

**MINUTES OF THE COUNCIL MEETING  
OF THE CITY OF PAOLA, KANSAS  
6:00 O'CLOCK P.M.  
July 10, 2018**

**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, Gee Gee Wilhoite, 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, Police Chief Don Poore, Trent Upshaw, Brian McCauley, Shannon Czepcinski and family, and others.

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

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

**Agenda Item 1 - CONSENT AGENDA**

- a. **Approval of minutes of the meeting of June 12, 2018.**
- b. **Approval of Salary Ordinances 18-13 and 18-14.**
- c. **Approval of Appropriation Ordinances 881 and 882.**
- d. **Approval of the Pledged Collateral Report for June, 2018.**
- e. **Approval of the Journal Entries Reports for June, 2018.**
- f. **Approval of the Renewal of a drinking establishment license for Casa Grande Paola, LLC at 120 W Peoria.**

Council Member Wilhoite 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** – No one addressed the Council.

**Agenda Item 3 - UNFINISHED BUSINESS**

**Agenda Item 3a - Consider approval of the final plat and phasing plan for a 4-lot subdivision at Paola Business Park Parcel 5.**

City Manager Wieland presented a final plat for a 4-lot subdivision on parcel 5 of the Paola Business Park. This subdivision will include 4 new lots with the initial intent of constructing a new dentist office on proposed lot 1 of the subdivision. Due to the fact that the applicant does not currently have buyers for the remaining three lots, he would like to develop this subdivision in phases.

Phase one would include new infrastructure to allow for access and utilities for his new office. The future phase street and utility construction will be constructed in conjunction with the development of the other lots.

With no further discussion Council Member Nickleson made a motion to approve the final Replat of Paola Business Park – Parcel 5 Replat subject to the following four conditions:

1. Final plats need to indicate applicable zoning districts.
2. Needs to note that the sidewalks will be done in phases as lots are purchased and will comply with the regulations of the LDO.
3. Needs to note that landscaping requirements will be done in phases as lots are purchased and will comply with the regulations of the LDO.
4. Need to state that the residual lot owners are responsible to pave roads and install all public utilities, water, sewer and storm drainage for lots as they are phased in.

The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0.

#### **Agenda Item 4 - NEW BUSINESS**

##### **Agenda Item 4a Consider a motion concerning the keeping of pit bull dogs within the corporate limits of the City of Paola.**

At the April 10<sup>th</sup> council meeting, Eric and Shannon Czepcinski addressed the City Council about repealing the City's ban on pit bull dogs. A fair amount of time has passed and there has been a volume of information that has been shared on the subject.

Mayor Stuterville thanked everyone for their efforts in providing information and noted that several citizens from the community have contacted herself and the council regarding the subject.

City Manager Wieland noted that the council was presented with two options for action:

Option 1; Motion to uphold and to keep in force section 200.210, of the Code Book of the city of Paola, KS, which makes it unlawful to keep, harbor, own or in any way possess within the corporate limits of the City of Paola, KS, any pit bull dog.

Option 2; Motion to instruct city staff to draft an ordinance repealing section 200.210, of the Code Book of the city of Paola, KS, and replacing it with a “non-breed specific” dangerous animal ordinance.

Council Member Wilhoite made a motion to approve Option 1 based on what she heard from the taxpayers in Ward 2 and wants to support their wishes to keep the Ordinance as it is. Council Member Smail seconded the motion. Council Member House stated that she did some research and was torn on the subject, so she based her decision on personal contact with people in her Ward (3) who want to keep the ban and voted for Option 1. Council Member Nickelson voted for Option 1 due to the feedback from people in Ward 4 that wish to keep the ban. The Motion for Option 1 passed 4 to 0.

**Agenda Item 4b - Consider approval of the final site plan of the Paola Business Park Parcel 5 Replat Lot 1.**

City Manager Wieland presented a site plan review for Dr. Howard's dental office on lot 1 of the new Paola Business Park Parcel 5, lot 1. The initial office will be 4,739 sq.ft. with the plan for a future expansion of 2,479 sq.ft.

With no further questions Council Member Nickelson made a motion to approve the final site plan of the Paola Business Park Parcel 5 Replat Lot 1 subject to submission of a landscaping plan in compliance with the Land Development Ordinance. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 4 to 0.

**Agenda Item 4c - Consider a lease agreement with the Miami County Fair Association for the use of property in Wallace Park for the Miami County Fair from July 22 to July 29, 2018.**

Clerk Droste reported that annually, the Miami County Fair is held at the fair grounds adjacent to Wallace Park. The fair grounds property is owned by the Miami County Fair Association and is outside the city limits. The fair grounds property is not large enough to accommodate all of the activities of the County Fair. Therefore, the City has historically entered into a lease agreement with the Fair Association which allows them to use a portion of Wallace Park for the County Fair. The area included in the lease is the fenced area south of the loop road in Wallace Park. This is the area that the carnival traditionally sets up.

New legislation was signed into law effective July 1, 2017 that regulates amusement rides. As the Fair's carnival is set up on City owned property, our lease agreement reflects the addition of the legislation.

After further discussion Council Member Smail made a motion to approve the Lease with the Miami County Fair Association, as presented, 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 4d - Consider a Bank Resolution for a new purchase card program.**

Clerk Droste reported to the council that First Option Bank has contacted him regarding their new purchase card which offers the following features and conveniences:

- Local servicing. If there is any problem, issue, or question we can contact our local bank for assistance. (*Currently we have to contact the UMB call center via telephone.*)
- Department Level Accounting. Each department is assigned a card or cards, and that department receives its own monthly statement to reconcile. (*Currently only individual statements are provided for each card.*)
- Master Statement. City Hall will receive a master statement that includes all activity for all departments. (*Currently no master statement is provided.*)
- On-line access. City Hall will have online access to administer the account, including: adjusting credit limits for individual cards, freezing accounts and ordering new cards for lost cards, monitoring activity, etc. (*Currently, online access only allows for monitoring activity.*)

- Cash back bonus. First Option Bank's program pays a 1% cash back bonus every month that total charges exceed \$2,500. This cash back bonus is credited to the master statement every month. (*The UMB card program offers a "points" reward program.*)
- Control of credit limits. A total maximum credit limit will be assigned to the City's account which is allocated to each card. This allocation can be assigned, monitored, and adjusted by City Administration as needed – such as when an employee is attending a lengthy training (Police Academy). (*Currently, credit limits are static and UMB must be contacted to make any changes.*)

Clerk Droste also stated that the only financial impact in making the change to First Option Bank is the benefit of receiving a 1% cash back bonus credit on the monthly statement. In 2017, the City of Paola charged a total of \$65,370.75 on the UMB purchase card program. This same level of activity on the First Option Bank program would have provided a savings of \$653.70 to the City.

Council Member Wilhoite made a motion to approve the First Option Bank "Resolution of Lodge, Association, or Other Similar Organization", as presented and authorize the City Manager and City Clerk to sign on behalf of the City of Paola. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0.

**Agenda Item 4e - Consider acknowledgement of the submission of the 2017 Audit and the 2017 Supplemental Operating Data to the Electronic Municipal Market Access (EMMA) system.**

Clerk Droste reported that in compliance with that the City's Continuing Disclosure Policy, the 2017 Audit Report, 2017 Operating Data for the City of Paola, and the 2017 Information Concerning the City of Paola, Kansas and the Water Utility System were all electronically filed on the Electronic Municipal Market Access (EMMA) system on June 29, 2018. This information was filed with EMMA by Piper Jaffray. He noted that also in compliance with the policy, the City Council was notified via a written memorandum on July 6th that the filing had been completed. The Continuing Disclosure policy requires that this confirmation shall be acknowledged by the City Council at the regular meeting.

After additional discussion, Council Member Nickelson made a motion to acknowledge that in compliance with Section II (2) of the Continuing Disclosure Policy for the City of Paola, the City Clerk did provide to the Governing Body written confirmation from EMMA that the 2017 Operating Data and Financial Statement for the City of Paola has been submitted and filed properly with the Municipal Securities Rulemaking Board through EMMA on June 29, 2018. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0.

**Agenda Item 4f - Consider a Real Estate Contract with Dale Klaasmeyer of Klaasmeyer, LLC.**

City Manager Wieland reported that staff has been working with Dale Klaasmeyer of Klaasmeyer, LLC, on a potential site for a new office and shop building for the business. It has been determined that Tract 1 in the Paola Industrial Park suits the needs of the company for the relocation and expansion of their business. The proposed building would consist of 2,000 to 3,000 sq. ft. of office space and 10,000 to 12,000 sq. ft. of shop and indoor storage space.

After some discussion Council Member Smail made a motion to approve the Real Estate Agreement with Dale Klaasmeyer of Klaasmeyer, LLC for Tract 1 in the Paola Industrial Park

and authorize Mayor Stuteville to sign the Agreement. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 4 to 0.

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

**Agenda Item 6 - STAFF REPORTS**

Clerk Droste reported that the softball game, the City of Paola vs. the City of Louisburg is scheduled for Saturday August 18<sup>th</sup>.

Clerk Droste asked the council if they would be interested in riding in the upcoming Fair Parade on July 25<sup>th</sup>. They agreed that they would participate

Public Works Director Rees reported that there have been several water leaks and that crews will be turning water off to the Park Square on Sunday July 15<sup>th</sup> to repair a broken valve.

Manager Wieland reported that an Economic Development Review committee will be formed due to the increased interest of industrial development. Blake Heid will be the Chair of the Committee and will need people with financial backgrounds to join.

Manager Wieland also reported the on-going discussion with the developer associated with *Project Water Feature* has expressed the need for public economic assistance to move the project forward. The City has been asked to consider the use of TIF and CID funding. City Manager Wieland asked the council if they were open to considering these economic development incentives. The council indicated a willingness to consider the use of these economic development tools.

Manager Wieland reported that he and Randi will be working with Janet McRea on another economic development project for the Industrial Park.

Manager Wieland informed the council that he was contacted about the feasibility of putting an oil well within the City limits. He will inform the party of the requirements and that the Council will have to sign off on the final permit.

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

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

**Agenda Item 9 – ADJOURNMENT**

With no additional business to come before the Council, Council Member Wilhoite 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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Daniel G. Droste, City Clerk