2 W Piankishaw subject to a satisfactory fire safety inspection. The motion was seconded by Councilmember Minden. Councilmembers Pritchard, Rowlett and Minden voted aye and Councilmember Wilhoite voted nay. The motion passed 3 to 1.

Agenda Item 5b - Consider approval of a Conditional Use Permit for a Bed & Breakfast located at 29360 W 311th Street.

City Planner Gotfredson presented a request for a Conditional Use Permit (CUP) for a Bed and Breakfast to be located at 29360 W 311th Street. Gotfredson reported that the Paola Planning Commission unanimously recommended approval at their July 20th meeting and that the request has been sent to the County for their review and approval. The County has not recommended any additional conditions or stipulations.

After discussion, Councilmember Rowlett made a motion to approve AN ORDINANCE APPROVING CONDITIONAL USE PERMIT 10-CUP-01. The motion was seconded by Councilmember Wilhoite and all voted aye. The motion passed 4 to 0 and the Ordinance was assigned number 3019.

Agenda Item 5c - Consider approval of an Ordinance amending arrest, bond and release procedures in the Municipal Code of the City of Paola.

Manager Wieland reported that recently the Municipal Judge and City Attorney noted a discrepancy between the City’s Municipal Code and Kansas State Statute 12-4231. This discrepancy was due to a recent revision to that statute. He presented an ordinance correcting the discrepancy. After discussion, Councilmember Pritchard made a motion to approve AN ORDINANCE AMENDING TITLE III TRAFFIC CODE, CHAPTER 315 PROCEDURE ON ARREST OF TRAFFIC VIOLATIONS, SECTION 315.020 PERSONS UNDER ARREST – PROCEDURES – RIGHT TO POST BOND – RELEASE ON PERSONAL RECOGNIZANCE; ADDING SECTION 315.025 APPEARANCE BOND PROCEDURE; AND ADDING SECTION 315.027 PERSONAL RECOGNIZANCE; 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 and the Ordinance was assigned number 3020.

Agenda Item 5d - Consider a request to temporarily close the streets around the Park Square for the 21st Annual Roots Festival.

Manager Wieland presented a request from the Roots Festival Committee to close the streets around the Park Square for the 21st annual Roots Festival. He reported that in order to accommodate the Roots Festival, several streets around the Park Square will need to be closed. Pursuant to Chapter 605 of the Paola Municipal Code, the organizers of the festival have filed the appropriate event and street closure applications. Traffic would be closed to

Pearl Street between Peoria and Wea Street beginning Thursday morning to assemble the stage area and the remaining barricades will be erected on Thursday evening. Regular traffic will resume early on Sunday morning at the conclusion of the festival. After discussion, Councilmember Rowlett made a motion to approve the request to temporarily close streets around the Park Square for the Roots Festival from August 26th through August 28th. The motion was seconded by Councilmember Rowlett and all voted aye. The motion passed 4 to 0.

Agenda Item 5e - Consider 2011 Budget Notice of Public Hearing to be set for August 10, 2010.

Manager Wieland presented a summary of the proposed 2011 Paola City Budget. He reported that the proposed mill levy for 2011 is 40.374. He reported that the mill levy will remain the same as in 2010 despite a 2.35% decrease in the assessed valuation for the City. The proposed 2011 budget totals \$13,270,605 including transfers and reserves, which is \$570,179 less than the 2010 budget total of \$13,840,784.

For the second year consecutive year, the budget includes no cost of living or merit increases in salaries for city employees. Payroll reductions were realized as the result of current unfilled and vacant positions, but no further staff reductions are anticipated for 2011. He also indicated that Appropriated Reserves will increase in several funds.

Manager Wieland reported that rate increases for the Sewer Utility, Water Utility and Health and Sanitation funds will be necessary. He discussed the Sewer Fund and Health and Sanitation Fund, reporting that minor rate changes would be necessary. He also addressed the Water Utility Fund indicating that changes to operational expenses and rates would be necessary to keep rates at the lowest possible levels. Wieland proposed that operating expenses in the Water Utility Fund could be lowered by a total of \$80,000 as follows:

- 1) Reducing the transfer to the Bond & Interest Fund by \$20,000.
- 2) Reduce salaries by \$40,000 and reallocate to other funds.
- 3) Reduce the transfer for Employee Benefits by \$15,000.
- 4) Reduce the Appropriated Reserve by \$5,000.

After reviewing the proposed operating expense reductions to the Water Utility Fund, Manager Wieland presented several pricing options for water rates. The options included a number of combinations of increases in monthly meter rates from \$0.00 to \$2.85 per month; increases in the debt service fee of \$1.00 to \$1.25 per month; and increases in the water rate from \$0.15/1,000 gallons (\$0.015 per 100 gallons) to \$1.00/1,000 gallons (\$0.10 per 100 gallons).

Manager Wieland indicated that proposed changes in the operating costs for the Water Utility Fund would not require an amendment to the Public Hearing Notice for the Budget Hearing as the City Council could reduce the amount of the published budget amount, but not increase it. The City Council was in agreement that the operating costs for the Water Utility Fund should be reduced as much as possible to keep water rates as low as possible. Other possible rate scenarios were also discussed.

After additional discussion, Councilmember Wilhoite made a motion to approve the proposed 2011 budget for publication at \$13,270,605 and set August 10, 2010 as the date for the budget public hearing. The motion was seconded by Councilmember Rowlett and all voted aye. The motion passed 4 to 0.

Agenda Item 6 – NEW BUSINESS

Clerk Droste reminded the City Council that the Miami County Fair Parade is tomorrow evening at 7:00 pm and the Council will be riding on one of the Fire Trucks again this year.

Public Works Director Browning reported that the old water tower will be filled tomorrow and after the chlorine residual is tested, the tower will be placed back into service.

Manager Wieland presented a copy of a newspaper article glass recycling in the Kansas City area. A new source for recycling electronic devices was also discussed.

Councilmember Minden inquired about the new sidewalks at Hospital Drive and 303rd. Public Works Director Browning reported that the base for the sidewalks needed to be built up. The crosswalk would be installed at Cottonwood Drive and 303rd Street.

Mayor Stuteville asked about the removal of unnecessary signs and inquired about several that she was aware of.

Mayor Stuteville asked about the pedestrian bridge at Wallace Park. Public Works Director Browning reported that the bridge was not structurally sound and would be repaired soon.

Agenda Item 7 – Executive Session for the purpose of discussing confidential data relating to financial affairs or trade secrets of corporations, partnerships, trusts and individual proprietorships. 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 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 7:35 p.m. Councilmember Minden seconded the motion and all voted aye. The motion passed 4 to 0.

At 7:35 p.m. the Governing Body came out of Executive Session and Councilmember Pritchard made a motion to adjourn back into Executive Session, to include the Mayor, Council, City Manager, City Clerk, City Planner, and City Attorney, for an additional 45 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 8:20 p.m. Councilmember Minden seconded the motion and all voted aye. The motion passed 4 to 0.

At 8:20 p.m. the Governing Body came out of the Executive Session and Councilmember Rowlett made a motion to reconvene the adjourned meeting. Councilmember Minden seconded the motion 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 Wilhoite made a motion to adjourn. Councilmember Pritchard seconded the motion and all voted aye. The motion passed 4 to 0.

Artie Stuteville, Mayor

ATTEST: (seal)

Daniel G. Droste, City Clerk