

**MINUTES OF THE COUNCIL MEETING  
OF THE CITY OF PAOLA, KANSAS  
6:00 O’CLOCK P.M.  
December 10, 2019**

**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, Trent Upshaw, Leigh House and Aaron Nickelson.

**Council Members absent:** None

**Also present:** City Manager Jay Wieland, City Clerk Stephanie Marler, Police Chief Don Poore, Public Works Director Kirk Rees, Assistant City Manager Randi Shannon, HR Director Vicki Belt, Brian McCauley with the Miami County Republic, Matt Meek with USD 368, Peg Wieland, Chad Myers 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.

**Agenda Item 1 - CONSENT AGENDA**

- a. Approval of minutes of the meeting of November 12, 2019.
- b. Approval of Salary Ordinances 19-24 and 19-25.
- c. Approval of Appropriation Ordinances 915 and 916.
- d. Approval of the Pledged Collateral Report for November 2019.
- e. Approval of the Journal Entries Reports for November 2019.
- f. Approval of the renewal of a Drinking Establishment License for Spudley’s at 2 Morningside Dr.
- g. Approval of the renewal of the Class “A” Private Club License for the VFW at 202 Delaware subject to receiving the application and fee.
- h. Approval of the renewal of the renewal of a Drinking Establishment License for Papa C’s BBQ Bar & Grill at 807 S Silver subject to receiving the application and fee.
- i. Approval of the renewal of Cereal Malt Beverage Licenses for 2020:
  - 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 Expresso #15 at 1005 N Pearl Street – Off Premises

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:**

Matt Meek, Superintendent of USD 368, wanted to say thank you to retiring City Manager Jay Wieland for the relationship Wieland has built between USD 368 and the City of Paola.

**Agenda Item 3 – CONSIDER CERTIFICATE OF ELECTION RESULTS.**

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

Mayor:	Artie Stuteville	437 votes
	Bobby Knudsen	289 votes
	Write-Ins:	3 votes
Ward 1:	Dave Smail	112 votes
	Scott Shappell	98 votes
	Write-Ins	0 votes
Ward 3:	Leigh House	161 votes
	Write In	3 votes

Council Member Nickelson made a motion to accept the certificate of election results naming Artie Stuteville – Mayor, Dave Smail – City Council Ward 1, and Leigh House – City Council Ward 3 as the candidates receiving the most votes. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

**Agenda Item 4 – RECESS SINE DIE**

Council Member House made a motion to recess sine die. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 4 to 0.

Clerk Marler administered the Oath of Office to Mayor Stuteville and Council Members Dave Smail and Leigh House.

Council Member Leigh House presented an invocation for the new City Council.

Council Member Upshaw made a motion to resume the recessed meeting. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0. Mayor Stuteville called the new City Council to order and resumed the recessed meeting.

## **Agenda Item 5 - ELECTION OF COUNCIL OFFICERS**

Council Member Nickelson made a motion to nominate Council Member Leigh House as President of the Paola City Council. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0.

Council Member House made a motion to nominate Council Member Aaron Nickelson as Vice President of the Paola City Council. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

## **Agenda Item 6 - UNFINISHED BUSINESS:**

### **Agenda Item 6a - Consider amendments to the Traffic Control Device Schedule changing No Parking on the south side of Ottawa between Silver and Pearl to the north side.**

Manager Wieland discussed the suggested amendment to the traffic control device schedule to include no parking signs on Ottawa St. The council passed resolution 2019-017 at the November 12, 2019 meeting to install no parking signs on the south side of Ottawa St. After further discussion with the residents impacted, the recommendation was to consider moving the no parking to the north side of Ottawa St.

With no further discussion Council Member Upshaw made a motion to approve A RESOLUTION AMENDING THE OFFICIAL TRAFFIC CONTROL DEVICE SCHEDULES FOR THE CITY OF PAOLA, KANSAS. Council Member House seconded and all voted aye. The motion passed 4 to 0 and was given Resolution No. 2019-019.

## **Agenda Item 7 – NEW BUSINESS**

### **Agenda Item 7a - Consider approving a proposal from BG Consultants to perform engineering services for improvements to Baptiste Drive from Silver St. to 4<sup>th</sup> and Iron St.**

Manager Wieland informed the Council BG Consultants provided assistance in submitting a grant to improve Baptiste Dr. from Silver St. to 4<sup>th</sup> and Iron St. Manager Wieland stated the city received notice that the grant was approved and awarded Paola \$742,798.00 for the project.

Manager Wieland said the state indicated the solicitation of RFQ's for engineering services is not necessary, which will help expedite the design process. Using BG Consultants should assure the consultants have the project ready for bid in early spring since they already have much of the data needed for the design work.

BG Consultants has provided a proposal in the amount of \$90,000.00 for services related to engineering and design work on the Baptiste Drive Extension Project. With council approval they can move forward with this phase of the project.

After some further discussion Council Member House made a motion to approve the proposal from BG Consultants to perform engineering services for work on Baptiste Dr from Silver St. to 4<sup>th</sup> and Iron St in the amount of \$90,000.00. The motion was seconded by Council Member Nickelson. Council Members Smail and House voted aye and Council Member Upshaw abstained. As an abstention is counted toward the majority, the motion passed 4 to 0.

**Agenda Item 7b - Consider bids for engineering services for improvements to the intersection of Baptiste Drive and Hedge Lane.**

Manager Wieland discussed the approval of a KDOT grant for the city to receive up to \$300,000 toward the improvements at the intersection of Baptiste Dr and Hedge Ln. Manager Wieland stated the project will consist of a new turn lane from Baptiste Dr north on to Hedge Ln., storm sewer, sidewalk and traffic signal improvements. The project will be funded with 90% federal funds and 10% city funds. The estimated project cost is \$300,000 so the city will pay approximately \$30,000.

Manager Wieland said staff had solicited bids for engineering services and the council should consider approving one of the bids to move along with the project.

BG Consultants	\$21,900
Pfefferkorn Engineering	\$28,600

After some discussion Council Member Smail made a motion to approve the bid from BG Consultants in the amount of \$21,900.00 to provide engineering services for improvements to the turn lane, storm sewer, sidewalk and traffic signals at Baptiste Drive and Hedge Lane. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

**Agenda Item 7c - Consider a Resolution to adopt a Tax Abatement Policy.**

Assistant City Manager Shannon discussed the economic development incentives previously adopted by Paola, such as the TIF and CID, are a reflection of those adopted by Miami County. In order for Paola to stay competitive with surrounding cities Assistant Manager Shannon suggested the Council consider adopting a tax abatement policy.

Assistant Manager Shannon explained this is an important tool to stimulate the economy and increase growth.

Manager Wieland added this gives the council flexibility for evaluating requests for tax abatement assistance but also gives a firm policy to follow.

With no further discussion Council Member House made a motion to approve A RESOLUTION ESTABLISHING A TAX ABATEMENT POLICY AND PROCEDURE FOR THE CITY OF PAOLA, KANSAS. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 4 to 0 and was given Resolution No 2019-018.

**Agenda Item 7d - Consider a bid from Denali Water Solutions for the removal of biosolids from the wastewater treatment plant.**

Manager Wieland said the wastewater treatment plant produces biosolids that need to be disposed of. The biosolids are hauled off then used for land application or deposited in the landfill.

Manager Wieland explained the biosolids were previously hauled off by individuals and applied to farmland. It has become difficult to get the individuals to come and remove the biosolids so other options are being considered. Brett Marler, the wastewater treatment plant operator, solicited bids for both land application and landfill options. The prices are based off an average of 560 tons per year. The following bids were received:

Denali Water Solutions (land application) \$27,000  
Miami County Landfill \$50,500

After some discussion Council Member Upshaw made a motion to accept the bid from Denali Water Solutions for removal of biosolids from the wastewater treatment plant at \$49.00 per ton. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0.

**Agenda Item 7e - Consider the purchase of a trailer from Big Tex Trailer World for the Public Works Department.**

Manager Wieland reminded the Council on October 17<sup>th</sup> the Public Works crews were working on a drainage ditch adjacent to Baptiste Dr. Manager Wieland said the crew had a truck with a trailer attached parked on Baptiste Dr next to the job site. Although there were warning signs and cones indicating a work zone ahead, a driver heading east ran over the cones and into the back of the trailer.

Manager Wieland said the trailer was damaged enough for the insurance company to declare it totaled. Public Works will now need to purchase a new replacement trailer. Public Works Director Rees received two bids:

Croft Trailer Supply     \$5,625.00  
Big Tex Trailer World   \$5,122.50

Manager Wieland added the reimbursement from the insurance company will total \$2,358.13.

Council Member Nickelson made a motion to approve the purchase of a 2020 Big Tex Trailer in the amount of \$5,122.50. The motion was seconded by Council Member House and all vote aye. The motion passed 4 to 0.

**Agenda Item 7f - Consider approval of employee Christmas gifts.**

Council Member Smail made a motion to approve the issuance of a \$150 gift card to City Employees as a Christmas gift. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0

**Agenda Item 7g - Consider approval of the site plan for Legacy Mini Storage Units.**

Assistant Manager Shannon explained this is a final site plan for 13, 10'x20' storage units on Sundance Dr. This use is considered as heavy retail and service, which is a conditional use in the TA zoning district. Assistant Manager Shannon said due to Kansas statute notification timelines, the Conditional Use Permit (CUP) process for the project will be discussed at the December 19, 2019 Planning Commission meeting for approval. Therefore, this is just for approval for the site plan only.

Assistant Manager Shannon said at the Planning Commission meeting on November 19, 2019 the Planning Commission recommended approval for the final site plan with the condition of the parking setback to meet the 15 ft requirement.

Council Member Nickelson made a motion to approve the site plan with the condition the setback meets the 15 ft requirement. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0.

**Agenda Item 7h - Consider approval of the site plan for Holy Trinity Catholic Church's new multi-use parish hall.**

Manager Wieland explained this is a final site plan for the Holy Trinity Catholic Church which includes a new 10,839 sq. ft. multi-use Parrish hall addition and parking lots. The addition will be used as a gymnasium for the school as well as possible events. Manager Wieland noted at the Planning Commission meeting on November 19, 2019 the Commission recommended approval for the final site plan.

With no further discussion Council Member Upshaw made a motion to approve the site plan for Holy Trinity Catholic Church's new multi-use parish hall. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0.

**Agenda Item 7i - Discuss pricing for 800 MHz radios for the Police Department.**

Manager Wieland said the Police Department is now ready to upgrade to the 800 MHz system along with Miami County. He reminded the council of the radio upgrade the Fire Department already completed as well as the upgrade to the dispatch console.

Manager Wieland discussed the numbers received from Motorola for the upgrade to 800 MHz radios. Motorola provided a bid of \$123,813 for encrypted radios which matched the bid price received by Miami County for their upgrade. Manager Wieland suggested contacting local banks to compare with the lease options provided by Motorola.

Council Member Upshaw made a motion to approve the purchase of the 800 MHz radios from Motorola in the amount of \$123,813 at a 5 year lease term and to except the best financing option through either Motorola or local banks. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0.

**Agenda Item 8 - COMMITTEE REPORTS – None.**

**Agenda Item 9 - STAFF REPORTS**

City Manager Wieland provided some concepts from Splashtacular for some possible pool renovations.

**Agenda Item 10 - MISCELLANEOUS MATTERS FROM THE COUNCIL**

Council Member Smail thanked Manager Wieland for doing the best City Manager he has ever worked with.

Council Member Upshaw thanked Manager Wieland for his service and he was grateful to have him for guidance.

Council Member House thanked Manager Wieland for being the definition of a civil servant. He has always gone above and beyond and been very patient.

Council Member Nickelson thanked Manager Wieland for his service.

Former City Council Member Jim Pritchard was in the audience and thanked Manager Wieland for his service and he felt privileged to be on the council when Manager Wieland was hired.

**Agenda Item 11 - MISCELLANEOUS MATTERS FROM THE MAYOR**

**Consider the appointment of Randi Shannon to the Miami County Economic Advisory Board.**

Council Member Nickelson made a motion to approve the appointment of Randi Shannon to the Miami County Economic Advisory Board. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0.

**Consider the appointment of Stephanie Marler as the City Representative on the Chamber of Commerce Board.**

Council Member Nickelson made a motion to approve the appointment of Stephanie Marler as the City Representative on the Chamber of Commerce board. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0.

**Agenda Item 12 - 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 Smail made a motion to adjourn to Executive Session, to include the Mayor, Council, City Manager, Assistant City Manager and City Clerk for 15 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 7:50p.m.

At 7:50 pm, the Council came out of Executive Session and Council Member Upshaw made a motion to reconvene the adjourned meeting. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0.

Council Member House made a motion to adjourn to Executive Session, to include the Mayor, Council, City Manager, Assistant City Manager and City Clerk for 10 minutes to discuss a particular company related to an economic development prospect; the regular meeting to reconvene at 8:00 p.m. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0.

At 8:00 pm, the Council came out of Executive Session and Council Member Nickelson made a motion to reconvene the adjourned meeting. 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 Upshaw 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