

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

September 14, 2010

**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.

Councilmembers present: Mayor Stuteville and Council Members Pritchard, Wilhoite, Rowlett and Minden.

Council Members absent: None.

Also present: City Manager Wieland, City Clerk Droste, City Attorney Tetwiler, City Planner Gotfredson, Public Works Director Browning, Police Chief Smail, Paola Police Officers Jason Frizell and David West, Leslie Slyter, Lucy Secrest, Richard Lentz, Lyle Yarnell, Bettie Ore, Kim Smith, Larry Smith, Brice Smith, Carol Everhart with the Paola Chamber of Commerce, and Jesse Trimble from 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, Rowlett, and Minden 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.

Mr. Leslie Slyter addressed the Council regarding a drainage and erosion issue on his property that is being caused by water discharged from the new water tower next to his property. He provided pictures for the Council to review. Mayor Stuteville assured Mr. Slyter that prompt attention would be given to resolve the issue.

Mr. Lyle Yarnell addressed the Council regarding the placement of a fence on this property. He objected to the City’s regulations concerning building permits and restrictions for fences on private property. Mayor Stuteville invited Mr. Yarnell to make an appointment with City Manager Wieland to discuss his concerns.

Mrs. Lucy Secrest addressed the Council regarding the location of the Skate Board Park at Wallace Park. She noted that the proposed site is close to her property and she was concerned about the noise that the Skate Board Park would create. She asked if consideration could be given to locate the facility in a more isolated area of the park. Manager Wieland discussed some of the other locations that were considered for the facility and the reasons that they were not selected. However, Manager Wieland stated that he was not adverse to re-evaluating the location of the Skate Board Park and agreed to look at alternative sites in Wallace Park.

No one else addressed the Council.

Police Chief Smail introduced newly appointed Police Officers Jason Frizell and David West to the City Council. Mayor Stuteville welcomed them.

Agenda Item 4 - CONSENT AGENDA

- a. Approval of minutes of the meeting of August 24, 2010.
- b. Approval of Salary Ordinance 10-18 and 10-19.
- c. Approval of Appropriation Ordinance No 685.
- d. Approval of the Journal Entries Report for August, 2010.
- e. Approval of the Pledged Securities Report for August, 2010.
- f. Approval of the renewal of Class A Private Club Licenses for the American Legion and the Veterans of Foreign Wars.
- g. Approval of the renewal of a Retail Liquor Store License for Park Plaza Liquors.

Councilmember Rowlett made a motion to approve the Consent Agenda as presented and authorize the Mayor to sign. The motion was seconded by Councilmember Minden and all voted aye. The motion passed 4 to 0.

Agenda Item 5 - REPORTS OF OFFICERS, BOARDS AND COMMITTEES

Agenda Item 5a - Consider approval of an addendum to the Contract for Solid Waste Collection Services between L&K Services and the City of Paola to implement curbside recycling.

Manager Wieland presented an addendum to the Contract for Solid Waste Collection with L&K Services to implement curbside recycling. He reported that the addendum if approved in the present form would make the following changes to the present contract:

- 1) Revises the contract to include curbside recycling on a weekly basis by switching one of the current trash pickup days for each of the two collection routes to a recyclable collection day. As a result regular refuse would be picked up weekly on the first scheduled pickup day for each household and approved recyclable materials would be collected on the second pickup day.
- 2) Revises the contract definition of items to be collected as household waste and establishes a list of acceptable materials to be recycled.

- 3) Changes the total number of household waste containers to be picked up during the weekly collection from 6 for the current 2 pickups per week to 3 per week with an unlimited amount of recyclable materials being collected once weekly.
- 4) Eliminates the collection of lawn waste by L&K with the normal trash pick up services. Collection of lawn waste materials would be by a subscription method developed and priced by L&K Services.
- 5) Establishes a “collection sticker” program that would allow for more than the 3 container limit to be picked up by L&K Services. The extra collection stickers would be available from various sources around the community.
- 6) Residents will be provided a 23 gallon recycling container upon implementation of the recycling program and if additional containers are needed L&K Services will provide them. Residents may use their own containers for additional recycling needs if the containers are clearly labeled RECYCLING.

Manager Wieland reported that there have been rumors circulating around town that have indicated that the recycling program will cause a \$3.00 per month increase for the trash/recycling service. This rumor is not true. He reported that the current contract with L&K Services does have an annual increase built into the agreement and that he anticipates a \$0.50 per month increase around the first of next year, but the increase is not directly related to adding the recycling program.

Mayor Stuteville stated that she has received several comments about the changes pertaining to yard waste. Manager Wieland stated that the Council could request L&K Services to continue to collect lawn waste with the normal refuse stream until such time that the landfill requires segregation of the materials. Residents would still be required to stay within the container limit for pickups though. The Council could also look at the feasibility of setting up a city operated lawn waste collection and composting site. Staff has done preliminary work on the possibility of doing this type of operation and has determined it could be done with some on going expense. Other options include leaf and lawn waste collections as part of the spring cleanup and a special fall cleanup day or possibly having L&K set a collection box on city property for lawn waste collection.

Councilmember Rowlett agreed that the yard waste issue was the biggest change. He proposed that the City consider providing a free yard waste collection site and possibly provide free collection for persons who are not able to take yard waste to the collection site.

Councilmember Pritchard indicated that he personally called 31 people to ask their opinion on curbside recycling. He reported that 26 of the 31 supported curbside recycling, but yard waste was the biggest concern of the majority of those he contacted.

Public Works Director Browning discussed possible options and locations for a yard waste collection site at the Public Works Facility. He also discussed possible options at the County Landfill, but he indicated that nothing has been specifically established at the County. Manager Wieland indicated that it may take a little bit of time for the City to establish a free yard waste collection site and work out the details.

Councilmember Minden stated that although this issue has been ongoing for a number of years, the current discussion is new to this Council. He indicated that he has talked with

several individuals in his Ward and none are against recycling, however most have expressed concerns about the once weekly trash pick up and paying for extra bags. He expressed concerns that people would begin dumping trash in ditches and in business dumpsters. He asked if it was possible to offer recycling on Wednesdays by subscription and keep twice weekly trash pick up as it is.

Councilmember Minden stated that he was upset that residents at Prairie Place Apartments have already received a letter stating that the recycling program was already in place. Kim Smith with L&K Services explained that the information was provided to the apartment manager for information and that the manager in turn mailed it to the residents. Clerk Droste explained that apartment complexes contract directly with L&K Services for their waste disposal and are not covered by the City's contract.

Larry Smith with L&K Services addressed concerns about a subscription service for recycling and other issues that were raised by the Council.

After the discussion, Councilmember Rowlett made a motion to approve an addendum to the Contract for Solid Waste Collection Services between L&K Services and the City of Paola as presented and authorize the Mayor to sign. The motion was seconded by Councilmember Pritchard. Councilmembers Pritchard, Wilhoite, and Rowlett voted aye and Councilmember Minden voted nay. The motion passed 3 to 1.

Mr. Richard Lentz addressed the Council and apologized for his comments at the previous Council Meeting and stated that after he became aware of the details of the recycling program he was willing to give it a try.

Agenda Item 5b - Consider approval of proposal from Burlingame Concrete Construction for the Skate Park at Wallace Park.

and

Agenda Item 5c -Consider approval of proposal from Burge Fence for the Skate Park at Wallace Park.

Manager Wieland requested that discussion and action on Agenda Items 5b and 5c be tabled until a later date. He stated that if an alternative site is chosen for the Skate Board Park, the scope of the contracts for the concrete slab and the fence could change and these items may need to be re-bid.

Councilmember Wilhoite made a motion to table discussion and action on Agenda Items 5b and 5c until such time as City Staff have had an opportunity to review the location of the Skate Park at Wallace Park. The motion was seconded by Councilmember Rowlett and all voted aye. The motion passed 4 to 0.

Agenda Item 6 – NEW BUSINESS

Public Works Director Browning reported that work on the new lighting project at the Park Square is scheduled to begin on Monday. He indicated that unfortunately three trees would have to be removed to accommodate the new light poles. One of the trees is small and the

other two are larger, however one of the larger trees is dead and needs to be removed anyway. These trees were discussed at length and it was recommended that the Tree Board be consulted about replacing the trees.

Public Works Director Browning reported that the fountain in the Park Square was struck by lightning on Friday, however the damage was minimal and the fountain is now operational.

Public Works Director discussed the recent street chip and seal program. He explained that the oil application was cut back to reduce the “bleed through” however the amount of rock chips were not reduced. The additional rock is creating the dust problem. When the second chip and seal is applied, the amounts of oil and rock will be adjusted to minimize the dust problem. Manager Wieland indicated that the chip and seal program will be evaluated to see if it would be appropriate to use a slurry seal application in the future.

Carol Everhart, Director of the Paola Chamber of Commerce, reported that the Chamber would like to plant a tree on the Park Square in commemoration of the Chamber’s 90th Anniversary. She also reported that Hermes Nursery near 175th Street is giving away large trees for the cost of digging.

Carol Everhart, Director of the Paola Chamber of Commerce, reported that the \$80,000 donation from Mr. & Mrs. Jack Goss has been received to pay for the Veterans Lighting Project on the Park Square. The dedication ceremony is being planned for November 18th.

Carol Everhart, Director of the Paola Chamber of Commerce, reported that the annual Chamber Casino Night is planned for this coming Saturday, September 18th. She also reported that on September 22nd, a series of free business trainings will begin. The first class is titled “Three Strategic Steps to Leadership Development in your Business”. Also, the “State of the City Breakfast” will be held on September 22nd here at the Paola Justice Center.

Manager Wieland presented a report on real estate valuations and trends that was discussed at the Intergovernmental Breakfast Meeting this morning.

Councilmember Minden reported that he had received a suggestion that the Council should consider acquiring additional property for the Paola Cemetery.

Councilmember Rowlett expressed concerns about the erosion issue at the Slyter Property. He asked that prompt attention be given to resolving the issue.

Councilmember Pritchard asked about the status of the drainage project at Whitaker Park. Public Works Director Browning reported that the contractor should complete the project very soon depending on the weather.

Councilmember Pritchard asked Public Works Director Browning to review a problem with standing water at 101 Hillcrest Dr.

Agenda Item 7 - Executive Session for the purpose of discussing personnel matters of non-elected personnel. K.S.A. 75-4319(B)(1) is the authority for this recess.

Councilmember Rowlett made a motion to adjourn to Executive Session, to include the Mayor and City Council, for 20 minutes for the purpose of discussing personnel matters of non-elected personnel; the regular meeting to reconvene at 7:30 p.m. The motion was seconded by Councilmember Minden and all voted aye. The motion passed 4 to 0.

At 7:30 pm the Executive Session concluded and Councilmember Pritchard made a motion to reconvene the adjourned meeting. The motion was seconded by Councilmember Wilhoite and all voted aye. The motion passed 4 to 0.

No action was taken pursuant to the Executive Session.

Agenda Item 8 – ADJOURNMENT.

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

Artie Stuteville, Mayor

ATTEST: (seal)

Daniel G. Droste, City Clerk