

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

January 11, 2011

**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 Planner Gotfredson, Public Works Director Browning, Police Chief Smail, Richard Lentz, Pete Bell, Kathy Gover, and Jesse Kratz from the Miami County Republic.

Agenda Item 1 - CALL TO ORDER: The regular council meeting was called to order by 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 December 14, 2010.
- b. Approval of Salary Ordinance 10-26 and 10-27.
- c. Approval of Appropriation Ordinance No 692 and 693.
- d. Approval of the Journal Entries Report for December, 2010.
- e. Approval of the Pledged Securities Report for December, 2010.

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 Conditional Use Permit for a bed and breakfast located at 402 E Kaskaskia.

Planner Gotfredson presented an Ordinance regarding a Conditional Use Permit (CUP) for a bed and breakfast for a property located at 402 E Kaskaskia. He reported that the Planning Commission unanimously recommended approval of the CUP with the following conditions:

- a. The owner/proprietor is required to occupy the residence.
- b. The number of bedrooms used for a Bed and Breakfast shall not exceed five (5).
- c. Bed and Breakfasts shall comply with County and State requirements/licenses as a food service or lodging facility.
- d. Short-term overnight lodging shall be permitted. Monthly rentals or leasing shall be prohibited.
- e. A minimum of one off-street parking space is required.

After additional discussion, Councilmember Rowlett made a motion to approve AN ORDINANCE APPROVING CONDITIONAL USE PERMIT 10-CUP-04. The motion was seconded by Councilmember Wilhoite and all voted aye. The motion passed 4 to 0 and the Ordinance was assigned number 3028.

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

Manager Wieland presented an invoice for the newspaper advertising for the reception and dinner for the dedication of the Veterans Lights around the Park Square.

After additional discussion, Councilmember Wilhoite made a motion to approve payment of the invoices in the total amount of \$231.90 from the Goss Donation Fund for the Park Square Street Lighting Project. The motion was seconded by Councilmember Rowlett and all voted aye. The motion passed 4 to 0.

Agenda Item 5c - Discussion regarding the placement of an historical marker in the Park Square.

Manager Wieland reported that the proposed historical information marker for the Park Square was discussed at the Council's latest work study meeting. He indicated that the proposed location for the marker was at the south side of the gazebo and he recommended that the sign pedestal and base be similar in appearance to the new street light poles and decorative stop sign poles. The Paola Heartland and Tourism Committee is funding the purchase and installation of the marker.

Councilmember Minden asked if the marker would have one pedestal like the one at the Courthouse or two as indicated on the plans. He stated that two would be sturdier. Manager Wieland indicated that the decorative designs that he reviewed had two pedestals.

After additional discussion, Councilmember Rowlett made a motion to approve the location of the proposed historical marker on the south side of the gazebo on the Park Square as presented to the Council. The motion was seconded by Councilmember Minden and all voted aye. The motion passed 4 to 0.

Agenda Item 5d - Discussion regarding the placement of a marker in the Veterans Memorial Park.

Manager Wieland reported that at the last work study meeting the Council discussed the proposed placement of a new memorial stone at the Veterans Memorial Park. He asked the Council if they had a preference for where that new memorial stone should be placed.

Council President Pritchard indicated that he would be willing to support the placement of the new memorial stone wherever the Veterans Memorial Committee recommended that it be placed and that he did not have any concerns about the proposed location in front of the flag pole.

Councilmember Rowlett indicated that he preferred that the front of the memorial be as open as possible so that it could be viewed from the street. He indicated that it would be his preference to see the new stone placed along the sidewalk as you approach the memorial from the parking lot, the new memorial stone would then be the first monument that is seen as you enter the Veterans Memorial Park.

Councilmember Minden and Councilmember Wilhoite indicated that they liked the proposed location in front of the flag pole.

Pete Bell also discussed the possibility of placing the stone on the south side of the main memorial near the military service flag poles. Regardless of location, Public Works Director Browning stated that his department would assist the committee with the installation of the stone.

After additional discussion, Councilmember Rowlett made a motion to approve the placement of the new memorial stone at the Veterans Memorial Park at the discretion of the Veterans Memorial Committee. The motion was seconded by Councilmember Wilhoite and all voted aye. The motion passed 4 to 0.

Agenda Item 5e – Preliminary Financial Report for Budget Year 2010.

Manager Wieland presented a preliminary report of revenues and expenditures for fiscal year 2010. Overall, all budgeted fund revenues exceeded the amended 2010 budget by \$319,754 and expenditures were less than estimated by \$448,502. He went on to discuss details of individual funds. The ending cash balances for 2010 totaled \$3,389,002 which exceeded projected balances by \$815,378. Manager Wieland thanked the Department Heads for their diligence in managing their budgets during 2010. Clerk Droste added additional comments regarding the report and indicated that Agler & Gaeddert would begin the 2010 audit on February 22nd to verify the fund revenues, expenditures, and ending balances.

Agenda Item 6 – NEW BUSINESS

City Attorney Tetwiler commented on a District Court ruling on a dispute over a Zoning Issue regarding a Conditional Use Permit that was denied by Miami County. He reported that the denial of the Conditional Use Permit was upheld by the Court. He indicated that the case was very interesting and he recommended that the case be reviewed and discussed at a work study meeting so that he could instruct the Council on the legal issues pertaining to Zoning and Conditional Use Permit issues.

Councilmember Minden asked about a barn that was being constructed in Heatherwood Estates. Planner Gotfredson reported that the structure is a large garage that will be attached to the home on the adjoining lot that is being combined into one tract.

Councilmember Minden inquired about the call out procedures for the Fire Department. He indicated that he had received comments about firefighters that are already at the station responding to calls when their unit is not on call. The issue was discussed.

Councilmember Minden asked about one of the new stop signs falling over. Public Works Director Browning reported that one of the new poles was “sleeved” over an old existing pole and recent high winds knocked the pole over. It has since been repaired.

Councilmember Minden and Councilmember Rowlett asked about the status of the “Take Charge Challenge”. Planner Gotfredson reported that the organization of the committee was underway.

Councilmember Minden passed along a thank you for a memorial donation from the family of Garry Reed.

Councilmember Rowlett inquired about the status of the Railroad Quite Zone. Manager Wieland reported that he was waiting on a response from Burlington Northern and should have his report completed sometime next week. Clerk Droste reported that EMC Insurance Company was hesitant to provide a premium quote for the liability insurance coverage prior to reviewing the agreement between the City and the railroads.

Council President Pritchard asked about clearing snow from the sidewalks along 303rd Street in front of the schools. Public Works Director Browning reported that it is the responsibility of the School District and other property owners to clear sidewalks in front of their properties.

Council President Pritchard asked about enforcement procedures for stray dogs in Heatherwood Estates. Police Chief Smail explained the procedure for responding to animal complaints.

Council President Pritchard indicated that he has received complaints about confusion regarding the new no parking zones in Country Club Heights.

Agenda Item 7 – ADJOURNMENT.

With no additional business to come before the Council, Councilmember Wilhoite made a motion to adjourn. Councilmember Minden seconded the motion and all voted aye. The motion passed 4 to 0.

Artie Stuteville, Mayor

ATTEST: (seal)

Daniel G. Droste, City Clerk