

**MINUTES OF THE COUNCIL MEETING  
OF THE CITY OF PAOLA, KANSAS  
6:30 O'CLOCK P.M.**

**May 22, 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 Newton, Clerk Droste, Attorney Tettwiler, Police Chief Smail, Public Works Director Bieker, Planner Givens, Brian McCauley with the Miami County Republic, Carol Everhart, and others.

**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, and Rowlett were all present. Councilmember Hamilton was absent at the beginning of the meeting.

**Agenda Item 3 - PETITIONS, REMONSTRANCES, AND COMMUNICATIONS**

No one addressed the Council.

Mayor Stuterville announced that the City Clerk has amended agenda item 5a to read as follows: Consider approval of a preliminary and final site plan for Doherty Steel.

**Agenda Item 4 - CONSENT AGENDA**

- a. Approval of minutes of the meetings of May 8, 2007.
- b. Approval of Salary Ordinance number 07-09.
- c. Approval of Appropriation Ordinance No. 605.

Councilmember Pritchard questioned items on the Appropriation Ordinance. He questioned the expenditure for \$149.19 to Cintas, and the expenditures to different parties for milling at the same address. Clerk Droste indicated that he was not certain about the Cintas bill and he would report later with details. Public Works Director Bieker reported that the City hired several different independent truckers to haul millings for the street projects.

Councilmember Pritchard made a motion to approve the Consent Agenda, as presented, and authorize the Mayor to sign. Councilmember Rowlett seconded the motion and all voted aye. The motion passed 3 to 0.

**Agenda Item 5a – Consider approval of a preliminary and final site plan for Doherty Steel.**

Councilmember Hamilton entered the meeting room and took his seat with the Council.

Planner Givens presented a summary of a Conditional Use Permit granted to Doherty Steel in April of 1999. Doherty Steel wants to expand and has submitted a site plan for review. The expansion calls for an increase of 63,532 square feet of new building in addition to the 72,395 square feet of existing structures. Section 3 of the Conditional Use Permit provides for seven conditions and stipulations for the continued use and future expansion of the property.

Of particular significance to the expansion request, the Condition Use Permit requires that *“The permitted use may be expanded without limitation as to the size of expansion provided that all land development regulations and size limitations applicable to similar uses at the time of expansion shall apply to the facility.”* If this stipulation is meant to read, that all Industrial criteria are to be followed when reviewing the site plan the impact of those regulations may be astronomical. The following standards would apply:

- 1) Parking: Based on LDO Requirements 2.5 stalls per 1000 sq. ft. of building area would be required plus one stall per company vehicle. Under this regulation, a minimum of 335 parking stalls would be required without the additional stalls for company vehicles. It is important to remember that this area of land is still considered agricultural.
- 2) Landscaping: Per the LDO, six plant units are required per acre. With the site encompassing 45 acres, 270 plant units would be required. An additional 19 plant units would be required for the parking area and 14 street trees are required for the 690' of road frontage.
- 3) Sewer: The LDO requires that Industrial Uses be on public sewer. The property is roughly a mile from a public sewer inlet. A lift station would be required to transport the sewage as well as a crossing under Wea Creek.

If the intent of the stipulation is to ensure that, the expansion is in line with other industrial use expansions that have occurred in the past, this may be a precedent case. Staff is unaware of similar expansions on this scale of any use let alone a similar industrial use. Staff does not feel that the intent of this statement was to stifle the expansion but rather encourage growth of the business while protecting adjacent uses. In this situation, no uses have intensified in the area. It remains mostly agricultural with a few houses in the area. The strict applications of the LDO requirements were a concern at the original issuance of the Conditional Use Permit.

Planner Givens reported that at their May 15, 2007 meeting, the Planning Commission did consider the Site Plan as submitted to them. Mr. Doherty was in attendance as well as representatives from Davidson Brown, Architects & Engineers. Mr. Doherty explained that the expansion was necessary to improve his business operations and reduce the visible impact of machinery and material to adjacent property owners. The Planning Commission agreed with

staff that sometimes the Land Development Ordinance did not account for all situations and applying the regulations that would be required is not practical, especially applying the LDO regulations of an Industrial area in this Agricultural setting. The Commission did also state that Mr. Doherty has made a continued effort to maintain the property. After discussing the matter, the Planning Commission did approve the site plan as submitted.

Councilmember Rowlett stated that it was his feeling that the Land Development Ordinance does not always apply to situations in the Growth Area. He recommended that the Council may desire to review the LDO and if it can be applied in the growth area as it is in town.

Mayor Stuterville asked how many employees worked at the facility and how much parking was needed. Mr. Doherty indicated that there are approximately 30 employees with a need for no more than 40 vehicles. He indicated that the expansion was necessary to accommodate a change in the way that the plant will process the materials.

After additional discussion, Councilmember Dial made a motion to approve the preliminary and final site plan for Doherty Steel as presented. The motion was seconded by Councilmember Hamilton. Prior to voting, Councilmember Rowlett disclosed that his wife was an employee at Doherty Steel but he did not feel that this relationship had any influence on the way that he would vote on the issue. All voted aye and the motion passed 4 to 0.

**Agenda Item 5b - Discussion regarding a concept plan for providing sewer to a proposed development on the east side of Lake Miola.**

Planner Givens reported that Chad Crandell is presenting a concept plat for a future development south of Lakeview and on East Lake Miola Road. The concept as shown has 48 lots that exceed the required 12,000 sq. ft. minimum lot sizes for a Suburban Zone. In addition, each lot exceeds the required 90 ft. of lot frontage. The lots themselves are in line with those in the Lakeview South and Burr Oaks additions. It is important to remember that this is a concept plat and it does not take into account open space requirements as well as other topographical details of the property.

Planner Givens indicated that there are two key issues that Mr. Crandell has asked be addressed before the preliminary work on the development is begun, sewer and density.

Establishing a sewer system that can service the area has long been a problem for potential developers. The developer believes that he has a possible solution to the sanitary sewer issues that has hindered the development of this property. A 3" pressured sewer main is used to service much of Lakeview South. The sewer main runs along East Lake Miola Road across the dam to a manhole located on Hedge Lane. The developer feels that by taking a majority of Lakeview South off this line and in turn feeding the sewer system to Burr Oaks, the resulting capacity would be used to service the new development. Preliminary study suggests that this realignment of the sewer system may be feasible.

Planner Givens stated that Mr. Crandell realizes that if a further detailed study were to show that this realignment will work and the 3" main is sufficient to service his development the he or any other developer would be responsible financially for those changes in the existing sanitary system

as well as any other required infrastructure to establish service in the new area. The City would be in no way financially responsible for those changes to the existing system.

Planner Givens also reported that a secondary problem is the density at which the development can occur. The area is zoned Suburban which would allow for 90' wide lots that maintained 12,000 sq. ft. of lot space. The areas to the north are much larger than the required sizes for a Suburban District. At this point in Paola's development there has been much debate about the need for moderately priced housing and if the stock of luxury housing is too high. Ultimately, the density of this development will hinge on the detailed study of the sewer system. The assumption is that Mr. Crandell's plan will be feasible. At that time, the study could indicate that more houses may be built than the concept plat shows.

Planner Givens reported that at their May 15, 2007 meeting, the Planning Commission did review the Concept Plat and discussed the future development with staff and Mr. Crandell. The Planning Commission felt that the infra-structure issues were that of the City Council and City Staff to determine, while they did though feel that if the sewer study showed that the plan is feasible and the developer was to bear the costs associated with the needed change they would be supportive of the plat. As to the matter of density, the Planning Commission felt that Mr. Crandell or any other developer should not be required to create a sub-division that is above the minimums in the Land Development Ordinance. The Commissioners stated that the developers of the previous sub-divisions chose to build on larger lots.

Rowlett expressed concerns about the amount of additional traffic that would be generated on 299<sup>th</sup> Street over the Lake Miola Dam. He recommended that a traffic study be completed to determine the impact that the new subdivision would have on 299<sup>th</sup> Street.

Mayor Stuterville recommended that the size of the lots be consistent with Lakeview South and Burr Oaks. Mr. Crandell indicated that it would be his intent to develop approximately 60 lots that will be similar in size to those in Lakeview South and Burr Oaks.

Public Works Director Bieker indicated that his major concern was the sewer study. It was his recommendation that if the study shows that the capacity of the existing sewer is in any way marginal, then a new line with additional capacity should be required.

Planner Givens indicated that the developer of Burr Oaks is considering the addition of up to 25 new home sites near 287<sup>th</sup> Street. Councilmember Pritchard asked if the developer of Burr Oaks has been advised of these plans. Planner Givens stated that any sewer study would need to anticipate this additional volume. The additional lots for Burr Oaks would be given priority over the new development as the developer of Burr Oaks paid for the sewer at the north end of the lake.

After discussing the situation, the Council agreed that if the engineering study concluded that the capacities of the sewers would handle the new development, they would support the project.

#### **Agenda Item 5c - Report on the progress of the Baptiste Drive reconstruction project.**

Joe White with Anthony Construction Management reported that the final asphalt lift from 169 to Hospital Dr is complete. The final asphalt lift for balance of the project could be finished by next

week, depending on weather. He reported that there should be no traffic issues for the Holiday weekend. The sod for the Veterans Memorial is being installed today, just in time for the dedication on Monday.

The temporary seeding was discussed at length. Public Works Director Bieker indicated that his crews would be installing the bricks in the medians. He indicated that the brick installation could take some time to complete.

**Agenda Item 5d - Consider approval of the selection of a Grant Administrator for a CDBG grant application for ADA improvements to the Paola Community Center.**

Chad Myers, Community Center Director, presented a summary of the activities held at the Community Center over the last 3 months. He reported that over 3,000 people had attended events during that time. He also previewed events scheduled for the summer months.

Director Myers summarized the status of the design work for the remodeling work that will be funded by the ½ cent sales tax renewal. He reported that by May 31st, cost estimates for the improvements and a construction timeline would be presented by the architect. Bids for the improvements should be received by July 1<sup>st</sup>, and by August 1<sup>st</sup> construction should begin on the first phase of the renovation.

Director Myers reported that he attended a workshop for Community Development Block Grants earlier this year. He indicated that there are grants available through this program for ADA improvements to public buildings. He requested permission to hire a grant writer and administrator to prepare the grant application for the elevator and ADA bathrooms for the Community Center. Donna Crawford was recommended to write the grant application as she is familiar with our community at a cost of \$5,650.00.

Councilmember Rowlett asked Director Myers if he could write the grant application. He indicated that he has written grant applications but he had never written an application for the CDBG grants before. Manager Newton indicated that it was his experience that Donna Crawford was very competent in both grant writing and grant administration.

Mayor Stuterville asked if the fee for writing the grant could be paid from the sales tax funds. City Attorney Tetwiler indicated that the City's Bond Counsel would need to answer that question.

Councilmember Hamilton made a motion to request staff to obtain a contract from Donna Crawford for consideration at the next meeting and to determine if sales tax proceeds could be used to pay for the grant writer's fee. There was no second and the motion died.

**Agenda Item 5e - Consider an agreement with Treanor Architects, PA to design the new Fire Station.**

City Attorney Tetwiler presented a summary of the amendments to the agreement with Treanor Architects. He reported that Andy Pitts was very receptive to the amendments and was being very cooperative and he recommends that the contract be approved as amended.

After discussing the changes, Councilmember Rowlett made a motion to approve a contract with Treanor Architects, PA to design the new Fire Station and authorize the Mayor to sign on behalf of the City of Paola. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 4 to 0.

**Agenda Item 5f -Report on the status of the new Waste Water Treatment Plant.**

Mr. Greg Kendall with Larkin Group reported that CAS Construction has been on site at the new waste water treatment plant for the last two days and completed all but three items:

- 1) The grit pump is a warranty item. The pump froze during the winter as a result of a faulty thermostat. Parts for the pump should be in within the next week.
- 2) The overhead door in the sludge building does not operate properly. The president of the door company will be at the plant next week to resolve the problem.
- 3) SCADA program has a reporting issue and this issue should also be resolved next week.

All of the items that have been corrected will be reviewed by Larkin and the plant operator to make sure that every issue has been satisfactorily resolved. Once all of the items have been completed, KDHE will be contacted to schedule a final inspection for the plant.

Greg Kendall reported on the issues with the main lift station pumps. He indicated that when the pumps sit for a day or two without running, when they restart at low speed they act as if they have lost prime and have difficulty starting. The pumps are going to be reprogrammed to start at full speed for 20 or 30 seconds and then move to a slower speed. He indicated that the problem with the pump has been documented with the subcontractor and it will be resolved one way or another.

**Agenda Item 5g -Discussion regarding possible maintenance options for 295<sup>th</sup> Street.**

Manager Newton reported that he and Public Works Director Bieker have had several conversations regarding the maintenance options for 295<sup>th</sup> Street. He recommended that minimum maintenance including patch and chip and seal be performed on the City's section of 295<sup>th</sup> until the new through street is constructed in conjunction with the Northridge development.

Public Works Director Bieker indicated that one possible option for the City's section of 295<sup>th</sup> would be to bomag the street with a chip and seal overlay.

**Agenda Item 5h - Discussion regarding possible assistance to the citizens of the City of Greensburg.**

Clerk Droste reported that he has received numerous solicitations for assistance for the City of Greensburg. He presented two e-mails from the League of Kansas Municipalities regarding relief funds for Greensburg. Droste reported that any financial assistance would be unbudgeted and would come from the General Fund.

After discussing options for providing assistance, the Council recommended that the City Clerk post a survey on the website asking for input on the amount of assistance that Paola should

provide to the City of Greensburg, and to contact the League of Kansas Municipalities as to the level of support that other communities have provided.

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

Manager Newton reported that the City's mediation team would be meeting with Rural Water District No 2 at 9:00 am tomorrow morning. Councilmember Hamilton reported that he has a mandatory meeting that he is required to attend with his employer and he will be unavailable for the mediation meeting tomorrow.

Manager Newton commended former Manager VanderHamm on the work on the budget. Most of the budget work has been completed and will be re-reviewed with the department heads prior to presentation to the council.

Manager Newton asked the Council if there was any desire to include the City Hall or Library on the National Historic Register. He indicated that having these buildings on the Historic Register could make the City eligible for grants from the State Historical Society and tax credits that could be sold to raise additional funds. The Council directed Manager Newton to provide additional information at a future meeting.

Councilmember Hamilton asked to revisit his motion to request staff to obtain a contract from Donna Crawford for consideration at the next meeting and to determine if sales tax proceeds could be used to pay for the grant writer's fee. He felt that the motion was a directive to have Director Myers look into the situation further. Councilmembers Dial, Pritchard and Rowlett indicated that it was their feeling that there was a consensus for staff to provide the information and a motion was not necessary.

Manager Newton indicated that since there was no action on the motion that the issue would not be brought to the Council for further consideration. After discussing the issue, the Council agreed that there was a misunderstanding regarding the motion and they supported gathering additional information on the issue.

Councilmember Hamilton made a motion to request staff to obtain a contract from Donna Crawford for consideration at the next meeting and to determine if sales tax proceeds could be used to pay for the grant writer's fee. The motion was seconded by Councilmember Dial and all voted aye. The motion passed 4 to 0.

Councilmember Hamilton extended his apologies for not being able to attend the arbitration meeting with RWD 2.

Councilmember Rowlett invited the Governing Body and City Staff to attend the dedication of the Miami County Veterans Memorial on Monday, May 28<sup>th</sup> at 2:00 pm.

Councilmember Rowlett recommended that the Land Development Ordinance be reviewed regarding its application in the Growth Area. Mayor Stuteville recommended that any such review include the Planning Commission.

Councilmember Pritchard commented on how good the streets look.

Clerk Droste asked about the Council's attendance at the Chamber of Commerce Annual Dinner and the League of Kansas Municipalities Dinner.

Clerk Droste asked about the requirement for insurance for the band on the Park Square at the Gazebo in connection with the sidewalk sale on June 15<sup>th</sup>. After discussing the issue, the Council agreed that insurance would be required for the band's performance.

Mayor Stuterville recommended that discussion items be first presented to the Council at the Work Study Meetings before being included on the regular agendas.

Mayor Stuterville recommended that Jay Newton be appointed to fill the vacancy on the Marais Des Cygnes Public Utility Authority Board. Michael Hamilton made a motion to approve the Mayor's appointment of Jay Newton to the MDCPUA Board. The motion was seconded by Councilmember Dial and all voted aye. The motion passed 4 to 0.

#### **Agenda Item 7 – 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. The motion passed 4 to 0.

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Artie Stuterville, Mayor

ATTEST: (seal)

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Daniel G. Droste, City Clerk