

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

**November 23, 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 Planner Gotfredson, Public Works Director Browning, Deputy Police Chief Poore, Richard Lentz, Dick Allenbrand, Alan Hire, Carol Everhart with the Paola Chamber of Commerce, and Jesse Kratz 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.

**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 November 9, 2010.
- b. Approval of Salary Ordinance 10-24.
- c. Approval of Appropriation Ordinance No 690.
- d. Approval of the renewal of a Drinking Establishment License for Applebee’s.
- e. Approval of the renewal of a Retail Liquor License for County Seat Liquor.
- f. Approval of a leak allowance for 908 Pawnee Drive.

Councilmember Rowlett made a motion to approve the Consent Agenda as presented and authorize the Mayor to sign. The motion was seconded by Councilmember Wilhoite 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 Preliminary Plat for Lakeview Country Estates.**

City Planner Gotfredson presented a preliminary plat for Lakeview Country Estates, commonly known as the Messer Farm. He reported that the plat is a “rough idea” of what the final plat may be and some details remain to be worked out.

Planner Gotfredson reported that the property would be annexed into the City at the time that the final plat would be approved. He also reported that there are several issues related to zoning to be considered with the plat. First, because of other existing access points and the grade of the property along Old KC Road, providing two access points is problematic. Staff has discussed with the applicant the provision of making the one access point accommodate three vehicles at the entrance (one left turn lane, one right turn lane, and one entrance lane) with a second emergency access to be provided somewhere else. The emergency access is identified on the plat as “Tract B” between lots 109 and 110. Dick Allenbrand with Allenbrand-Drews reported that the emergency access will be relocated between lots 110 and 111 with access from the parking lot of My Father’s House.

Additionally discussion specific to the Council includes the property transfer from the City to the applicant and the maintenance of the open space. Public Works Director Browning reported that the tract that would be transferred to the developer would be used to create a second pond with additional green space. The property is located south of the City’s pre-sediment pond and is heavily wooded and would not otherwise be utilized by the City for any other purpose.

Another issue involves landscaped cul-de-sacs. Currently as shown, the cul-de-sacs fit the dimension requirements to add interior landscaping as required in Section 11.142 Cul-De-Sacs of the LDO, but do not specify landscaping being installed. Planner Gotfredson asked the Council if they desired to continue this requirement. He explained that the cul-de-sacs with interior landscaping present problems for emergency response vehicles, trash trucks and snow removal. Councilmember Rowlett agreed and stated that he was in favor of removing this requirement from the LDO. The issue was discussed at length and the Council agreed that the requirement for interior landscaping for cul-de-sacs should be removed from the LDO and not be required for this development.

Planner Gotfredson reported that the Planning Commission recommended that this preliminary plat be approved with the following conditions:

- 1) Either landscaping be installed in cul-de-sacs or LDO be amended to remove such requirement.
- 2) Provide storm water drainage calculations with final plat submittal.
- 3) Specify ownership and maintenance plan for open space.
- 4) Provide access easement from property owner for 2<sup>nd</sup> emergency access point.
- 5) Subject property to be annexed at time of final platting.
- 6) Provide phasing plan for development of lots and open space.

Councilmember Minden asked if the LDO allows for a cul-de-sac to be off of another cul-de-sac. Planner Gotfredson stated that the length of a cul-de-sac is limited and the general rule is that up to 16 lots can be served by a cul-de-sac but it could serve up to 24 under certain conditions. He stated that since the number of lots on each cul-de-sac was not excessive, he did not see a problem with the design.

Councilmember Minden asked about the northern entrance off of Craven Drive which is a gravel road. Public Works Director Browning stated that the developer would be required to improve a portion of Craven Drive to current standards.

Councilmember Rowlett asked about the existing water line. Public Works Director Browning noted that the plat does indicate that the existing water line would be relocated to the east side of the property along Old KC Road. The relocation of this line would be the responsibility of the developer.

Manager Wieland requested that the Council make a definitive decision about the transfer of the title of the property owned by the City. After additional discussion, Councilmember Rowlett made a motion to transfer the 3 acres, more or less, owned by the City of Paola as shown on the preliminary plat to Lakeview County Estates upon approval of the final plat and to authorize the City Attorney to prepare the appropriate documents. The motion was seconded by Councilmember Minden and all voted aye. The motion passed 4 to 0

After additional discussion, Councilmember Pritchard made a motion to approve the Preliminary Plat for Lakeview Country Estates as presented. The motion was seconded by Councilmember Wilhoite and all voted aye. The motion passed 4 to 0.

**Agenda Item 5b - Consider approval of a Resolution restricting parking and adding a stop sign at Sunrise Circle and Peoria Streets.**

Works Director Browning reported that he had been contacted by Lakemary Center to install no parking on the west side of Sunrise Circle and to also install a stop sign at the intersection of Sunrise Circle with Peoria Street.

After additional discussion, Councilmember Pritchard made a motion to approve A RESOLUTION AMENDING THE OFFICIAL TRAFFIC CONTROL DEVICE SCHEDULES FOR THE CITY OF PAOLA, KANSAS. The motion was seconded by Councilmember Rowlett and all voted aye. The motion passed 4 to 0 and the Resolution was assigned number 2010-011.

**Agenda Item 5c - Consider approval of invoices for the Park Square Street Light Project.**

Clerk Droste presented invoices from Mr. Electric in the total amount of \$7,093.60 which includes \$593.60 for light bulbs for the new street light fixtures. He reported that this is the final payment due Mr. Electric for the project.

After additional discussion, Councilmember Pritchard made a motion to approve payment of the invoice from Mr. Electric in the amount of \$7,093.60 from the Goss Donation Fund for the Park Square Street Lighting Project. The motion was seconded by Councilmember Wilhoite and all voted aye. The motion passed 4 to 0.

**Agenda Item 5d - Consider approval of disbursements from the Transient Guest Tax Fund.**

Manager Wieland reported that the Convention and Tourism Committee met earlier today to discuss applications for funding from the Transient Guest Tax Fund. He reported that five grant applications were considered and recommended for approval as follows:

- 1) The Kansas Day Expo Committee - \$1,000.00.
- 2) The Paola Community Center - \$5,000.00 (4 quarterly payments of \$1,250.00.)
- 3) Paola Heartland and Tourism Committee – Harvest Festival - \$500.00.
- 4) City of Paola – signage for the Wea Mission site – actual cost up to \$250.00.
- 5) City of Paola – promotional activities, banners, signage, and program underwriting – actual cost up to \$10,000.00.

Manager Wieland reported that the Convention and Tourism Committee recommended that their by-laws be amended to include a representative of the Paola Community Center as an ex-officio member of the Committee. The Committee recognizes that the Paola Community Center is drawing more and more people to Paola with its programs and activities.

Manager Wieland reported that the Committee has amended the reporting requirements for recipients. More detailed accounting of the use of funds will be required. He went on to discuss the details of each of the five recommended awards.

After discussion, Councilmember Rowlett made a motion to approve disbursements from the Transient Guest Tax Fund as presented. The motion was seconded by Councilmember Minden and all voted aye. The motion passed 4 to 0.

**Agenda Item 6 – NEW BUSINESS**

Clerk Droste reported that sales and use tax collections for the month of November amounted to a total of \$1156,646.

Clerk Droste reported that Mr. Arnold Debrick of Paola was being honored by the French Government for his service during World War II. A ceremony is being planned for Sunday, December 5<sup>th</sup> at 1:00 pm at the Veterans Memorial. A Proclamation will be prepared for the event.

Manager Wieland reported that work continues on gathering information on the Railroad Quiet Zones and he hopes to present additional information to the Council soon. He wished everyone a Happy Thanksgiving.

Chamber of Commerce Director Everhart invited everyone to attend the Christmas Tree Lighting Ceremony at the Park Square on Friday, November 26<sup>th</sup> at 6:00 pm.

Councilmember Minden asked about the “Deaf Child Playing” sign that was discussed at a previous meeting. Works Director Browning reported that the sign was ordered and arrived earlier today. He indicated that the sign would be installed tomorrow.

Councilmember Minden reported that he received comments from a resident complaining that some of the Christmas Trees in the boxes on the Park Square did not appear to be straight. Works Director Browning stated that he would check it out.

Councilmember Minden asked if the City pays Christmas bonuses to employees. Mayor Stuteville indicated that last year each employee was given a \$25 gift card to Price Chopper. The Council supported giving gift cards again this year.

Councilmember Rowlett asked about trash cans around the Park Square. Public Works Director Browning reported that the old oak barrel trash cans were in bad shape and needed to be replaced. He reported that there are some very attractive trash containers that could be considered to replace the old barrels.

Councilmember Rowlett commented on the anonymous letter from “a proud Paolan” regarding the railroad quiet zones. He stated that any citizen has the right to petition local government for help and it is our intent to explore options. It doesn’t mean that the City will be in a position to provide the service, but we certainly need to look into it.

Councilmember Wilhoite stated that she agreed that new trash containers should be considered for the Park Square and surrounding former locations.

Councilmember Pritchard asked about installing no parking signs on Hillcrest Drive and Brookside Drive. Public Works Director Browning stated that he needed to get with Clerk Droste to draft the Resolution so that the signs could be installed.

Mayor Stuteville stated that she was glad to hear that consideration is being given to improving the City parking lots downtown. She also reported that the City received a nice Thanksgiving card from Carothers Construction.

**Agenda Item 7 – ADJOURNMENT.**

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

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Artie Stuteville, Mayor

ATTEST: (seal)

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Daniel G. Droste, City Clerk