

**MINUTES OF THE COUNCIL MEETING  
OF THE CITY OF PAOLA, KANSAS  
6:00 O'CLOCK P.M.  
April 12, 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 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 Tettwiler, City Planner Mike Gotfredson, Interim Police Chief Don Poore, Public Works Director Craig Browning, Human Resources Director Vicki Belt, David Knaus, Jason Frizzell, Ronnie Smith, Casey Brown, Brad Kinaman, Jody Kimsey, Tony Wagoner, Larry Cole, Charles Hall, Jodie Livengood, Brad Ennis, Josh Furnish, Alexis Shaw, Annabelle Shaw, Gavin Shaw, Michael Oldfield, Richard Lentz, Pastor Michael Folsom, and Brian McCauley with the Miami County Republic, and others.

**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 - PRESENTATION OF SERVICE AWARDS:**

**Mayor Artie Stuteville and Human Resources Director Vicki Belt recognized the following employees with a Certificate of Appreciation for their years of service to the City of Paola:**

5 Years: David Knauss, Jason Frizzell, Ronnie Smith, and Gee Gee Wilhoite. 10 Years: Casey Brown, Brad Kinaman, Jody Kimsey, Artie Stuteville, and Tony Wagoner. 15 Years: Larry Cole, Charles Hall, and Jodie Livengood.

Those not in attendance, but also recognized were: 10 Years: Mark Farmer, 15 Years: Sherry Ball, and 30 Years: Ray Reed.

**Agenda Item 4 - 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.

Annabelle Shaw addressed the Council asking if a “dog park” could be constructed in Wallace Park. She gave a verbal presentation and provided written information about dog parks to the City Council.

Mayor Stuterville thanked Annabelle for addressing the Council and indicated that the Council would consider her request during the upcoming budget discussions.

**Agenda Item 5 - CONSENT AGENDA:**

- a. Approval of minutes of the meeting of March 22, 2016
- b. Approval of Salary Ordinance 16-07.
- c. Approval of Appropriation Ordinance No 825.
- d. Approval of the Pledged Securities Report for March, 2016.
- e. Approval of the Journal Entries Report for March, 2016.
- f. Approval of the request from USD 368 for the waiver of a building permit fee for the new tennis courts in the amount of \$5,183.75.

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

**Agenda Item 6 - CONSIDER CERTIFICATE OF ELECTION RESULTS**

Clerk Droste presented a statement from Miami County Election Officer, Janet White, certifying the results of the general election held on April 5, 2016 as follows:

<u>Paola City Council – Ward 2</u>	
Geecoulia (Gee Gee) Wilhoite	14
Michael Oldfield	8
Write In	0

<u>Paola City Council – Ward 4</u>	
Aaron John Nickelson	20
Write-In	0

Council Member Pritchard made a motion to accept the certificate of election results naming Geecoulia Wilhoite – City Council Ward 2 and Aaron John Nickelson – City Council Ward 4 as the candidates receiving the most votes. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0.

**Agenda Item 7 - ADJOURN SINE DIE**

Council Member Wilhoite made a motion to adjourn sine die. The motion was seconded by Council Member Pritchard and all voted aye. The motion passed 4 to 0.

Clerk Droste administered the Oath of Office to Council Member Wilhoite and Nickelson.

Pastor Michael Folsom presented an invocation for the new City Council.

Council Member Pritchard made a motion to resume the adjourned meeting. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0.

Mayor Stuterville called the new City Council to order and resumed the adjourned meeting.

### **Agenda Item 8 - ELECTION OF COUNCIL OFFICERS**

Council Member Pritchard made a motion to nominate Council Member Leigh House as President of the Paola City Council. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 4 to 0.

Council Member Pritchard made a motion to nominate Council Member Aaron Nickelson as Vice President of the Paola City Council. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 4 to 0.

### **Agenda Item 9 - DESIGNATION OF DEPOSITORYES FOR CITY FUNDS**

Council Member House made a motion to designate Citizens State Bank, Great Southern Bank, First Security Bank, First Option Bank and Landmark National Bank as depositories for City funds. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 4 to 0.

### **Agenda Item 10 – REPORTS OF OFFICERS, BOARDS AND COMMITTEES:**

#### **Agenda Item 10a – Consider a new application for a Drinking Establishment License for the Jackson Hotel Coffee & Wine Bar, LLC at 139 W Peoria Street.**

Clerk Droste reported that an application has been received for a new Drinking Establishment License from Nanci Rowlett of the Jackson Hotel Coffee & Wine Bar, LLC who leases space at the Jackson Hotel at 139 W Peoria. The plan is to expand the offerings of the current “Board Room Brew” coffee shop to include wine. The application to the State will include an extended premises application for the consumption of wine on the front porch of the hotel. As the upper floors of the hotel is comprised of apartment units, the hours of operation will be respectful of those tenants. Approval of this license would be subject to a satisfactory fire safety inspection and the issuance of a State of Kansas Drinking Establishment License

After additional discussion, Council Member Nickelson made a motion to approve a Drinking Establishment Licenses for the Jackson Hotel Coffee and Wine Bar, LLC at 139 W Peoria subject to a satisfactory Fire Safety Inspection 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 10b – Consider an Ordinance adopting a new Residential Construction Incentive Program.**

Manager Wieland reported that the the new housing incentive program that was adopted by the Council last year has expired. During the two years that the incentive was active, 11 new homes were constructed. Six were constructed in Hidden Meadows Estates, two were constructed in Rockwood, one was constructed in Heatherwood and two were constructed on in-fill lots. These permits produced over \$10,000 in permit fees, \$18,000 in water connection fees, and \$21,000 in

sewer connection fees. Additionally, these homes have resulted in 11 new water users and increased property valuation for each of these lots.

He presented an Ordinance that would extend the program through March 31<sup>st</sup> of 2017 or after the issuance of 10 permits under the program, whichever comes first. For most properties, the fees are reduced as follows: 65% build permit fee, 65% plan review fee, 50% sewer fee, 50% water fee. For properties in special assessment districts that expire after 2016 (Rockwood Phase III) the fees would be reduced as follows: 100% build permit fee, 100% plan review fee, 100% sewer fee, 50% water fee.

After additional discussion, Council Member Pritchard made a motion to approve AN ORDINANCE ADOPTING A RESIDENTIAL CONSTRUCTION INCENTIVE PROGRAM. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 4 to 0 and the Ordinance was assigned number 3094.

**Agenda Item 10c – Consider an Ordinance prohibiting smoking within a 25 foot radius outside of any doorway, open window or air intake leading into buildings or facilities owned by the City of Paola.**

Manager Wieland discussed issues related to smoking in the immediate proximity of several buildings owned by the City, especially the Paola Free Library. Although Kansas State Statute restricts smoking within a 10 foot radius of any door, open window or air intake leading into a building, at times smoke is still being drawn into our facilities as the public enters and exits. City staff is recommending that the Council consider adopting a more restrictive 25 foot radius by amending Section 10.24 of the Uniform Public Offense Code by adding the following to the listing of places where smoking is prohibited:

- (7) The area within a 25 foot radius outside of any doorway, open window or air intake leading into the following buildings or facilities owned by the City of Paola, Kansas:
  - (A) Paola City Hall – 19 E Peoria Street
  - (B) Paola Community Center – 905 E Wea Street
  - (C) Paola Family Swimming Pool – 10 Wallace Park Drive
  - (D) Paola Firehouse and the Firehouse Gym – 202 E Wea Street
  - (E) Paola Free Library – 101 E Peoria Street
  - (F) Paola Justice Center – 805 N Pearl Street
  - (G) Paola Public Works Facility – 29370 Old Kansas City Road
  - (H) Paola Wastewater Treatment Facility – 23991 Stewart Lane

After additional discussion, Council Member Nickelson made a motion to approve AN ORDINANCE AMENDING ARTICLE 10, SECTION 10.24 OF THE UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES, EDITION OF 2014, WHICH WAS INCOPORATED BY ORDINANCE NO 3086. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0 and the Ordinance was assigned number 3095.

**Agenda Item 10d – Consider approval of a Resolution amending Section 2.2 Tobacco Use Policy and Section 13.6(c)1 Random Testing of the City of Paola Personnel Manual.**

Human Resources Director Belt reported that in adopting a ban on smoking within a 25 foot radius of City owned buildings and facilities it is necessary to update the City's Personnel Manual to reflect this change. Additionally, staff is recommending an additional amendment concerning random drug testing for DOT and non-DOT safety sensitive positions. The changes are as follows:

## **2.2 Tobacco Use Policy:**

In order to maintain a safe and comfortable working environment protecting employees from effects of secondary smoke, and to ensure compliance with applicable laws, smoking in all City facilities and other designated areas is prohibited. Smoking on City property is discouraged but allowed. ~~within state law guidelines. Such law allows for~~ Smoking is allowed in outdoor areas ~~of any building or facility~~ beyond a ~~25~~ 10 foot radius outside any doorway, open window or air intake into any City owned building or facility. ~~where smoking is prohibited.~~ All tobacco use is prohibited in all City owned or leased vehicles.

## **Section 13.6(c)1 Random Testing:**

1. Annually, at least fifty (50) percent of the average number of non-DOT safety sensitive positions and twenty-five (25) percent of DOT safety sensitive positions will be randomly tested under the drug testing requirements.

After additional discussion, Council Member Wilhoite made a motion to approve A RESOLUTION AMENDING THE CITY OF PAOLA PERSONNEL MANUAL, EFFECTIVE APRIL 20, 2016. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 4 to 0 and the Resolution was assigned number 2016-005.

## **Agenda Item 10e – Consider approval of a new Federal-Aid Fund Exchange Master Agreement with the Kansas Department of Transportation for 2016.**

Manager Wieland reported that the City has been notified that the annual allotment under the Federal Funds Exchange Program with the Kansas Department of Transportation for 2016 is \$65,961.59.

The federal fund exchange program is a voluntary program that allows a local public agency to trade all or a portion of its federal fund allocations in a specific federal fiscal year with KDOT in exchange for state transportation dollars. The exchange rate for the program is \$0.90 of state funds for every \$1.00 of local federal obligation authority exchanged. State funds will be paid on a reimbursement basis as the local public agency incurs costs for transportation related projects. The City of Paola has participated in the Federal Funds Exchange Program for a number of years and it is a substantial part of the funding used for our annual street repair and maintenance program. For 2016, we will receive 90% of our allotted share of \$65,961.59 which equates to a net amount of \$59,365.43.

Public Works Director Browning reported that for calendar year 2016, KDOT is requiring each participating municipality to execute an updated Master Agreement.

After additional discussion, Council Member Pritchard made a motion to approve FEDERAL-AID FUND EXCHANGE MASTER AGREEMENT NO. 100-16, 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 11 – NEW BUSINESS**

Clerk Droste reported that sales tax revenues for March amounted to \$170,131 bringing the year-to-date total to \$573,749 which is 3.38% lower than the same time period in 2015.

Public Works Director Browning reported that the asphalt crews are in town 3 weeks early and will begin milling on Pearl Street tomorrow. He also reported that fixing the grade problem at the railroad tracks near the COOP will be more complicated than initially thought. He will be working with the railroad to come up with a solution.

Manager Wieland presented a plaque and thank you note from the Paola Pathways 5K Committee and a thank you note from Piper Jaffray.

Manager Wieland reported that he visited with Police Captain Colwell about additional traffic enforcement on West Shawnee Street and the 4-way stop at Peoria and Hospital. He also noted that a number of complaints have been received about improper bicycle safety.

Manager Wieland reported that he and Planner Gotfredson and Public Works Director Browning met with Taylor Forge to discuss transportation concerns pertaining to incoming and outgoing shipments at their facility.

Manager Wieland passed out copies of the new Paola Chamber of Commerce "Visit Paola Kansas" brochure.

Manager Wieland reported that the new "Mini-Grant Program" for the attraction and retention of businesses in Paola will begin on May 1<sup>st</sup>.

Manager Wieland reported on Senate Bill 463 which would redirect State Sale Tax revenues from KDOT to the State General Fund beginning in fiscal year 2018. He urged the Governing Body to contact our State Elected Officials to express opposition to SB 463.

Manager Wieland reported that he will be setting up another meeting with USD 368 to discuss the formation of a recreation commission.

Manager Wieland reported that the Police Department has been dealing with another "mental health dilemma". Officers recently spent 29 hours dealing with a person in need of mental health care. City Attorney Tetwiler explained the legal process in dealing with persons needing mental health care that have not been charged with a crime. Manager Wieland discussed the impact that this issue is having on all municipalities and counties statewide.

Manager Wieland reported that Governor Brownback vetoed Senate Bill 338 relating to abandoned residential properties. The bill would have provided municipalities with additional powers to deal with properties that have been unoccupied for at least a year and have a blighting influence on surrounding property.

Council Member Wilhoite thanked the Police Department for their increased traffic enforcement on Shawnee Street.

Council Member Nickelson discussed questions that he received regarding the upcoming Spring Clean Up. Staff addressed the questions.

Mayor Stuterville made the following nominations: Donna Nagel and Rick Schoenberger to serve on the Convention and Tourism Committee; Travis Hardwick and Steve Wrischnik to serve on the Paola Planning Commission; and Maggie Carr to serve on the Paola Free Library Board. Council

Member Pritchard made a motion to approve the Mayor's nominations as stated. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 4 to 0.

**Agenda Item 12 – EXECUTIVE SESSION for the purpose of a consultation with an attorney for the governing body which is deemed privileged in the attorney-client relationship. K.S.A. 75-4319(B)(2) is the authority for this recess.**

Council Member Wilhoite made a motion to adjourn to Executive Session, to include the Mayor, Council, City Attorney, City Manager, and City Clerk, for 10 minutes for the purpose of a consultation with an attorney for the governing body which is deemed privileged in the attorney-client relationship; the regular meeting to reconvene at 7:40 p.m. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 4 to 0.

At 7:40 pm, the Council came out of Executive Session and Council Member Pritchard made a motion to reconvene the adjourned meeting. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 4 to 0.

No action was taken pursuant to the Executive Session.

**Agenda Item 13 – 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 Nickelson 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