

**MINUTES OF THE COUNCIL MEETING
OF THE CITY OF PAOLA, KANSAS
6:00 O’CLOCK P.M.
September 9, 2014**

**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.

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, Public Works Director Craig Browning, Police Chief Dave Smail, Richard Lentz, and Brian McCauley with 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, House, and Nickelson 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. No one addressed the Council.

Agenda Item 4 - CONSENT AGENDA:

- a. Approval of minutes of the regular meeting of August 26, 2014.
- b. Approval of Salary Ordinance 14-20.
- c. Approval of Appropriation Ordinance No 784.
- d. Approval of the Journal Entries Report for August, 2014.
- e. Approval of the Pledged Securities Report for August, 2014.
- f. Approval of the renewal of a Drinking Establishment for Apple Central, LLC, doing business as Applebee’s Neighborhood Grill & Bar.

Council Member Pritchard made a motion to approve the Consent Agenda 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.

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

Agenda Item 5a – Consider acceptance of the Engagement Letter from Piper Jaffray to refinance the outstanding Series 2007A City of Paola General Obligation Bonds.

Manager Wieland presented an Engagement Letter and Disclosures from Piper Jaffray & Co. related to the refinancing of the Series 2007A General Obligation Bonds for the City. He went on to explain that under new federal regulations, underwriters are now required to send certain disclosures to the Issuer of the Bonds. They are also required to have acknowledgement that the City has received this letter and disclosures prior to proceeding with the refinancing.

After additional discussion, Council Member Wilhoite made a motion to accept the Letter of Engagement and Acknowledgement of Disclosures from Piper Jaffray & Co. to refinance the outstanding Series 2007A City of Paola General Obligation Bonds and authorize the Mayor to sign. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0.

Agenda Item 5b – Consider a Resolution authorizing the issuance of Bonds to refinance the outstanding Series 2007A City of Paola General Obligation Bonds.

Manager Wieland reported that the first step in the process of issuing the General Obligation Bonds is to adopt a Resolution authorizing the issue. This Resolution authorizes the preparation of the Preliminary Official Statement and the Official Statement for the Bonds and other actions necessary to prepare for the bond offering.

After additional discussion, Council Member Nickelson made a motion to approve A RESOLUTION OF THE CITY OF PAOLA, KANSAS AUTHORIZING AND PROVIDING FOR THE UNDERWRITING AND OFFERING FOR SALE OF THE CITY'S GENERAL OBLIGATION REFUNDING BONDS, SERIES 2014 IN THE APPROXIMATE AGGREGATE PRINCIPAL AMOUNT OF \$2,465,000. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0 and the Resolution was assigned number 2014-005.

Agenda Item 5c – Consider Adoption of the 2014 Uniform Public Offense Code.

Clerk Droste reported that the City has adopted the Uniform Public Offense Code (UPOC) since 2004. This document is published annually by the League of Kansas Municipalities incorporating any new statutory changes passed by the State Legislature. Since it was first adopted, the City has chosen to omit certain sections of the UPOC, specifically: Section 6.16 - Giving a Worthless Check; and Section 6.19 - Equity Skimming. These sections are omitted because the natures of these offenses are such that they are more appropriately dealt with in District Court rather than in Municipal Court.

After additional discussion, Council Member Pritchard made a motion to approve AN ORDINANCE AMENDING SECTION 205.005 OF THE CODE OF THE CITY OF PAOLA, KANSAS, 2009, REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF PAOLA, KANSAS; INCORPORATING BY REFERENCE THE "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES, EDITION OF 2014", WITH CERTAIN OMISSIONS. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 4 to 0 and the Ordinance was assigned number 3073.

Agenda Item 5d – Consider Adoption of the 2014 Standard Traffic Ordinance.

Clerk Droste reported that the City has adopted the Standard Traffic Ordinance (STO) annually since 1993. This document is published annually by the League of Kansas Municipalities incorporating any new statutory changes passed by the State Legislature. In past years, the City Council has adopted the STO without modification or omission. However, the City Council has previously adopted Ordinances relating to all-terrain vehicles and the lawful operation of golf carts on city streets. Therefore, Sections 114.1 and 114.4 are deleted in preference to the City's ordinances. Additionally, Section 194 and 195.1 of the STO provides for minimum mandatory sentencing of 90 days in jail and a \$1,500 fine for a third conviction for driving with a canceled, suspended, or revoked license. Per the advice of the City Attorney, Section 194 is amended to remove language referring to this minimum mandatory sentencing and Section 195.1 is deleted.

After additional discussion, Council Member Pritchard made a motion to approve AN ORDINANCE AMENDING SECTION 300.010 OF THE CODE OF THE CITY OF PAOLA, KANSAS, 2009, INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES, EDITION OF 2014", WITH CERTAIN OMISSIONS AND AMENDMENTS; AND AFFIRMING THAT SECTION 305.060 UNLAWFUL OPERATION OF ALL-TERRAIN AND UNREGISTERED VEHICLES AND SECTION 305.070 OPERATION OF GOLF CARTS OF THE CODE OF THE CITY OF PAOLA, KANSAS, 2009, ARE NOT AMENDED, MODIFIED OR REPEALED. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 4 to 0 and the Ordinance was assigned number 3074.

Agenda Item 5e – Consider approval of a Street Closure Application for the Miami County 4-H Foundation's "Clover Run" 5K.

Clerk Droste presented a request from the Miami County 4-H Foundation to close Wallace Park drive for their annual "Clover Run" scheduled for Saturday, November 15th at Wallace Park.

After additional discussion, Council Member Wilhoite made a motion to approve the Street Closure Application for the "Clover Run" 5K at Wallace Park on Saturday, November 15, 2014. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0.

Agenda Item 6 – NEW BUSINESS

Clerk Droste reported that the League of Kansas Municipalities Annual Conference will be held in Wichita from October 11th through the 13th. After a discussion, it was determined that no one from the City will be attending the conference this year.

Manager Wieland reported that the Library would be moving back into their remodeled facility in mid-October. The project should be substantially complete by the end of September.

Manager Wieland reported that Wilson and Company will be providing comments on the replat of the remaining lots in Indian Hills Subdivision.

Manager Wieland reported that he will be out of the office next week to attend the ICMA conference in Charlotte North Carolina.

Council Member Pritchard mentioned that the weeds in Whitaker Park need to be treated and there are cracks in the new asphalt in front of 102 Hillcrest Drive.

Agenda Item 9 – ADJOURNMENT

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

Artie Stuteville, Mayor

ATTEST: [seal]

Daniel G. Droste, City Clerk