

**MINUTES OF THE COUNCIL MEETING  
OF THE CITY OF PAOLA, KANSAS  
6:00 O’CLOCK P.M.  
March 25, 2014**

**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.

**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, Public Works Director Craig Browning, Police Chief Dave Smail, City Planner Mike Gotfredson, Michael Oldfield, Rob Roberts, Harold Homrighausen, Dave Green, Angela Scherman, Kate Sample, Luke Larson, Kelly Seyler, Bill Hauldren, Larry Cole, Gregg Rupp, Terrie Cole, Tyler Box, Katie Jones, Eli Smith, M. Batton, Brenda Box, and Brian McCauley with 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, House, and Nickelson 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.

Mayor Stuteville presented a Proclamation honoring Paola High School Robotics Team #1108 for their successes in the F.I.R.S.T. Robotics Program. Members of Team #1108 were in attendance to receive the Proclamation and Kate Sample provided a brief report on the history of the Team and thanked the City for its past and continued support.

Mayor Stuteville presented a Proclamation declaring the month of April as “Fair Housing Month.”

Miami County Commissioner Rob Roberts presented a concept plan for the new County Jail. He summarized the concept plan by explaining that a three story 74’ x 95’ addition would be built on the west side of the existing courthouse building that would house the Sheriff’s Department and District Court Services. The existing jail and Sheriff’s Department building would be removed and replaced with a two story 76’ x 146’ addition would be built on the

north side of the courthouse. This structure would house a new 100 bed jail including all of the support services for the jail. The jail structure would be built to be expandable to include a third story. Parking on the east and west sides of the courthouse would be reconfigured for angled parking which would create 40 to 45 additional parking spaces. Commissioner Roberts reported that the plan has not been approved by the County Commission but it has been presented to them and has been well received.

Commissioner Roberts reported that this plan eliminates the additional expenses associated with transporting prisoners to and from court that would be required by any other remote location. He estimated the annual cost of additional personnel and transportation costs to be in excess of \$700,000.00 for any other location. He also noted that additional savings would be realized by not having to purchase a building site and installing utilities and other infrastructure.

Commissioner Roberts went on to answer questions about the concept plan. After the discussion, he encouraged the City Council and City Staff to actively support the plan.

**Agenda Item 4 - CONSENT AGENDA:**

- a. Approval of minutes of the regular meeting of March 11, 2014.
- b. Approval of Salary Ordinance 14-6.
- c. Approval of Appropriation Ordinance No 773.
- d. Approval of a leak allowance for 502 N Pearl in the amount of \$68.88.
- e. Approval of the renewal of a Retail Liquor License for In Good Spirits.

Council Member Pritchard made a motion to approve the Consent Agenda as presented and authorize the Mayor to sign. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 4 to 0.

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

**Agenda Item 5a – Consider an application for a new Drinking Establishment License for Beethoven’s #9.**

Manager Wieland reported that Jeanie Clerico of Garfield’s, LLC has applied for a new Drinking Establishment License for Beethoven’s #9 restaurant located at 110 W Peoria. Garfield’s, LLC has purchased the restaurant from the current owners and is in the process of transferring ownership and obtaining the require licenses.

After a discussion, Council Member Nickelson made a motion to approve a new Drinking Establishment License for Garfield’s, LLC doing business as Beethoven’s #9 subject to the completion of a satisfactory fire safety inspection and the issuance of a State of Kansas Drinking Establishment License. The motion was seconded by Council Member House. Council Members Pritchard, House, and Nickelson voted aye and Council Member Wilhoite voted nay. The motion passed 3 to 1.

**Agenda Item 5b – Consider an Ordinance approving a Conditional Use Permit for an automobile sales business at 508 Baptiste Drive.**

City Planner Gotfredson reported that the Paola Planning Commission held a Public Hearing on March 18<sup>th</sup> regarding a Conditional Use Permit for an automobile sales business at 508 Baptiste Drive. During the Public Hearing no comment was given and the Planning Commission unanimously recommended approval of the Conditional Use Permit subject to the following conditions:

- 1) All vehicles on premise must be operational.
- 2) Adequate parking must be maintained for all uses on property.
- 3) Planning Commission will review permit in six months.
- 4) At any time, the City may institute revocation of the conditional use permit for violations of the conditions of approval, expiration, or the reasons specified in Section 21.225 of the Land Development Ordinance. The City shall provide notice to the landowner and public in the same manner as was provided for the establishment of the conditional use permit.

After a discussion, Council Member Wilhoite made a motion to approve AN ORDINANCE APPROVING CONDITIONAL USE PERMIT 14-CUP-01. The motion was seconded by Council Member Pritchard. Council Members Pritchard, Wilhoite, and House voted aye and Council Member Nickelson abstained as the business property is located adjacent to his residential neighborhood. As an abstention is counted toward the majority, the official vote is recorded as 4 to 0 in favor of the motion.

**Agenda Item 5c – Consider bids for repairs to the sanitary sewer system.**

Public Works Director Browning presented bids for the rehabilitation of sewer main lines located east of Sunset Lane between Brookside and Crestview Drives; in the alley south of Wea between Silver and Pearl Streets; and the sewer main west of Cherokee Ridge. Bids were submitted from SAK Construction in the amount of \$39,891.75 and from Insituform Technologies in the amount of \$31,132.55. The proposals include pipeline cleaning, bypass pumping as needed for dry weather flow, CIPP Installation, Service line connection reinstatement, CCTV Acceptance Inspection, all Traffic Control as per MUTCD.

After the discussion, Council Member House made a motion to approve the bid from Insituform Technologies in the amount of 31,132.55 for sanitary sewer repairs as presented. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 4 to 0.

**Agenda Item 5d – Consider the approval of Payment Request No 7 for the Library Addition and Renovation Project #2013-001 – Part A.**

Manager Wieland reported that Legacy Contractors, LLC has submitted a Contractor's Application for Payment for the Library Addition and Renovation Project. The Library Project is segregated into two parts, A and B. Part A is the demolition of the 1980's addition and the expansion of the building with a new addition. Part B is the renovation of the original historical structure that was built in 1906. This request is for Part A and is mostly

comprised of expenditures related to framing, roofing, HVAC including geothermal, and electrical work.

After a discussion, Council Member Wilhoite made a motion to approve payment request #7 from Legacy Contractors, LLC in the net amount of \$168,388.00 for the Library addition and renovation project #2013-001-Part A. The motion was seconded by Council Member Pritchard and all voted aye. The motion passed 4 to 0.

**Agenda Item 5e – Consider the approval of Payment Request No 3 for the Library Addition and Renovation Project #2013-001 – Part B.**

Manager Wieland reported that Legacy Contractors, LLC has submitted a Contractor's Application for Payment for the Library Addition and Renovation Project. The Library Project is segregated into two parts, A and B. Part A is the demolition of the 1980's addition and the expansion of the building with a new addition. Part B is the renovation of the original historical structure that was built in 1906. This request is for Part B and is comprised mostly of expenses related to HVAC including geothermal and electrical work.

After a discussion, Council Member Pritchard made a motion to approve payment request #3 from Legacy Contractors, LLC in the net amount of \$76,153.00 for the Library addition and renovation project #2013-001-Part B. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 4 to 0.

**Agenda Item 5f – Consider the approval of Payment Request No 1 for the repairs to the Paola Family Pool.**

Public Works Director Browning presented a payment request from Carrouters Construction Company for repairs to the Paola Family Pool. This pay request is for the work completed to date for gutter grating, sandblasting, caulking, painting, piping removal and replacement, filter inspection, and concrete repairs.

After a discussion, Council Member Pritchard made a motion to approve payment request #1 from Carrouters Construction Company, LLC in the net amount of \$34,637.00 for repairs to the Paola Family Pool. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 4 to 0.

**Agenda Item 6 – NEW BUSINESS**

Clerk Droste reported that sales tax revenues for the month of March amounted to \$174,313 bringing the year to date total to \$574,479 which is an increase of 2.37% or \$13,297 over the same time period last year.

City Attorney Tetwiler reported that the Miami County Bar Association met several months ago and voted unanimously to support keeping the jail and courthouse on the County's property in Paola. He encouraged the City Council to take some type official action to express their support of the concept plan presented this evening by Commissioner Roberts. After additional discussion, Council Member Pritchard made a motion to authorize the City Manager to draft an official letter from the Paola City Council supporting the concept plan as

presented by Commissioner Roberts. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 4 to 0.

Manager Wieland reported that Kansas State Senator Pat Apple has been appointed to the Kansas Corporation Commission and will be vacating his seat on the Senate when he assumes his new duties.

Manager Wieland reported that the 52 City employees who are participating in the City's weight loss challenge have lost over 200 pounds combined. The weight loss challenge is part of the City's new wellness program that began in January.

Council Member Pritchard reported that he has received several complaints about visual obstructions at the auto repair shop at the corner of Wea Street and Hospital Dr. Planner Gotfredson reported that he contacted the owners last week and discussed the issue with him.

Council Member House presented a donation from her Grandmother in memory of her Grandfather, Jerry Grandon, to purchase a bench for the Paola Pathways Trail.

Council Member Nickelson inquired about the Spring Clean Up. Clerk Droste reported that Spring Clean Up is scheduled for Saturday, April 26<sup>th</sup> and information is available on the City's website at [www.cityofpaola.com](http://www.cityofpaola.com). Manager Wieland also discussed the City's new curbside brush and tree limb pick up program that takes place on the 4<sup>th</sup> Monday of each month.

Mayor Stuteville commented on how nice the new windows look at the Firehouse Gym.

#### **Agenda Item 7 – ADJOURNMENT**

With no additional business to come before the Council, Council Member Pritchard made a motion to adjourn. The motion was seconded by Council Member Wilhoite 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