

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

**September 23, 2008**

**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 Stuteville presiding.

Councilmembers present: Mayor Stuteville, Council Members Pritchard, Dial, Rowlett, and Bell.

Council Members absent: None

Also present: Clerk Droste, Police Chief Smail, Public Works Director Bieker, Larry Cole, Chuck Lamb, Tom Newman, Jane Newman, Alan Everhart, Tom Doherty, Tammy Cole, Greg Cole, Eric Schindler, Christine Lester, Chris Medlien, Holy Medlin, Luke DeGrande, Phil Liebnitz, Libby Liebnitz, Kate Anderson, Tony Moah, Les Farris, and others.

**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, Dial, Rowlett, and Bell were all present.

**Agenda Item 3 - PETITIONS, REMONSTRANCES, AND COMMUNICATIONS**  
Larry Cole of 29475 Lone Star Road addressed the Council questioning the necessity of enforcing the City’s political sign ordinance in the growth area outside the city limits.

Alan Everhart, Luke DeGrande, Tammy Cole, Les Farris, Tom Doherty and Phil Liebnitz addressed the Council regarding a recent meeting of the Lake Miola Committee where the regulations and fees for the private docks were discussed. As a group, they voiced objections to the potential increase of the dock fees from \$35 to \$100 and more per dock side. The group agreed that enforcement of new codes that required the use of encapsulated Styrofoam floats and other safety issues was needed. The group questioned the fact that the Lake Committee meetings are held at 3:00 pm and most dock owners cannot attend the meetings. After discussing the issue at length, Mayor Stuteville suggested that a meeting to discuss the matter could be held in the evening so that the dock owners could attend.

**Agenda Item 4 - CONSENT AGENDA**

a. **Approval of minutes of the meetings of September 9, 2008.**

- b. **Approval of Salary Ordinance number 08-18.**
- c. **Approval of Appropriation Ordinance No. 637.**
- d. **Approval of the renewal of a Retail Liquor License for Park Plaza Liquor.**
- e. **Approval of the renewal of Class A Private Club Licenses for the VFW and American Legion.**

Councilmember Dial made a motion to approve the Consent Agenda including the minutes of the September 9, 2008 meeting, Salary Ordinance No. 08-18, and Appropriation Ordinance No. 637, renewal of a Retail Liquor License for Park Plaza Liquor, and the renewal of Class A Private Club Licenses for the VFW and American Legion, and authorize the Mayor to sign. Councilmember Pritchard seconded the motion and all voted aye. The motion passed 4 to 0.

## **Agenda Item 5 - REPORTS OF OFFICERS, BOARDS AND COMMITTEES**

### **Agenda Item 5a – Consider a request to reduce the speed limit on Grandview Drive.**

Clerk Droste reported that he has received a request from Holly Medlin to reduce the 30 mph speed limit on Grandview Drive. Mrs. Medlin lives at 8 Grandview Drive and offers the following as support for this request:

- 1) there are 29 children that live on that block.
- 2) the number of cars that park along both sides of the street that make it difficult to see the children playing.
- 3) there are several drivers who like to push the existing 30 mph limit.
- 4) there are already “children playing” signs posted.

Clerk Droste indicated that the concern is that the 30 mph limit is too high for the character of the neighborhood. He reported that the issue was discussed by City Staff and although there is agreement that 30 mph may be too fast for the character of these streets, this neighborhood may not be unique when compared to other residential streets in town.

Mrs. Holy Medlin and other residents addressed the Council expressing their concerns about the safety of the children that live in the neighborhood. They reported that due to the number of vehicles that are parked along the streets, it makes it very difficult for drivers to see children playing in the area. Additionally, many homes have steep yards and drive ways that create an environment that encourages the children to play and ride bicycles in the street. The group indicated that the current children playing sign is hidden by a tree, shrubs at the intersections create an obstruction for drivers, and drivers use the neighborhood as a route to avoid the intersection at Pearl and Baptiste. One resident suggested that the intersection of Pearl and Grandview be closed so that all traffic enters and exits off of Baptiste Drive.

Councilmember Rowlett suggested that placing stop signs at the intersection of Grandview and Walnut may sufficiently slow traffic. Mayor Stuteville suggested that the speed sensors be installed to monitor traffic patterns in the neighborhood. Public Works Director Bieker indicated that he would also install additional Children Playing signs and trim the obstruction on the existing signs.

Councilmember Rowlett made a motion to table action on the issue until staff reports back on traffic data for the neighborhood. The motion was seconded by Councilmember Dial and all voted aye. The motion passed 4 to 0.

**Agenda Item 5b - Consider Adoption of the 2008 Standard Traffic Ordinance.**

Clerk Droste presented the 2008 Standard Traffic Ordinance (STO) and an Ordinance adopting same. He reported that the STO is published by the League of Kansas Municipalities and is updated annually to incorporate changes in State statutes. The STO has been adopted annually by the City since 1993.

City Attorney Tetwiler reported that many of the minimum sentences for serious offenses have been increased by the State and the Council needs to be aware of the potential costs involved with incarcerating an offender.

After discussing the issue, Councilmember Dial made a motion to approve AN ORDINANCE AMENDING SECTION 300.010 OF THE CODE OF THE CITY OF PAOLA, KANSAS, 1997, INCORPORATING BY REFERENCE THE “STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES”, EDITION OF 2008. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 4 to 0. Clerk Droste assigned No. 2978 to the Ordinance.

**Agenda Item 5c – Consider Adoption of the 2008 Uniform Public Offense Code.**

Clerk Droste presented the 2008 Uniform Public Offense Code (UPOC) and an Ordinance adopting same. He reported that like the STO, the UPOC is published by the League of Municipalities and updated annually to incorporate changes in State statutes.

Clerk Droste reported that the Council has adopted the UPOC annually since 2004 and has chosen to omit the following sections:

Section 3.8	Violation of Protection From Abuse Order
Section 6.16	Giving a Worthless Check
Section 6.19	Equity Skimming
Section 8.1	Denial of Civil Rights
Section 9.5	Maintaining a Public Nuisance
Section 9.6	Permitting a Public Nuisance
Section 10.19	Sale of Medicines and Drugs through Vending Machines

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 discussing the issue, Councilmember Rowlett made a motion to approve AN ORDINANCE AMENDING SECTION 205.005 OF THE CODE OF THE CITY OF PAOLA, KANSAS, 1997, 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 2008, WITH CERTAIN OMISSIONS. The motion was seconded by Councilmember Dial and all voted aye. The motion passed 4 to 0. Clerk Droste assigned No 2979 to the Ordinance.

**Agenda Item 5d – Consider approval of pay estimate #3 for the Paola Community Center.**

Clerk Droste presented pay estimate #3 in the amount of \$102,718.00 to Legacy Contractors for the Paola Community Center renovation for consideration.

After discussing the request, Councilmember Pritchard made a motion to approve pay estimate #3 in the amount of \$102,718.00 to Legacy Contractors, LLC for the Paola Community Center renovation. The motion was seconded by Councilmember Dial and all voted aye. The motion passed 4 to 0.

**Agenda Item 5e - Consider approval of pay estimate #9 for the Paola Justice Center.**

Clerk Droste presented pay estimate #9 in the amount of \$225,773.40 to Altmar, Inc. for the Paola Justice Center for consideration.

Police Chief Smail reported that a dedication for the new facility is being planned for the December Council meeting with a public open house later that month.

After discussing the request, Councilmember Dial made a motion to approve pay estimate #9 in the amount of \$225,773.40 to Altmar, Inc. for the Paola Justice Center. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 4 to 0.

**Agenda Item 5f - Consider approval of invoices from Municipal Emergency Services from the Goss Donation Fund.**

Clerk Droste presented invoices from Municipal Emergency Services in the amount of \$33,942.98 for new SCBA equipment for the Fire Department. He reported that the purchase of the equipment was approved by the Goss Family as a part of their \$200,000 donation to the City for this and improvements to the gazebo and fountain on the Park Square.

Clerk Droste reported that the Goss Family requested that expenses paid from their donation be approved by the Council and by Carol Everhart with the Chamber of Commerce. He reported that Carol Everhart did approve the invoices prior to this presentation to the Council.

After discussing the issue, Councilmember Prichard made a motion to approve invoices from Municipal Emergency Services for SCBA Equipment for the Paola Volunteer Fire Department in the amount of \$33,942.98 to be paid from the Goss Donation Fund. The motion was seconded by Councilmember Dial and all voted aye. The motion passed 4 to 0.

**Agenda Item 6 – NEW BUSINESS.**

Public Works Director Bieker reported that renovations to the Gazebo are moving along. A “wrap” for the lower portion of the columns will be installed that will repair the rusted areas and the roof has been removed and the new shingles will be installed soon. He also reported that the chip-seal street projects are completed.

Public Works Director Bieker asked for direction on the dock issue with the Lake Committee. Councilmember Dial thanked Bieker for his efforts in dealing with the issue. After additional discussion, the Council agreed that the letters should be sent out and an evening meeting with the Lake Committee and the dock owners should be set up a couple of weeks later.

Clerk Droste reported that the City will be required to adopt an Identity Theft Prevention Policy as required by the Federal Trade Commission as a part of the Fair and Accurate Credit Transactions Act of 2003. The policy must be in place by November 1<sup>st</sup>.

Clerk Droste also reported that training for the acceptance of Credit and Debit Card transactions is scheduled for Thursday and accepting these payments will begin as soon as operational procedures are established.

Councilmember Rowlett reported that he and Clerk Droste would be attending the KDOT meeting in Pittsburg, KS on Friday to present the City's Transportation Resolution.

Mayor Stuteville reported that the City will receive a \$34,000 grant from the Baehr Foundation for the skate board park in Wallace Park.

**Agenda Item 7 – ADJOURNMENT.**

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

---

Artie Stuteville, Mayor

ATTEST: (seal)

---

Daniel G. Droste, City Clerk