

**MINUTES OF THE COUNCIL MEETING  
OF THE CITY OF PAOLA, KANSAS  
6:00 O'CLOCK P.M.  
February 12, 2019**

**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, Trent Upshaw, Leigh House, 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, Chief of Police Don Poore, Public Works Director Kirk Rees, Assistant to the City Manager Randi Shannon, Brian McCauley with the Miami County Republic, Alexandria & Jacob Minden, Kenny & Carolyn Hightower, Gee Gee Wilhoite, Thomas & Jennifer Wright, John & Doreen Smith, and others.

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

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

**PRESENTATION**

Police Chief Don Poore presented Alexandria Minden with the Citizens Life Saving Award for her actions taken on September 27, 2018. When the Police Department was dispatched to Walmart regarding a person down and not breathing, they arrived to find Mr. Kenneth Hightower unconscious and unresponsive and Mrs. Minden was performing active CPR. Former Officer Hawkins was able to get Mr. Hightower hooked up to the AED while CPR was continued and a shock was administered with EMS arriving shortly thereafter. Mr. Hightower regained consciousness and was transported to Olathe Medical Center. Had it not been for the quick actions of Mrs. Minden this situation could have had a much different outcome. Mr. Hightower said had he been at home he would be six feet under so he thanked Mrs. Minden for saving his life.

Mayor Stuteville presented a plaque to retired City Council Member Gee Gee Wilhoite in appreciation for her more than 10 years of service to the City of Paola.

## **Agenda Item 1 - CONSENT AGENDA**

- a. Approval of minutes of the meeting of January 14, 2019.
- b. Approval of Salary Ordinances 19-3 and 19-4.
- c. Approval of Appropriation Ordinances 895 and 896.
- d. Approval of the Pledged Collateral Report for January 2019.
- e. Approval of the Journal Entries Reports for January 2019.

Council Member Upshaw 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.

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

Mayor Stuterville recognized that Jacob Farmer with the Boy Scouts was in the audience. He came with his father Mark Farmer to earn his Communications Badge.

## **Agenda Item 3 – UNFINISHED BUSINESS**

Clerk Droste updated the Council on the dangerous structure located at 115 W Wea. He reminded them that on December 11, 2018, the City Council adopted Resolution No 2018-013 declaring the building a dangerous structure. That Resolution provided as follows:

“The owner of such structure is hereby directed to commence the repair of the property within 55 days (February 12, 2019) from the date of publication of this resolution and to have the repairs completed within 120 days of the commencement. Provided, that upon due application by the owner and for good cause shown, the governing body, in its sole discretion, may grant the owner additional time to complete the repairs to the property.”

The owner of the property, Mr. Tom Wright, obtained a building permit on February 6<sup>th</sup> to commence demolition and repairs to the property. Mr. Wright addressed the Council and informed them that he has been able to secure a donation from a licensed roofing contractor to donate the materials and labor to replace the roof on the structure.

Mr. Wright has 120 days from the date of his permit to make the building safe and secure. This deadline is June 4, 2019.

## **Agenda Item 4 – PUBLIC HEARING**

Council Member House made a motion to open the public hearing to discuss a petition to vacate a portion of S Diamond and S Iron Streets. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 4 to 0.

Clerk Droste stated that on January 2<sup>nd</sup>, he received a request from Doreen A. Smith to vacate the portion of South Diamond and South Iron Streets that lie adjacent to her property. Currently, Mrs. Smith owns the property on both sides of South Diamond Street, and if vacated, she would obtain title to the entire vacated right-of-way. There are no utilities located in the right-of-way in this portion of South Diamond Street and it is very unlikely that any would be extended therein.

Mrs. Smith is also the owner of the property on the west side of South Iron Street and the City of Paola is the owner of the property on the east side. If vacated, title to the right-of-way would be split evenly between the 2 adjacent property owners. Mrs. Smith has requested that the City also transfer title of its portion of the vacated right of way to her. This right-of-way currently has Kansas City Power & Light overhead power lines as well as a City of Paola sewer line, so staff would recommend not vacating Iron Street.

The property that the City of Paola owns that is east of the South Iron Street right-of-way is commonly known as "Southwest Park". Although Southwest Park is currently undeveloped, it may be in the future.

Clerk Droste also reported that vacating these streets will not cause adjoining property owners to become landlocked.

Mr. John Smith addressed the Council to explain that he would like Diamond Street to be vacated to allow him to run a sewer line to the West portion of his property. He also explained that he would like Iron Street vacated so in the future he would be able to build on the East portion of the property and run a sewer line south.

Clerk Droste assured the Council and Mr. & Mrs. Smith that a sewer easement could be granted in the future to allow access for the Smith's to run a sewer line through City Property.

With no further discussion Council Member House made a motion to close the public hearing. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 4 to 0.

Council Member Smail made a motion to deny the request to vacate the right-of-way of Iron Street and approve AN ORDINANCE VACATING THE RIGHT-OF-WAY OF DIAMOND STREET IN BLOCK 58, IN THE CITY OF PAOLA, KANSAS, and that all costs associated with this action be paid by the petitioners. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0. The Ordinance was assigned number 3136

## **Agenda Item 5 – NEW BUSINESS**

### **Agenda Item 5a - Consideration of a Conditional Use Permit to operate an auto dealership at 9 Wallace Park Dr.**

Assistant to the City Manager Shannon reported that she received a request for a Conditional Use Permit (CUP) to operate a used auto dealership. The business owner's plan is to use this location primarily as an office location and does not expect his inventory to exceed one (1) to two (2) vehicle(s) at any given time. All service and repairs will be done at another location.

She also explained that on January 15, 2019 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) No light or heavy auto repairs are permitted on the property.
- 2) No overnight parking, except for one space for display of a for-sale vehicle is permitted.
- 3) Property owner shall have one year to pave the gravel parking lot with an approved all-weather surface and striped.
- 4) After six months, the Conditional Use Permit shall be reviewed by the Planning Commission to ensure compliance. Such reviews are not subject to publication, notification and public hearing requirements. If property owner is requesting an amendment to the CUP, the notification shall follow the same procedures as the original CUP request.
- 5) 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 (LDO). 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.

Staff recommends an additional sixth condition be added stating that owner shall maintain adequate screening along the south side of the property between the business and the neighboring residence.

With no further discussion Council Member Upshaw made a motion to approve AN ORDINANCE APPROVING CONDITIONAL USE PERMIT 19-CUP-01 with the additional condition to maintain adequate screening along the south side of the property. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0. The Ordinance was assigned number 3135.

**Agenda Item 5b - Consider a bid to update the Waste Water Treatment Plant SCADA system and computer.**

Manager Wieland discussed the need for updates to the Waste Water Treatment Plant (WWTP) SCADA software system. He mentioned that the plant is controlled by a SCADA software system and this system is outdated with no upgrades available for the current system. The system was installed when the plant was established, changes in software and operating systems make our system obsolete. SCADA is what allows the operator to control all functions of the WWTP. If this system were to fail, and currently there have been a few errors, the operator would lose plant control.

Microcomm has submitted a bid in the amount of \$57,595.00. This includes the following items:

SCADAVIEW CSX for Paola	50,150.00
SCADAVIEW for Windows Phone Dialer Option	3,085.00
WEB access for SCADAVIEW	0.00
<u>Desktop Computer</u>	<u>4,360.00</u>
Total	\$ 57,595.00

Funding for this project will come from the WWTP reserve fund. A lease agreement is proposed for the Sewer Service fund to repay the total amount plus 1.5% interest over a 3 year period.

After some discussion Council Member Nickelson made a motion to approve the bid from Microcomm in the amount of \$57,595.00 to update the SCADA system and replace the computer for the Waste Water Treatment Plant. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0.

**Agenda Item 5c - Consider a Lease Agreement to finance an upgraded computer and SCADA system at the Waste Water Treatment Plant.**

Council member Upshaw made a motion to approve a Lease Purchase Agreement in the amount of \$57,595.00 to finance upgrades to the computer and software system at the WWTP for 3 years at an interest rate of 1.50% with annual payments of \$19,777.14, and authorize the Mayor to execute lease documents. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0.

**Agenda Item 5d - Consider bids for the 2019 Manhole Rehabilitation Program.**

Manager Wieland and Public Works Director Rees presented details of the 2019 Manhole Rehabilitation Program. The plan is to have specified manholes lined with a protective cementitious lining. The focus will be on lining the old brick manholes. There seems to be more water seepage through these. As the crews work on sewer lines they also note any others that might possibly need attention.

Bids were solicited from two contractors that provide this service as follows:

Utility Maintenance Contractors (UMC), LLC	19 Manholes	\$26,847.00
Mayer Specialty Services, LLC	19 Manholes	\$32,920.00

References were contacted regarding the quality of work from UMC because this is a company that has not been used by the City. Manager Wieland has no reservations about recommending that their bid be accepted.

After some discussion Council Member Smail made a motion to approve the bid from Utility Maintenance Contractors, LLC in the amount of \$26,847.00 for protective lining on the interior surface of 19 manholes. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

**Agenda Item 5e - Consider a bid for a new pump for Hart's Lift Station.**

Public Works Director Reese explained to the Council that the Sewer Department has requested a bid from Enviro-Line to purchase a new pump to be placed in Harts Lift Station located on the East side of Lake Miola. The current pump has a seal leak and needs to be repaired, but at this time there is no spare pump to replace it. If a new pump can be purchased, the old pump will be rebuilt and kept as a spare for the department.

The pump costs \$6,534.00 to be paid out of the Sewer Distribution Lines budget. Enviro-Line is the local Myers Pump dealer, therefor only one bid was requested.

With no further discussion Council Member Nickelson made a motion to approve a bid from Enviro-Line to purchase a Myers 4" Non-Clog Pump for Hart's Lift Station in the amount of \$6,534.00. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0.

**Agenda Item 6 - COMMITTEE REPORTS** – None.

**Agenda Item 7 - STAFF REPORTS**

Clerk Droste presented a flyer to the council regarding the Notify Me feature of the City website. Notify me will send texts or emails whenever something is posted to the City website. He asked that the Chamber of Commerce and the Police Department help City Hall inform customers of this service. Since then, 182 new people have signed up for this service.

Public Works Director Rees reported on the 16" main break that happened Tuesday Morning. He said the tower alarmed to notify him that there was a problem. Crews were able to locate the leak and get it repaired.

Police Chief Poore acknowledge that some of his officers went above and beyond to help out a citizen. The citizen called to say her apartment was flooded and she didn't know what to do. The officers were able to locate the problem and help her get the water cleaned up.

Manager Wieland reported that City Attorney Tetwiler is working on the land transfer contract for property under the Community Center. There should be an agreement soon for the Ursuline Sisters signatures.

Manager Wieland also informed the Council that he will be meeting with Blake Heid, School Superintendent Matt Meek, and County Administrator Shane Krull, to discuss their visions for the community for the upcoming years.

Manager Wieland also mentioned that Blake Heid will serve as Chair Person on the Financial Review Committee along with Paul Luce, Janet McRea and a representative from the School District.

Manager Wieland said that the School Board is very interested in discussing the possibility of a Recreation Commission. He anticipates there will be a joint meeting soon.

Manager Wieland said they are working on a plan to address the request from the State regarding improvements to the lake dam. Public Works Director Rees will work on getting a report for the previous work that was done and any future improvements that need to be made.

Manager Wieland will be absent for the next Council Meeting.

### **Agenda Item 11 - MISCELLANEOUS MATTERS FROM THE COUNCIL**

Council Member House thanked Public Works for the snow/ice removal and water leak repairs. She knows it takes a lot of work and involves a lot of people.

Council Member Nickelson told the Council that he will be absent for the next Council Meeting.

### **Agenda Item 12 - MISCELLANEOUS MATTERS FROM THE MAYOR**

The Mayor announced John Scott as a board appointment to the Planning Commission.

Council Member House made a motion to approve a board appointment to the Planning Commission. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

### **Agenda Item 13 – 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 House and all voted aye. The motion passed 4 to 0.

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Artie Stuteville, Mayor

ATTEST: [seal]

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Daniel G. Droste, City Clerk