

**MINUTES OF THE COUNCIL MEETING
OF THE CITY OF PAOLA, KANSAS
6:00 O'CLOCK P.M.
August 8, 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, Public Works Director Kirk Rees, Human Resources Director Vicki Belt, David French, Cole Rayl, Kevin Leyser, Dave Smail, Curtis Long, Jody Smith, Aaron Smith, Sheila Jacobs, Brian McCauley with the Miami County Republic, and others.

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.

PRESENTATION: Public Works Director Rees presented Letters of Recognition to Cole Rayl and Kevin Leyser and he also presented the Police Department Accommodation Plaque to David French for their efforts in providing first aid to Mr. Rick Shay. Police Chief Jokerst explained that Mr. French administered CPR to Mr. Shay while Mr. Rayl and Mr. Leyser directed traffic until emergency services arrived at the scene. Mrs. Shay was in attendance and thanked everyone for their efforts.

PRESENTATION: Curtis Long recently visited the City of Paola, Malta and met with the Mayor, Executive Secretary, and City Counselor. He went on to explain some of the history and presented photographs and literature about the City. Then he presented a City of Paola, Malta Flag to the Mayor and City Council as a gift from the City of Paola, Malta.

Agenda Item 1 - CONSENT AGENDA

- a. Approval of minutes of the meeting of July 11, 2017.
- b. Approval of Salary Ordinances 17-15 and 17-16.
- c. Approval of Appropriation Ordinances 857 and 858.
- d. Approval of the Journal Entries Report for July, 2017.
- e. Approval of the Pledged Collateral Report for July, 2017.
- f. Approval of the renewal of a Drinking Establishment License for Casa Grande Restaurant at 120 W Peoria Street.

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 2 - COMMENTS FROM THE PUBLIC – Boy Scout Aaron Smith introduced himself and indicated that he was in attendance as part of a requirement for a merit badge. His mother, Jody Smith, was also in attendance.

Agenda Item 3 - UNFINISHED BUSINESS

Agenda Item 3a – Public Hearing for and adoption of the proposed 2018 Paola City Budget.

Council Member Wilhoite made a motion to open the public hearing on the proposed 2018 Paola City Budget. The motion was seconded by Council Member Pritchard and all voted aye. The motion passed 4 to 0.

Mayor Stuterville welcomed the audience and asked if there was anyone who desired to address the City Council in regard to the proposed 2018 Budget. No one came forward to address the City Council.

Council Member Pritchard made a motion to close the public hearing. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 4 to 0.

Agenda Item 3b – Consider adoption of the 2018 Budget.

Council Member House made a motion to adopt the 2018 Paola City Budget in the amount of \$15,322,976 pursuant to the Notice of Budget Hearing published in the Miami County Republic on July 19, 2017. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 4 to 0.

Manager Wieland commented to those in attendance that the City Council's action to adopt the 2018 Budget was the end result of several months of preparation and meetings. Manager Wieland thanked City Staff for all of their hard work and efforts during the preparation of the budget. He also thanked the City Council for their input and guidance throughout the process.

Agenda Item 4 – NEW BUSINESS

Agenda Item 4a - Report from Lee Mott with the Paola Roots Festival.

Lee Mott, President of the Paola Roots Festival Committee, addressed the Council regarding the upcoming Roots Festival. He reported that this is the 28th year for the festival which will be held on August 25th and 26th. On Friday evening, the featured band will be *Stoney Larue* and on Saturday evening the headline act will be the *Vintage Trouble*. Also, this year, Paola native Brody Buster will be playing with his band on Saturday evening. Another Paola native, Chris Burnett will also be returning to the Roots Festival to perform on Saturday afternoon. The festival also is the home of the East Central Kansas BBQ Contest. Single day admission

for the festival is \$15 on Friday and \$20 on Saturday, children 10 and under are free. A two day pass can also be purchased in advance for \$25.

Mr. Mott reported that they will be reducing the number of gates from 4 to 2 to cut down on the number of volunteers that it takes to operate the festival. Entrance gates will be located at the northwest and southeast corners of the Park Square. He acknowledged all of the individuals who help organize the event every year. He also thanked the Public Works Department and the Police Department for all of their help and support. After additional discussion, Mr. Mott thanked the City for its support of the Roots Festival.

Agenda Item 4b - Consider a Street Closure Application The Paola Roots Festival.

Clerk Droste presented the map for the Street Closure Application for the 2017 Roots Festival. After additional discussion, Council Member Pritchard made a motion to approve the Street Closure Application for the Paola Roots Festival from August 24th through the 26th as presented. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 4 to 0.

Agenda Item 4c - Consider Adoption of the 2017 Uniform Public Offense Code.

Clerk Droste presented the 2017 Uniform Public Offense Code and the 2017 Standard Traffic Ordinance for consideration.

After additional discussion, Council Member Pritchard made a motion to approve AN ORDINANCE AMENDING SECTION 205.005 OF THE CODE OF THE CITY OF PAOLA, KANSAS, 2009, 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 2017", WITH CERTAIN OMISSIONS. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 4 to 0 and the Ordinance was assigned number 3116.

Agenda Item 4d - Consider Adoption of the 2017 Standard Traffic Ordinance.

Council Member Pritchard made a motion to approve AN ORDINANCE AMENDING SECTION 300.010 OF THE CODE OF THE CITY OF PAOLA, KANSAS, 2009, INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES, EDITION OF 2017", WITH CERTAIN OMISSIONS AND AMENDMENTS; AND AFFIRMING THAT SECTION 305.060 UNLAWFUL OPERATION OF ALL-TERRAIN AND UNREGISTERED VEHICLES AND SECTION 305.070 OPERATION OF GOLF CARTS OF THE CODE OF THE CITY OF PAOLA, KANSAS, 2009, ARE NOT AMENDED, MODIFIED OR REPEALED. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 4 to 0 and the Ordinance was assigned number 3117.

Agenda Item 4e - Consider approval of the Final Plat of Baptiste Commons Building Condominium.

City Planner Gotfredson presented a request of a condominium plat of Olathe Health's Baptiste Commons Building. This building is currently under construction and this condominium plat will allow separate ownership for part of the building space. He reported that Subdivision and Condominium regulations are found in Article 10 Subdivision and Land Development Design Standards. The proposed plat is in conformance with these regulations. City Planner Gotfredson reported that at its meeting on July 18, 2017, the Planning Commission unanimously recommended approval of this final plat.

Mayor Stuterville inquired about the smaller foundation near the main building that is under construction. Mr. Mark Huggins responded that the foundation in question is for the trash enclosure for the facility.

After additional discussion, Council Member Wilhoite made a motion to approve the Final Plat of Baptiste Commons Building Condominium, 1st Plat, A Replat of Part of Lot 5, Baptiste Commons, a subdivision in the City of Paola, Miami County, Kansas, as presented. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 4 to 0.

Agenda Item 4f - Consider a Conditional Use Permit for an automobile sales business at 508 Baptiste Drive.

City Planner Gotfredson presented a request for a Conditional Use Permit (CUP) for an automobile sales business at 508 Baptiste Drive. He indicated that a few years ago, a similar business operated at this location. Mayor Stuterville questioned the doors of the building that were recently painted pink. She indicated that pink was not an approved color in the Baptiste Drive Corridor. Planner Gotfredson indicated that the doors are in the process of being repainted.

After additional discussion, Council Member Pritchard made a motion to approve AN ORDINANCE APPROVING CONDITIONAL USE PERMIT 17-CUP-01. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 4 to 0 and the Ordinance was assigned number 3118.

Agenda Item 4g - Consider an Ordinance increasing fees for solid waste and recycling collection from \$16.00 to \$16.35 monthly, beginning with the September 30, 2017, billing statement.

Manager Wieland reported that the City had not increased the monthly fees for trash and recycling collection since 2014. The proposed increase from \$16.00 to \$16.35 monthly is necessary to cover a 2% increase in the collection contract with Waste Management.

After additional discussion, Council Member Wilhoite made a motion to approve AN ORDINANCE AMENDING SECTION 725.170: CHARGES FOR COLLECTION AND DISPOSAL, CHAPTER 725: REFUSE, TRASH AND SOLID WASTE, TITLE VII: UTILITIES, OF THE CODE OF THE CITY OF PAOLA, KANSAS, 2009. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0 and the Ordinance was assigned number 3119.

Agenda Item 4h - Consider acknowledgement of the submission of the 2016 Supplemental Operating Data to the Electronic Municipal Market Access (EMMA) system.

Clerk Droste reported that on December 9, 2014, the City Council formally adopted the City's *Continuing Disclosure Policy* to provide a framework for compliance with new Securities Exchange Commission disclosure regulations. In compliance with that policy, the 2016 Supplemental Operating Data was electronically filed on the Electronic Municipal Market Access (EMMA) system on July 11, 2017. This information was filed with EMMA by Piper Jaffray. Also in compliance with that policy, the City Council was notified via email on July 13th that the filing had been completed.

After additional discussion, Council Member Nickelson made a motion to acknowledge that in compliance with Section II (2) of the Continuing Disclosure Policy for the City of Paola, the City Clerk did provide to the Governing Body written confirmation from EMMA that the 2016 Supplemental Operating Data for the City of Paola has been submitted and filed properly with the Municipal Securities Rulemaking Board through EMMA on July 11, 2017. The motion was seconded by Council Member House 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 sales tax revenue for the month of July amounted to \$206,024 bringing the year-to-date total to \$1,461,180, which is 5.58% more than the same time period last year.

Clerk Droste also reported that he has received notification from the US Census Bureau that the LUCA program will be starting soon. The LUCA program allows local jurisdictions to verify physical addresses so that an accurate count can be made for the 2020 Census.

City Planner Gotfredson thanked the Mayor and City Council for all of their support during his tenure with the City of Paola. This will be his last City Council meeting as he will be leaving to accept a new position in Baltimore, Maryland. City Manager Wieland thanked him for all of his efforts and hard work over these past years.

Manager Wieland distributed copies of the League of Kansas Municipalities Policy Statement for review. He asked for feedback as soon as possible so that he could respond to the League. He reviewed some of the highlights of the Policy Statement with the Council.

Manager Weiland reported that the League of Kansas Municipalities Regional Supper will be held in Lawrence on October 11th.

Manager Wieland asked the City Council about renewing the New Housing Incentive Program. He reported that all 10 of the incentives have been awarded since the program was renewed in April. The 10 building permits issued had a total value of \$2,747,000 and approximately \$35,000 in building permit fees were waived. Manager Wieland recommended that the program be extended through the end of 2017 without setting a limit on the number of permits issued. After additional discussion, the Council agreed that the program should be extended

through the end of 2017 without a limit on the number of permits. Manager Wieland stated that this issue would be presented to the Council for formal approval at the next City Council meeting.

Manager Wieland reported that the street light head has been repositioned at Chippewa and Hickory Streets. He also reported that the utility pole at Gold and Ottawa Streets belongs to AT&T and they will be contacted about the condition of that pole.

Manager Wieland reported that there is a party that is interested in purchasing the old water treatment plant. They have looked at the building and are considering options.

Manager Wieland recommended that the Council consider the reinstatement of a 401A Plan for KPERS employees to compensate for the inequity in benefits for KPERS versus KP&F. The Council indicated that they would be open to reinstating the Plan.

Agenda Item 7 - MISCELLANEOUS MATTERS FROM THE COUNCIL

The City Council thanked City Planner Gotfredson and wished him the best of luck to him and his family.

Council Member Nickelson asked when the last day that the swimming pool would be opened. Clerk Droste reported that the pool closes for the season on Tuesday, August 15th at 6:00 pm.

Agenda Item 8 - MISCELLANEOUS MATTERS FROM THE MAYOR

Mayor Stuteville asked about the traffic counters by Taylor Forge. Public Works Director Rees reported that a traffic study is being conducted to determine if stop signs should replace the yield signs at several of the intersections near Taylor Forge.

City Attorney Tetwiler introduced Nickoli who is from the Country of Moldova, an Eastern European country and former Soviet Republic. He and 6 other students are visiting the United States to learn about our Judicial System.

Agenda Item 9 - ADJOURNMENT

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

Artie Stuteville, Mayor

ATTEST: [seal]

Daniel G. Droste, City Clerk