

**MINUTES OF THE COUNCIL MEETING  
OF THE CITY OF PAOLA, KANSAS  
6:00 O’CLOCK P.M.  
March 22, 2016**

**Held in the Municipal Court Room at the Paola Justice Center  
805 North Pearl Street in Paola**

The Governing Body of the City of Paola, Kansas, met with Council President Pritchard presiding.

**Council Members present:** Council Members Jim Pritchard, Gee Gee Wilhoite, Leigh House and Aaron Nickelson.

**Council Members absent:** Mayor Artie Stuteville.

**Also present:** City Manager Jay Wieland, City Clerk Dan Droste, City Attorney Lee Tetwiler, City Planner Mike Gotfredson, Interim Police Chief Don Poore, Public Works Director Craig Browning, Brad Ennis, Rob Wyrick, Liz Anne McElhaney, Janet McRae, Michael Oldfield, Richard Lentz and Brian McCauley with the Miami County Republic.

**Agenda Item 1 - CALL TO ORDER:** The regular council meeting was called to order by Council President Pritchard.

**Agenda Item 2 - ROLL CALL:** Council Members Pritchard, Wilhoite, House, and Nickelson were all present. Mayor Stuteville was absent.

**Agenda Item 3 - PETITIONS, REMONSTRANCES, AND COMMUNICATIONS:** Council President Pritchard asked the audience if anyone desired to address the Council about any issue that is not an agenda item.

Mr. Brad Ennis of 32030 Valley View Heights addressed the Council in regard to the Residential Construction Incentive Program authorized which expired on December 31, 2015. He requested that the Council consider extending the Incentive Program through 2016 or “grandfather” his building permit for Lot 7 in Hidden Meadows Estates so that it qualifies for the program.

Council President Pritchard stated that the Council would consider the request and respond at a later date.

- Agenda Item 4 - CONSENT AGENDA:**
- a. Approval of minutes of the meeting of March 8, 2016
  - b. Approval of Salary Ordinance 16-06.
  - c. Approval of Appropriation Ordinance No 824.

- d. Approval of the Retail Liquor License for In Good Spirits.

Council Member Wilhoite 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 applications for a street closure and temporary liquor license for the Olathe Medical Center Charitable Foundation’s “Moon Over Miami” event.**

Mr. Rob Wyrick from the Olathe Medical Center Charitable Foundation addressed the Council to explain the request for a street closure and temporary liquor license for their annual fund raising event, “Moon Over Miami”. Clerk Droste reported that all of the required applications and insurance have been submitted, including signatures of the businesses located on the South Side of the Park Square.

After additional discussion, Council Member Nickelson made a motion to approve a Street Closure and a Temporary Liquor License for the Olathe Medical Center Charitable Foundation’s “Moon Over Miami” event taking place on a portion of West Wea Street immediately in front of Town Square and Bella B Decor on Friday, May 6<sup>th</sup>, from 5:00 pm to 11:30 pm. The motion was seconded by Council Member House. Council Members Pritchard, House and Nickelson voted aye and Council Member Wilhoite abstained. As an abstention is counted with the majority, the motion passed 4 to 0.

**Agenda Item 5b – Consider renewal of the City’s liability/property/auto insurance policies.**

Clerk Droste presented the renewal of the City’s insurance policies with EMC Insurance Company which expires on April 1, 2016. The renewal quote was in the total amount of \$118,677 compared to \$114,981 for the expiring premium. This is an annual increase of \$3,696 or 3.21%. He also noted that in 2015, the City of Paola received a dividend refund in the amount of \$15,802.25 from EMC.

After additional discussion, Council Member House made a motion to approve the renewal from EMC Insurance Companies for the City’s liability/property/auto insurance policies in the amount of \$118,677.00, as presented. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 4 to 0.

**Agenda Item 5c – Consider the approval of temporary street closure for the First Lutheran Church “Easter Eggstravaganza” on March 26th.**

Clerk Droste presented an application from the First Lutheran Church to close the 400 block of East Piankishaw Street for their annual “Easter Eggstravaganza” on March 26<sup>th</sup>.

Council Member Wilhoite made a motion to approve the closure of the 400 Block of East Piankishaw Street adjacent to the First Lutheran Church on Saturday, March 26<sup>th</sup>, from 11:00 am to 2:00 pm. The motion was seconded by Council Member Pritchard and all voted aye. The motion passed 4 to 0.

**Agenda Item 5d – Consider approval of a new Drinking Establishment License for Garfield’s, LLC doing business as Beethoven’s Restaurant.**

Clerk Droste reported that he received an application for a new Drinking Establishment License from Jeanie Clerico of Garfield’s, LLC who owns and operates Beethoven’s Restaurant. Currently the restaurant is located at 110 W Peoria Street but is in the process of moving to a new location at 2 W Piankishaw Street.

As alcohol licenses are not transferable, a new license is required for the new location. As the business is located more than 200 feet from any church or school, a public hearing is not required. The owner is in the process of remodeling the new location and is in the process of changing all of the licenses with the State of Kansas. In order to accommodate the transition from the old location to the new one, approval of this license would be subject to the following conditions: satisfactory fire safety inspection; issuance of a City of Paola Occupancy Permit; issuance of a State of Kansas Drinking Establishment License.

After additional discussion, Council Member Nickelson made a motion to approve a new Drinking Establishment License for Garfield’s, LLC doing business as Beethoven’s Restaurant at 2 W Piankishaw, subject to a satisfactory fire safety inspection, issuance of a City of Paola Occupancy Permit, and the issuance of the 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 5e – Consider an Ordinance amending the rules and regulations at Lake Miola.**

Manager Wieland presented proposed amendments to the rules and regulations at Lake Miola by amending Section 220.100 of the Code of the City of Paola, Kansas, 2009, (a) to close the campground at Lake Miola from November 1 until April 1, (b) limiting campers to a stay of no more than 14 consecutive days while the campground is open, and (c) requiring prior approval for non-profit organizations to camp without paying a fee; and also amending Section 220.350 of said Code by not requiring a Kansas Fishing License for any person exempted under Kansas Wildlife, Parks & Tourism License/Permit Regulations.

After additional discussion, Council Member Wilhoite made a motion to approve AN ORDINANCE AMENDING TITLE II PUBLIC HEALTH SAFETY AND WELFARE, CHAPTER 220 PARKS AND PUBLIC PROPERTY, ARTICLE II LAKE MIOLA – IN GENERAL, SECTION 220.100 CAMPING REGULATIONS, AND SECTION 220.350 STATE OF KANSAS FISHING LICENSE NOT REQUIRED - WHEN, TO THE MUNICIPAL CODE OF THE CITY OF PAOLA, KANSAS. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 4 to 0 and the Ordinance was assigned number 3093.

**Agenda Item 5f – Consider approval of a Business Attraction and Retention Mini-Grant Program.**

Manager Wieland presented a proposed “Mini-Grant Program” for the attraction and retention of businesses in Paola. The program was drafted by Miami County Economic Development Director Janet McRae with the input from all of the Cities in Miami County. The program would provide up to \$500 for businesses needing assistance with professional fees and services or for tuition payment. The funding for the grant would be split 50%-50% between Miami County and the City of Paola. Janet McRae addressed the Council and explained the details of the program and answered questions.

After the discussion, Council Member House made a motion to approve the Attraction and Retention Mini-Grant Program Provided by Miami County and the Cities of Louisburg, Paola, Osawatomie, Spring Hill, and Fontana. The motion was seconded by Council Member Pritchard and all voted aye. The motion passed 4 to 0.

**Agenda Item 6 – NEW BUSINESS**

Manager Wieland reported that the Firehouse Gym will be closed for the next week as the wood floor was refinished today and will need time to cure.

Manger Wieland reported on the status of Substitute House Bill 2088 which is being debated in the Kansas Senate in Topeka. He noted that Senator Baumgardner called to advise that it looks like the bill will pass, but amendments are being debated including exemptions for public safety and employee benefits.

Manager Wieland added that City Staff will review the Housing Incentive Program and report back to the City Council with a recommendation.

**Agenda Item 7 – 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.

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Artie Stuteville, Mayor

ATTEST: [seal]

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Daniel G. Droste, City Clerk