

**MINUTES OF THE COUNCIL MEETING  
OF THE CITY OF PAOLA, KANSAS  
6:00 O'CLOCK P.M.  
April 9, 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 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, Chief of Police Don Poore, Public Works Director Kirk Rees, Brian McCauley with the Miami County Republic, Amy Willard, Shelley Snouffer, Dennis Hinman, Mark Dozier, and other members of the Paola Fire Department, Chad Corbin, Alexis, Annabelle and Gavin Shaw, Renee Bowman 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.

Human Resources Director Belt presented 5 Year Service Awards to: Emily Burgdorf, Eric Barnum, Amy Willard and Shelley Snouffer; 10 Year Service Awards to: Stephanie Marler and Chad Corbin; 25 Year Service Award to: Mark Dozier and 45 Year Service Award to Dennis Hinman.

**Agenda Item 1 - CONSENT AGENDA**

- a. Approval of minutes of the meeting of March 12, 2019.
- b. Approval of Salary Ordinances 19-7 and 19-8.
- c. Approval of Appropriation Ordinances 899 and 900.
- d. Approval of the Pledged Collateral Report for March 2019.
- e. Approval of the Journal Entries Reports for March 2019.
- f. Renewal of the Retail Liquor License for Beethoven's subject to completed application and fee received. Fire inspection has been passed.

Council Member Smail made a motion to approve the Consent Agenda as presented and authorize the Mayor to sign. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

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

Annabelle Shaw addressed the Council to present her idea about creating a dog park in the city limits. She would like to have a fundraiser and request donations to get it started.

Alexis Shaw addressed the Council to give an update on the HOPE Garden. She said due to the drainage issue they will be shifting the garden to the South to be on higher ground. They

are also working with the landowner to the West to possibly acquire more land. She questioned the Council about making the HOPE Garden a Paola City Park so it would be covered by City insurance. Manager Wieland informed Ms. Shaw that the land was purchased with a Federal Grant and its purpose is for industrial uses. He said he would do some research to see if it could be declared a City Park.

Renee Bowman addressed the Council as a representative of the new Discover Historic Paola group. It is a group of small business owners that would like to promote and create events and encourage more people to come to Paola and enjoy the Park Square.

**Agenda Item 3 – UNFINISHED BUSINESS:** None.

#### **Agenda Item 4 – NEW BUSINESS**

##### **Agenda Item 4a - Consider an Agreement with FMS North America, Inc. to grant the First Right of Refusal to purchase the “Old Water Treatment Plant”.**

Manager Wieland reported that the City has been approached by FMS North America, Inc./United Tire Recyclers to purchase the Old Water Treatment Plant building and land. They plan on remodeling the facility and starting a business on the site. The company plans to hire between 20–50 employees with a salary range of \$16.00 to \$25.00 per hour.

Manager Wieland said FMS has requested a “first right of refusal” to allow the company to perform their due diligence, work on operational configurations, and provide sufficient time for the Phase 1 environmental assessment to be completed and furnished to the city.

The old building has sat empty for 10 years. A company was hired to remove any metal that could be sold for scrap and the basins on the outside of the plant building were filled in. The City has had no use for the building other than storage and the prospect of a new business is encouraging.

After additional discussion Council Member Upshaw made a motion to approve an Agreement to grant FMS North America, Inc. ninety-day first right of refusal to purchase the property known as the Old Water Treatment Plant and authorize the Mayor to sign. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0.

##### **Agenda Item 4b - Discuss the draft of a new Mobile Food Vendor Ordinance.**

Assistant City Clerk Marler discussed that at the last Work Study Meeting, the City Council suggested that some regulations regarding the operation of Mobile Food Trucks within the City limits be put in place. Currently the Municipal Code does not address any type of regulation. With more and more trucks wanting to operate it is apparent that we need some guidelines. As of right now the City only allows food trucks to operate on private property or if they are part of an approved community event.

Assistant City Clerk Marler presented a draft ordinance that was created to incorporate suggestions from council members and surrounding Cities guidelines. Staff would like to be

able to offer the Northwest corner of the Municipal Parking Lot #1 as a public property location that food trucks could set up in on specific days. There would also be a license and fee requirement, proof of health inspection and sales tax number submittal requirements.

Clerk Droste mentioned that parking on private property would only be affected by a distance restriction of 150 feet from a restaurant entrance. He wanted to also point out that the Council is being presented with a draft only. The draft will be discussed with restaurant and food truck owners to get any additional feedback before a final Ordinance is presented.

Clerk Droste also suggested that the initial annual fee be prorated since this is a new ordinance, after 2019 the annual fee will be paid regardless of when the permit is obtained.

#### **Agenda Item 4c - Discuss the revised 2019 Street Improvement Program.**

Manager Wieland presented a color-coded map to the Council showing the suggested areas that were being recommended for repair. He said the program is extensive but will not be able to fix all areas that need addressed. The proposed budget is \$377,000.00 and there will be an emergency reserve.

Public Works Director Rees said after some research, he found that slurry seal may be a good option instead of chip and seal. Although it might be a bit more expensive, the Public Works Department has used it in the past and were pleased with the application.

Mayor Stuteville wanted to make sure the cost was within budget, Manager Wieland assured her that it would all be covered and explained the break down. He also reminded the Council that this was just for discussion and when final prices are received it will be brought back to the Council for approval.

#### **Agenda Item 5 - COMMITTEE REPORTS – None.**

#### **Agenda Item 6 - STAFF REPORTS**

Clerk Droste reported that the annual audit report had been completed and Mr. Harold Mayes will be at the May Council Meeting to present it.

Clerk Droste also reported that Senate Bill No. 105 has been passed. This provides Cities flexibility when swearing in elected officials. He suggested with direction from the Council that a resolution be drafted to set the second Tuesday in December as the swearing in date for elected officials. He also said that an Ordinance will also need to be passed to move the January meeting back to the second Tuesday instead of the second Monday.

Manager Wieland reported that the Transient Guest Tax Board is needing some appointments.

Manager Wieland also reported that a meeting with the buyers of the Ursuline property is set for Wednesday and he hopes to have a better idea of the plans for the land and property. He also reported that the land transfer to the City under the Community Center has been completed.

Manager Wieland thanked Annabelle Shaw for her presentation on the dog park. He was impressed with her idea of fundraising and donations to get this project funded. With the local option sales tax expiring, he said a renewal of that would be able to help with costs associated with park related projects. He also suggested the Council think of projects that they would like to include with the renewal of the sales tax. This is an investment by our citizens to keep our town great.

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

Council Member Upshaw wanted to express his appreciation to all City Employees and the great work they do.

Council Member Nickelson appreciated all the presentations to the Council.

#### **Agenda Item 8 - MISCELLANEOUS MATTERS FROM THE MAYOR**

Mayor Stuteville commented that the alley's around town are getting bad and asked that they be addressed. Public Works Director Rees said he is working on a plan to get to those soon.

Mayor Stuteville also mentioned that several homes have large piles of tree limbs. Manager Wieland said Community Development is currently addressing this issue and he reminded her that there is a tree limb pick up every fourth Monday of the month.

Mayor Stuteville reappointed Doretha Smith and Leanna Stanchfield to serve on the Paola Housing Authority Board. Reappointed Travis Hardwick to the Planning Commission Board and nominated Eugene Bortner to be appointed to the Library board.

Council Member House made a motion to approve the Mayor's reappointment of Doretha Smith and Leanna Stanchfield to the Paola Housing Authority Board, reappointment of Travis Hardwick to the Planning Commission Board and appointment of Eugene Bortner to the Library board. The motion was seconded by Council Member Nickelson 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 Nickelson 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