

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

September 25, 2012

**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.

Council Members present: Mayor Artie Stuteville and Council Members Jim Pritchard, Gee Gee Wilhoite, and Leigh House.

Council Members absent: None.

Also present: City Manager Jay Wieland, City Clerk Dan Droste, Police Chief Dave Smail, Public Works Director Browning, City Planner Gotfredson, Mark Ridihalgh, Patti Ridihalgh, Megan Male, Brandie Wilkins, Jessica Knudsen, Aaron Nickelson, Richard Lentz, and Brian McCauley with 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, and House 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.

Mark Ridihalgh addressed the Council regarding the recent accident on Osage Street involving two young girls that were struck by a vehicle. He represented a group of Osage Street residents who would like the City Council to consider reducing the speed limit and installing stop signs and sidewalks along Osage Street. Mayor Stuteville stated that everyone’s heart goes out to the two young girls and their family and that the City Manager and Police Chief will be working on a traffic study of Osage Street. It was reported that donation accounts were set up at First Option Bank and at Great Southern Bank to help with the expenses of the girls’ family.

Agenda Item 4 - CONSENT AGENDA

- a. Approval of minutes of the meeting of September 11, 2012.
- b. Approval of Salary Ordinance 12-19.

- c. Approval of Appropriation Ordinance No 735.
- d. Approval of the renewal of a Retail Liquor License to Park Plaza Liquor.
- e. Approval of the renewal of a Class B Private Club License to the Paola Country Club.

Council Member Wilhoite made a motion to approve the Consent Agenda as presented and authorize the Mayor to sign. The motion was seconded by Council Member House and all voted aye. The motion passed 3 to 0.

Agenda Item 5 - REPORTS OF OFFICERS, BOARDS AND COMMITTEES

Agenda Item 5a – Council Election to fill the vacated City Council seat for Ward 4.

Mayor Stuteville reported that she received three inquiries about the vacancy on the Council in Ward 4. One did not reside in the Ward 4 boundaries and another changed his mind about the position. Mayor Stuteville introduced Mr. Aaron Nickelson who was the only other individual expressing a desire to fill the position.

Clerk Droste reviewed the procedures for filling the vacancy on the City Council. After the explanation, Council Member House made a motion to nominate Aaron Nickelson to fill the position of Ward 4 City Council Member. The motion was seconded by Council Member Pritchard and all voted aye. The motion passed 3 to 0 and Aaron Nickelson was duly elected to fill the vacant seat for Ward 4 on the Paola City Council.

Agenda Item 5b – Administration of Oath of Office to the newly appointed Council Member.

Clerk Droste administered the Oath of Office to Council Member Nickelson and he took his seat with the Council.

Agenda Item 5c – Consider an *Application For Approval To Change The Place Of Use, The Point Of Diversion Or The Use Made Of The Water Under An Existing Water Right* for the transfer of up to 36.5 acre feet of raw water rights from Bull Creek for Mr. Adam Ward.

Manager Wieland reported that several months ago the City was approached by Adam Ward about the possibility of transferring the use of a portion of the City's water rights from Bull Creek to him for agricultural irrigation purposes. He went on to explain that Mr. Ward and his wife own farm land that is adjacent to Bull Creek and the City has water rights under an agreement with the Kansas Division of Water Resources for both Bull Creek and Lake Miola. The City, due to its membership in the Marais Des Cygnes Public Utility Authority, is no longer treating water from Bull Creek or Lake Miola but it is in the City's best interest to keep these water rights active for future purposes if the need arose.

Manager Wieland stated that the application for the authorization of the transfer annually of up to 36.5 acre feet of water rights to Mr. & Mrs. Ward and approval for the Mayor to execute the agreement. The transfer of these rights would only occur if the Division of Water Resources approves the application. If approved the City and Mr. Ward would execute an agreement detailing all provisions and conditions and Mr. Ward has agreed to pay

all costs associated with the application process and any other miscellaneous costs that might arise. He will also provide all necessary equipment including metering for the water diversion requirements of the State. Mr. Ward has also agreed to pay the City an annual amount of \$350.00 for the rights to the raw water to be drawn from Bull Creek.

After a discussion, Council Member Pritchard made a motion to authorize the Mayor to execute an *Application For Approval To Change The Place Of Use, The Point Of Diversion Or The Use Made Of The Water Under An Existing Water Right* as presented. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0.

Agenda Item 5d – Consider the approval of temporary streets closure for the Paola High School Homecoming Parade on October 5.

Clerk Droste presented an application for a temporary street closure for the annual Paola High School Homecoming Parade.

After discussion, Council Member Wilhoite made a motion to approve the closure of Panther Drive, Hedge Lane, 303rd Street and Hospital Drive adjacent to the USD 368 Campus on October 5 from 1:15 pm to 2:30 pm for the Paola High School Homecoming Parade. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0.

Agenda Item 5e – Consider approval of temporary street closures for the annual Harvest Festival & Chili Cook-Off on October 27.

Clerk Droste presented an application from the Paola Heartland Group for a request to close the streets around the Park Square for the Harvest Festival & Chili Cook-Off. He reported that this is the first time that the group has requested that all of the streets be closed for the event. The Council questioned the need for closing the streets for this event since it has not been done in the past.

After a discussion, Council Member Pritchard Council Member Pritchard made a motion to table action the street closure for the Harvest Festival and Chili Cook-Off pending further explanation of the need for the closure. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 4 to 0.

Agenda Item 5f – Consider the approval of temporary streets closure for the Fire Department Training School on October 27 & 28.

Manager Wieland reported that the Fire Department will host a Firefighter Training School again this year on October 26, 27, and 28. The training incorporates several outdoor training activities that require the closing of Walnut and Oak Streets for the safety of the Firefighters and the general public.

After discussion, Council Member Pritchard made a motion to approve the closure of Walnut and Oak Streets adjacent to the Paola Fire Station on October 27 & 28 from 6:00 am to 6:00 pm for the Paola Fire Department Training School. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0.

Agenda Item 6 – NEW BUSINESS

Clerk Droste reported that sales tax revenue for the month of September amounted to \$173,398 bringing the year-to-date total to \$1,608,925.

Clerk Droste presented information on the League of Kansas Municipalities 2012 Regional Supper to be held on October 30th in Kansas City.

Manager Wieland reported that the City Hall project continues to be ahead of the original completion schedule. Painting on the first floor is nearly complete, and progress continues on the electrical work, ceiling grids, and finish trim. The only large item is the delivery and installation of the elevator that is still several weeks out.

Agenda Item 7 – ADJOURNMENT

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

Artie Stuteville, Mayor

ATTEST: [seal]

Daniel G. Droste, City Clerk