

**MINUTES OF THE COUNCIL MEETING  
OF THE CITY OF PAOLA, KANSAS  
6:00 O'CLOCK P.M.  
April 11, 2017**

**Held in the Municipal Court Room at the Paola Justice Center  
806 N 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, City Planner Mike Gotfredson, Chief of Police Paul Jokerst, Interim Public Works Director Kirk Rees, Human Resources Director Vicki Belt, Joe Courtney, Chad Myers, Michael Bliss, Adam Hale, Kathy Houtman, Catelyn Brady, Justin Benton, Winton Town, Mike Richards, Dave Hallstrom, John Paulson, 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 all present. No one was absent.

Chief of Police Jokerst and Fire Chief Andy Martin recognized Communications Specialist Kathy Houtman for her efforts in communicating with multiple agencies during a large grass fire on March 4<sup>th</sup>. Ms. Houtman was presented with the Paola Police Department's Award of Excellence and an Award of Meritorious Service from the Fire Department.

Chief of Police Jokerst introduced US Army Chaplain Ron Marshall, Lieutenant Colonel Shae Weidy, Sergeant Major Ron Brandt who presented Officer Michael Bliss, Officer Adam Hale, and Communications Specialist Catelyn Brady with the Meritorious Conduct Award and a Battalion Coin for their coordinated efforts in assisting with a medical emergency.

Mayor Stuteville, City Manager Wieland, and Human Resources Director Belt presented 5 Year Service Awards to: Justin Benton, Leigh House, and Winton Town; 10 Year Service Awards to: Adam Hale, Chad Myers, Mike Richards, and Vicki Belt; and 15 Year Service Awards to: Dave Hallstrom, Kathy Houtman, and John Paulson.

**Agenda Item 1 - CONSENT AGENDA**

- a. Approval of minutes of the meeting of March 28, 2017.
- b. Approval of Salary Ordinance 17-07.

- c. Approval of Appropriation Ordinance No 850.
- d. Approval of the Journal Entries Report for March, 2017.
- e. Approval of the Pledged Collateral Report for March, 2017.
- f. Approval of the renewal of the Drinking Establishment License for Beethoven's #9.

Council Member Nickelson 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** – No one addressed the Council.

### **Agenda Item 3 - UNFINISHED BUSINESS**

**Agenda Item 3a – Discuss potential regulations pertaining to the parking of vehicles in front yards and on street right-of-way.**

Manager Wieland presented a draft of a proposed Ordinance for discussion. He reported that this proposed Ordinance addresses the growing problem with vehicles being parked in front yards and in the area between the sidewalk and curb, over the curb, or over a water meter. He indicated that the proposed Ordinance is simplified from previous versions and addresses the primary issues of concern. The proposed Ordinance would add a new Section 310.030 to the Municipal Code Book as follows:

“310.030      VEHICLE PARKING ON PRIVATE PROPERTY. No person or operator shall park any vehicle, including a motor vehicle as defined by the Standard Traffic Ordinance as adopted from time to time, on unpaved, grassy surfaces within the area defined as the street yard of a residential property, as such terms are defined in the Paola Land Development Ordinance, except temporarily to load or unload property, temporarily by a licensed contractor actively engaged in work on the property, or as otherwise provided for within this section.

In residential areas, all vehicles, except major recreational equipment such as boats, camping or house trailers, motor homes, horse trailers or utility trailers shall be parked in the following areas in accordance with the Land Development Ordinance of the City of Paola, Kansas:

- (1) On the designated paved hard surface, such as concrete or asphalt, parking area or driveway relating to the garage or carport;
- (2) On the designated paved hard surface, such as concrete or asphalt, parking surface in the rear of the property, where the area is in compliance with the City's zoning regulations and ingress/egress to the rear yard is by a paved driveway or through an alleyway;

- (3) On the designated paved hard surface, such as concrete or asphalt, parking area for multi-family dwellings;
- (4) On the designated paved hard surface, such as concrete or asphalt, circular parking area or driveway, where the area is in compliance with the City's zoning regulations and the circular driveway is constructed in relation to two (2) designated street curb cuts extending perpendicular from the street right-of-way, and contained within the bounds of the subject property;
- (5) On residential property developed before November 18, 1997, on unpaved parking areas in the front yard within the width of an existing street curb cut extending perpendicular from the street right-of-way to at least three (3) feet from the residence or the building setback;
- (6) On residential property developed before November 19, 1997, on designated parking areas in the rear of the property where ingress/egress to the rear yard is by an unpaved driveway perpendicular from the street right-of-way or through an alleyway;

No person or operator shall stop, stand or park any vehicle between the sidewalk and the curb, over the curb, or over a water meter. No person shall access private property by driving any vehicle over an existing standard street curb or by utilizing a public sidewalk ramp as a means of ingress or egress.

In all other private property use (non-residential) areas, all vehicles shall be parked in parking areas designated, installed and provided in accordance with the Land Development Ordinance of the City of Paola, Kansas.

All new private property parking areas, including drives with street access, shall be of hard surface (concrete or asphalt).

A person convicted of a violation of this section shall pay a fine of up to \$100.00 plus court costs for the first offense within a calendar year; up to \$250.00 plus court costs for a second offense within a calendar year; and up to \$500.00 plus court costs for a third or any subsequent offense within a calendar year."

Manager Wieland asked the Council to take time to study the draft Ordinance to make sure that it addresses all of the major concerns. The Ordinance will be brought back before the Council for adoption at the May meeting.

## **Agenda Item 4 – NEW BUSINESS**

### **Agenda Item 4a - Consider approval of bids for the 2017 Street Repair and Maintenance Program.**

Interim Public Works Director Rees reported that he obtained bids for the following street repairs:

1. 2 “ mill and overlay on Shawnee from Pearl to Walnut .
2. 2 “ mill and overlay on Walnut from Miami to Shawnee.
3. 2” mill and overlay on Industrial Drive from Hospital Dr. East to the end of curb.
4. Old KC Road from Baptiste Dr. to 295<sup>th</sup> Street:
  - a. 4” deep mill and patch.
  - b. +/- 2000’ of edge milling along curbs.
  - c. 2” mill and overlay
  - d. Stripe with Thermal Plastic.
5. Edge milling and traffic control at all locations.

He presented the bids as follows:

Killough Construction, Inc.	\$230,596.40
O’Donnel and Sons Construction	\$242,712.50
McAnany Construction	\$315,422.50

Manager Wieland and Interim Public Works Director Rees discussed other potential street repairs that could be completed by City crews and possibly some areas that would be repaired with a “chip and seal”. It was noted that a high grade of rock would be used to minimize the dust problem that can be associated with a fresh “chip and seal” repair.

After additional discussion, Council Member House made a motion to approve the bid from Killough Construction, Inc. in the amount of \$230,596.40 for mill & overlay / asphalt for the 2017 Street Repair and Maintenance Program. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 4 to 0.

### **Agenda Item 4b - Consider an Ordinance calling for a public vote to renew the 0.25% sales tax for the Fire Department.**

Manager Wieland reported that the current 0.25% sales tax that was passed in 2007 will expire in September of this year. This tax was originally passed for the construction and equipping of the new Paola Fire Station. He noted that by renewing the sales tax, it would reduce the necessity to rely on real estate taxes for major expenditures for the Fire Department.

Fire Chief Andy Martin and Manager Wieland discussed the benefits that the Fire Department has received from the original 0.25% sales tax and the renewal would continue to improve the department by keeping the facility and equipment up to date. Chief Martin noted that by providing a good facility and up to date equipment, the Fire Department is able to continue to recruit qualified personnel.

Clerk Droste reported that in order to provide for the collection of the sales tax without interruption, a special election would need to be held prior to July 1<sup>st</sup> so that the sales tax renewal can be certified to the State of Kansas. If the Ordinance is adopted, a special election will be held on June 20<sup>th</sup> and the ballot question would be as follows:

Shall the following be adopted?

Shall the city of Paola, Kansas levy a retailers' sales tax in the amount of one quarter of one percent (.25%), to take effect on October 1, 2017, upon termination of the City's existing .25% retailers' sales tax, and to be levied for ten years until September 30, 2027 on retail sales consummated within the city of Paola, with revenues of such tax to be used to help finance operation, maintenance, and equipping of the City's fire station and related facilities to serve the City (the "Fire Station Project") and to pay obligations of the City issued to finance the Fire Station Project, if any, all pursuant to K.S.A. 12-187 et seq., as amended?

After additional discussion, Council Member Wilhoite made a motion to approve AN ORDINANCE TO SUBMIT TO THE QUALIFIED ELECTORS OF THE CITY OF PAOLA, KANSAS THE PROPOSITION OF LEVYING A ONE QUARTER CENT (.25%) RETAILERS' SALES TAX IN THE CITY OF PAOLA TO PAY COSTS OF OPERATING, MAINTAINING AND EQUIPPING THE CITY'S FIRE STATION AND RELATED FACILITIES. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0 and the Ordinance was assigned number 3112.

**Agenda Item 5 - COMMITTEE REPORTS** – There were no Committee Reports presented.

#### **Agenda Item 6 - STAFF REPORTS**

Manager Wieland reported that thanks to the involvement of the City Attorney and the cooperation of a number of parties, the parking situation at Beethoven's Restaurant is close to being resolved.

Manager Wieland reported that the parking lots across from City Hall and the Senior Center are in need of repair. He proposed that designs could be considered that would enhance the overall appearance of the downtown area.

Manager Wieland reported that the City is going to need to explore alternatives for property maintenance enforcement, such as a part-time codes enforcement officer.

Manager Wieland reported that there has been an increase in the number of persons dumping trees and brush at the yard waste disposal site. Possible solutions were discussed.

#### **Agenda Item 7 - MISCELLANEOUS MATTERS FROM THE COUNCIL**

Council Member Wilhoite inquired about the problem with dealing with persons needing treatment at the Osawatomie State Hospital. Chief of Police Jokerst reported that the last few weeks have been relatively quiet in that regard.

Council Member Nickelson asked if any of the State Legislators have contacted City Hall regarding pending legislation. Manage Wieland reported that he has been contacted by one person who inquired about some of the issues listed in the City's Legislative Policy Statement.

#### **Agenda Item 8 - MISCELLANEOUS MATTERS FROM THE MAYOR**

There were no additional issues discussed by Mayor Stuteville.

#### **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 House and all voted aye. The motion passed 4 to 0.

ATTEST: [seal]

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Artie Stuteville, Mayor

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Daniel G. Droste, City Clerk