

**MINUTES OF THE COUNCIL MEETING
OF THE CITY OF PAOLA, KANSAS
6:00 O'CLOCK P.M.
September 11, 2018**

**Held in the Municipal Court Room at the Paola Justice Center
805 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 Tettwiler, Police Chief Don Poore, Trent Upshaw, Brian McCauley, Members of the Paola Police Department, Members of the Paola Fire Department, Bill Coulter, Renee Slinkard, 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 August 14, 2018.
- b. Approval of Salary Ordinances 18-17, 18-18 and 18-19.
- c. Approval of Appropriation Ordinances 885 and 886.
- d. Approval of the Pledged Collateral Report for August, 2018.
- e. Approval of the Journal Entries Reports for August, 2018.
- f. Approval of the renewal of a Retail Liquor License for Park Plaza Liquor at 1403-B Baptiste Drive, subject to complete documentation, fee, and inspection.
- g. Approval of the renewal of a Caterer's License for Town Square at 15 W Wea, subject to complete documentation, fee, and inspection.
- h. Approval of a Leak Allowance in the amount of \$302.22 for 704 S. Silver St.

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

PRESENTATION:

Police Chief Poore and Fire Chief Martin presented Officer Dustin Hawkins and Firefighter Justin Fields with the Life Saving Award. Police Chief Poore stated that on August 3 at 2:46 pm, Paola Police Officers and MIAMICO EMS were dispatched to the Garden Center at the Paola Wal-Mart in reference to a person down and not breathing. Upon arrival, Officers found the non-breathing victim unconscious with no pulse and Off Duty Paola Fire Fighter Justin Fields administering CPR. Officer Dustin Hawkins immediately began hooking up the AED

Unit to the victim while Justin Fields continued CPR. After the AED was hooked up, the unit indicated a shock was needed and was given. EMS arrived shortly thereafter and found the victim now had a pulse. EMS Transported the victim to Olathe Med where she underwent emergency surgery for a severe heart attack. According to EMS Personnel, the victim would have not survived if not for the quick actions of both the Police Officer and Fire Fighter. Lt. Chad Corbin, who was the Supervisor on scene, nominated Paola Fire Fighter Justin Fields and Paola Police Officer Dustin Hawkins for the Life Saving Award for their actions on that day. Police Chief Poore wanted to take this opportunity to publicly thank the Beaehr Foundation. This is the third life saved in Paola by a Paola Police Officer using an AED Unit purchased with a grant from the Baehr Foundation.

Bill Coulter, a Paola photographer, presented the Mayor and Council with a photograph he took of a 1911 Ford in front of the Miami County Courthouse. The photograph was the full cover of The Vintage Ford magazine published for the July-August edition.

PROCLAMATION: Renee Slinkard with the Daughters of the American Revolution made comments regarding the importance of Constitution Week. Mayor Stuteville read and presented a Proclamation naming the week of September 17th through the 23rd as Constitution Week and presented it to Ms. Slinkard.

Agenda Item 2 - COMMENTS FROM THE PUBLIC

Agenda Item 3 - UNFINISHED BUSINESS

Agenda Item 4 - NEW BUSINESS

Agenda Item 4a. Consideration of a Conditional Use Permit for a pet grooming business.

Manager Wieland stated a request has been made for a conditional use permit to operate a pet grooming and pet boutique business at 14 S. Silver. The business will be small in scale with one or two employees. There will be no overnight boarding of any animals. At its meeting on August 21, 2018 the Planning Commission held a public hearing where no comment was given. The Planning Commission unanimously recommended approval of this Conditional Use Permit as long as the following standards are met.

1. Adequate ventilation shall be provided between adjoining structures.
2. Prior to receiving a permit, the applicant must submit copies of approvals from all regulatory agencies having jurisdiction over pet grooming services.
3. All pet waste shall be disposed of in an approved manner.
4. Noise levels shall be limited so as not to disturb surrounding properties.
5. All chemicals used in the grooming process shall be non-destructive to the public sanitary sewer system.

Manager Wieland also assured that any business with a CUP will be reviewed every three years to confirm that the conditions are continuously being met.

After additional discussion Council Member Wilhoite made a motion to approve AN ORDINANCE APPROVING CONDITIONAL USE PERMIT 18-CUP-01. The motion was

seconded by Council Member House and all voted aye. The motion passed 4 to 0 and the Ordinance was assigned number 3131.

Agenda Item 4b - Consider adoption of a Noise Ordinance.

Manager Wieland addressed the new Noise Ordinance that was discussed at the September 4th Work Study Meeting. The City Council reviewed an Ordinance that establishes a new Section 205.015-Disturbing the Peace.

After some discussion Council Member Nickelson made a motion to approve AN ORDINANCE ADDING TITLE II: PUBLIC SAFETY HEALTH AND WELFARE, CHAPTER 205: OFFENSES, ARTICLE II: OFFENSES CONCERNING PEACE AND ORDER, SECTION 205.015: DISTURBING THE PEACE; AND AMENDING THE TITLE OF SECTION 205.020: LOUD SOUND AMPLIFICATION SYSTEMS PROHIBITED – VEHICLES, OF THE MUNICIPAL CODE OF THE CITY OF PAOLA, KANSAS. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0 and the Ordinance was assigned number 3130.

Agenda Item 4c- Consider a proposal from Olsson Associates to improve drainage issues on First St. and Iron St.

Manager Wieland reported that over the last few years the Public Works Department has identified storm water flooding concerns in the neighborhoods surrounding the area of First and Iron Streets. The City has a 48" storm sewer main that collects storm water from a significant drainage area that serves the residents and businesses in that vicinity. After another incident of storm water flooding that impacted a residential structure, the Public Works Department solicited Requests for Proposals from eight engineering firms for a study of the storm water collection system and proposed design models to address the problems that were identified. The RFP's were sent out in early August. The City received three proposals outlining the proposed scope of work and the costs for the initial study and design criteria. After evaluation of the proposals, staff is recommending the acceptance of the submittal from Olsson Associates. Staff decided to break the proposals into two phases for comparative purposes with Phase 1 being evaluation of the flooding situation and potential solutions. Phase 2 would include preliminary conceptual designs and construction document preparation.

After some discussion Council Member Smail made a motion to accept the bid from Olsson Associates for a storm water system study for the First and Iron St. area in the amount of \$16,820. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 4 to 0.

Agenda Item 4d - Consider a proposal for engineering services regarding the building located at 115 W. Wea.

As Manager Wieland discussed at the September 4, 2018 Council Study Session, staff is proceeding with the necessary steps to declare the property at 115 W. Wea an unsafe structure as per City Code and move forward with finding a suitable means to remedy a number of structural issues. The City has conducted its initial inspection of the property and found numerous dangerous and unsafe conditions. In addition, the city staff asked a contractor to

conduct an inspection of the building and provide an assessment of the costs to make the building at least structurally sound enough to remove the unsafe designation. As the next step in the process, staff is requesting authorization to have Barney Schwabauer, a qualified structural engineer with Norton & Schmidt, conduct a preliminary inspection of the property and provide a report on his findings

After additional discussion Council Member Wilhoite made a motion to authorize the City Manager to execute an agreement in the amount of \$750 with Norton & Schmidt for the services of Barney Schwabauer to perform a preliminary structural integrity assessment of the property at 115 W. Wea. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 4 to 0.

Agenda Item 5 - COMMITTEE REPORTS – None.

Agenda Item 6 - STAFF REPORTS

Manager Wieland reported that he will be out of the office from September 21st -30th for the ICMA Conference in Baltimore.

Agenda Item 7 - MISCELLANEOUS MATTERS FROM THE COUNCIL

Council Member Nickelson asked if there had been any feedback about the chip & seal project. Manager Wieland said there have not been any calls into City Hall and Public Works Director Rees said there had only been one unsatisfied person.

Agenda Item 8 - MISCELLANEOUS MATTERS FROM THE MAYOR

Mayor Stuterville nominated Jim Pritchard to serve on the Planning Commission.

Council Member Nickelson made a motion to approve the Mayor's nomination to the Planning Commission. The motion was seconded by Council Member Wilhoite 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 Smail made a motion to adjourn. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0.

Artie Stuterville, Mayor

ATTEST: [seal]

Daniel G. Droste, City Clerk