

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

April 26, 2011

**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, House, 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, Pete Bell, Gene Farmer, Dale Prothe, Gerald Winterscheidt, Ruth Winterscheidt, and Jesse Kratz 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, House, 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.

Gerald Winterscheidt addressed the Council regarding the “No Parking” area near his home on Brookside Drive. He requested that the Council reconsider the parking restriction in this area and remove the signs.

Ruth Winterscheidt addressed the Council with a complaint that some people are putting trash in the curbside recycling bins.

Pete Bell addressed the Council with an update on the dedication planned at the Veterans Memorial on Veterans Day. He thanked the City for all of the support that has been given in preparing for the placement of the new monument. After explaining the planned activities for the dedication, he invited all to attend the event on Monday, May 30th at 1:00 pm at the Veterans Memorial.

Agenda Item 4 - CONSENT AGENDA

- a. Approval of minutes of the meeting of April 12, 2011.
- b. Approval of Salary Ordinance 11-08.
- c. Approval of Appropriation Ordinance No 700.

After discussing several items on the Appropriation Ordinance, Councilmember Pritchard 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 new Drinking Establishment License for SM&AAA, LLC d.b.a. El Tapatio Mexican Restaurant at 2 W Piankishaw.

Clerk Droste presented an application from SM&AAA, LLC for a new Drinking Establishment License for El Tapatio Mexican Restaurant. The building is still in the process of being remodeled and the fire safety inspection has not yet been completed. The target opening date for the restaurant is May 6th.

After discussion, Councilmember Minden made a motion to approve a new Drinking Establishment License for SM&AAA, LLC d.b.a. El Tapatio Mexican Restaurant at 2 W Piankishaw subject to a final fire safety inspection and the issuance of a State of Kansas Drinking Establishment License. The motion was seconded by Councilmember Pritchard. Councilmembers Pritchard, House and Minden voted aye and Councilmember Wilhoite voted nay and the motion passed 3 to 1.

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

Manager Wieland presented an invoice in the amount of \$2,550.48 from Kansas City Power & Light for the painting of the traffic signals and poles at the southwest and northwest corners of the Park Square. The invoice will be the final payment for improvements for the Park Square street light project. After paying this invoice, there will be a balance of \$2,723.29 in the Goss Donation Fund that will be transferred to a CIP Fund to be used for maintenance and repairs to the fountain, gazebo or the new street lights on the Park Square.

After discussion, Councilmember Pritchard made a motion to approve payment of the invoice in the amount of \$2,550.48 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 a request to waive a building permit fee for the American Legion.

Gene Farmer addressed the Council regarding a request from the American Legion to waive a building permit fee in the amount of \$111.00 and a plan review fee in the amount of \$72.00 to install a new sidewalk at the Legion facility.

Manager Wieland reported that in the past the City has waived building permits for the American Legion for work that was done at the ball fields adjacent to Wallace Park and for work on a handicapped ramp to accommodate voters. He went on to explain that the Council has previously indicated that waiving building permit fees would be considered for taxing units and entities that derive their funding from tax revenue sources.

After additional discussion, Councilmember Pritchard made a motion to approve waiving the building permit fee in the total amount of \$183.00 for the American Legion. The motion was seconded by Councilmember Wilhoite and all voted aye. The motion passed 4 to 0.

Agenda Item 5d - Consider approval of disbursements from the Transient Guest Tax Fund.

Manager Wieland presented three applications for financial support from the Transient Guest Tax Fund. He reported that the Paola Convention and Tourism Committee met on April 14th and recommends funding for the following requests:

- 1) Farmers Market - \$300.00
- 2) Heartland Art Guild - \$500.00
- 3) Paola Fire Department: Kansas State Fire School - \$750.00

After additional discussion, Councilmember Minden made a motion to approve disbursements from the Transient Guest Tax Fund as presented. The motion was seconded by Councilmember House and all voted aye. The motion passed 4 to 0.

Agenda Item 5e - Consider approval of an Agreement with Petroleum Production Corporation (Eureka Technologies) regarding the alley located in Block 50 of the City of Paola.

Manager Wieland reported that the owner of Petroleum Production Corporation has agreed to clean out the alley adjacent to his business and allow the City to have full access to the alley. Manager Wieland reported that since alley will now be accessible just as all other alleys in the city, no agreement is necessary. He also reported that work to clean up the alley will begin this weekend. No additional action on this item was taken.

Agenda Item 6 – NEW BUSINESS

Public Works Director Browning reported that vandals dumped soap in the fountain in the Park Square and the fountain had to be drained and cleaned. The fountain should be operational again within the next few days.

Public Works Director Browning reported that the installation of the 10 inch water pipe across North Silver Street at Dewy Street will be installed on Sunday, May 1st. North Silver will be closed at this intersection from 7:30 am to 4:00 pm on Sunday and also on Monday and Tuesday, May 2nd and 3rd from 7:30 am to 9:30 am.

Manager Wieland reported that staff has been working with a college student that was working on a project to design a newsletter for the city. The newsletter will be sent out with the annual water report and quarterly thereafter. A draft of the newsletter was presented for review. Mayor Stuteville indicated that it has been some time since the city has solicited feedback from residents and suggested that future editions of the newsletter could include a survey.

Manager Wieland reported that there are several abandoned properties in town that are in need of condemnation. He indicated that this will be a priority in the coming weeks.

Councilmember Minden asked about gravel in the alleys. Public Works Director Browning reported that installing gravel in the alleys is ongoing throughout the year, especially after a hard rain.

Councilmember Minden asked about the pedestrian crossing lights at the intersection of Hospital and Baptiste Drives. He explained that the flashing warning signal started just seconds after the walk signal turned on and that the stop signal at the southeast corner of the intersection did not work. Public Works Director Browning reported that a light bulb was out on the stop signal and would be replaced. He indicated that the timing on the flashing warning signal was set by the installation crew. He agreed to research the issue with KDOT to see what the standard signal times are for these devices.

Councilmember House reported that there is a daycare and preschool on Oak Street where paving repairs are planned. She asked if the work could be coordinated with the facility to accommodate parents when they are dropping off or picking up children. Public Works Director Browning indicated that he would visit with them to avoid working during those times.

Councilmember House reported that she received an e-mail from a resident asking about the limit of 2 dogs per household. The resident indicated that in other communities, an additional license fee could be paid to allow for additional dogs. Councilmember House indicated that Spring Hill, Louisburg, and Osawatomie all provide for more than 2 dogs. Clerk Droste indicated that this issue could be discussed in an upcoming work study meeting.

Councilmember Pritchard stated that he would visit with Mr. & Mrs. Winterscheidt about the no parking issue in their neighborhood.

Mayor Stuteville recommended that Gabe Pfefferkorn be appointed to the Paola Planning Commission and that Debbie Beckefeldt be appointed to the Paola Free Library Board. Councilmember Pritchard made a motion to approve the Mayor's appointments. The motion was seconded by Councilmember Minden and all voted aye. The motion passed 4 to 0.

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 Pritchard made a motion to adjourn to Executive Session, to include the Mayor, Council, City Manager, City Clerk and City Attorney, for 30 minutes for the purpose of consultation with an attorney for the governing body which is deemed privileged in the attorney-client relationship the regular meeting to reconvene at 7:35 p.m. The motion was seconded by Councilmember Wilhoite and all voted aye. The motion passed 4 to 0.

At 7:35 p.m., Councilmember Minden made a motion to reconvene the adjourned meeting. The motion was seconded by Councilmember Pritchard 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, City Manager, City Clerk and City Attorney, for an additional 40 minutes for the purpose of consultation with an attorney for the governing body which is deemed privileged in the attorney-client relationship the regular meeting to reconvene at 8:15 p.m. The motion was seconded by Councilmember Minden and all voted aye. The motion passed 4 to 0.

At 8:10 p.m., Councilmember House 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 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