

**MINUTES OF THE COUNCIL MEETING  
OF THE CITY OF PAOLA, KANSAS  
6:00 O'CLOCK P.M.  
March 12, 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, and Leigh House.

**Council Members absent:** Aaron Nickelson.

**Also present:** City Clerk Dan Droste, City Attorney Lee Tetwiler, Chief of Police Don Poore, Public Works Director Kirk Rees, and Assistant to the City Manager Randi Shannon.

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

**ROLL CALL:** Mayor Stuteville and Council Members Smail, Upshaw, and House were all present. Council Member Nickelson was absent.

**Agenda Item 1 - CONSENT AGENDA**

- a. Approval of minutes of the meeting of February 12, 2019.
- b. Approval of Salary Ordinances 19-5 and 19-6.
- c. Approval of Appropriation Ordinances 897 and 898.
- d. Approval of the Pledged Collateral Report for February 2019.
- e. Approval of the Journal Entries Reports for February 2019.  
Renewal of the Retail Liquor License for In Good Spirits subject to completed application, fee, and inspection.

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 House and all voted aye. The motion passed 3 to 0.

**Agenda Item 2 - COMMENTS FROM THE PUBLIC:** No one addressed the Council.

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

**Agenda Item 4 – NEW BUSINESS**

**Agenda Item 4a - Consider approval of an Ordinance to discontinue 8 Conditional Use Permits.**

City Clerk Droste presented an Ordinance repealing eight expired Conditional Use Permits (CUP) that were previously approved by the Paola City Council. He reported that all of the

original CUPs had expired because each of the business that the CUP was awarded to had either moved to another location or been out of operation for a period exceeding 6 months. The CUP's being presented for repeal are:

**1. Ordinance No. 2771 CONDITIONAL USE PERMIT (a.k.a. 01-CUP-04)** that was duly adopted by the Governing Body of the City of Paola on the 27th day of February, 2001, is hereby repealed in its entirety, pursuant to the findings of the Paola Planning Commission and Board of Zoning Appeals on February 19, 2019 that the use permitted at 1006 N Pearl Street for heavy retail and services under said Conditional Use Permit has been discontinued for a period greater than six (6) months.

**2. Ordinance No. 2927 CONDITIONAL USE PERMIT 06-CUP-07 AN ORDINANCE RELATING TO ZONING: AUTHORIZING A CONDITIONAL USE PERMIT FOR CERTAIN PROPERTY** that was duly adopted by the Governing Body of the City of Paola on the 26th day of September 2006, is hereby repealed in its entirety, pursuant to the findings of the Paola Planning Commission and Board of Zoning Appeals on February 19, 2019 that the use permitted at 7 S Agate Street for light industry under said Conditional Use Permit has been discontinued for a period greater than six (6) months.

**3. Ordinance No. 2987 RENEWAL OF CONDITIONAL USE PERMIT 06-CUP-07** that was duly adopted by the Governing Body of the City of Paola on the 26th day of May, 2009, is hereby repealed in its entirety, pursuant to the findings of the Paola Planning Commission and Board of Zoning Appeals on February 19, 2019 that the use permitted at 7 S Agate Street for light industry under said Conditional Use Permit has been discontinued for a period greater than six (6) months.

**4. Ordinance No. 2992 APPROVAL OF CONDITIONAL USE PERMIT 09-CUP-06** that was duly adopted by the Governing Body of the City of Paola on the 28th day of July, 2009, is hereby repealed in its entirety, pursuant to the findings of the Paola Planning Commission and Board of Zoning Appeals on February 19, 2019 that the use permitted at 812 S Silver Street for heavy retail and service under said Conditional Use Permit has been discontinued for a period greater than six (6) months.

**5. Ordinance No. 2996 CONDITIONAL USE PERMIT 09-CUP-09 AN ORDINANCE RELATING TO ZONING: AUTHORIZING A CONDITIONAL USE PERMIT FOR CERTAIN PROPERTY** that was duly adopted by the Governing Body of the City of Paola on the 25th day of August 2009, is hereby repealed in its entirety, pursuant to the findings of the Paola Planning Commission and Board of Zoning Appeals on February 19, 2019 that the use permitted at 103 N Pearl Street for pet grooming service under said Conditional Use Permit has been discontinued for a period greater than six (6) months.

**6. Ordinance No. 3047 AN ORDINANCE APPROVING CONDITIONAL USE PERMIT 12-CUP-01** that was duly adopted by the Governing Body of the City of Paola on the 26th day of June, 2012, is hereby repealed in its entirety, pursuant to the findings of the Paola Planning Commission and Board of Zoning Appeals on February 19, 2019 that the use permitted at 811 S Silver Street for light auto services under said Conditional Use Permit has been discontinued for a period greater than six (6) months.

7. Ordinance No. 3065 AN ORDINANCE APPROVING CONDITIONAL USE PERMIT 13-CUP-02 that was duly adopted by the Governing Body of the City of Paola on the 7th day of January, 2013, is hereby repealed in its entirety, pursuant to the findings of the Paola Planning Commission and Board of Zoning Appeals on February 19, 2019 that the use permitted at 23 W Wea Street for pet grooming service under said Conditional Use Permit has been discontinued for a period greater than six (6) months.

8. Ordinance No. 3061 AN ORDINANCE AMMENDING CONDITIONAL USE PERMIT 09-CUP-10 (a.k.a. 13-CUP-01) that was duly adopted by the Governing Body of the City of Paola on the 10th day of September, 2013, is hereby repealed in its entirety, pursuant to the findings of the Paola Planning Commission and Board of Zoning Appeals on February 19, 2019 that the use permitted at 410 N Silver Street for heavy retail and service under said Conditional Use Permit has been discontinued for a period greater than six (6) months.

9. Ordinance No. 3118 AN ORDINANCE APPROVING CONDITIONAL USE PERMIT 17-CUP-01 that was duly adopted by the Governing Body of the City of Paola on the 8th day of August, 2017, is hereby repealed in its entirety, pursuant to the findings of the Paola Planning Commission and Board of Zoning Appeals on February 19, 2019 that the use permitted at 508 Baptiste Drive for heavy retail and service under said Conditional Use Permit has been discontinued for a period greater than six (6) months.

After additional discussion, Council Member House made a motion to approve AN ORDINANCE REPEALING THE FOLLOWING: ORDINANCE NO. 2771 CONDITIONAL USE PERMIT (a.k.a. 01-CUP-04); ORDINANCE NO. 2927 CONDITIONAL USE PERMIT 06-CUP-07 AN ORDINANCE RELATING TO ZONING: AUTHORIZING A CONDITIONAL USE PERMIT FOR CERTAIN PROPERTY; ORDINANCE NO. 2987 RENEWAL OF CONDITIONAL USE PERMIT 06-CUP-07; ORDINANCE NO. 2992 APPROVAL OF CONDITIONAL USE PERMIT 09-CUP-06; ORDINANCE NO. 2996 CONDITIONAL USE PERMIT 09-CUP-09 AN ORDINANCE RELATING TO ZONING: AUTHORIZING A CONDITIONAL USE PERMIT FOR CERTAIN PROPERTY; ORDINANCE NO. 3047 AN ORDINANCE APPROVING CONDITIONAL USE PERMIT 12-CUP-01; ORDINANCE NO. 3065 AN ORDINANCE APPROVING CONDITIONAL USE PERMIT 13-CUP-02; ORDINANCE NO. 3061 AN ORDINANCE AMMENDING CONDITIONAL USE PERMIT 09-CUP-10 (a.k.a. 13-CUP-01); ORDINANCE NO. 3118 AN ORDINANCE APPROVING CONDITIONAL USE PERMIT 17-CUP-01. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 3 to 0. The Ordinance was assigned number 3138.

**Agenda Item 4b - Consider approval of the final site plan for Klaasmeyer, LLC to build on Tract 1 in the Paola Industrial Park.**

Assistant to the City Manager Shannon presented the final site plan for Tract 1 in the Paola Industrial Park. She reported that Klaasmeyer, LLC is planning to build a 12,000 sq. ft. building. She also noted that plan meets all of the requirements of the City's Land Development Ordinance.

After additional discussion, Council Member Smail made a motion to approve the site plan for Klaasmeyer, LLC to build a 12,000 sq. ft. building on Tract 1 of the Paola Industrial Park. The

motion was seconded by Council Member Upshaw and all voted aye. The motion passed 3 to 0.

**Agenda Item 4c - Consider the renewal of the City's liability/property/auto insurance policies.**

City Clerk Droste presented a quote for the renewal of the City's liability/property/auto insurance policies through EMC as follows:

<u>Coverage – EMC Insurance Company</u>	<u>Current Premium</u>	<u>Renewal Premium</u>	<u>Dollar Increase (Decrease)</u>	<u>Percent Increase</u>
Property	\$56,806	\$58,661	\$1,855	3.26%
General Liability	\$16,922	\$16,735	(\$187)	-1.10%
Commercial Auto	\$25,849	\$26,024	\$175	0.67%
Equipment Floater	\$6,178	\$6,179	\$1	0.01%
Employee Crime	\$873	\$698	(\$175)	-20.04%
Linebacker	\$4,319	\$4,879	\$560	12.96%
Law Enforcement	\$7,153	\$7,153	\$0	0.00%
Data & Cyber	\$660	\$660	\$0	0.00%
Umbrella	\$8,917	\$8,664	(\$253)	-2.83%
Total Premium	\$127,677	\$129,653	\$1,976	1.54%

After additional discussion, Council Member Smail made a motion to approve the bid from EMC Insurance Companies for the City's liability/property/auto insurance policies in the amount of \$129,653, as presented. The motion was seconded by Council Member House and all voted aye. The motion passed 3 to 0.

**Agenda Item 4d - Consider an Ordinance amending Sewer Utility Rates effective with the utility billing dated 03/31/2019.**

City Clerk Droste presented an Ordinance for consideration that would increase the Volume Charge for sewer fees from \$0.40 to \$0.42, and increase of \$0.02. This increase would amount to an increase of approximately \$1.20 for an average residence. He also reported that there will be no recommendation to increase water rates at this time.

After additional discussion, Council Member Upshaw made a motion to approve AN ORDINANCE AMENDING TITLE VII. UTILITIES, CHAPTER 715: SEWERS, ARTICLE IV. RATES AND CHARGES FOR WASTEWATER TREATMENT USERS, SECTION 715.240: SCHEDULE OF CHARGES, OF THE MUNICIPAL CODE OF THE CITY OF PAOLA, KANSAS. The motion was seconded by Council Member Smail and all voted aye. The motion passed 3 to 0. The Ordinance was assigned number 3137.

**Agenda Item 4e - Consider an Agreement with the St. Joseph's Female Ursuline Academy, Inc. for the transfer of land involving the Paola Community Center, release**

**the First Right of Refusal and Option to Purchase, and release of Affidavit of Equitable Interest.**

City Clerk Droste presented an Agreement with the St. Joseph's Female Ursuline Academy, Inc. for the transfer of land under the Paola Community Center, release the First Right of Refusal and Option to Purchase, and release Affidavit of Equitable Interest. He reported that he is in possession of the deed that will transfer title to the land and it will be recorded upon approval of the documents by the Council. He noted that the land totals 0.55 acres under and around the Paola Community Center building.

After additional discussion, Council Member House made a motion to approve an Agreement with the St. Joseph's Female Ursuline Academy, Inc. for the transfer of land under the Paola Community Center, release the First Right of Refusal and Option to Purchase, and release Affidavit of Equitable Interest and authorize the Mayor to sign the Agreement. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 3 to 0.

**Agenda Item 4f - Consider bids for 2 new mowers for the Public Works Department.**

City Clerk Droste presented bids for two new mowers for the Public Works Department as follows:

<u>Dealer</u>	<u>Equipment Description</u>	<u>Bid</u>
Blue Valley Tractor (Stillwell)	2019 Grasshopper 725DT6 with <b>61"</b> Deck	\$14,910.00
	2019 Grasshopper 900D with <b>72"</b> Deck	\$17,102.00
Norris Equipment Co. (Gardner)	2019 Grasshopper 725DT6 with <b>61"</b> Deck	\$15,149.57
	2019 Grasshopper 900D with <b>72"</b> Deck	\$17,536.92
Grasshopper/Moridge Mfg. (Moundridge)	2019 Grasshopper 725DT6 with <b>61"</b> Deck	\$15,233.87
	2019 Grasshopper 900D with <b>72"</b> Deck	\$17,654.35

After additional discussion, Council Member Smail made a motion to approve the bids from Blue Valley Tractor & Supply, one in the amount of \$14,910.00 for a Grasshopper Lawn Tractor with a 61" Deck and another in the amount of \$17,102.00 for a Grasshopper 900 Kub Diesel with a 72" Deck. The motion was seconded by Council Member House and all voted aye. The motion passed 3 to 0.

**Agenda Item 4g - Consider bids for the 2019 Sanitary Sewer Rehabilitation Program.**

Public Works Director Rees presented bids for the 2019 Sanitary Sewer Rehabilitation Program. The plan includes the installation of 1,279 linear feet of cured-in-place pipe (CIPP) to rehabilitate a portion of our sanitary sewer system in the vicinity of Poplar Ridge & Osage and East St. & Chippewa St. The bid from Insituform was \$27,909.00 and the bid from Utility Maintenance Contractors was for \$56,402.50.

After additional discussion, Council Member Upshaw made a motion to approve the bid from Insituform in the amount of \$27,909.00 for the installation of 1,279 linear feet of CIPP sanitary sewer pipe lining. The motion was seconded by Council Member Smail and all voted aye. The motion passed 3 to 0.

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

**Agenda Item 6 - STAFF REPORTS**

City Clerk Droste reported that EMC Insurance Company is still in the process of investigating the fire that destroyed the interior of the cab of the heavy rescue fire truck. He reported that Fire Chief Martin is researching alternatives until the truck can be repaired or replaced.

City Clerk Droste read the following statement from former City Council Member Gee Gee Wilhoite: *"To the Mayor, Council and Staff: The service plaque is exquisitely beautiful. Thank you for your royal presentation of it. The honor and respect you bestowed on me will always be remembered. Know that I also honor all of you and uphold you with my deepest respect. May success and blessings be in your path always!"*

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

Council Member Smail noted that the contractors that are working on the rehabilitation of the manholes are very safety conscious.

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

Mayor Stuteville nominated Jon Smail to serve on the Paola Housing Authority Board.

Council Member House made a motion to approve the Mayor's appointment of Jon Smail to serve on the Paola Housing Authority Board. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 3 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 House and all voted aye. The motion passed 3 to 0.

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Artie Stuteville, Mayor

ATTEST: [seal]

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Daniel G. Droste, City Clerk