

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

June 28, 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, Deputy Police Chief Poore, Richard Lentz, 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.

No one addressed the Council.

Agenda Item 4 - CONSENT AGENDA

- a. Approval of minutes of the meeting of June 14, 2011.
- b. Approval of Salary Ordinance 11-12 and 11-12a.
- c. Approval of Appropriation Ordinance No 704.
- d. Approval of a request to waive the building permit fee from the Miami County Fair Board.

After a discussion about several items on the Appropriation Ordinance, Councilmember Minden 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 an Ordinance approving a Conditional Use Permit for “Light Auto Repair” at 134 S Silver.

Planner Gotfredson presented a request for a Conditional Use Permit to allow Light Auto Repair at the property located at 134 S Silver. He presented an Ordinance that provides for the requested use subject to 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 work shall be completed within an enclosed structure. No outdoor storage is permitted.
- 3) 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.
- 4) The City may revoke this permit for violation of these conditions in accordance with Section 21.225 of the Land Development Ordinance.

After a discussion regarding the conditions, Councilmember Pritchard made a motion to approve AN ORDINANCE APPROVING CONDITIONAL USE PERMIT 11-CUP-01. The motion was seconded by Councilmember Wilhoite and all voted aye. The motion passed 4 to 0 and the Ordinance was assigned number 3032.

Agenda Item 5b - Consider approval of equipment bids for the Skate Park in Wallace Park.

Manager Wieland presented bids for the purchase of equipment for the new skate park at Wallace Park as follows:

- Design #1 - \$73,948.00
- Design #2 - \$64,104.00 plus freight of \$2,500
- Design #3 - \$58,833.97

Manager Wieland recommended that the Council accept the bid for Design #3 in the amount of \$58,833.97 submitted by American Ramp Company of Joplin, Missouri. The bid from American Ramp Equipment includes all of the features desired in a skate park layout, additional safety enclosures, freight, and assistance with installation. They also included a discount of \$3,778.33 (7%).

After additional discussion, Councilmember Pritchard made a motion to approve the bid from American Ramp Company in the amount of \$58,833.97 for equipment for the Skate Park. The motion was seconded by Councilmember Minden and all voted aye. The motion passed 4 to 0.

Agenda Item 5c - Consider approval of a contract to decommission the old water plant.

Public Works Director Browning presented a bid from Shelton Mill Cleanout to decommission the old water plant. He reported that the agreement provides that Shelton Mill

Cleanout will take motors, piping, and other metals to Ray's Metal Depot in Iola, KS. The dividends received from the disposal of the metal material will be split at a percentage of 70% going to Shelton Mill Cleanout and 30% to the City of Paola. Shelton Mill Cleanout will turn receipts and 30% of the dividends on each Friday or every other Friday to the City of Paola.

Shelton Mill Cleanout will be providing all employees, labor and transportation of all metal materials. Shelton Mill Cleanout will clean up and totally cleanout the old water treatment plant with the building being left intact. Shelton Mill Cleanout will provide an insurance certificate from Burchfeild Overbay Insurance. The City of Paola will furnish the removal of all waste material to the county landfill.

After a discussion, Councilmember House made a motion to approve the bid from Shelton Mill Cleanout to decommission the old water plant at a split of 70% to Shelton Mill Cleanout and 30% to the City of Paola for salvage removed from the plant. The motion was seconded by Councilmember Minden and all voted aye. The motion passed 4 to 0.

Agenda Item 6 – NEW BUSINESS

Clerk Droste reported that sales tax collections for the month of June totaled \$193,356 with year to date collections totaling \$1,049,688. So far, sales tax collections are 10.11% more than in the same time period in 2010.

Clerk Droste presented an invitation from the Paola Rotary Club to participate in the Miami County Fair Parade. The Council expressed a desire to ride on the Fire Trucks again this year.

Manager Wieland reported that 166.72 tons of recycling materials have been collected since the curbside recycling program started in October of 2010, with 116.64 tons collected so far in 2011.

Councilmember Minden commented on how nice Baptiste Drive looks with the improvements to the drainage ditches. He asked about the ditches near the hospital belong to the City. Public Works Director Browning indicated that they are in the City's right of way and that he is aware of the erosion that has taken place.

Councilmember Minden asked if any one had contacted Bob Neal about the water runoff problem at his property. Public Works Director Browning reported that he would be contacting Mr. Neal tomorrow.

Councilmember Minden complimented the Public Works Department on the fine job that was done cleaning up the debris from the recent storm.

Councilmember House asked if the City crews mow the softball fields. Public Works Director Browning reported that they do.

Councilmember House inquired about a swim meet at the Paola Pool that ran over time by 30 minutes and the teams were not allowed to finish the meet. She asked if consideration could

be given to allow the meet to conclude rather than to make the teams reschedule the remaining races at a later date. Manager Wieland stated that he would visit with the Pool Manager about the issue.

Councilmember Wilhoite complimented the Public Works Department on the Baptiste Drive ditch project and for cleaning up the debris from the storm.

Councilmember Pritchard asked about monitoring the yard waste disposal site. Public Works Director Browning stated that he was sure that non-residents and commercial yard services were using the disposal site. Options for allowing only Paola City residents to use the facility are being considered.

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 Wilhoite made a motion to adjourn to Executive Session, to include the Mayor, Council, City Manager, City Clerk, and City Attorney, for 15 minutes for the purpose of a consultation with an attorney for the governing body which is deemed privileged in the attorney-client relationship. The motion was seconded by Councilmember Minden and all voted aye. The motion passed 4 to 0.

At the conclusion of the Executive Session, Councilmember Minden made a motion to reconvene the adjourned meeting. The motion was seconded by Councilmember House 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 Minden 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