

**MINUTES OF THE REGULAR COUNCIL MEETING
OF THE CITY OF PAOLA, KANSAS
5:30 O'CLOCK P.M.**

November 28, 2006

**HELD AT THE PAOLA PUBLIC WORKS BUILDING
29370 Old KC Road in Paola**

The Governing Body of the City of Paola, Kansas, met with Mayor Stuterville presiding.

Councilmembers present: Council Members Pritchard, Dial, Rowlett, and Hamilton.

Council Members absent: None.

Also present: Manager VanderHamm, Clerk Droste, City Attorney Tettwiler, Public Works Director Bieker, Planner Givens, Police Chief Smail, Brian McCauley from the Miami County Republic, and others.

PLEDGE OF ALLEGIANCE: Mayor Stuterville invited everyone in attendance to join in the Pledge of Allegiance.

Agenda Item 1 - CALL TO ORDER: The regular council meeting was called to order by Mayor Stuterville.

Agenda Item 2 - ROLL CALL: Mayor Stuterville and Council Members Pritchard, Dial, Rowlett, and Hamilton were all present.

Agenda Item 3 - PETITIONS, REMONSTRANCES, AND COMMUNICATIONS

Robin Paulsen and Joyce Smith addressed the Council to request permission to have a bonfire on Saturday, December 16th to celebrate the PHS Football season. The bonfire would be held at the property behind the New Century Dodge and parking would provide at the Family Center. The event would begin at 8:00 pm after the Family Center closes for the evening.

Manager VanderHamm summarized the City Ordinance that applies to the request indicating that such a request requires written approval of adjoining neighbors and coordination with the Fire Department. Mrs. Paulsen indicated that she has already obtained written approval from all of the neighbors. Manager VanderHamm indicated that the safety of pedestrians crossing Baptiste Drive is an important issue and Police assistance would be necessary. There was concern expressed about the weather allowing the event to take place and making sure that the fire was properly monitored and the brush pile was burned completely. Manager VanderHamm indicated that Fire Chief Martin would be the individual who would determine if the weather was calm enough to allow the event to take place.

Agenda Item 4 - CONSENT AGENDA

- a. **Approval of minutes of the meetings of November 14, 2006**
- b. **Approval of Salary Ordinance number 06-21 and 06-22**
- c. **Approval of Appropriation Ordinance No. 594**

Councilmember Pritchard made a motion to approve the Consent Agenda and authorize the Mayor to sign. Councilmember Hamilton seconded the motion and all voted aye.

Agenda Item 5 – REPORTS OF OFFICERS, BOARDS AND COMMITTEES**Agenda Item 5a - Recommendation from the Convention and Tourism Committee regarding funding for the “Wedding Capital” campaign.**

Manager VanderHamm presented a request from the Convention and Tourism Committee for funding for the “Wedding Capital” campaign. The request includes logo development, postage, brochures, and website domain hosting for a total amount of \$1,875.00. The committee is working on a proclamation from the Governor naming Paola the Kansas Wedding Capital.

After discussing the request, Councilmember Dial made a motion to approve the recommendation of the Convention and Tourism Committee. The motion was seconded by Councilmember Rowlett and all voted aye.

Agenda Item 5b - Consider approval of an agreement with Mary Birch for economic development planning services.

Manager VanderHamm presented the agreement with Mary Birch from Lathrop & Gage for economic development consulting services.

Mayor Stuteville asked if the funding for the consulting services was part of the economic development funds already budgeted for the Chamber of Commerce. Councilmember Rowlett suggested that it be paid from the funds already budgeted for the Chamber of Commerce.

After discussing the agreement, Councilmember Rowlett made a motion to approve an agreement with Mary Birch of Lathrop & Gage; L.C. for economic development consulting services in the amount of \$3,000.00, to be paid from the funds budgeted for economic development that was dedicated to the Chamber of Commerce. The motion was seconded by Councilmember Pritchard and all voted aye.

Agenda Item 5c - Consider approval of the re-plat of Prairie Place Addition Condominiums.

Planner Givens presented a report on the re-plat of Prairie Place Addition Condominiums. Givens reported that two independent architects have confirmed the Building Department's

requirement to extend the fire wall through the attic space to the roof. He reported that the Planning Commission approved the re-plat subject to the following contingencies:

- 1) The Declaration of Condominium, a 50 page document that addresses the by-laws of the Home Owners Association as well as the maintenance of the common elements of the property being finalized and recorded.
- 2) The resolution of all outstanding Building Code and Fire & Life Safety issues being resolved.

Councilmember Rowlett asked if the City has any liability should the Homeowners Association fail to maintain the common property in the development. Manager VanderHamm indicated that the City would pursue any issues through normal nuisance or building code enforcement.

After discussing the project, Councilmember Rowlett made a motion to approve the re-plat of Prairie Place Addition Condominiums contingent on the Declaration of Condominium being finalized and recorded and the resolution of outstanding Building Code and Fire & Life Safety issues being resolved as recommended by the Planning Commission. The motion was seconded by Councilmember Dial. Councilmember Hamilton voted nay and Councilmembers Rowlett, Dial and Pritchard voted aye. The motion passed 3 to 1.

Agenda Item 5d - Report from the City Planner on the status of the update of the Comprehensive Plan.

Planner Givens reported that at the last Planning Commission meeting a date for a Public Hearing was set for January 18, 2007, at 6:30 pm, to present and receive input from the community on the Comprehensive Plan. The "future" land use map will also be presented at that meeting. Planner Givens noted that the land use map was not a zoning map but it does follow some of the existing land use trends in each area. Givens presented the Council with a draft copy of the land use map and discussed each of the eight types of land uses identified on the map.

Planner Givens indicated that Jim Kalup suggested that the Comprehensive Plan be approved at a separate meeting from the land use map so that the two are not confused. Givens indicated that the Comprehensive Plan would be considered first and the land use map would be considered separately, but at the same meeting.

Agenda Item 5e - Report from the City Planner on unresolved issues at the TNT Custom Coatings property (Mr. Troy Allen).

Planner Givens presented a report as a follow up to the discussion held at the November 14th Council Meeting pertaining to outstanding building code issues at the TNT Custom Coatings property. Givens reported that the Temporary Certificate of Occupancy has expired with outstanding unresolved issues as follows:

- 1) Stone wall buffer incomplete.
- 2) Verification of approved inspection of the paint booth.
- 3) Screening for the dumpster.

- 4) Complaints about vehicles being illegally parked.
- 5) Striped parking area.
- 6) Adherence to noise pollution standards.

Planner Givens reported that this information has been communicated to Mr. Allen in writing and he has not yet responded. Councilmember Hamilton requested that a time period or a deadline be imposed to make sure that the state of noncompliance is not perpetual. The temporary occupancy permit was discussed at length and it was noted that the expired temporary occupancy permit pertains to the installation of the paint booth and not the entire business operation.

Agenda Item 5f - New Police Patrol Cars and bids for lease financing.

Manager VanderHamm presented a proposal to purchase four new police patrol cars through the Kansas State Partners Program and through New Century Dodge. The bid through the Kansas State Partners Program was \$22,100 per vehicle plus \$1,000 per vehicle for custom paint and no trade in allowance for a total of \$92,400. New Century Dodge bid \$24,276 per vehicle including custom paint and a \$5,000 trade in allowance for a total of \$92,104.

Lease financing was solicited from all 5 area banks and bids were received from First Option Bank at 4.045% and from TeamBank at 5.190% for a 25 month lease term.

Manager VanderHamm reported that one of the used police vehicles would be kept for the Building Inspection Department. Councilmember Hamilton asked if consideration should be given to keep more than one of the old police cars. After discussing option and trade in values, it was decided that only one should be kept in service.

Councilmember Pritchard made a motion to accept the bid from New Century Dodge for 4 new police patrol cars and the lease financing from First Option Bank. The motion was seconded by Councilmember Dial and all voted aye.

Agenda Item 5e - Consider approval of the renewal of a Drinking Establishment License for Los Portales Mexican Restaurant.

Clerk Droste reported that the application for the renewal of a Drinking Establishment License for Los Portales Mexican Restaurant had been withdrawn by the owners. They have chosen to no longer serve alcohol at the restaurant when their current license expires on December 15th.

Agenda Item 6 - NEW BUSINESS

Manager VanderHamm reported that requests for qualifications for architect firms were sent to more than 20 firms with 8 responding. Three of those that responded have been selected for interviews on November 30th and December 4th. A recommendation will be presented to the Council at the December 12th meeting.

Manager VanderHamm reported that he, Planner Givens, and Public Works Director Bieker met with Mike Brown of URS and a group from USD 368 to discuss the Hospital Drive / 303rd Street / Hedge Lane improvement project. The purpose of the meeting was to keep the School District involved in the process. Estimates on adding a 3rd lane to 303rd Street will be presented in the future.

Manager VanderHamm presented a summary of the final assessed valuations and the mill levy for real estate taxes in the City. The final assessed valuation was \$45,277,147 and the final mill levy was 42.099. The total mill levy including City, County, School District, and State was 136.457.

Manager VanderHamm reported that the Marais Des Cygnes Public Utility Authority had its hearing before District Judge Steven Montgomery and it was ruled that the MDCPUA is a legal entity, it does have the legal right to use eminent domain, and it can take private property for public purpose. Also, Miami County will be continuing the CUP Public Hearing for the MDCPUA on December 5th at 7:00 pm.

Manager VanderHamm reminded the Council that the only December meeting would be held on December 12th. No Work Study Session would be held on December 5th due to the MDCPUA hearing at the County.

Manager VanderHamm presented the sales tax report. He reported that sales tax collections for November were equal to collections for the same period as last year. This is also the first month for the ½ cent sales tax renewal to fund the Police Station, and City Hall, Community Center, and Library remodeling, and a Street repair program. VanderHamm presented a spreadsheet itemizing the distribution of the funds for each of the projects.

Councilmember Hamilton asked Planner Givens if he could present a report detailing the number of private streets that are located in Paola and how they connect to City Streets.

Councilmember Rowlett suggested that a future work study session agenda should include a discussion on the planning process and providing an explanation to the Council about performance based planning/zoning versus traditional planning/zoning.

Councilmember Dial had no additional topics to discuss.

Councilmember Pritchard reminded the Council that the Downtown Merchants would be meeting at El Tapatio on November 30th at 6:30. He also asked about the east/west traffic at the strip mall at Kathy's Corner do not always stop and he asked if signs should be installed. Manager VanderHamm indicated that the street was a private drive and we could request that a stop sign be installed.

Mayor Stuteville reported that she had talked to Rick Shipman and he is willing to work with the City about replacing the sidewalk in front of his business.

Mayor Stuteville asked if the Council desired to take any action on the request for the bonfire by Mrs. Paulsen. Manager VanderHamm asked if the Council had any issues that they wanted to make sure were addressed prior to issuing a permit as allowed under the current City Ordinance. Parking and pedestrian safety issues were the major concerns. There was also a suggestion that perhaps the wood pile could be moved to a more suitable location, perhaps to the gravel parking lot at the Rock Stadium at Wallace Park. Manager VanderHamm would talk with Mrs. Paulsen to discuss options.

Agenda Item 7 – ADJOURNMENT.

With no additional business to come before the Council, Councilmember Hamilton made a motion to adjourn the meeting. Councilmember Dial seconded the motion and all voted aye.

Artie Stuteville, Mayor

ATTEST: (seal)

Daniel G. Droste, City Clerk