

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

October 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 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, Public Works Director Browning, Planner Gotfredson, Police Chief Smail, and Brian McCauley 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 September 27, 2011 and October 4, 2011.
- b. Approval of Salary Ordinance 11-20.
- c. Approval of Appropriation Ordinance No 711.
- d. Approval of the Journal Entries Report for September, 2011.
- e. Approval of the Pledged Securities Report for September, 2011.

Councilmember Wilhoite made a motion to approve the Consent Agenda as presented and authorize the Mayor to sign. The motion was seconded by Councilmember Minden and all voted aye. The motion passed 4 to 0.

Agenda Item 5 - REPORTS OF OFFICERS, BOARDS AND COMMITTEES

Agenda Item 5a - Consider a request to temporarily close a portion of Pearl Street around the Park Square for the Annual Heartland Harvest Festival.

Manager Wieland presented a request to temporarily close a portion of Pearl Street for the annual Paola Heartland Harvest Festival & Chili Cook Off on October 22nd. A one-half block section of Pearl Street would be closed just south of Peoria Street from 9:00 am and 3:00 pm to accommodate the event.

After a discussion, Councilmember Pritchard made a motion to approve the request to temporarily close the ½ block section of Pearl Street between Peoria Street and the alley to the south at the Park Square for the Annual Heartland Harvest Festival on October 22nd. The motion was seconded by Councilmember House and all voted aye. The motion passed 4 to 0.

Agenda Item 5b – Consider a new Drinking Establishment License for Spudley’s located at 2 Morningside Drive.

Manager Wieland presented a new Drinking Establishment License Application from Jeff and Pam Thompson doing business as Spudley’s located at 2 Morningside Drive. The restaurant is scheduled to open later this year. It was noted that the property is properly zoned and is not located within a 200 foot radius of any church or school.

After a discussion, Councilmember Minden made a motion to approve a Drinking Establishment License for Spudley’s at 2 Morningside Drive subject to a final fire safety inspection, occupancy permit 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. The motion passed 3 to 1.

Agenda Item 5c – Consider a request to approve a resolution adopting a sidewalk repair and replacement program.

Manager Wieland presented a Resolution adopting a sidewalk improvement and connection program. He reported that the Resolution was drafted pursuant to the discussion at the City Council Work Study Meeting on October 4th. The program details are as follows:

Residential Sidewalk Improvement / Connection Program

The City of Paola has a 50/50 cost-share program to assist the City residential property owners in replacing old and/or damaged sidewalks as well as new connecting sidewalks.

- Property owner may perform the work under the inspection of the City or the City will hire a contractor. All new sidewalks must be constructed of concrete and to current City sidewalk standards and are subject to preliminary, pre-pour, and final inspections. Property owners located on a corner will need to meet City established elevations in order to ensure ADA compliance for a curb ramp. Truncated domes will be installed by the City of Paola.

- The program ends when the City's program budget has been expended or allocated; therefore this is a first come first serve program and residents are encouraged to contact the Public Works Department as soon as possible.
- The program will work as follows:
 - If the resident chooses to install the sidewalk themselves, a total project cost will be agreed upon prior to issuing the notice to proceed.
 - If the resident chooses to allow the City to hire a contractor, the total project bid amount must also be agreed upon prior to issuing the notice to proceed.
- Applications are available at the Paola Public Works Facility, located at 29370 Old K.C. Road, from 8:00 a.m. to 12:00 Noon and from 1:00 p.m. to 4:00 p.m. Monday through Friday.

After a discussion, Councilmember Pritchard made a motion to approve A RESOLUTION ADOPTING A RESIDENTIAL SIDEWALK IMPROVEMENT / CONNECTION PROGRAM. The motion was seconded by Councilmember Wilhoite and all voted aye. The motion passed 4 to 0 and the Resolution was assigned number 2011-012.

Agenda Item 6 – NEW BUSINESS

Clerk Droste reminded the Council about the Elected Officials and Leadership Dinner on November 1st and the League of Kansas Municipalities Regional Supper on November 17th.

Chief Smail reported that approximately 200 persons attended the Police Department's Children's Fall Festival.

Planner Gotfredson reported that the winner of the Take Charge Challenge is too close to call. Paola and Baldwin are in a virtual tie for first place and the winner will be announced at a luncheon in Topeka on October 25th.

Manager Wieland reported that the annual "2011 State of the City Breakfast" will be held on October 21st at Evergreen Events. The event is sponsored by the Paola Chamber of Commerce, AT&T, Kansas Gas Service, Kansas City Power & Light, and the Evergreen Events Center.

Councilmember Minden commented on how well the Skate Park is being utilized. He also requested permission to form a Task Force for the proposed hiking and biking trail between Wallace Park and Miola Lake. The Council agreed that a Task Force should be organized and Councilmembers Minden and Pritchard agreed to serve on the committee.

Councilmember Pritchard thanked the Public Works Department for the good job that was done in repairing Brookside Drive.

Mayor Stuteville inquired about the status of the water pressure problems near the old water tower. Public Works Director Browning reported that the water level in the tower has been adjusted and this did provide some improvement, however it appears that the majority of the problem is caused by volume restrictions in the water system lines and in the individual home plumbing systems.

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

Councilmember Wilhoite made a motion to adjourn to Executive Session, to include the Mayor, City Council, City Manager, and City Attorney for 60 minutes for the purpose of discussing personnel matters of non-elected personnel; the regular meeting to reconvene at 7:20 p.m. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 4 to 0.

At 7:20 pm, Councilmember House made a motion to reconvene the adjourned meeting. The motion was seconded by Councilmember Minden and all voted aye. The motion passed 4 to 0.

Councilmember Pritchard made a motion to adjourn to Executive Session, to include the Mayor, City Council, City Manager, and City Attorney for an additional 90 minutes for the purpose of discussing personnel matters of non-elected personnel; the regular meeting to reconvene at 8:50 p.m. The motion was seconded by Councilmember Wilhoite and all voted aye. The motion passed 4 to 0.

At 8:50 pm, Councilmember House made a motion to reconvene the adjourned meeting. The motion was seconded by Councilmember Minden and all voted aye. The motion passed 4 to 0.

Pursuant to the Executive Session, Councilmember Pritchard made a motion to renew the contract with City Manager Wieland through December 31, 2013, including revisions as discussed. The motion was seconded by Councilmember Minden and all voted aye. The motion passed 4 to 0.

Agenda Item 8 – ADJOURNMENT.

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

Artie Stuteville, Mayor

ATTEST: (seal)

Daniel G. Droste, City Clerk