

**MINUTES OF THE COUNCIL MEETING  
OF THE CITY OF PAOLA, KANSAS  
6:00 O'CLOCK P.M.  
December 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, and Leigh House.

**Council Members absent:** Aaron Nickelson

**Also present:** City Manager Jay Wieland, City Clerk Dan Droste, Assistant City Clerk Stephanie Marler, City Attorney Lee Tetwiler, Police Chief Don Poore, Public Works Director Kirk Rees, Trent Upshaw, Brian McCauley, Thomas & Jennifer Wright, Alan Hire and others.

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

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

**Agenda Item 1 - CONSENT AGENDA**

- a. **Approval of minutes of the meeting of November 13, 2018.**
- b. **Approval of Salary Ordinances 18-24 and 18-25.**
- c. **Approval of Appropriation Ordinances 891 and 892.**
- d. **Approval of the Pledged Collateral Report for November, 2018.**
- e. **Approval of the Journal Entries Reports for November, 2018.**
- f. **Approval of the renewal of a Drinking Establishment License for Spudley's at 2 Morningside Drive.**
- g. **Approval of the renewal of the Class "A" Private Club License for the VFW at 202 Delaware subject to receiving the State License and passing the fire inspection.**
- h. **Approval of the renewal of Cereal Malt Beverage Licenses for 2019:**
  - 1) **Price Chopper at 309 N Hospital Drive – Off Premises**
  - 2) **Casey's General Store #1237 at 119 N Hospital Drive – Off Premises**
  - 3) **Casey's General Store #1337 at 404 S Silver Street – Off Premises**
  - 4) **Emery's Steak House at 16 W Peoria Street – On Premises**
  - 5) **Walmart at 310 Hedge Lane – Off Premises**
  - 6) **Fuel Espresso #15 at 1005 N Pearl Street – Off Premises**

Council Member House 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 3 to 0.

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

Alan Hire, owner of a duplex at 209 E Chippewa, addressed the council to acknowledge the great job the Police Department and Fire Department did in detecting and extinguishing a fire at the duplex. The Police Department caught it early and were able to get the Fire Department involved. He said what could have been a tragedy for his family and his tenants was merely an inconvenience and he wanted to say thank you.

**Agenda Item 3 - UNFINISHED BUSINESS:**

**Agenda Item 3a - Public Hearing to discuss the repair or removal of the structure located at 115 W. Wea.**

Council Member Wilhoite made a motion to open the public hearing to discuss the structure located at 115 W. Wea. The motion was seconded by Council Member House and all voted aye. The motion passed 3 to 0.

City Clerk Droste reminded the council they approved Resolution 2018-010 at the October 9<sup>th</sup> meeting to set a public hearing for the discussion of the dangerous structure located at 115 W Wea. All parties of interest were notified of the public hearing and all signed for the notice. The council received reports from the Fire Chief, Building Inspector, and Engineering Firm Norton & Schmidt for review. Clerk Droste said the engineer report does indicate the structure could be repaired but the difficulty of this structure is that it does share common walls with surrounding structures and the costs of repair will be very expensive.

Clerk Droste reported that state statute does require the council to give the owners a “reasonable amount of time” to make repairs to the property or remove the structure. The council may give an additional amount of time for repairs to be completed if they are making progress. The amount of time to commence and complete repairs will be set by a resolution.

Thomas Wright of 14 S Silver addressed the council with interest in repairing the building. He has read the engineer’s report and understands there are problems. City Attorney Lee Tetwiler wanted to bring to Mr. Wright’s attention that the City’s legal action being considered will give him 55 days from the date of the resolution’s publication to commence repairs and then another 120 days after that to complete them. Manager Wieland clarified that the structural repairs need to be made in that time to satisfy the terms of the resolution. Clerk Droste stated that Mr. & Mrs. Wright will be notified as an interested party per state statute from this date forward.

With no further discussion 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 3 to 0.

**Agenda Item 3b - Consider a resolution finding the structure located at 115 W. Wea to be unsafe or dangerous.**

Council Member Smail made a motion to approve A RESOLUTION FINDING THAT THE STRUCTURE LOCATED ON LOT 2, BLOCK 46, OF THE CITY OF PAOLA, MIAMI COUNTY, KANSAS COMMONLY KNOWN AS 115 W WEA, PAOLA, KANSAS, IS UNSAFE OR DANGEROUS AND DIRECTING THE STRUCTURE TO BE REPAIRED OR REMOVED AND THE PREMISES MADE SAFE AND SECURE. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 3-0.

**Agenda Item 4 - NEW BUSINESS**

**Agenda Item 4a - Consider Certificate of Election Results.**

City Clerk Droste presented the Certificate of Election Results from the Miami County Clerk and Election Officer. The results are as follows:

Ward 2:	Trent Upshaw	336 votes	96.55%
	Write In	12 votes	3.45%
Ward 4:	Aaron Nickelson	502 votes	98.24%
	Write In	9 votes	1.76%

Council Member Wilhoite made a motion to accept the certificate of election results naming, Trent Upshaw – City Council Ward 2, and Aaron 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 3 to 0.

**Agenda Item 4b - Consider an application for a new Drinking Establishment License for Papa C's BBQ Bar & Grill, Carl Clinton at 807 S Silver Street.**

Assistant City Clerk Marler reported that Mr. Carl Clinton submitted an application for a new Drinking Establishment License. His business will be located at 807 S Silver and will be called Papa C's BBQ Bar and Grill. Mr. Clinton is in the process of getting his State liquor license and the business facility did pass the required fire safety inspection. The business is not located within 200 feet of a church or a school so a public hearing is not required.

Council Member Smail made a motion to approve the Drinking Establishment Licenses for Papa C's BBQ Bar and Grill, Carl Clinton at 807 S Silver Street subject to receiving the State License. Council Member House seconded and Council Member Wilhoite abstained. As an abstention is counted toward the majority, the motion passed 3 to 0.

**Agenda Item 4c - Consider approval of employee Christmas gifts.**

Council Member Smail made a motion to approve the issuance of a \$100 gift card to City Employees as a Christmas gift. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 3 to 0

**Agenda Item 4d - Consider the use of KDOT Highway Safety Improvement Program Funding to widen the intersection of Baptiste Dr. and Hedge Lane.**

City Manager Wieland explained that a number of months ago the city was asked to look into the possibility of widening the intersection of Baptiste Drive and Hedge Lane to better accommodate the turning motions of heavy trucks heading north on Hedge Lane. Given the current configuration semi-trucks are having a difficult time clearing the turning radius, especially if vehicles are occupying the Hedge Lane left turn lane. Public Works Director Rees contacted KDOT representatives to determine if any state or federal funding was available to assist the city with a project to reconfigure and widen the intersection to better accommodate truck traffic.

It was determined after submittal of information by the city that a widening project would be eligible for Highway Safety Improvement Program Funding (HSIP). The HSIP program is a matching grant program with a formula of 90% federal funds and 10% city funds. KDOT has approved the city's application and has made an offer to allocate up to \$300,000 in HSIP funding for the construction of a right turn lane onto Hedge Lane for west bound Baptiste Drive traffic, updating of traffic signalization with LED indications, retroreflective back plates for signal heads, countdown timers, APS push buttons for pedestrian traffic, and the addition of a battery backup system. The work would need to be completed in KDOT's 2020 or 2021 fiscal years.

The city would be responsible for 10% of the cost of the project up to maximum of the \$300,000 of KDOT funding and then would be responsible for all costs in excess of the grant amount. Based on preliminary estimates staff believes the project can be constructed for the amount of grant funding and city funding that is available. The city's portion of an estimated \$300,000 project would be \$30,000. Funding for the city's match could come from Special Street and Highway Funds (Motor fuel Tax) budget, the Street Department's construction budget, or if acceptable to the Miami County Commission, a portion of the remaining \$500,000 county sales tax monies that was allocated to the City of Paola.

After some discussion Council Member Wilhoite made a motion to authorize City Manager Wieland to prepare a letter of intent to KDOT for acceptance of the HSIP funding grant on behalf of the City of Paola. The motion was seconded by Council Member House and all voted aye. The motion passed 3 to 0.

**Agenda Item 5 - COMMITTEE REPORTS:** None.

**Agenda Item 6 - STAFF REPORTS:**

City Attorney Tetwiler said that the intersection reconstruction will be quite an improvement. He had a car run over by the back wheels of a semi because the truck couldn't make the turn.

Public Works Director Rees updated the council on a low water pressure problem on Silver St. They were able to tap a house onto an existing line on the east side of the street and will lay a new line on the west side to accommodate those customers.

Police Chief Poore said he plans to recognize the officers that found the fire at 209 E Chippewa, along with any other special awards, at the May council meeting. Memorial Week for Law Enforcement Officers is in May so that will be fitting.

City Manager Wieland said three Economic Development projects are moving along. He should have a closing date for a lot in the Business Park, preliminary site plan for a potential sub-division and some other information for a site in the Industrial Park.

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

Council Member Smail said he had a constituent question him about two pit bull dogs in their front yard and he thought there was an ordinance against them. Council Member Smail said that in order for the city to know about the dogs they need to be reported to animal control.

Council Member Wilhoite reported that the owner of Liberty Tax questioned her about when she would be allowed to have feather banners. She explained to the owner that the ordinance has been in place for a while and there is no plan of changing it.

Council Member House said she has once again been questioned about a recreation commission. The school district has recently sent out a survey and a recreation commission was part of that. Council Member House said they should wait until the results of the survey and then address it.

**Agenda Item 8 - MISCELLANEOUS MATTERS FROM THE MAYOR -None**

**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 House made a motion to adjourn to Executive Session, to include the Mayor, Council, Trent Upshaw Councilmember Elect and City Manager for 20 minutes to discuss contractual matters related to the City Manager's employment agreement pursuant to the non-elected personnel matter exemption, KSA 75-4319(b)(1); the regular meeting to reconvene here at the Municipal Court Room at 7:05 p.m. The motion was seconded by Council Member Smail and all voted aye. The motion passed 3 to 0.

At 7:05 pm the Council came out of Executive Session and Council Member House made a motion to reconvene the adjourned meeting. The motion was seconded by Council Member Smail and all voted aye. The motion passed 3 to 0.

Council Member House made a motion to adjourn to an additional Executive Session, to include the Mayor, Council, Trent Upshaw Councilmember Elect and City Manager for 40 minutes to discuss contractual matters related to the City Manager's employment agreement pursuant to the non-elected personnel matter exemption, KSA 75-4319(b)(1); the regular meeting to reconvene here at the Municipal Court Room at 7:45 p.m. The motion was seconded by Council Member Smail and all voted aye. The motion passed 3 to 0.

At 7:45 pm the Council came out of Executive Session and Council Member House made a motion to reconvene the adjourned meeting. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 3 to 0.

Pursuant to the discussion held during Executive Session, Council Member Smail made a motion to award a 2% cost of living increase and a 2% merit increase for the fiscal year 2019 and renewed the City Manager's employment agreement for one year. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 3 to 0.

**Agenda Item 10 – 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 3 to 0.

---

Artie Stuteville, Mayor

ATTEST: [seal]

---

Daniel G. Droste, City Clerk