

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

August 24, 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, City Planner Gotfredson, Public Works Director Browning, Police Chief Smail, Glenda Wright, Roger Wright, Helen Webster, Richard Lentz, Dwight Francis, Shirley Francis, Chris Kemplay, Jim Sutherland, Michael Moore, Wes Moore, Lyle Yarnell, 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.

Glenda Wright asked about the status of the skate park at Wallace Park. Manager Wieland reported that bids are currently being solicited for the concrete pad and the fencing. He also indicated that several equipment suppliers have been contacted regarding the structures. Manager Wieland indicated that there were not enough funds to fully equip the park, but as much equipment would be installed as funds will allow. Other details about the skate park were discussed.

Helen Webster expressed her concerns regarding the lack of a sidewalk from the Sundance II Apartments to 303rd Street for the school children to use to walk to school. Public Works Director Browning explained that this area was included in the planned third phase of

sidewalk improvements near the USD 368 campus and work was scheduled to begin later this week.

Chris Kemplay addressed the Council regarding drainage concerns near the J.D. Apartments. He presented photographs of issues regarding the overgrown waterway and water that backs up during heavy rains. After his presentation, Public Works Director Browning indicated that he has been working with the developers at Heatherwood Estates regarding the overgrown waterway and improvements that need to be done on their private property. He also mentioned that the City was planning some stormwater improvements that would also help resolve the issue. Public Works Director Browning invited Mr. Kemplay to visit with him at his office to review the plans for the area.

No one else addressed the Council.

Agenda Item 4 - CONSENT AGENDA

- a. Approval of minutes of the meeting of August 10, 2010.
- b. Approval of Salary Ordinance 10-17.
- c. Approval of Appropriation Ordinance No 684.

After discussion, Councilmember Pritchard 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 - Presentation by Boy Scout Michael Moore regarding an Eagle Scout Service Project at the Paola Community Center.

Michael Moore presented his proposal for an Eagle Scout Service Project at the Paola Community Center. The project would include installing a 4' x 6' historical information sign about the Community Center. The sign will be located just east of the north entrance to the Community Center and would be visible as patrons enter the building. The area around the sign would be covered with 16" x 16" pavers and a bench would be installed on each side of the sign. Some low maintenance landscaping could also be installed.

He reported that the project was presented to Paola Community Center Board and was approved subject to verification of some historical facts. The plan will also be presented to the Ursuline Sisters for their approval.

After discussing the plan, Councilmember Rowlett made a motion to approve the Eagle Scout Service Project for Boy Scout Michael Moore. The motion was seconded by Councilmember Wilhoite and all voted aye. The motion passed 4 to 0.

Agenda Item 5b - Consider approval of a Conditional Use Permit for a Day Care at 5 E Piankishaw.

City Planner Gotfredson presented a request for a Conditional Use Permit (CUP) for a Day Care Center to be located at 5 E Piankishaw.

Planner Gotfredson reported that the Paola Planning Commission unanimously recommended approval of the CUP at their meeting on August 17th with the following conditions:

1. Outside play areas shall be fenced.
2. The day care provider shall be licensed by the State of Kansas.
3. The maximum number of children may not exceed 60.
4. The first conditional use permit shall be valid for a maximum of one year from the date of approval. The first renewal of the conditional use permit may be approved for three years. Subsequent renewals may be approved for up to five years. Renewals are subject to the publication, notification, and public hearing requirements of the initial approval.
5. Striping of required parking spaces.

Councilmember Rowlett questioned the parking requirements noting that a portion of the parking area was gravel and not hard surfaced. Planner Gotfredson stated that the site did have enough paved parking to meet the requirements for the intended use of the facility. Councilmember Rowlett indicated that property owners have consistently been required to pave their parking lots.

Jim Sutherland, owner of the property, indicated that he does have enough paved parking to meet the parking requirements and stated that he should not be required to provide additional paved parking over and above the required amount. Councilmember Rowlett indicated that the graveled area would definitely be used as parking even though paved parking is available.

Councilmember Minden stated that since the property meets the requirement for paved parking spaces, that additional paved parking should not be required. Councilmember Pritchard agreed. After discussing the issue at length, it was noted that the CUP was for a term of one year and the parking issue could be monitored during that year and if the gravel area is used for parking, then the area should be required to be paved before the CUP is renewed.

Councilmember Pritchard made a motion to approve AN ORDINANCE APPROVING CONDITIONAL USE PERMIT 10-CUP-02. The motion was seconded by Councilmember Wilhoite and all voted aye. The motion passed 4 to 0 and the Ordinance was assigned number 3021.

Agenda Item 5c - Consider an Ordinance amending water utility rates.

Manager Wieland presented an Ordinance amending water utility rates. He reported that pursuant to the recent Work Study Meeting, he prepared a spreadsheet proposing an increase in the Metered Volume Rates of \$0.02 per 100 gallons, an average increase in the Service Charge of \$0.25 per month, and an increase in the Debt Service Charge of \$1.00 per month.

Manager Wieland reported that the recently approved budget included decreases in the operational costs of the Water Utility Fund by \$80,000. These reductions helped to keep the rate increases to a minimum.

Manager Wieland reported that the proposed water rate increase assumes a 5% increase in the cost of water purchased from the Marais Des Cygnes Public Utility Authority in 2011. Hopefully additional rate increases should not be required for another year.

After additional discussion, Councilmember Wilhoite made a motion to approve AN ORDINANCE AMENDING TITLE VII UTILITIES, CHAPTER 700 WATER DEPARTMENT, ARTICLE II WATER RATES, SECTION 700.250 METERED VOLUME RATES, SECTION 700.260 SERVICE CHARGES, AND SECTION 700.267 WATER PLANT DEBT SERVICE CHARGE, TO THE MUNICIPAL CODE OF THE CITY OF PAOLA, KANSAS. The motion was seconded by Councilmember Pritchard. Councilmembers Pritchard, Wilhoite, and Minden voted aye and Councilmember Rowlett voted nay. The motion passed 3 to 1 and the Ordinance was assigned number 3022.

Agenda Item 5d – Update on curbside recycling.

Manager Wieland reported that City staff has met with representatives from L&K Services and the details for implementing curbside recycling are nearly complete. If approved, the curbside recycling program could begin in October. Changes to the current trash collection program would include:

- All regular household trash will continue to be picked up on Monday or Tuesday as it is now. Trash will be limited to 3 bags, 3 cans or your 96 gallon toter. Bags and cans should be no larger than approximately 30 gallon. Any additional waste that needs to be disposed of will need to be placed in a bag with a pre-paid sticker attached. You can purchase those stickers at your local Price Chopper, Paola Do It Best Hardware, The Family Center, and Paola City Hall. They will be available in books of 10 for the price of \$15.00.
- Recycling will be offered to all residents on Thursday or Friday instead of trash pickup as in the past. Every household will receive a 23 gallon recycling bin, but no limitations will be put on the amount that will be picked up. Additional bins will be available or your own well-marked containers may be used as well. Recycling placed in bags cannot be picked up. Bin deliveries are being scheduled for late September.
- Yard Waste pickup will be offered by subscription only and will be picked up with the intention of composting. For those that only need to have yard waste disposed of occasionally, they can contact L&K to make special arrangements. Miami County Landfill is also planning to provide a free disposal site for yard waste.
- We will continue to offer bulky item pickup. This service would include such items as furniture, appliances and large amounts of trash. L&K should be contacted to make arrangements for payment and pickup of these items. The annual city-wide Spring Clean Up will still be offered.

Items that can be included in curbside recycling collection will include:

- #1 thru #7 Plastics
- Aluminum food and beverage containers
- Steel food and beverage containers

- Newspaper
- Office Paper
- Magazines and Phone Books
- Cardboard and Cereal Boxes

Limitations on recycling collections will include:

- Glass containers or bottles will not be collected and be set outside of the bin or if the glass is broken, the entire bin will be left un-emptied.
- Containers must be rinsed.
- Any recyclables that are contaminated (soiled with food or mixed with non-recyclable material) will be considered trash.
- Containers with oil or other hazardous material are not to be recycled.
- It would be helpful if cardboard and paper were bundled to cut down on it blowing around the neighborhood.
- If additional containers are used, make sure that they are clearly marked as RECYCLING. Recyclables that have been packaged in any kind of bag cannot be picked up, except for paper placed in a paper bag.

Mr. Lyle Yarnell and Mr. Richard Lentz expressed their objections to the recycling program stating that they preferred to keep the trash collection service as it currently exists. The program, including the objections raised, was discussed at length. Mayor Stuteville stated that curbside recycling was the service that residents most often request.

No action was taken by the Council on this issue.

Agenda Item 6 – NEW BUSINESS

Manager Wieland reported that there will be a Kansas Department of Transportation T-Works Workshop on September 1st in Olathe and on September 2nd in Pittsburg.

Manager Wieland reported that the first Housing Incentive Program Grant was processed recently. He also reported that there have been additional recent inquiries about the program.

Manager Wieland reported that starting in October, Suddenlink will be converting their system to all digital and will no longer be providing an analog signal.

Councilmember Minden asked if some of the skate boarders could volunteer to repaint some of the benches on the Park Square. He agreed to have them get in contact with Public Works Director Browning on the project.

Councilmember Wilhoite reported that at the southwest corner of Shawnee and Diamond Streets visibility is blocked by tree foliage. Mayor Stuteville also reported that gravel in the pothole at Third and Gold Streets needed a permanent patch.

Mayor Stuteville stated that she found the draft of the “Cost of Living Study” by Miami County Economic Development Director Janet McRae to be very interesting.

Carol Everhart with the Paola Chamber of Commerce reported that she recently traveled to Atchison to visit the Stresscrete manufacturing plant to see how the new light poles for the Park Square are constructed. The installation of the light poles will begin on Monday August 30th.

Agenda Item 7 - Executive Session for the purpose of a consultation with an attorney for the governing body which is deemed privileged in the attorney-client relationship. K.S.A. 75-4319(B)(2) 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 20 minutes for the purpose of a consultation with an attorney for the governing body which is deemed privileged in the attorney-client relationship; the regular meeting to reconvene at 8:05 p.m. The motion was seconded by Councilmember Minden and all voted aye. The motion passed 4 to 0.

At 8:05 pm, Councilmember Minden made a motion to reconvene the adjourned meeting. The motion was seconded by Councilmember Wilhoite and all voted aye. The motion passed 4 to 0. Councilmember Rowlett made a motion to continue the Executive Session pursuant to KSA 75-4319(B)(2) for an additional 25 minutes; the regular meeting to reconvene at 8:30 pm. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 4 to 0.

At 8:30 pm the Executive Session was concluded and Councilmember Pritchard made a motion to reconvene the adjourned meeting. The motion was seconded by Councilmember Wilhoite and all voted aye. The motion passed 4 to 0.

No action was taken pursuant to the Executive Session.

Agenda Item 7 – 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