

**MINUTES OF THE COUNCIL MEETING  
OF THE CITY OF PAOLA, KANSAS  
6:00 O'CLOCK P.M.  
January 10, 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, Richard Lentz, Don Schweer, and Brian McCauley from the Miami County Republic.

**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.

**Agenda Item 1 - CONSENT AGENDA**

- a) Approval of minutes of the meetings of December 13, 2016 and January 3, 2017.
- b) Approval of Salary Ordinance 16-26 and 17-01.
- c) Approval of Appropriation Ordinance No 842 and 843.
- d) Approval of the Pledged Securities Report for December, 2016.

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

**Agenda Item 2 - COMMENTS FROM THE PUBLIC**

Mr. Don Schweer addressed the Council and thanked the Police Department and the Public Works Department for assistance in keeping the alley open in his neighborhood from all of the construction vehicles at the County Jail site.

Mr. Don Schweer also addressed the Council in regard to the construction of his new home at Hidden Meadows Subdivision. He requested that the Council consider adopting an ordinance allowing the construction of a 3 car width driveway. He indicated that due to the fact that his home is in a cul-de-sac, the additional width is necessary for parking. City Planner Gotfredson

explained the process for considering a text amendment to the Land Development Ordinance including the need for a Public Hearing.

**Agenda Item 3 - UNFINISHED BUSINESS** – None.

**Agenda Item 4 – NEW BUSINESS**

**Agenda Item 4a - Consider a Conditional Use Permit for Automobile Sales at 902 N Pearl Street.**

City Planner Gotfredson presented request for a Conditional Use Permit to operate an automobile sales business at 902 N Pearl Street. The owner has previously done business in Paola and plans to run a similar sized operation to what he did a few years ago. He will have 3 employees, sell 10-12 cars per month and operate Monday through Friday 10 AM to 7 PM and Saturday from 12 PM to 4 PM. He will be leasing a portion of the office building at this location and no automobile repairs will be made at this site. He reported that at its meeting on December 20, 2016, the Planning Commission held a public hearing where no comment was given. The Planning Commission unanimously recommended approval of this Conditional Use Permit with 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 twelve 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 additional discussion, Council Member Pritchard made a motion to approve AN ORDINANCE APPROVING CONDITIONAL USE PERMIT 16-CUP-04. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 4 to 0 and the Ordinance was assigned number 3106.

**Agenda Item 4b - Consider a proposal from Wilson & Company for engineering services.**

Manager Wieland reported that City Staff has been working with the new owner of the former Kahn Steel Products property and representatives from Taylor Forge on a potential transportation related project that would allow for addressing various issues related to the moving of products from Taylor Forge and allow for the redevelopment of the former Kahn Steel property. The project would involve the extension of Baptiste Drive through the former Kahn Steel property to connect with Iron Street. The project would also involve improving a portion of Iron Street that is badly in need of replacement. The City would work with the various parties to secure the needed right-of-ways and strategy for redevelopment of the area. The City intends to apply for grant funding through the KDOT Economic Development Program to assist with the project construction.

Manager Wieland reported that the first steps necessary to apply for the grant funding are the securing of the right-of-ways, project surveys, development of accurate cost estimates, and development of preliminary construction layout documents. The work being proposed under the scope of the agreement would be considered Phase I of the design portion of the project. The second and third phases of the project and the actual construction would depend on the availability of grant funding and the necessary local match of 25% of the project costs. If the grant funding is not available then the project and any related work would be delayed until such time as funding does become available or is secured.

Manager Wieland stated that Wilson & Company was selected for the first phase of this project due to their familiarity with the scope of work, their previous involvement in development of a concept plan for the extension, and their expertise in dealing with KDOT related initiatives. The cost of the proposed Phase I work as proposed is \$36,387 and would be considered an eligible grant expense and could be used as a portion of the local match.

After additional discussion, Council Member Wilhoite made a motion to authorize the City Manager to execute the agreement with Wilson and Company for the items outlined in the Phase I scope of work in the maximum amount of \$36,387.00, as presented. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 4 to 0.

#### **Agenda Item 5 - COMMITTEE REPORTS**

There were no Committee Reports presented.

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

Clerk Droste reported that City Staff is working on closing out the books for calendar year 2016. He will present end of year budget reports at the next meeting.

Clerk Droste reported that Deffenbaugh Industries will not be collecting trash on Monday, January 16<sup>th</sup> in observance of the Martin Luther King, Jr. Holiday. Trash and recycling collection will be delayed one day next week.

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

There were no issues discussed by the Council.

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

There were no issues discussed by the Mayor.

**Agenda Item 9 – EXECUTIVE SESSION** for the purpose of discussing personnel matters of non-elected personnel. K.S.A. 75-4319(B)(1) is the authority for this recess.

Council Member Wilhoite made a motion to adjourn to Executive Session, to include the Mayor and Council, for 20 minutes for the purpose of discussing personnel matters of non-

elected personnel; the regular meeting to reconvene at 6:40 p.m. The motion was seconded by Council Member Pritchard and all voted aye. The motion passed 4 to 0.

At 6:40 pm, the Council came out of Executive Session and Council Member Nickelson made a motion to reconvene the adjourned meeting. The motion was seconded by Council Member Pritchard and all voted aye. The motion passed 4 to 0.

Council Member House made a motion to adjourn to Executive Session, to include the Mayor, Council, and City Manager for the purpose of discussing personnel matters of non-elected personnel; the regular meeting to reconvene at 8:00 p.m. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 4 to 0.

At 8:00 pm, the Council came out of Executive Session and Council Member Nickelson made a motion to reconvene the adjourned meeting. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0.

Pursuant to the discussion held during Executive Session, Council Member House made a motion to extend the employment agreement with City Manager Jay Wieland for a period of 2 years and to award a 2% cost of living increase and a 2% merit increase. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 4 to 0.

#### **Agenda Item 10 – ADJOURNMENT**

With no additional business to come before the Council, Council Member Nickelson made a motion to adjourn. The motion was seconded by Council Member Pritchard and all voted aye. The motion passed 4 to 0.

---

Artie Stuteville, Mayor

ATTEST: [seal]

---

Daniel G. Droste, City Clerk