

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

September 28, 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, Richard Lentz, 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.

No one addressed the Council.

Agenda Item 4 - CONSENT AGENDA

- a. Approval of minutes of the meeting of September 14, 2010.
- b. Approval of Salary Ordinance 10-20.
- c. Approval of Appropriation Ordinance No 686.
- d. Approval of the renewal of Class B Private Club Licenses for the Paola Country Club.

Councilmember Minden made a motion to approve the Consent Agenda as presented and authorize the Mayor to sign. The motion was seconded by Councilmember Rowlett 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 a new Cereal Malt Beverage License for Lisa Evans d/b/a/ Paola Pit Stop at 812 S Silver.

Clerk Droste presented a request for a new Cereal Malt Beverage License from Lisa Evans for the Paola Pit Stop at 812 S Silver. Droste reported that the new business will be a combination carry out restaurant and convenience store. They do not have plans to sell gasoline.

Mayor Stuteville asked about the status of the gasoline tanks. The issue regarding removal of the tanks was discussed.

After the discussion, Councilmember Rowlett made a motion to approve a new Cereal Malt Beverage License for Lisa Evans doing business as Paola Pit Stop at 812 S Silver subject to a satisfactory fire safety inspection and the issuance of an occupancy permit. The motion was seconded by Councilmember Pritchard. Councilmembers Pritchard, Rowlett, and Minden voted aye and Councilmember Wilhoite voted nay. The motion passed 3 to 1.

Agenda Item 5b - Adoption of the 2010 Uniform Public Offense Code.

Manager Wieland presented an Ordinance adopting the 2010 Uniform Public Offense Code with omissions. He reported that this adopting ordinance is similar to the adopting ordinance approved in previous years.

After discussion, Councilmember 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 2010", WITH CERTAIN OMISSIONS; AND AFFIRMING THAT SECTION 205.240 CRIMINAL USE OF WEAPONS OF THE CODE OF THE CITY OF PAOLA, KANSAS, 2009 IS NOT AMENDED, MODIFIED OR REPEALED. The motion was seconded by Councilmember Wilhoite and all voted aye. The motion passed 4 to 0. The Ordinance was assigned number 3023.

Agenda Item 5c - Consider Adoption of the 2010 Standard Traffic Ordinance.

Clerk Droste presented an Ordinance adopting the 2010 Standard Traffic Ordinance with omissions and amendments. He reported that Section 194 of the Standard Traffic Ordinance 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, this Section is amended to remove language referring to this minimum mandatory sentencing to allow these cases to be processed in District Court rather than Municipal Court.

After discussion, Councilmember Rowlett 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 2010", WITH CERTAIN OMISSIONS AND AMENDMENTS; AND AFFIRMING THAT SECTION 305.070 OPERATION OF GOLF CARTS OF THE CODE OF THE CITY OF PAOLA, KANSAS, 2009, IS NOT AMENDED, MODIFIED OR REPEALED. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 4 to 0. The Ordinance was assigned number 3024.

Agenda Item 5d - Consider Approval of an Agreement with the Lighthouse Church for Sidewalk Installation.

Manager Wieland presented an agreement with the Lighthouse Church for the installation of a sidewalk on the east side of the church property along Hedge Lane. He reported that the agreement included some changes to the previous draft to conform with State Statutes relating to the formation of any potential future benefit district. The agreement calls for the installation of the sidewalk upon the occurrence of any of the following events:

- 1) Within 3 years after the City issues a building permit for Phase I of the construction project.
- 2) When the City or County improves Hedge Lane from 303rd Street to Lake Miola Road.
- 3) The construction of Heatherwood Drive westerly from Hedge Lane Road.
- 4) The construction of improvements on the property north of the Church's property on Hedge Lane.

The church will pay the City \$23,000 at the time that the agreement is signed to pay for the installation of the sidewalk. The City will then be responsible for installing the sidewalk when one of the four conditional events occurs.

Councilmember Minden recalled that the approval of the site plan for the church as the site plan was conditioned upon the installation of the sidewalk during construction of Phase I. He suggested that the original approval should be modified to provide for this agreement. City Attorney Tetwiler agreed.

After discussion, Councilmember Rowlett made a motion to approve an Agreement with the Lighthouse Church and authorize the Mayor to sign; and that the condition requiring sidewalks be completed prior to the time that the final occupancy permit is issued for the Lighthouse Church be deleted from the approval of the site plan that was passed by the City Council on June 22, 2010. The motion was seconded by Councilmember Wilhoite and all voted aye. The motion passed 4 to 0.

Agenda Item 6 – NEW BUSINESS

Clerk Droste reminded those in attendance that the "State of the City Breakfast" sponsored by the Paola Chamber of Commerce will be held at 7:30 tomorrow morning.

Clerk Droste reported that reservations have been sent in for the League of Kansas Municipalities Conference that will be held in Overland Park on October 10, 11, and 12. He also reminded the Council that the closest LKM Regional Supper will be held in Leavenworth in mid-November.

Clerk Droste presented reports for Sales Tax and for all tax revenues for the month of September.

Manager Wieland reported that six of the new light poles have been installed on the Park Square. He is researching options for new poles for the stop signs near the park.

Manager Wieland reported that repairs to the erosion on the Slyter property were underway and should be completed soon.

Manager Wieland reported that he and Public Works Director Browning have been looking at alternate sites for the skate park, but none appear to be suitable due to the site grades involved. He also reported that the City's insurance company has indicated that it will insure a park for BMX bicycles, however the BMX park must be separate from the skate park. In other words, the City would have to construct two separate parks to accommodate the BMX bicycles. Additionally, fencing is required for the skate park by the insurance company as a safety requirement.

Councilmember Minden reported that a resident complained about a vase at the cemetery that had been knocked over by one of the mowers. He asked that the mowing crews be made aware and make an effort to replace items that are accidentally disturbed while mowing.

Councilmember Minden asked about a sump pump that drains to the curb on Main Street. The water flows across the street and freezes in the winter. He asked if there was anything that could be done about the issue. Public Works Director Browning indicated that the only way to resolve the issue would be to extend a storm sewer pipe and inlet box to the area.

Councilmember Minden also asked about the lack of a curb on Main Street near the intersection of Hospital Drive.

Councilmember Minden asked if the issue for no parking in front of the churches could be revisited.

Councilmember Wilhoite reported that she had received a complaint from a resident on Chippewa Street regarding a no parking sign that had been removed. This resident asked that the City send letter directly to all residents affected by ordinance and resolution changes. City Attorney Tetwiler cautioned that State Statue dictates public noticing requirements.

Councilmembers Minden and Rowlett commented on the chip and seal on Main Street and Waterworks Road. Public Works Director Browning reported that Main Street was swept recently and Waterworks Road was swept today. He reported that alternatives to limestone chips would be considered for future maintenance projects.

Agenda Item 7 – ADJOURNMENT.

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

Artie Stuteville, Mayor

ATTEST: (seal)

Daniel G. Droste, City Clerk