

**MINUTES OF THE COUNCIL MEETING
OF THE CITY OF PAOLA, KANSAS
6:00 O’CLOCK P.M.
August 23, 2016**

**Held in the Municipal Court Room 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: No one was absent.

Also present: City Manager Jay Wieland, City Clerk Dan Droste, City Attorney Lee Tetwiler, City Planner Mike Gotfredson, Interim Public Works Director Kirk Rees, Deputy Chief of Police Don Poore, Craig Browning, Pam Thompson, William Thompson, Bill Coulter, George Gentry, Renee Slinkard, Brian McCauley with the Miami County Republic, and others.

CALL TO ORDER: The regular council meeting was called to order by Mayor Stuteville.

ROLL CALL: Mayor Stuteville and Council Members Pritchard, Wilhoite, House, and Nickelson were present. No one was absent.

Amendment to Agenda: Mayor Stuteville announced that there was an amendment to the agenda to add Agenda Item 4-e to consider a request for a street closure for 1st Lutheran Church.

PRESENTATION OF A PROCLAMATION: Renee Slinkard with the Daughters of the American Revolution read comments regarding the importance of Constitution Week and discussed facts pertaining to Constitution Hall. Mayor Stuteville read a Proclamation naming the week of September 17th through the 23rd as Constitution Week.

Agenda Item 1 - CONSENT AGENDA

- a. **Approval of minutes of the meetings of August 8 and August 16, 2016**
- b. **Approval of Salary Ordinance 16-17.**
- c. **Approval of Appropriation Ordinance No 834.**
- d. **Approval of the renewal of the Drinking Establishment License for Applebee’s.**

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 2 - COMMENTS FROM THE PUBLIC

Bill Coulter addressed the City Council in regard to a recent newspaper article in regard to closing the north end of Holly Lane. He indicated that he was representing the Holly Lane Homeowners Association and Holly Lane residents in attendance and he spoke in opposition to closing Holly Lane to thru traffic. He proposed a number of alternatives to closing the street. Mayor Stuteville noted that no decision had been made to close the street and that the residents would be advised of future discussions regarding Holly Lane.

No one else addressed the Council.

UNFINISHED BUSINESS

Update on the status of repairs and improvement to 401 E Kaskaskia pursuant to Resolution No 2016-006.

City Planner Gotfredson reported that since the June 28th City Council meeting, the owners of 401 E Kaskaskia have made significant progress in cleaning up the property. He noted that the property was inspected on August 16th and only one bedroom and the basement remain excessively cluttered. However, he noted that serious concerns remain about plumbing, HVAC, rotting and mold and the property is not in compliance with Resolution No 2015-006. Planner Gotfredson suggested that the Council consider granting an additional 60 days to complete the removal of the clutter and obtain a building permit for repairs or removal.

Mr. Thompson addressed the Council and indicated that there is just one room and the basement to clear out. City Attorney Tetwiler asked Mr. Thompson to confirm that “getting it done” includes obtaining a building permit to either make necessary repairs or tear down the structure within the additional 60 day time period. Mr. Thompson agreed.

After additional discussion, Council Member Wilhoite made a motion to grant the owner of 401 E Kaskaskia additional time to complete the clean-up of the property, obtain a building or demolition permit, and complete all necessary repairs or the removal of the building, all to be completed on or before October 25, 2016. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0.

NEW BUSINESS

Agenda Item 4a - Consider Adoption of the 2016 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; Section 6.19 - Equity Skimming; and Section 3.1.1 – Domestic Battery. 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 2016”, 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 3100.

Agenda Item 4b - Consider Adoption of the 2016 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 Nickelson 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 2016", 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 House and all voted aye. The motion passed 4 to 0 and the Ordinance was assigned number 3101.

Agenda Item 4c - Consider an application for street closure for the “Steph Strong 5K/10K”.

Clerk Droste reported that he received a Community Event Permit Application and a Street Closure Application from Elizabeth Stanchfield who is organizing the 1st annual “Steph Strong 5K/10K”. The event is scheduled to take place at Lake Miola on Saturday, September 10th at 9:00 am and is estimated to attract 200 or more participants. He reported that the event is planned to be held primarily on the Paola Pathways Trails at Lake Miola, however a portion of the 10K route will involve 299th Street from West Lake Miola Drive across the dam to East Lake Miola Drive. This portion of the 299th Street will likely only be closed for about 30 minutes or so while participants run that portion of the race course. Lake area residents should not be impacted by this closure.

After additional discussion, Council Member House made a motion to approve the street closure request to close a portion of 299th Street at Lake Miola for the “Steph Strong 5K/10K at Lake Miola on Saturday, August 9th from approximately 9:00 to 10:00 am. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 4 to 0.

Agenda Item 4d - Consider acknowledgement of the submission of the 2015 Operating Data and Financial Information to the Electronic Municipal Market Access (EMMA) system.

Clerk Droste reported that in compliance with that the City’s Continuing Disclosure Policy, the 2015 Operating Data and Financial Information for the City of Paola was electronically filed on the Electronic Municipal Market Access (EMMA) system on August 10, 2016. This information was filed with EMMA by Piper Jaffray. He noted that also in compliance with the policy, the City Council was notified via a written memorandum on August 12th that the filing had been completed.

After additional discussion, Council Member Nickelson made a motion to acknowledge that in compliance with Section II (2) of the Continuing Disclosure Policy for the City of Paola, the City Clerk did provide to the Governing Body written confirmation from EMMA that the 2015 Operating Data and Financial Information for the City of Paola has been submitted and filed properly with the Municipal Securities Rulemaking Board through EMMA on August 10, 2016. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 4 to 0.

Agenda Item 4e - Consider a request for a street closure for 1st Lutheran Church.

The First Lutheran Church is requesting a temporary street closure of the 400 Block of East Piankishaw Street to accommodate their Discipleship Day Event. The event is scheduled for Sunday, September 11th from 11:00 am to 4:00 pm. The church owns all of the properties in the 400 Block of East Piankishaw so none of the neighboring residences will be isolated by the street closure.

After additional discussion, Council Member Wilhoite made a motion to approve a temporary street closure of the 400 Block of East Piankishaw Street on September 11th from 11:00 am to 4:00 pm. The motion was seconded by Council Member Pritchard and all voted aye. The motion passed 4 to 0.

Agenda Item 5 - COMMITTEE REPORTS

There were no Committee Reports presented.

Agenda Item 6 - STAFF REPORTS

Manager Wieland reported that he has accepted, with regrets, the resignation of Craig Browning as Public Works Director. He thanked Mr. Browning for his 7 years of service to the City of Paola. Manager Wieland also announced that Kirk Rees has been appointed Interim Public Works Director as the search for a new Public Works Director begins.

Deputy Chief of Police reminded everyone that the retirement reception for Detective Paul Argeropoulos will be tomorrow at 11:00 am.

Interim Public Works Director reported that everyone is working to get ready for the Roots Festival this coming weekend.

Agenda Item 7 - MISCELLANEOUS MATTERS FROM THE COUNCIL

All of the City Council extended thanks Craig Browning for his service and congratulated Kirk Rees on his new position with the City.

Agenda Item 8 - MISCELLANEOUS MATTERS FROM THE MAYOR

Nothing additional was discussed.

Agenda Item 9 – ADJOURNMENT

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

Artie Stuteville, Mayor

ATTEST: [seal]

Daniel G. Droste, City Clerk