

**MINUTES OF THE COUNCIL MEETING  
OF THE CITY OF PAOLA, KANSAS  
PAOLA JUSTICE CENTER 805 N PEARL  
6:00 O'CLOCK P.M.  
October 13, 2020**

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 Sid Fleming, Assistant City Manager Randi Shannon, City Clerk Stephanie Marler, Police Chief Don Poore, City Attorney Lee Tetwiler, Brian McCauley with Miami County Republic, Carol Patton, and Leanne Shields.

**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 8, 2020.
- b. Approval of Salary Ordinances 20-18, 20-19, and 20-20.
- c. Approval of Appropriation Ordinances 935 and 936.
- d. Approval of the Pledged Collateral Report for September 2020.
- e. Approval of the Journal Entries Reports for September 2020.

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:**

Carol Patton addressed the Council regarding speeding traffic on East Peoria street. She requested speed limit signs be posted from East St. going West to Peal St. Mayor Stuteville suggested the speed signs be posted to get an idea of traffic speeds.

**Agenda Item 3 – NEW BUSINESS**

**Agenda Item 3a- Consider a new liquor license for Craig Browning at 701 S Silver St.**

Clerk Marler informed the Council an application for a new liquor license was received from Craig Browning with Browning Liquor. He is in the process of purchasing the current liquor

store, Third Base Liquor, at 701 S Silver St. Mr. Browning has submitted the proper applications and fees and business has also passed the required safety inspection.

Council Member Nickelson made a motion to approve a new Liquor License for Craig Browning dba Third Base Liquor at 701 S Silver St. contingent upon receipt of necessary documents and fees. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

**Agenda Item 3b – Consider approval of the bid award for work on the Baptiste Drive Extension.**

Manager Fleming stated in October 2019 the City engaged BG Consultants for assistance to complete a KDOT Cost Share Application, resulting in the award of \$742,798.00 to help with the cost of extending Baptiste Drive west to Iron Street then south to 4<sup>th</sup> Street.

Manager Fleming stated in December 2019 BG Consultants was again engaged to provide design engineering for the project. On August 28, 2020 BG Consultants and staff advertised the bid solicitation for the project using Drexel Technologies online plan room. The following seven bids were received:

Engineer's Estimate	\$989,568.40
Killough Construction, Inc.	\$744,626.84
G-B Construction	\$766,014.99
Kansas Heavy Construction LLC	\$834,972.25
Freeman Concrete Construction LLC	\$873,033.25
VF Anderson	\$899,946.00
Amino Brothers	\$932,232.85
Gunter Construction	\$974,759.00

Manager Fleming said based on the review of the bid submittals Killough Construction, Inc. offered the lowest, qualified bid that best serves the City of Paola's interest.

After some discussion Council Member Smail made a motion in accordance with KDOT Cost Share Agreement No. 11-20, to approve the bid award for the Baptiste Drive Extension Project to Killough Construction, Inc. for the amount of \$744,626.84 and authorize the necessary signatures. The motion was seconded by Council Member House. Council Member Smail, House and Nickelson voted aye. Council Member Upshaw abstained due to being employed by Taylor Forge who will benefit from the extension. Abstentions are counted toward the prevailing side, the motion passed 4 to 0.

**Agenda Item 3c – Consider adoption of the 36<sup>th</sup> edition of the Uniform Public Offense Code.**

Manager Fleming presented the 36<sup>th</sup> edition of the Uniform Public Offense Code to be considered with certain omissions and additions.

Council Member Upshaw made a motion to adopt Ordinance No. 3164 incorporating by reference in the Paola City Code, the 36<sup>th</sup> edition of the Uniform Public Offense Code with

certain omissions and amendments. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 4 to 0.

**Agenda Item 3d – Consider adoption of the 47<sup>th</sup> edition of the Standard Traffic Ordinance.**

Manager Fleming presented the 47<sup>th</sup> edition of the Standard Traffic Ordinance to be considered with certain omissions and additions.

Council Member House made a motion to adopt Ordinance No. 3165 incorporating by reference in the Paola City Code, the 47<sup>th</sup> edition of the Standard Traffic Ordinance with certain omissions and amendments. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 4 to 0.

**Agenda Item 4 - COMMITTEE REPORTS – None.**

**Agenda Item 5 - STAFF REPORTS**

Manager Fleming discussed the increase in COVID 19 cases in Miami County and suggested the continuance of the mask ordinance.

Manager Fleming updated the Council on the Miami St. and Kaskaskia St. projects. He said a walk through had been completed and items to be addressed were discussed.

Manager Fleming informed the Council of the plan to solicit bids for the Baptiste Drive right turn lane project at the end of October.

**Agenda Item 6 - MISCELLANEOUS MATTERS FROM THE COUNCIL:**

Council Member Smail commented on how well he thought the trash clean up day went. Council was informed a total of 62 tons of trash were picked up.

Council Member Upshaw asked if there had been any update on the property at 115 W. Wea. Manager Fleming said staff has reached out to the owner for a status report.

Council Member House asked if the parking blocks in the Community Center parking lot could be addressed. She said they are needing attention.

**Agenda Item 7 - MISCELLANEOUS MATTERS FROM THE MAYOR:**

Mayor Stuteville nominated Jessica Newton to serve on the Planning Commission.

Council Member Nickelson made a motion to approve the Mayor's nominations of Jessica Newton to the Planning Commission. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

### **Agenda Item 8 – EXECUTIVE SESSION**

Council Member House made a motion to recess into Executive Session for 15 minutes pursuant to personnel matters of non-elected personnel, K.S.A. 75-4319(b)(1). The purpose of the executive session is to discuss an individual employee's performance and employment and shall include the Mayor, Council, City Attorney, and City Manager. The regular meeting shall reconvene in the Municipal Court Room at 6:36 p.m. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 4 to 0.

At 6:36 p.m. the Council came out of Executive Session and Council Member House made a motion reconvene the recessed meeting. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0.

### **Agenda Item 9 – CITY MANAGER CONTRACT CONSIDERATION**

Council Member Upshaw made a motion to renew the employment agreement, subject to changes discussed, for Sid Fleming to continue as City Manager for 2 years. The motion was seconded by Council Member House 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 Smail made a motion to adjourn. The motion was seconded by Council Member Upshaw 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