

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

**August 28, 2007**

**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 Stuterville presiding.

Councilmembers present: Mayor Stuterville, Council Members Pritchard, Dial, Rowlett, and Hamilton.

Council Members absent: None.

Also present: Manager Newton, Clerk Droste, Attorney Tetwiler, Police Chief Smail, Public Works Director Bieker, Planner Givens, Brian McCauley with the Miami County Republic, Carol Everhart, and others.

**Agenda Item 1 - CALL TO ORDER:** The regular council meeting was called to order by Mayor Stuterville.

**Agenda Item 2 - ROLL CALL:** Mayor Stuterville and Council Members Pritchard, Dial, Rowlett, and Hamilton were all present.

**Agenda Item 3 - PETITIONS, REMONSTRANCES, AND COMMUNICATIONS**  
No one addressed the Council.

**Agenda Item 4 - CONSENT AGENDA**

- a. Approval of minutes of the meetings of August 14 and 21, 2007.
- b. Approval of Salary Ordinance number 07-15.
- c. Approval of Appropriation Ordinance No. 611.
- d. Approval of the renewal of a Drinking Establishment License for Applebee's Grill and the renewal of Class A Private Club Licenses for the VFW and the American Legion.

Clerk Droste reported that he had additional information regarding the Drinking Establishment License for Applebee's Grill and suggested that it be removed from the Consent Agenda and discussed under New Business.

Councilmember Hamilton made a motion to approve the Consent Agenda, with the exception of the Drinking Establishment License for Applebee's Grill, and authorize the Mayor to sign. Councilmember Dial seconded the motion and all voted aye. The motion passed 4 to 0.

### **Agenda Item 5a – Report on traffic study of Redbud Drive.**

Clerk Droste reported that The Homeowners Association of Indian Hills Subdivision has requested that removable speed bumps be installed in their neighborhood to slow traffic. The Council has discussed the unique characteristics of the Indian Hills subdivision. The narrow lots, number of cars parked on the street, number of small children, and lack of greenspace between the sidewalk and street curbs, all compound this situation. The residents feel that many motorists drive in excess of the posted 20 mph speed limit creating an unsafe environment.

The Homeowners Association has offered to purchase removable speed bumps to slow traffic and create a safer neighborhood. Speed Bumps would be effective in slowing traffic, however City staff has concerns over using these devices for the following reasons: (1) Speed bumps are not typically encountered by drivers on public streets. Even though warning signs would be posted, there is concern that an inattentive driver may not notice the device. Even at 20 mph, there is concern that a driver might lose control and strike a parked car or pedestrian. (2) Speed bumps would be especially hazardous to motorcycles. (3) Speed bumps would have to be removed between the months of November and March for snow removal; therefore there would be no traffic calming for 5 months of the year. This would add to the confusion to drivers as outlined in (1) above and would not provide traffic calming during the majority of the school year.

After considering these issues, City staff would propose that stop signs would be a better alternative to speed bumps. (1) Stop signs are a typical traffic control device that drivers regularly encounter on a public street. (2) Stop signs would stop traffic at the intersections, rather than just slow it down. (3) Stop signs would be present year round, providing more effective traffic calming.

Although traffic control device standards do not recommend the use of stop signs for speed control, Staff believes that stop signs would be more effective and a better alternative than speed bumps.

Public Works Director Bieker presented the speed summary data that was collected over the past month. He indicated that there was no appreciable difference in the speeds of vehicles on Redbud Drive as compared to the previous study. Weekly average speeds ranged from 19.6 mph to 23.1 mph.

After discussing the issue, Councilmember Hamilton made a motion to approve A RESOLUTION AMENDING THE OFFICIAL TRAFFIC CONTROL DEVICE MAP FOR THE CITY OF PAOLA, KANSAS, installing stop signs on Redbud Drive. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 4 to 0. Clerk Droste assigned No. 2007-009 to the Resolution.

### **Agenda Item 5b - Consider a request from the developers at Rockwood Estates to add the cost of water line extensions to the Benefit District for Phase III of the development.**

Clerk Droste reported that he has received a request from Blue Sky Development to amend their petition for a benefit district to include \$65,010.00 for the costs of the water main. Total costs on the project amount to \$717,323.78 including interest costs on the temporary financing notes. Droste explained that the original petition which excluded the costs of water line improvements was in compliance with the City's development policy. In researching the original development policy, Droste explained that former Manager Randall explained that the City previously did not have a written policy and chose to adopt a conservative procedure.

Mr. David Egger with Blue Sky Development addressed the Council. He indicated that there is still minimal risk to the City as they would still be required to pay 25% of the costs in cash and give the City an irrevocable letter of credit in the amount of the first three years of payments for the special assessments.

Manager Newton stated that the Council should continue to require the 25% cash payment along with the letter of credit should they decide to agree to include the cost of the water line. He indicated that the Council may desire to revisit the policy for future developments.

Councilmember Dial made a motion to approve the addition of the cost of the water lines to the Benefit District for Rockwood Estates Phase III and instruct the City Clerk and Bond Attorney to draft the appropriate amendments to the petition and authorizing Resolution for the Benefit District. The motion was seconded by Councilmember Hamilton and all voted aye. The motion passed 4 to 0.

**Agenda Item 5c - Consider approval of an Ordinance allowing the consumption of cereal malt beverages and alcoholic beverages at the Paola Community Center.**

Clerk Droste presented an Ordinance which would allow for the consumption of cereal malt beverages at the Paola Community Center. He indicated that the Ordinance was drafted to meet the concerns of the Council that were addressed at the last Work Study Session. Droste reported that the Ordinance does not allow for alcohol sales of any kind and that alcohol could not be given away or consumed at public events. A letter was obtained from the Ursuline Sisters consenting to consumption provided that an off duty police officer is at the event.

Councilmember Pritchard made a motion to approve AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 600, ARTICLES II and IV OF THE MUNICIPAL CODE OF THE CITY OF PAOLA, KANSAS, TO ALLOW THE ISSUANCE OF A TEMPORARY PERMIT FOR CONSUMPTION OF CEREAL MALT BEVERAGES AND ALCOHOLIC BEVERAGES AT THE PAOLA COMMUNITY CENTER AND AMENDING AND REPEALING EXISTING SECTIONS OF SAID CHAPTER AND ARTICLES THAT ARE IN CONFLICT THEREWITH. The motion was seconded by Councilmember Dial and all voted aye. The motion passed 4 to 0. Clerk Droste assigned No. 2950 to the Ordinance.

**Agenda Item 5d - Consider Adoption of the 2007 Standard Traffic Ordinance and Agenda Item 5e - Adoption of the 2007 Uniform Public Offense Code.**

Clerk Droste presented Ordinances adopting the 2007 versions of the Standard Traffic Ordinance and the Uniform Public Offense Code with omissions. The Standard Traffic Ordinance has been adopted annually since 1993 and the Uniform Public Offense Code has been adopted with omissions since 2004.

Councilmember Hamilton 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 2007. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 4 to 0. Clerk Droste assigned No. 2951 to the Ordinance.

Councilmember Hamilton made a motion to approve AN ORDINANCE 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 2007, WITH CERTAIN OMISSIONS. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 4 to 0. Clerk Droste assigned No. 2952 to the Ordinance.

**Agenda Item 5f - Consider approval of the installation of Traffic Lights at the intersection of Baptiste Drive and North Silver.**

Public Works Director Bieker presented a proposal from J Warren Company, Inc. to install the traffic signals at the intersection of Baptiste Drive and North Silver. The total cost of the proposal amounted to \$71,875.00. The cost of the project would be included in the General Obligation Bonds for the Baptiste Drive improvements.

Councilmember Pritchard made a motion to approve the proposal with J Warren Company Inc. to install a traffic light at the intersection of Baptiste Drive and North Silver in the amount of \$71,875.00. The motion was seconded by Councilmember Dial and all voted aye. The motion passed 4 to 0.

**Agenda Item 5g - Consider approval of the final construction draw for the Waste Water Treatment Plant.**

Clerk Droste presented the final construction draw for the Waste Water Treatment Plant from CAS Construction in the amount of \$16,924.14 and from Larkin for Construction Administration in the amount of \$3,000.00. Public Works Director Bieker reported that the punch list has been completed and any remaining items are considered warranty issues.

Councilmember Dial made a motion to approve the final construction draw in the amount of \$16,924.14 to CAS Construction for the new waste water treatment plant, and \$3,000 to Larkin for Construction Administration. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 4 to 0.

**Agenda Item 5h - Consider approval of a Supplemental Agreement with Terracon Consultants for additional soils testing on the Paola Justice Center.**

Manager Newton reported that borings at the site for the Paola Justice Center shows evidence of fill and additional investigative work is recommended to make sure that the fill is properly compacted. The cost of the additional work would be \$1,955.00. Mayor Stuteville suggested that perhaps the Public Works department may be able to provide the backhoe services for the project.

Councilmember Hamilton made a motion to approve a Supplement to Agreement for Services with Terracon Consultants in the amount of \$1,955.00 for additional soils testing at the Paola Justice Center site. The motion was seconded by Councilmember Dial and all voted aye. The motion passed 4 to 0.

**Agenda Item 5i - Consider approval of an agreement using Treanor Architects to prepare the applications to place the Paola City Hall and Paola Free Library on the State Register of Kansas Historic Places.**

Manager Newton presented a proposal from Treanor Architects to prepare applications to place City Hall and the Library on the State Register of Kansas Historic Places.

Councilmember Rowlett expressed concerns that approval for exterior modifications to the buildings may be difficult to obtain. He asked that this issue be resolved before the Council makes a final commitment to place the buildings on the Historic Register.

Councilmember Dial made a motion to approve a proposal with Treanor Architects to prepare applications to place the Paola City Hall and Paola Free Library on the State Register of Kansas Historic Places in the amount of \$11,200.00. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 4 to 0.

**Agenda Item 5j - Consider approval of an Ordinance approving an Emergency Interconnect Agreement and a Water Contract for Reciprocal Wholesale Water Supply with RWD No. 2.**

Manager Newton presented an Emergency Interconnect Agreement and a Water Contract for Reciprocal Wholesale Water Supply with Rural Water District No. 2. He explained that the mediation team was able to work out the details of the agreement and that the agreements were good for both the City of Paola and for Rural Water District No. 2.

Councilmember Pritchard made a motion to approve AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF AN EMERGENCY INTERCONNECTION AGREEMENT AND A WATER CONTRACT FOR RECIPROCAL WHOLESALE WATER SUPPLY BETWEEN RURAL WATER DISTRICT NO. 2, MIAMI COUNTY, KANSAS AND THE CITY OF PAOLA, KANSAS. The motion was seconded by

Councilmember Dial and all voted aye. The motion passed 4 to 0. Clerk Droste assigned No. 2953 to the Ordinance.

**Agenda Item 5k - Consider approval of a water leak allowance.**

Clerk Droste presented a request for a water leak allowance in the amount of \$112.55 from Nellie McCoy at 503 E Osage. He reported that the repairs to the residence were completed and documented.

Councilmember Dial made a motion to approve a water leak allowance in the amount of \$112.55 for 503 E Osage. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 4 to 0.

**Agenda Item 6 - NEW BUSINESS**

Clerk Droste presented an application for a Drinking Establishment License from Applebee's Neighborhood Grill & Bar. He reported that there was an ownership change for Applebee's International that is effective on September 10<sup>th</sup> and the existing licenses to Applebee's International expires on September 26<sup>th</sup>. Since liquor licenses are not transferable, a new license is required. The facility has passed the required fire safety inspection, the facility is not located within 500 feet of a church, school or park, and the \$250.00 fee has been paid. However, a copy of the new State License has not yet been received by the Clerk. Clerk Droste recommended that a Drinking Establishment License be approved subject to the receipt of a copy of the State License. Councilmember Rowlett made a motion to approve a Drinking Establishment License for Applebee's Neighborhood Grill & Bar at 1301 Kansas Drive subject to the receipt of a copy of the State Liquor License. The motion was seconded by Councilmember Hamilton and all voted aye. The motion passed 4 to 0.

Manager Newton reported that tomorrow morning the paving on 295<sup>th</sup> will begin and the Chip and Seal work on 299<sup>th</sup> Street is currently underway. The alley behind Citizens State Bank will be repaired with new concrete and the cost will be split between the Gas Service Company, Citizens State Bank and the City.

Councilmember Hamilton reported that he will be out of town and will not be available for the Council Meeting on September 11<sup>th</sup>.

Councilmember Rowlett asked if the new Fire Station design could incorporate columns similar to those on the Gazebo and if the roof of the tower could be similar to the Gazebo as well. The Council agreed that the changes should be discussed.

Councilmember Rowlett also reported that Don Moller with the League of Kansas Municipalities has requested that he present a power point presentation on Paola's economic development activities at the Annual Conference. Paola would present along with Leavenworth and Eldorado. The Council agreed that it would be good exposure for the City. Councilmember Rowlett agreed to put together a presentation with Carol Everhart.

Councilmembers Dial and Pritchard and Mayor Stuteville had no additional topics to discuss.

Clerk Droste requested that the Council appoint voting and alternate delegates for the League of Kansas Municipalities Annual Conference. Councilmember Rowlett made a motion to appoint Johna Dial and Jim Pritchard as voting delegates and Michael Hamilton and Artie Stuteville as alternate delegates to the League of Kansas Municipalities Annual Conference. The motion was seconded by Michael Hamilton and all voted aye. The motion passed 4 to 0.

City Attorney Tetwiler reported on the current status of the City's agreement with the Paola Country Club for untreated water and negotiations with the Country Club for an easement for the new interconnect with Rural Water District No. 2.

**Agenda Item 7 – ADJOURNMENT.**

With no additional business to come before the Council, Councilmember Dial made a motion to adjourn the meeting. Councilmember Hamilton 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