

**MINUTES OF THE COUNCIL MEETING
OF THE CITY OF PAOLA, KANSAS
6:00 O'CLOCK P.M.
March 28, 2017**

**Held in the Municipal Court Room at the Paola Justice Center
806 N 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, Leigh House, and Aaron Nickelson.

Council Members absent: None.

Also present: City Manager Jay Wieland, City Clerk Dan Droste, City Attorney Lee Tetwiler, City Planner Mike Gotfredson, Chief of Police Paul Jokerst, Jeanie Clerico, Linzi Weilert, Blake Heid, Larry Waisner, and Brian McCauley with the Miami County Republic.

CALL TO ORDER: The regular council meeting was called to order by Mayor Stuteville.

ROLL CALL: Mayor Stuteville and Council Members Pritchard, Wilhoite, House, and Nickelson were all present. No one was absent.

Agenda Item 1 - CONSENT AGENDA

- a. Approval of minutes of the meeting of March 14, 2017.
- b. Approval of Salary Ordinance 17-06.
- c. Approval of Appropriation Ordinance No 849.
- d. Approval of a Retail Liquor License for In Good Spirits at 1001 N Pearl Street.
- e. Approval of a leak allowance in the amount of \$273.75 for water and \$142.50 for sewer for My Father's House at 1004 N Pearl Street.

Council Member House made a motion to remove agenda item "e" from the Consent Agenda for further discussion and separate consideration. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 4 to 0.

Council Member Pritchard made a motion to approve Consent Agenda Items "a" through "d" as presented and authorize the Mayor to sign. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 4 to 0.

Mr. Blake Heid, Chairman of the Trustees for My Father's House addressed the Council and presented a brief history of the ministry. He went on to explain that a recent water leak went undetected for an extended period of time due to the fact that the broken pipe was located under

the slab foundation of the building and he requested additional consideration for the leak allowance.

Clerk Droste explained that the calculation for the adjustment for water use was calculated based on the highest usage month, but because the leak occurred over a three month period a water leak allowance can only be granted to one utility bill. Clerk Droste explained that since the account was a commercial account, the sewer charges are based on water use. As a result, the sewer charges for all three months were inflated. He recommended that consideration could be given to an adjustment for the sewer charges over the leak period.

After additional discussion, Council Member House made a motion to approve Consent Agenda Item “e” as presented and authorize City Staff to review and adjust the sewer charges for My Father’s House during the leak period. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 4 to 0.

Agenda Item 2 - COMMENTS FROM THE PUBLIC – No one addressed the Council.

Agenda Item 3 - UNFINISHED BUSINESS – None.

Agenda Item 4 – NEW BUSINESS

Agenda Item 4a - Consider renewal of the City’s liability/property/auto insurance policies.

Clerk Droste presented the renewal of the City’s insurance policies with EMC Insurance Company which expires on April 1st. The renewal quote was in the total amount of \$124,881 compared to \$121,368 for the expiring premium. This is an annual increase of \$3,513 or 2.89%. He went on to describe additional coverage that was include in the renewal that was previously not available. He also noted that in 2016, the City of Paola received a dividend refund in the amount of \$15,005.24 from EMC.

After a discussion, Council Member Pritchard made a motion to approve the renewal from EMC Insurance Companies for the City’s liability/property/auto insurance policies in the amount of \$124,881.00, as presented. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 4 to 0.

Agenda Item 4b -Consider an Ordinance amending camping regulations at Lake Miola.

Clerk Droste presented an Ordinance which amends the camping regulations at Lake Miola. He reported that the Ordinance clarifies regulations that have previously been enforced at the camping grounds but were not specifically address in the regulations. The changes are:

- Camping Fees shall be charged for each camping device.
- No more than two (2) camping devices, only one of which can be wheeled, are allowed at each camp site.

- Camping is not allowed anywhere in Miola Park that is outside of the designated camping grounds on the west side of Miola Lake.
- With prior approval by the City Clerk, recognized non-profit organizations may use such camping grounds without paying the camping fee or may camp in an area outside of the camping grounds provided that they observe the general rules and regulations of Lake Miola.

After additional discussion, Council Member Wilhoite made a motion to approve AN ORDINANCE AMENDING TITLE II PUBLIC HEALTH SAFETY AND WELFARE, CHAPTER 220 PARKS AND PUBLIC PROPERTY, ARTICLE II LAKE MIOLA – IN GENERAL, SECTION 220.100 CAMPING REGULATIONS, TO THE MUNICIPAL CODE OF THE CITY OF PAOLA, KANSAS. The motion was seconded by Council Member Pritchard and all voted aye. The motion passed 4 to 0 and the Ordinance was assigned number 3111.

Agenda Item 4c -Consider a Resolution amending the fee schedule for Lake Miola.

Clerk Droste presented a Resolution amending the fee schedule for Lake Miola. He noted that the Lake Miola Fee Schedule contains language that gives guidance to the Camp Host in determining who is a Kansas or a Miami County Resident, but it is silent as to a means for determining who is a City of Paola Resident. Therefore, he proposed that the following be added to that section: City of Paola residents shall show proof of residency by presenting a valid driver's license to the Camp Host.

In addition, Clerk Droste reported that the current Lake Miola Fee Schedule contains a chart of time periods and fees for Private Boat Docks. He proposed that this section be “cleaned up” by eliminating the listing of fees for previous years.

Council Member Pritchard made a motion to approve A RESOLUTION AMENDING THE LAKE MIOLA FEE SCHEDULE. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 4 to 0 and the Resolution was assigned number 2017-004.

Agenda Item 4d -Consider a Resolution restricting parking on Pearl Street from Baptiste to the alley south of Kaskaskia Street – west side.

Clerk Droste reported that there has been concern about parking on the west side of Pearl Street just north of Piankishaw Street. Cars parked in this area completely block the view of drivers who are traveling east on Piankishaw at this intersection. Clerk Droste indicated that in researching the City's Traffic Control Device Schedules, he was able to determine that parking on the east side of Pearl Street from Baptiste Drive to Piankishaw Street was already restricted and posted. However, he did not find any mention of parking restrictions on the west side of Pearl Street even though this area is posted as no parking. The no parking signs posted on the west side of Pearl Street are older, so it appears that there was an intent to restrict parking on both sides of Pearl Street from Baptiste Drive to Piankishaw Street.

Clerk Droste reported that in a review of older versions of the Traffic Control Device Schedules, he did not find where the west side of Pearl Street was included as no parking. This was an obvious oversight, especially when you observe both the width of the street and the hills that make parking in this area dangerous. The proposed Resolution corrects this oversight.

Manager Wieland provided some background regarding parking for the building which is now occupied by Beethoven's restaurant. He indicated that this Resolution would not prohibit the City from working with the owners of Beethoven's to increase parking for the restaurant on the east side of their building provided that it was off street and did not interfere with the sight triangle at the intersection of Piankishaw and Pearl.

Jeanie Clerico and Linzi Weilert, owners of Beethoven's, addressed the Council with concerns about parking for the restaurant. Ms. Clerico indicated that the success of Beethoven's has increased over the last 3 years and many of the guests are from all over the country and around the world. She indicated that not being able to use the concrete area on the east side of the building was a concern as it was installed with the understanding that it could be used for parking. Ms. Weilert also suggested that one solution could be to install a 4-way stop at the intersection of Piankishaw and Pearl. Ms. Clerico also indicated that other intersections around the Square have the same problem, namely Peoria & Gold Streets and Pearl & Mission Streets.

Manager Wieland indicated that City Staff would be working with the owners to explore solutions to the parking issues for Beethoven's.

After additional discussion, Council Member Pritchard made a motion to approve A RESOLUTION AMENDING THE OFFICIAL TRAFFIC CONTROL DEVICE SCHEDULES FOR THE CITY OF PAOLA, KANSAS. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 4 to 0 and the Resolution was assigned number 2017-005.

Agenda Item 4e -Consider approval of disbursements from the Transient Guest Tax Fund.

Manager Wieland reported that the Convention and Tourism Committee met on March 23rd to review grant applications for fiscal year 2017. The Committee has recommended approval of the following grants:

<u>Grant Applicant</u>	<u>Request</u>	<u>Approved</u>	<u>Comments</u>
Miami County Antique Tractor Show	\$500	\$500	Miami County event but draws a number of people to our area.
Miami County Garden Tractor Pull	\$500	\$500	Third year event and has other sponsorship.
Paola Car Show	\$4,000	\$4,000	Probably the second largest community event.

Miami County Arts Coalition/Music in the Park	\$2,500	\$2,000	Concerns were expressed about funding the entire budget for this program.
Paola Pathways/5K	\$1,000	\$1,000	Continuation of support for the 5K run/walk.
Paola Chamber Kansas Sampler Festival	\$900	\$900	The Chamber's involvement in the Kansas Sampler Festival is a very important component of the promotion of Paola.
Paola Chamber of Commerce Fireworks Show.	\$2,500	\$2,500	This community event draws a number of visitors to town.
Lil Red Hen Heartland Quilt Shop Hop	\$500	\$500	Brings a number of visitors to Paola.
Paola Tourism/Frontier Agricultural Connections (brochure update).	\$750	\$750	Solid promotional piece for providing information about Paola and Miami County.
Heartland Art Guild	\$3,000	\$3,000	Good event which draws from broad area.
Paola Chamber Visitor Center. (New)	\$1,920	\$1,920	The Center is an excellent idea.
Paola Chamber Kansas Day Celebration. (New)	\$1,000	\$1,000	Focus has changed from business expo to a celebration of Paola's role as the birthplace of Kansas Day.
Roots Festival	\$10,000	\$10,000	28 th year for this event.
Paola Farmers Market	\$500	\$500	Very good program that is constantly trying to improve.

Marais des Cygnes District Master Gardeners Tour	\$500	\$500	Bi-annual event that was funded in 2013 & 2015.
Paola Chamber Beer & Wine Tasting Event (New)	\$1,000	\$1,000	First time event that is replacing the Art & Wine Stroll and Casino Night.

The total of the approved funding for grants as recommended is \$30,570.

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

Agenda Item 5 - COMMITTEE REPORTS – There were no Committee Reports presented.

Agenda Item 6 - STAFF REPORTS

Clerk Droste reported that sales tax revenue for the month of March amounted to \$187,596 bringing the year-to-date total to \$648,867. Sales tax revenues are up by \$75,119 or 13.09% more than the same time period in 2016.

Manager Wieland reported that Kerry Burton will be retiring from the Public Works Department. There will be a retirement luncheon for Kerry tomorrow at the Public Works facility.

Manager Wieland reported the City has filled all three vacant positions at the Public Works Department.

Manager Wieland reported that the Paola Police Department continues to come up with unique public relations postings on their Facebook page. He encourage everyone to check it out.

Agenda Item 7 - MISCELLANEOUS MATTERS FROM THE COUNCIL

Council Member Pritchard reported that he has been contacted by Mr. Joe Courtney who was asking when the Council was going to be discussing parking vehicles in front yards. Manager Wieland indicated that it would be discussed again at an upcoming work study meeting.

Council Member Pritchard asked if the City has tried to intervene with the owner of the parking lot across the street from Beethoven's to see if the restaurant can use that parking. City Manager Wieland and Jeanie Clerico both indicated that they both have contacted the owner about using the lot without success.

Council Member Nickelson congratulated Beethoven's on their success and was hopeful that the parking issue could be resolved.

Agenda Item 8 - MISCELLANEOUS MATTERS FROM THE MAYOR

Mayor Stuteville nominated Angela Frizzell and Trish Osborne to serve on the Paola Community Center Board.

Council Member Wilhoite made a motion to approve the Mayor's appointments to the Paola Community Center Board. The motion was seconded by Council Member Pritchard and all voted aye. The motion passed 4 to 0

Agenda Item 9 – ADJOURNMENT

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

Artie Stuteville, Mayor

ATTEST: [seal]

Daniel G. Droste, City Clerk