

**MINUTES OF THE COUNCIL MEETING  
OF THE CITY OF PAOLA, KANSAS  
6:00 O'CLOCK P.M.  
October 8, 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 Stephanie Marler, Captain Eric Jenkins, Public Works Director Kirk Rees, Brian McCauley with the Miami County Republic, Boy Scout Troop 3100, Chris Williams with Highland Development, Miami County officials, USD 368 officials, several Paola and Miami County citizens.

**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.

**Agenda Item 1 - CONSENT AGENDA**

- a. Approval of minutes of the meeting of September 10, 2019.
- b. Approval of Salary Ordinances 19-19, 19-20 and 19-21.
- c. Approval of Appropriation Ordinances 911 and 912.
- d. Approval of the Pledged Collateral Report for September 2019.
- e. Approval of the Journal Entries Reports for September 2019.
- f. Approval of minutes of the Special meeting of September 17, 2019.
- g. Approval of the renewal of a Retail Liquor License for Third Base Liquor at 701 S Silver, subject to complete documentation, fee, and inspection.

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:**

Kathy Peckman addressed the Council with her concerns about storm water drainage being inadequate at Paola and Osage Street. Public Works Director Rees assured her City crews would be working on a solution.

**Agenda Item 3 – UNFINISHED BUSINESS:**

**Agenda Item 3a - Public Hearing to consider the creation of the proposed Redevelopment District.**

Mayor Stuteville welcomed the audience and informed them of the process for the public hearing regarding comments from the public. Mayor Stuteville advised that questions and concerns will be addressed at the close of the public hearing.

Council Member Nickelson made a motion to open the public hearing to discuss the creation of the proposed Redevelopment District. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0.

Mayor Stuteville asked Chris Williams with Highland Development to present his plan for the Tax Increment Financing District proposed at Hedge Lane and Baptiste Drive.

At the conclusion of Mr. Williams presentation, Mayor Stuteville asked the members of the audience who signed up to speak to step forward. Questions and concerns were documented by City Clerk Marler to be addressed after the close of the public hearing.

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

City Manager Wieland was able to address all questions and concerns brought from the audience.

**Agenda Item 3b - Consider adoption of an Ordinance establishing a redevelopment district within the City of Paola.**

Council Member Nickelson made a motion to approve AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF PAOLA, KANSAS MAKING FINDINGS REGARDING A REDEVELOPMENT DISTRICT AND ESTABLISHING A REDEVELOPMENT DISTRICT WITHIN THE CITY. The motion was seconded by Council Member House and all vote aye. The motion passed 4 to 0 and was given Ordinance No. 3149.

**Agenda Item 3c - Discuss the dangerous structure located at 115 W. Wea.**

Mr. Thomas Wright addressed the council to discuss the progress that has been made to the dangerous structure located at 115 W. Wea. Mr. Wright said tuck pointing has been completed as well as windows and doors installed. He stated the roof is completely dried in and should no longer allow rain water to enter.

Mr. Wright also mentioned some of the projects that are planned such as concrete for the floors and steel beams to be installed.

Manager Wieland informed the Council that he spoke with Building Inspector Bill Trout prior to the Council Meeting. Inspector Trout said several, but not all, of the concerns that had

deemed the building dangerous have been repaired. Manager Wieland said Mr. Wright is now to the point of turning in plans and getting his building permit.

After some discussion Council Member Nickelson made a motion to approve A RESOLUTION TO GRANT AN ADDITIONAL 154 DAYS TO COMPLETE REPAIRS ON THE STRUCTURE LOCATED ON LOT 2, BLOCK 46, OF THE CITY OF PAOLA, MIAMI COUNTY, KANSAS COMMONLY KNOWN AS 115 W WEA, PAOLA, KANSAS. The motion was seconded by Council Member Upshaw and all vote aye. The motion passed 4 to 0 and was given Resolution No 2019-012.

#### **Agenda Item 4 – NEW BUSINESS**

##### **Agenda Item 4a Consider a Resolution fixing the time and place for a public hearing to consider the creation of a community improvement district.**

Manager Wieland explained the resolution being considered will set the time and place for a public hearing regarding a proposed community improvement district. The hearing will take place on November 12, 2019 at 6:00 pm at the Paola Justice Center

Manager Wieland went on to explain that a petition was filed on September 26, 2019 by Chris Williams with Highlands Real Estate proposing to create a CID on a tract of land located at Baptiste Drive and Hedge Lane. He made note that State Statute allows a municipality to create this type of district to assist in financing projects and revenues may be derived from a CID sales tax up to 2% that is charged only within the district. Mr. Williams proposes a special sales tax in the amount not to exceed 1.25% to pay a portion of the costs of his project.

Manager Wieland said once an agreement between the City and the Developer has been negotiated, a resolution of intent and setting a public hearing is the next step in the process.

With no further discussion Council Member Upshaw made a motion to approve A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF PAOLA, KANSAS GIVING NOTICE OF A PUBLIC HEARING ON THE ADVISABILITY OF CREATING A COMMUNITY IMPROVEMENT DISTRICT IN THE CITY TO BE KNOWN AS THE PAOLA CROSSINGS COMMUNITY IMPROVEMENT DISTRICT. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0 and was given Resolution No 2019-013.

##### **Agenda Item 4b - Consider a Resolution amending the Traffic Control Device Schedule to add handicapped parking at Pearl St and Peoria St.**

Manager Wieland reminded the Council that Great Southern Bank had installed a handicapped ramp at the entrance to 1 S. Pearl. This entrance is located at the intersection of Pearl and Peoria Street. The nearest handicapped parking is located across Pearl Street on the inside parking of the square.

Manager Wieland informed that Great Southern Bank is requesting a handicapped parking spot to be located on the Southeast corner of Pearl at Peoria to allow customers easier access to the ramp without having to cross Pearl St.

With no further discussion Council Member Smail made a motion to approve A RESOLUTION AMENDING THE OFFICIAL TRAFFIC CONTROL DEVICE SCHEDULES FOR 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 given Resolution 2019-014.

**Agenda Item 4c - Consider an agreement with BG Consultants, INC for assistance on a KDOT Cost Share Application for the Baptiste Drive extension to Iron St.**

Manager Wieland expressed that staff would like to move forward on an agreement with BG Consultants, Inc for assistance on a KDOT Cost Share application for the extension of Baptiste Drive to Iron Street. Manager Wieland said with the sales tax allocation from the Miami County Road and Bridge and the money available from the State, this is an opportune time to move forward with the project.

Manager Wieland noted that the extension of Baptiste Drive has been discussed for three years now. He said business have provided letters of support and this would provide a truck route for better access to the highway.

After some discussion Council Member House made a motion to authorize the Mayor to execute an agreement, not to exceed \$800.00, with BG Consultants, Inc. for assistance on the preparation and submittal of a KDOT Cost Share Application for the extension of Baptiste Drive from the intersection of Silver and Baptiste to Iron St. The motion was seconded by Council Member Nickelson. Council Members Smail, House and Nickelson voted aye and Council Member Upshaw abstained from voting due to his employment with Taylor Forge. As an abstention is counted toward the majority, the motion passed 4 to 0

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

**Agenda Item 6 - STAFF REPORTS**

City Clerk Marler asked for direction from the Council on a request for a Yield sign to be placed at Poplar Ridge and Pawnee. The Council agreed to have the Police Department conduct a traffic study and present the results.

City Clerk Marler informed the Council of the League Supper in November with 2 dates and locations. Clerk Marler asked the Council to check their calendars for November 13<sup>th</sup> or 14<sup>th</sup> to attend.

**Agenda Item 7 - MISCELLANEOUS MATTERS FROM THE COUNCIL - None**

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

**Agenda Item 9 - EXECUTIVE SESSION for the purpose of discussing data relating to financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorships. K.S.A. 75-4319(b)(4) is the authority for this recess.**

Council Member House made a motion at 7:35 p.m. to adjourn to Executive Session, to include the Mayor, Council, City Manager and City Clerk for 30 minutes to discuss a particular company related to an economic development prospect, exception, KSA 75-4319(b)(4); the regular meeting to reconvene here at the Municipal Court Room at 8:05 p.m. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

At 8:05 pm the Council came out of Executive Session and Council Member Smail made a motion to reconvene the adjourned meeting. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 4 to 0.

#### **Agenda Item 10 – 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 Smail and all voted aye. The motion passed 4 to 0.

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Artie Stuteville, Mayor

ATTEST: [seal]

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Stephanie Marler, City Clerk