

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

**January 9, 2007**

**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: Mayor Stuterville and 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**  
Ann Davis, owner of Pigeon West Antiques, addressed the Council regarding individuals parking in the lots directly behind her store. She suggested that parking be restricted during business hours so that she could receive deliveries at her business. The request was taken under advisement.

**Agenda Item 4 - CONSENT AGENDA**

- a. **Approval of minutes of the meetings of December 12, 2006**
- b. **Approval of Salary Ordinance number 06-24 & 06-25**
- c. **Approval of Appropriation Ordinance No. 596**

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

**Agenda Item 5 – REPORTS OF OFFICERS, BOARDS AND COMMITTEES**

**Agenda Item 5a - Consider a request from the Paola Heritage Foundation Committee for financial support for the Baptiste Peoria and Mary Ann Isaacs Bust project.**

Manager VanderHamm presented a letter from John Nichols and Wayne Johnson of the Paola Heritage Foundation Committee requesting \$4,000 for the Baptiste Peoria and Mary Ann Isaacs bust. After discussing the request, Councilmember Hamilton suggested that the request be tabled until the Committee submitted a report on the status of raising the balance of the funds and a determination of the impact on the City's budget could be assessed.

No action was taken on the request.

**Agenda Item 5b - Consider changes in the rental fee schedule for the Paola Community Center.**

Chad Myers, Director of the Community Center, presented a report on December activity at the Center. He reported that the center had over 1,100 visitors to the Center with all of the Holiday activities including over 300 who attended the bluegrass concert at the end of the month.

Director Myers reported that the Community Center Board have been working on the schedule of rental fees. He indicated that there is no change in the fee amounts for using the facility, the fees were being presented for formal approval. The recommended fees are as follows:

International room:	\$75/ daily rate (4+hours) \$50 refundable deposit Non-profit rate: \$5/hour utility rate to begin in January, 2008. No charge for non-profit groups for 07 while renovation is underway.
Auditorium room:	\$125/daily rate (4+hours) \$50 deposit \$200/daily rate (winter hours: Nov. 1 – Mar. 31) 500/daily rate for both rooms for weddings. (includes rehearsal dinner night before and set up the night before.)

After discussing the rate schedule, Councilmember Pritchard made a motion to approve the new rental fee schedule for the Paola Community Center. The motion was seconded by Councilmember Dial and all voted aye.

**Agenda Item 5c - Consider termination of the transfer of \$2.50 per ticket from Municipal Court the Paola Community Center.**

Manager VanderHamm reported that when Municipal Court first began meeting at the Community Center, \$2.50 for each ticket was transferred from the Municipal Court Fund to the Community Center Fund to offset the cost of utilities and cleaning. Since Municipal Court is no longer meeting at the Center, there is no longer a need for the transfer.

Mayor Stuterville asked if the fines for tickets would be reduced by \$2.50 if the transfer were eliminated. Manager VanderHamm explained that the fees were never increased to cover the transfer to the Community Center.

Councilmember Hamilton made a motion to approve the termination of the transfer of \$2.50 per ticket from Municipal Court to the Community Center. The motion was seconded by Councilmember Pritchard and all voted aye.

**Agenda Item 5d - Consider approval of Preliminary Development plan for Paola Crossing.**

Planner Givens presented a summary of the Preliminary Development plan for Paola Crossing which is an eight unit commercial strip development just north of the Best Western Hotel.

The development plan was discussed in detail including, signs, awnings, access, and the trash dumpster enclosure. The Council expressed some concern over the location and capacity of the trash dumpster/enclosure and requested that the Planning Commission fully evaluate this issue in the final development plan. Planner Givens also indicated that he would confirm what material would be used for the awnings.

Councilmember Dial made a motion to approve the Preliminary Development Plan for Paola Crossing. The motion was seconded by Councilmember Pritchard and all voted aye.

**Agenda Item 5e - Report on the USD 368 Administration Building.**

Planner Givens presented a summary of the design review for the USD 368 Administration Building. He reported that there has been some discussion regarding the use of a metal exterior siding on the proposed building. Planner Givens reported that the School District's property is located in the Suburban zoning district. Metal sided buildings are only allowed in the Suburban district when a design review is presented for Planning Commission approval (LDO Article 15, Division 15.100 C).

Mayor Stuterville stated that it was her understanding that metal sided buildings are specifically prohibited in the Suburban zoning district. The issue of allowing a metal sided building for the School District was discussed at length. The Mayor suggested that the Planning Commission review this issue again and they should understand that the property is located in a Suburban zone and not an Industrial zone.

**Agenda Item 5f - Consider proposals for Sanitary Sewer Shed Studies.**

Manager VanderHamm reported that in the 2007 Budget, funds were allocated for a sewer study for the Dorsey Creek watershed area. Additionally, the North Sewer Study needed to be completed to include recommendations of pipeline capacities for that area. Manager VanderHamm indicated that these two studies needed to be completed so that developers in

these areas can be informed of the development costs associated with providing sewer service to their projects.

After discussing the studies and the areas involved, Councilmember Rowlett recommended that with the housing market slow down, perhaps consideration should be given to complete the North Sewer Study now and delay the Dorsey Creek Study until next year.

Councilmember Rowlett made a motion to approve the proposal from Allenbrand-Drews for an update of the North Sewer Study for a “not to exceed” amount of \$19,500. The motion was seconded by Councilmember Dial and all voted aye.

#### **Agenda Item 5g - Report from Treanor Architects on the proposed new Fire Station.**

Manager VanderHamm reported that at the Work Study Session, Fire Chief Martin made a presentation on the room sizes in the new fire station that were proposed by Treanor. Fire Chief Martin recommended reducing the size of the facility by over 2,000 square feet.

Treanor provided a new estimate of the cost of construction for the smaller facility at \$4.08 million, which was \$685,000 less than the previous estimate.

Manager VanderHamm discussed the estimated amount of revenue that would be collected with a 1/4% sales tax increase. He also reported that he had visited with Bond Counsel Mary Carson about making a generic ballot question to allow the tax to be collected for more than 10 years and it was her opinion that the ballot question would have to be so generic that it could not refer to the proposed facility at all.

Fire Chief Martin reviewed his recent conversations with Treanor and summarized the reductions that were proposed for the facility. Fire Chief Martin indicated that a priority was to make the building durable so that it could be fully utilized for training. Mayor Stuterville asked if a complete floor plan had been completed yet. Martin indicated that Treanor would be completing the floor plan for the Council meeting on January 23<sup>rd</sup>.

Manager VanderHamm reported that he has visited with Miami County Administrator Shane Krull about having an ambulance stationed at the facility. Krull indicated that he would visit with the EMS Director, but his initial indication was that they would likely not want to place an EMS unit in the facility.

Councilmember Hamilton expressed his concerns over the age of the existing fire trucks and the need to replace them. He recommended that consideration be given for including at least one vehicle in the financing of the new facility.

The Council discussed financing options along with the selection of the site. A final decision would need to be made by January 23rd in order to meet the election deadlines.

#### **Agenda Item 6 - NEW BUSINESS**

Manager VanderHamm reported that the next K-68 Highway Corridor Study meeting is scheduled for February 1<sup>st</sup> at 7:00 pm at the Louisburg City Hall.

Manager VanderHamm reported that he and Carol Everhart met with Mary Birch to outline the strategy for the next economic development meetings. Mary Birch will direct the next meeting that is scheduled for Monday, January 22<sup>nd</sup> at 6:00 pm at the Fort Scott Community College. Also, on Tuesday, January 16 at 7:15 am there will be a breakfast meeting with additional community leaders

Manager VanderHamm reported that Ron Smith has asked that the brush pile that was to be burned for the cancelled High School pep rally, still be allowed to be burned. Approval has been granted subject to the following conditions:

- 1) Fire Chief will have complete and final say as to the actual burning of the pile. If the weather and wind is determined by him to be unacceptable, he will be responsible to make the final determination.
- 2) Letters of approval from the actual property owner where the pile is located, as well as all property owners abutting the vacant lot must be given to the Fire Chief prior to burning.
- 3) The burning needs to begin in the morning and be significantly completed before sunset.
- 4) The brush pile should be allowed to burn completely. This will require someone to continually monitor the fire and push it in to allow a complete burn.
- 5) Notification of the exact time and date of the burn needs to be given to the Fire Chief and the Police Department at least 24 hours in advance.

Manager VanderHamm reminded the Mayor and Council that the filing deadline is January 23 at Noon.

Councilmembers Hamilton, Rowlett, and Dial had no additional business to discuss.

Councilmember Pritchard asked about the status of the CDBG Application. Manager VanderHamm indicated that he has not been notified of any decision. Councilmember Pritchard asked if the 295<sup>th</sup> Street issue would be on the Council's agenda soon. Manager VanderHamm indicated that Mr. Doherty has been out of town for the Holidays and they have been unable to meet on the issue. Councilmember Pritchard asked about a property approximately ½ mile south of town on Old KC Road and the amount of junk that is stored on the property. Manager VanderHamm indicated that this property has been discussed by the Planning Commission.

Mayor Stuterville asked if the Council wanted to take any action regarding Ann Davis' request for restricted parking behind her business. The issue was discussed at length and Clerk Droste reminded the Council that a Resolution would be required to create a parking restriction behind the building. The issue will be researched and reported on at the next Council meeting.

City Attorney Tetwiler requested that the agenda be amend to move the Executive Session before the Work Study Session.

**Agenda Item 7 -EXECUTIVE SESSION** - K.S.A. 75-4319(B)(1) and K.S.A. 75-4319(B)(2) are the authorities for this recess.

Councilmember Rowlett made a motion to adjourn to Executive Session, to include the Mayor, Council, City Manager, and City Attorney, for 30 minutes for the purpose of discussing personnel matters of non-elected personnel and for the purpose of a consultation with an attorney for the governing body which is deemed privileged in the attorney-client relationship; the regular meeting to reconvene at 8:30 p.m. The motion was seconded by Councilmember Dial and all voted aye.

Councilmember Rowlett made a motion to reconvene the adjourned meeting. The motion was seconded by Councilmember Dial and all voted aye.

**Agenda Item 8 - WORK STUDY SESSION**

Councilmember Rowlett made a motion to adjourn to a Work Study Session to discuss a draft of the proposed Sidewalk Program and 2007 Capital Improvement Projects/Funding. The motion was seconded by Councilmember Pritchard and all voted aye.

At the conclusion of the Work Study Session, Councilmember Dial made a motion to reconvene the adjourned meeting. The motion was seconded by Councilmember Hamilton and all voted aye.

**Agenda Item 9 – ADJOURNMENT.**

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

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Artie Stuteville, Mayor

ATTEST: (seal)

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Daniel G. Droste, City Clerk