

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

**October 12, 2010**

**HELD AT THE PAOLA JUSTICE CENTER  
805 North Pearl Street in Paola**

The Governing Body of the City of Paola, Kansas, met with Council President Pritchard presiding.

Councilmembers present: Council Members Pritchard, Wilhoite, Rowlett and Minden.

Council Members absent: Mayor Stuteville.

Also present: City Manager Wieland, City Clerk Droste, City Attorney Tetwiler, City Planner Gotfredson, Police Chief Smail, Richard Lentz, Miami County Economic Development Director Janet McRae, Tom Webber, and Jesse Trimble from the Miami County Republic.

**Agenda Item 1 - CALL TO ORDER:** The regular council meeting was called to order by City Council President Pritchard.

**Agenda Item 2 - ROLL CALL:** Council Members Pritchard, Wilhoite, Rowlett, and Minden were all present. Mayor Stuteville was absent.

**Agenda Item 3 - PETITIONS, REMONSTRANCES, AND COMMUNICATIONS**

Council President Pritchard 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 September 28, 2010.
- b. Approval of Salary Ordinance 10-21.
- c. Approval of Appropriation Ordinance No 687.
- d. Approval of the Journal Entries Report for September, 2010.
- e. Approval of the Pledged Securities Report for September, 2010.
- f. Approval of a water leak allowance for 29459 Palmer Drive.

Councilmember Rowlett 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 4 to 0.

## **Agenda Item 5 - REPORTS OF OFFICERS, BOARDS AND COMMITTEES**

### **Agenda Item 5a - Consider approval of a Resolution of Support for the 2010 Economic Development Strategic Plan for Miami County.**

Manager Wieland presented a Resolution of Support for the 2010 Economic Development Strategic Plan for Miami County for the Council's consideration. He introduced Janet McRae, Miami County Economic Development Director, who explained that the Resolution of Support is being requested as a part of the three-year resubmission of the County's Economic Development Plan with the State of Kansas.

Councilmember Rowlett thanked Mrs. McRae for her efforts in promoting economic development in the County. After discussion, Councilmember Rowlett made a motion to approve A RESOLUTION OF SUPPORT FOR THE 2010 ECONOMIC DEVELOPMENT PLAN AND REGIONAL INCENTIVES FOR MIAMI COUNTY, KANSAS. The motion was seconded by Councilmember Minden and all voted aye. The motion passed 4 to 0 and the Resolution was assigned number 2010-008.

### **Agenda Item 5b - Consider approval of invoices for the Park Square Street Light Project.**

Manager Wieland presented an invoice for consideration and approval from StressCrete, Inc. for the decorative light poles and light fixtures. He reported that all of the materials have been received and are either installed or in storage.

After discussion, Councilmember Minden made a motion to approve payment of the invoice from StressCrete, Inc. in the amount of \$51,904.00 from the Goss Donation Fund for the Park Square Street Lighting Project. The motion was seconded by Councilmember Wilhoite and all voted aye. The motion passed 4 to 0.

### **Agenda Item 5c - Consider approval of a change order for the Park Square Street Light Project.**

Clerk Droste presented Change Order No 1 from Mr. Electric for the removal of rock during the installation of the light poles at the northeast corner of the Park Square. He reported that ground water was also encountered at that location and the manufacturer of the light poles was contacted to insure that the installation was done according to factory specifications so as to not void any warranties.

After discussion, Councilmember Wilhoite made a motion to approve Change Order No 1 in the amount of \$880.00 from Mr. Electric for the Park Square Street Light Project. The motion was seconded by Councilmember Rowlett and all voted aye. The motion passed 4 to 0.

**Agenda Item 5d - Consider approval of invoices for the Park Square Street Light Project.**

Clerk Droste presented invoices from Mr. Electric in the amounts of \$17,500.00 for work completed to date and in the amount of \$880.00 for Change Order No 1. He reported that all of the light poles have been installed and the electrical wire has been run to the bases of the poles. Assembly of the light fixtures, arms, and brackets is just underway.

After additional discussion, Councilmember Rowlett made a motion to approve payment of the invoices from Mr. Electric in the amounts of \$17,500.00 and \$880.00 from the Goss Donation Fund for the Park Square Street Lighting Project. The motion was seconded by Councilmember Wilhoite and all voted aye. The motion passed 4 to 0.

**Agenda Item 5e – Consider approval of a proposal to repair, repaint and re-texture the Paola Family Pool.**

Manager Wieland presented a recommendation to approve a proposal from Sunshine Sandblasting for repairs to the Paola Family Pool. He explained that the proposal included repairs to the concrete in the lap area of the pool, completely repainting the pool, and re-texturing the zero depth areas to eliminate slip hazards.

Manager Wieland indicated that he recently became aware of a local contractor who could also provide these services. He was not aware if this contractor was contacted to submit a bid, but asked if the Council desired to delay a decision pending a bid from that contractor. However, Manager Wieland indicated that since the amount of the other bids is now public information, it would provide this new contractor with an advantage over the other bidders.

After discussion, Councilmember Minden made a motion to approve a proposal from Sunshine Sandblasting in the amount of \$24,062.50 to repair, repaint and re-texture the Paola Family Pool. The motion was seconded by Councilmember Rowlett and all voted aye. The motion passed 4 to 0.

**Agenda Item 5f – Discussion regarding the purchase of a street sweeper.**

Manager Wieland reported that Public Works Director Browning is not in attendance at the meeting and he requested that additional discussion on this issue be delayed to a future meeting. The Council agreed.

**Agenda Item 6 – NEW BUSINESS**

Mr. Tom Webber of 402 E College addressed the Council regarding the dust problem associated with the recent chip and seal application on College Street. He explained that he felt the City is wasting a lot of money trying to sweep the streets to control the dust. He expressed his dissatisfaction with the condition of the streets and the dust. Manager Wieland explained that there were problems with the chip and seal application this year and that he

was also dissatisfied with the results. He also indicated that different options will be considered next year for the street maintenance program.

Clerk Droste presented official copies of the 2010 Standard Traffic Ordinance and the 2010 Uniform Public Offense Code that were adopted by Ordinance at the Council Meeting on September 28<sup>th</sup>.

Planner Gotfredson presented a draft memorandum regarding a proposed Conditional Use Permit at 308 S Silver. He asked the Council to review the information and provide feedback. He reported that he wanted to address any concerns with the applicant before approval of the CUP is considered. Councilmember Minden expressed concerns about the condition and height of the fence and Councilmember Rowlett expressed concerns about the number of vehicles that would be allowed to be stored at the property. These concerns were briefly discussed.

Manager Wieland presented a copy of a letter from Miami County regarding the elimination of the Growth Area as of September 1, 2011. He also presented a draft of a letter from the City of Paola to Miami County expressing the City's willingness to cooperate in arriving at a mutually beneficial replacement of the former agreement. After reading the letter, the Council agreed to sign the letter and instructed the City Manager to deliver it to the County Administrator.

Manager Wieland reported on the KDOT T-Works Meeting in Independence last Friday. He reported that the K-68 project from US Highway 169 to US Highway 69 was designated at the primary project in Tier 2 of all of the projects considered. Funding for the projects is still the biggest unresolved issue.

Manager Wieland reported that L&K Services reported that 4.39 tons of recycled materials were collected during the first week of the new recycling program.

Manager Wieland reported that the new Federal Sign Regulations require that by January 2012 the City must complete a survey of all street signs. Street signs with 8 inch letters are required on streets with speed limits of 40 mph and greater, and street signs with 6 inch letters are required on all other streets. All street signs must also meet new reflectivity standards. Manager Wieland reported that the current street sign monument posts do not meet the new requirements but they could be left in place as "monument markers".

Councilmember Minden asked about the new Burger King and if there will be a railing at the top of the new retaining wall. Planner Gotfredson indicated that he had not looked at the plans since they were approved and did not remember the details about that issue.

Councilmember Minden asked about the pole sign at the new Auburn Pharmacy location. He asked if the new sign meets the requirements of the Land Development Ordinance. Planner Gotfredson indicated that he would review the issue.

Councilmember Minden asked about handicapped parking on the Park Square and asked that staff review the issue to see if more handicapped parking should be made available.

Councilmember Minden reported that Peter Lewis of Osawatomie is in Chile and will be the interpreter for the trapped miners that are being rescued there.

Councilmember Rowlett reported that the 100<sup>th</sup> Anniversary of the League of Kansas Municipalities was celebrated at the annual conference that concluded today. He noted that Osawatomie was a founding member of the LKM and that Councilmember Ted Hunter of Osawatomie served on the LKM Board during the 100<sup>th</sup> year of the League.

Manager Wieland noted that the City of Paola was represented at the 100<sup>th</sup> anniversary celebration of the LKM by Past President Jack Rowlett. He thanked Councilmember Rowlett for his dedication in serving as President and Past President of the LKM and noted the positive exposure that Paola received as a result of his service.

On behalf of Mayor Stuteville, Council President Pritchard presented a request to approve the appointment of Marjorie Brown to the Paola Housing Authority Board. Councilmember Rowlett made a motion to approve the Mayor's appointment of Marjorie Brown to the Paola Housing Authority Board. The motion was seconded by Councilmember Wilhoite and all voted aye. The motion passed 4 to 0.

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

Councilmember Pritchard made a motion to adjourn to Executive Session, to include the Mayor, Council, and City Manager, for 40 minutes for the purpose of discussing personnel matters of non-elected personnel; the regular meeting to reconvene at 7:30 p.m. The motion was seconded by Councilmember Wilhoite and all voted aye. The motion passed 4 to 0.

At 7:30 pm, 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.

Councilmember Pritchard made a motion to adjourn to Executive Session, to include the Mayor, Council, and City Manager, for an additional 15 minutes for the purpose of discussing personnel matters of non-elected personnel; the regular meeting to reconvene at 7:45 p.m. The motion was seconded by Councilmember Minden and all voted aye. The motion passed 4 to 0.

At 7:45 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.

Pursuant to discussion during the Executive Session, Councilmember Minden made a motion to renew the contract with City Manager Jay Wieland for one year with all other provisions

of the contract remaining the same and authorized the Mayor to execute the addendum. The motion was seconded by Councilmember Wilhoite and all voted aye. The motion passed 4 to 0.

**Agenda Item 8 – ADJOURNMENT.**

With no additional business to come before the Council, Councilmember Rowlett made a motion to adjourn. Councilmember Minden 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