

**MINUTES OF THE COUNCIL MEETING
OF THE CITY OF PAOLA, KANSAS
6:00 O'CLOCK P.M.
August 14, 2018**

**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 Dave Smail, Gee Gee Wilhoite, Leigh House and Aaron Nickelson.

Council Members absent: None

Also present: City Manager Jay Wieland, City Clerk Dan Droste, Assistant City Clerk Stephanie Marler, City Attorney Lee Tetwiler, Police Chief Don Poore, Trent Upshaw, Brian McCauley, Members of the Paola Police Department, Gary Lasher, Mary Snodgrass, Lee Mott, family of Sergeant Mark Miller and others.

CALL TO ORDER: The regular council meeting was called to order by Mayor Stuteville.

ROLL CALL: Mayor Stuteville and Council Members Smail, House, Nickelson and Wilhoite were all present.

Agenda Item 1 - CONSENT AGENDA

- a. **Approval of minutes of the meeting of July 10, 2018.**
- b. **Approval of minutes of the meeting of July 24, 2018.**
- c. **Approval of Salary Ordinances 18-15 and 18-16.**
- d. **Approval of Appropriation Ordinances 883 and 884.**
- e. **Approval of the Pledged Collateral Report for July, 2018.**
- f. **Approval of the Journal Entries Reports for July, 2018.**
- g. **Approval of the renewal of a Drinking Establishment License for Applebee's at 1301 Kansas Drive.**

Council Member Nickelson made a motion to approve the Consent Agenda 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 2 - COMMENTS FROM THE PUBLIC –

Gary Lasher addressed the council regarding the dangerous building located at 115 W. Wea. He owns property adjacent to the building and is concerned about damage that will be caused if the building falls. He asked the council to take action immediately to correct the situation.

Mary Snodgrass addressed the council and asked them to reconsider the decision they made at the July 10th meeting to keep the pit bull ban.

Agenda Item 3 - UNFINISHED BUSINESS

Agenda Item 3a – Public Hearing for and adoption of the proposed 2019 Paola City Budget.

Council Member Wilhoite made a motion to open the public hearing on the proposed 2019 Paola City Budget. The motion was seconded by Council Member House 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 2019 Budget. No one came forward to address the City Council.

Manager Wieland commented to those in attendance that the assessed valuation of the community had an increase of 3.104% over the 2018 budget and also mentioned that from 2010 to 2016 the city had lost 7.37% of its value with the economic downturn, so things are looking up. Manager Wieland also pointed out that the budget does not increase the mill levy and only 15.26 % of the budget is supported by property tax.

Council Member Smail 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 2019 Budget.

Council Member Nickelson made a motion to adopt the 2019 Paola City Budget in the amount of \$15,245,003 pursuant to the Notice of Budget Hearing published in the Miami County Republic on August 1, 2019. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0.

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 29th year for the festival which will be held on August 24th and 25th. On Friday evening, the featured band will be *Tommy Castro & the Painkillers* and on Saturday evening the headline act will be *Tab Benoit*. Also, this year, the cultural act will be *Jace Roberts Hoop Dancer*. 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 still only have 2 gates 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 2018 Roots Festival. After additional discussion, Council Member Smail made a motion to approve the Street Closure Application for the Paola Roots Festival from August 23th through the 25th as presented. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 4 to 0.

Agenda Item 4c - Consider Adoption of the 2018 Uniform Public Offense Code.

Clerk Droste presented the 2018 Uniform Public Offense Code and the 2018 Standard Traffic Ordinance for consideration.

After additional discussion, Council Member Wilhoite 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 2018", WITH CERTAIN OMISSIONS AND AMENDMENTS. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 4 to 0 and the Ordinance was assigned number 3127.

Agenda Item 4d - Consider Adoption of the 2018 Standard Traffic Ordinance.

Council Member Nickelson 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 2018", 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 House and all voted aye. The motion passed 4 to 0 and the Ordinance was assigned number 3128.

Agenda Item 4e - Consider an Ordinance increasing fees for solid waste and recycling collection from \$16.35 to \$17.00 monthly, beginning with the August 31, 2018, billing statement.

City Manager Wieland explained that the City of Paola contracts with Waste Management. for trash collection and disposal services. The contract contains a provision for an increase in the amount that Waste Management is paid. Pursuant to that agreement, we will see an increase of 2% in our base service charge for this service beginning in September. In the City Council Work Study Meeting on June 26th, staff discussed the upcoming contractual increase and the need to correspondingly increase our rates. He proposed that trash fees be increased from \$16.35 to \$17.00 per month.

After further discussion Council Member House 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 Wilhoite and all voted aye. The motion passed 4 to 0 and the Ordinance was assigned number 3125.

Agenda Item 4f - Consider an Ordinance amending Waste Water Treatment Plant Rates beginning with the September 30, 2018 billing statement.

Manager Wieland reported that in developing the 2019 budget for the City of Paola staff performed an evaluation of the operational needs of the Sewer Fund including revenue levels, fund balances, carryover amounts and the costs of operating, maintaining, and improving the sanitary sewer system. Based on the recalculation of projected operating costs in 2019, staff is recommending that a \$2.00 adjustment be made to the Wastewater Treatment Plant Improvement Charge. The Volume charge will remain the same at this time.

Council Member Wilhoite made a motion to approve AN ORDINANCE AMENDING TITLE VII. UTILITIES, CHAPTER 715: SEWERS, ARTICLE IV. RATES AND CHARGES FOR WASTEWATER TREATMENT USERS, SECTION 715.240: SCHEDULE OF CHARGES, OF THE MUNICIPAL CODE OF THE CITY OF PAOLA, KANSAS. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0 and the Ordinance was assigned number 3126.

Agenda Item 4g - Consider an Ordinance amending the Residential Construction Incentive Program.

City Manager Wieland reported that the 2018 residential construction incentive program has resulted in 6 new homes being constructed. Given the remaining concerns of increasing the housing stock in Paola, encouraging continued new home construction and broadening the City's tax base, he recommends considering to adopt the ordinance with the amended incentives. The proposed ordinance would eliminate the utility incentives and extend the program through December 31st of 2018. In a departure from previous years, the incentive will be consistent through the city as follows: 65% reduction of building permit fee and 65% reduction of plan review fee.

Council Member Nickelson made a motion to approve AN ORDINANCE ADOPTING A RESIDENTIAL CONSTRUCTION INCENTIVE PROGRAM, AND REPEALING ORDINANCE NO. 3122. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0 and the Ordinance was assigned number 3129

Agenda Item 4h - Consider approval of the final plat for Hidden Meadows Estates IIB.

City Manager Wieland presented a final plat for the second part of Phase II of Hidden Meadows Estates (Hidden Meadows Estates IIB). This is a plat for 8 detached single family lots. Lots sizes range from 8,580 sq.ft. to 10,795 sq.ft. In November of 2017, the Paola City Council approved for a vacation of the 10ft. utility easement from lot 29 in order to be able to comply

with building setbacks. This was done with the understanding that the 10ft. utility easement will be added back in during the platting of Phase IIB.

After further discussion Council Member Smail made a motion to approve final plat for Hidden Meadows Estates IIB, as presented. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 4 to 0.

Agenda Item 5 - COMMITTEE REPORTS – None.

Agenda Item 6 - STAFF REPORTS

City Manager Wieland discussed some dangerous structures that need to be addressed in the city. Including the 115 W Wea location there are two other structures that will be inspected and further action will be taken to correct them.

City Manager Wieland also mention that the Economic Incentive Review Board is coming together to be able to address a couple projects that are coming up.

Agenda Item 7 - MISCELLANEOUS MATTERS FROM THE COUNCIL

Council Member Smail is pleased that a noise ordinance is being drafted.

Council Member House thanked staff for the work put in to complete the budget.

Council Member House mentioned that she has family that has moved into town to open a new business and they really enjoy Paola.

Council Member Nickelson asked Public Works Director Rees about a timeline for the chip and seal project on Baptiste Drive. Mr. Rees expects the company to be in town on the 28th.

Agenda Item 8 - MISCELLANEOUS MATTERS FROM THE MAYOR

Mayor Stuteville nominated Stan Plummer to serve on the Community Center Board.

Council Member Nickelson made a motion to approve the Mayor's nominations to the Community Center Board. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0.

Agenda Item 9 – 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 Smail and all voted aye. The motion passed 4 to 0.

Artie Stuteville, Mayor

ATTEST: [seal]

Daniel G. Droste, City Clerk