

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

November 9, 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, Richard Lentz, Dave Moll, Troy Allen, Angie Allen, 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 October 26, 2010.
- b. Approval of Salary Ordinance 10-23.
- c. Approval of Appropriation Ordinance No 689.
- d. Approval of the Journal Entries Report for October, 2010.
- e. Approval of the Pledged Securities Report for October, 2010.

Councilmember Minden 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 approval of a Conditional Use Permit for an Automotive and Equipment Repair Business at 308 S Silver.

Planner Gotfredson presented an Ordinance for consideration that would approve a Conditional Use Permit (CUP) for an automotive and equipment repair business at 308 S Silver. He reported that a public hearing was held at the Planning Commission meeting on October 19th and no comments were received. Planner Gotfredson reviewed the Land Development Ordinance standards for issuing a CUP as well as the basis for imposing conditions. He also briefly reviewed the “Golden Factors” as additional guidance.

Planner Gotfredson reported that the Planning Commission unanimously recommended approval of the CUP with the following conditions:

- 1) Hours of operation shall be limited to 7:00 a.m. to 7:00 p.m., Monday through Saturday.
- 2) All overnight parking, except for two overnight drop-off spaces, shall be in the fenced area.
- 3) All work shall be completed within an enclosed structure. All storage must be behind an opaque fence of sufficient height to screen materials.
- 4) The total number of vehicles in the fenced area shall be limited to 20. No more than two stored vehicles may be inoperable.
- 5) Striping of parking spaces.
- 6) Repair damaged sections of fence and make future repairs as needed.
- 7) A review of compliance shall be provided by the Zoning Officer to the Planning Commission one year after issuance. If deemed necessary, subsequent annual reviews may be requested by the Planning Commission. All such reviews will not be subject to noticing requirements.
- 8) The City may revoke this permit for violation of these conditions in accordance with Section 21.225 of the Land Development Ordinance.

Planner Gotfredson reported that these restrictions are fairly consistent with those that have been imposed on similar businesses. He reported that the applicant has agreed to these conditions.

Mayor Stuteville noted that 18 parking spaces were required for the building. She asked if the 18 spaces included both businesses located in the building. Planner Gotfredson stated that 18 spaces did satisfy the parking requirements for both the cabinet shop and the repair shop.

Mayor Stuteville asked about the semi trailer parked in the fenced area. Troy Allen stated that the trailer did not belong to him and that he was not aware of its status.

Councilmember Minden asked about handicapped parking. Planner Gotfredson reported that 1 handicapped parking space is required for every 25 spaces, therefore 1 of the 18 parking spaces would need to be dedicated to handicapped parking.

Councilmember Minden asked if there would be any limitation to the height of anything stored behind the fence. Planner Gotfredson stated that this issue was addressed by condition number 3.

Councilmember Minden asked if condition number 3 required that all work be done inside the building or just inside the fenced area. Troy Allen stated that he does work on larger vehicles that will not physically fit into the building. Planner Gotfredson reported that the condition requires that the work take place inside the building.

Councilmember Rowlett commented that the fence needed to be repaired and that it was his understanding that nothing should be seen over the top of the fence and he expressed concerns about a semi-trailer that was parked inside the fenced area. Troy Allen indicated that the semi-trailer did not belong to him and that is an issue that should be taken up with the property owner. Mr. Allen also indicated that he does work on vehicles that are taller than the fence.

Councilmember Rowlett commented that he thought that storing 20 vehicles in the fenced area was a lot, and he thought that 10 would be more appropriate. Councilmember Minden stated that 20 vehicles was not a problem for him unless they were 20 tractor trailers. Councilmember Pritchard agreed with Councilmember Minden and asked Mr. Allen what types of vehicles he works on. Mr. Allen stated that most of the semis are in and out in a day, but some tractors can be on the lot 3 or 4 days waiting for tires to come in.

Councilmember Pritchard asked if the 2 overnight drop off spaces were sufficient. Mr. Allen stated that he was ok with 2 but he would like to have 4. Councilmember Minden asked if this could be adjusted when the CUP is reviewed. Planner Gotfredson indicated that it could.

Councilmember Rowlett asked about the 2 inoperable vehicles that were allowed behind the fence. Mr. Allen indicated that the only time that he has inoperable vehicles is when a vehicle is waiting for additional repairs such as a transmission. Mr. Allen indicated that he does not keep vehicles for parts or salvage.

City Attorney Tetwiler recommended that Condition #3 be amended to allow for large vehicles to be worked on in the fenced area when they cannot be worked on in the building. He noted that the semi-trailer that does not belong to Mr. Allen and should be addressed separately by the City with the owner. The Council agreed that the semi-trailer needed to be removed.

Councilmember Rowlett commented that he was ok with temporary storage of vehicles that can be seen over the fence, but he did not approve of any permanent storage that could be seen over the top of the fence. Mr. Allen indicated that he owns a dump truck that he uses to haul trash from the business. He stated that the truck is operable and that he uses it regularly, but it may be parked for weeks at a time without being moved. The need for fencing and buffers for different land uses were discussed. City Attorney Tetwiler suggested that Condition #3 should be amended to add the word "permanent" in reference to storage behind the fenced area. Councilmember Rowlett stated that he was most concerned about long term storage that could be seen over the fence, he stated that in his opinion a vehicle that moves around is not long term storage.

Councilmember Pritchard that the CUP be reviewed for compliance in 6 months instead of one year. The Council agreed that Condition #7 should be amended to allow for a 6 month review. Mr. Allen asked if the review would be every 6 months in the future. Planner Gotfredson stated that the review does work both ways, issues such as the overnight parking issue can also be reconsidered and the review period can be adjusted if needed.

The Council agreed that Condition #3 of the CUP should be amended to allow for work shall be completed within the building or within the fenced area and that all permanent storage must be behind an opaque fence of sufficient height to screen materials. They also agreed that Condition #7 should be amended to provide for a review in 6 months. After additional discussion, Councilmember Minden made a motion to approve AN ORDINANCE APPROVING CONDITIONAL USE PERMIT 10-CUP-03 as amended. The motion was seconded by Councilmember Wilhoite and all voted aye. The motion passed 4 to 0 and the Ordinance was assigned number 3025.

Agenda Item 5b - Consider approval of an Ordinance authorizing lease financing for the purchase of equipment.

Manager Wieland presented an Ordinance authorizing lease financing through First Option Bank for 4 years at 3.49% for the purchase of a used street sweeper from Key Equipment Company. He reported that the first lease payment will be due in 2011 and is included in the budget for next year.

After discussion, Councilmember Wilhoite made a motion to approve AN ORDINANCE OF THE CITY OF PAOLA, KANSAS, AUTHORIZING THE EXECUTION OF A LEASE PURCHASE AGREEMENT BY THE CITY FOR THE ACQUISITION OF A STREET SWEEPER. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 4 to 0 and the Ordinance was assigned number 3026.

Agenda Item 5c - Consider approval of a Resolution increasing the number of handicapped parking spaces around the Park Square.

Manager Wieland reported that the Council discussed handicapped parking around the Park Square at their last work study meeting. The proposed Resolution adds additional handicapped parking to comply with ADA regulations.

After additional discussion, Councilmember Rowlett made a motion to approve A RESOLUTION AMENDING THE OFFICIAL TRAFFIC CONTROL DEVICE SCHEDULES FOR THE CITY OF PAOLA, KANSAS. The motion was seconded by Councilmember Minden and all voted aye. The motion passed 4 to 0 and the Resolution was assigned number 2010-009.

Agenda Item 5d - Consider approval of a Memorandum of Understanding to participate in the “Take Charge Challenge Program”.

Planner Gotfredson presented a Memorandum of Understanding for consideration to participate in the Take Charge Challenge Program. Paola will be competing against Gardner, Baldwin and Ottawa in the challenge.

After additional discussion, Councilmember Pritchard made a motion to approve the Memorandum of Understanding with The Climate and Energy Project to take part in the Take Charge Challenge. The motion was seconded by Councilmember Rowlett and all voted aye. The motion passed 4 to 0.

Agenda Item 5e – Consider approval of a Resolution authorizing participation in the “Take Charge Challenge Program”.

Planner Gotfredson presented a Resolution authorizing participation in the Take Charge Challenge Program.

After additional discussion, Councilmember Minden made a motion to approve A RESOLUTION ACCEPTING THE TAKE CHARGE ENERGY CHALLENGE. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 4 to 0 and the Resolution was assigned number 2010-010.

Agenda Item 5e – Discussion regarding the disposal of surplus equipment.

Manager Wieland reported that the Public Works Department would like to solicit sealed bids for used equipment that is no longer used or is in need of replacement. Funds received from the sales of any equipment will be placed in the Municipal Equipment Reserve Fund to assist with future equipment purchases.

The list of equipment that would be placed for bid includes: 3 X-Mark riding mowers, a bush hog mower, the Curb Cat machine, and the Tymco Street Sweeper. Manager Wieland reported that if the bids for the street sweeper are low, we may decide to keep the vehicle, remove the equipment from the vehicle chassis and convert it to a dump truck. Also, if the X-Mark mowers do not receive bids in excess of their trade in value, they will not be sold and will instead be traded in on the purchase of new mowers in the spring.

After the discussion, Councilmember Rowlett made a motion to approve the solicitation of sealed bids for the Public Works Department equipment as presented. The motion was seconded by Councilmember Wilhoite and all voted aye. The motion passed 4 to 0.

Agenda Item 6 – NEW BUSINESS

Clerk Droste reminded the Council that those attending the Miami County Elected Officials and Leadership Dinner on Tuesday, November 16th should meet at Paola City Hall at 5:30 pm to car pool to the event. Also, for the League of Kansas Municipalities Regional Supper on Wednesday, November 17th, we will meet at Paola City Hall at 4:30 pm to leave for that event.

Public Works Director Browning reported that the new street lights on the Park Square have been installed and the old street lights are being removed. The project should be completed in time for the dedication ceremony on Sunday, November 14th.

Manager Wieland reported that the Public Works Department found some vintage holiday decorations in the old water treatment plant. The decorations were repaired and cleaned up and are being displayed around town.

Manager Wieland commented on the preliminary budget report for 2010. He indicated that revenue collections were at 94.5% of the amended budget and expenditures are 83.7% of the amended budget through the end of October.

Manager Wieland reported that he, Clerk Droste and Planner Gotfredson are researching the railroad quiet zone issue.

Manager Wieland asked if the Council was supportive of the KDOT T-Works proposal for Southeast Kansas as it relates to K-68 Highway. After discussion, the Council concurred with the proposal.

Manager Wieland asked the Council if it would support the placement of the brown historical directional signs to the Wea Mission Site at the ramps off of US Highway 169. The Council expressed support for the signs.

Councilmember Minden asked about a “Deaf Child Playing” sign that was removed during the construction of the sidewalk at 303rd Street at Cottonwood Drive. Public Works Director Browning stated that he would replace the sign.

Councilmember Pritchard reported that he has received a number of phone calls objecting to the new recycling program. Councilmember Minden reported that he has received many positive compliments on the yard waste collection site at Public Works. The status of the recycling program was discussed at length.

Mayor Stuteville reported that he has received a letter from Brian Faust resigning from the Marais Des Cygnes Public Utility Authority Board. She asked if any of the City Council Members would give consideration to filling Mr. Faust’s position on the Board.

Agenda Item 7 – ADJOURNMENT.

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