

**MINUTES OF THE COUNCIL MEETING OF
THE CITY OF PAOLA, KANSAS
6:00 O'CLOCK P.M.
August 13, 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, Chief of Police Don Poore, Public Works Director Kirk Rees, Assistant City Manager Randi Shannon, HR Director Vicki Belt, Brian McCauley with the Miami County Republic, Renee Slinkard, Lee Mott, Hornbacher Family, members of the Paola Police Department, Ernie and Lonnie Scherman, and Scott Chappell.

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.

INTRODUCTION: Chief Poore introduced the newest Communications Officer, Brooke Douglas and new Police Officer Tim Hill. Chief Poore also announced that Sargent Marc Miller has been transferred to the detective division.

PROMOTION: Chief Poore recognized Luke Hornbacher for his promotion to Patrol Sargent.

PROCLAMATIONS:

Renee Slinkard with the Daughters of the American Revolution made comments regarding the importance of Constitution Week. Mayor Stuteville read and presented a Proclamation naming the week of September 17th through the 23rd as Constitution Week and presented it to Ms. Slinkard.

Agenda Item 1 - CONSENT AGENDA

- a. Approval of minutes of the meeting of July 11, 2019.
- b. Approval of Salary Ordinances 19-15, 19-16 and 19-17.
- c. Approval of Appropriation Ordinances 907 and 908.
- d. Approval of the Pledged Collateral Report for July 2019.
- e. Approval of the Journal Entries Reports for July 2019.
- f. Approval of minutes of the Special meeting of July 23, 2019.

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:

Ernie and Connie Scherman addressed the council regarding the newspaper article they read about the return of the New Housing Incentive program that was discussed at a work study meeting. They believe there is a real shortage of new ranch houses in Paola and believe this will increase building. They are hopeful that the council will consider reinstating the program soon so they will be able to build in Paola at an affordable cost.

Agenda Item 3 – UNFINISHED BUSINESS:

Agenda Item 3a - Public Hearing for and adoption of the proposed 2020 Paola City Budget.

Council Member House made a motion to open the public hearing on the proposed 2020 Paola City Budget. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

Mayor Stuteville welcomed the audience and asked if there was anyone who desired to address the City Council in regard to the proposed 2020 Budget. No one came forward to address the City Council.

Manager Wieland commented to those in attendance that this is his last budget before retirement. He wanted to thank retired City Clerk Dan Droste and all City Department Heads for their work in putting it together.

Manager Wieland stated the budget reflects a \$15,314,618 budget spending authority. The projected revenue for the ad valorem tax supported funds is \$9,139,477 with only \$2,419,305 coming from ad valorem property taxes. This reflects the great job the council has done with the mill levy over the years. The mill levy has been set at 44.802 which is a 1 mill decrease. Manager Wieland also commented that the cash carryover is \$1,494,000 which is significant and took hard work to get to that point.

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

Agenda Item 3b - Consider adoption of the 2020 Budget.

Council Member Upshaw made a motion to adopt the 2020 Paola City Budget in the amount of \$15,314,618 pursuant to the Notice of Budget Hearing published in the Miami County

Republic on July 31, 2019. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 4 to 0.

Agenda Item 4 – NEW BUSINESS

Agenda Item 4a - Report from Lee Mott with the Paola Roots Festival.

Lee Mott, President of the Paola Roots Festival Committee, addressed the Council regarding the upcoming Roots Festival. He reported that this is the 30th year for the festival which will be held on August 23rd and 24th. On Friday evening, the featured band will be *Samantha Fish* and on Saturday evening the headline act will be *Robert Randolph & the Family Band*. Also, this year, the cultural act will be the *KC Marching Cobras*. The festival also is the home of the East Central Kansas BBQ Contest. Single day admission for the festival is \$15 on Friday and \$20 on Saturday, children 10 and under are free. A two-day pass can also be purchased in advance or at the gate for \$25.

Mr. Mott reported that they will still only have 2 gates to cut down on the number of volunteers that it takes to operate the festival, this also keeps the park more secure. Entrance gates will be located at the northwest and southeast corners of the Park Square. He acknowledged all of the individuals who help organize the event every year. He also thanked the Public Works Department and the Police Department for all of their help and support. After additional discussion, Mr. Mott thanked the City for its support of the Roots Festival.

Agenda Item 4b - Consider a Street Closure Application for The Paola Roots Festival.

Clerk Marler presented the map for the Street Closure Application for the 2019 Roots Festival. After additional discussion, Council Member Smail made a motion to approve the Street Closure Application for the Paola Roots Festival from August 22nd through the 24th as presented. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 4 to 0.

Agenda Item 4c - Consider an Ordinance placing a Sales Tax Renewal proposition on the ballot to levy a ½ cent retailer's sales tax for the purpose of improving, maintaining and operating city parks and recreational facilities, streets and all things related.

Manager Wieland reported the current ½ cent sales tax for City building renovations will expire September 30, 2021. Being able to renew this sales tax would provide funding to continue operation of the Paola Family Pool, which costs up to \$150,000 annually, and provide funds for pool upgrades. Currently the pool fund will not support the operations and the fund will run out in 2021. This would also allow for upgrades to the Wallace Park ballfields and other park facilities. This sales tax would provide for street repairs, including sidewalks, curb and gutter, and public parking lots.

Manager Wieland stated that based on the previous revenues generated by the ½ cent sales tax, this renewal could generate approximately \$11.5 million dollars over 15 years. If the renewal

passes in November, a resolution to allocate the funds would be presented to the Council for a vote.

After some discussion Council Member Nickelson made a motion to approve AN ORDINANCE TO SUBMIT TO THE QUALIFIED ELECTORS OF THE CITY OF PAOLA, KANSAS THE PROPOSITION OF LEVYING A ONE HALF CENT (.50%) RETAILERS' SALES TAX IN THE CITY OF PAOLA TO IMPROVE, MAINTAIN, OPERATE AND DEVELOP ALL CITY PARKS AND RECREATIONAL FACILITIES AND TO IMPROVE AND MAINTAIN CITY STREETS, INCLUDING CURBS, GUTTERS, SIDEWALKS, PUBLIC PARKING LOTS AND ALL APPURTENANCES, AND ALL THINGS RELATED AND NECESSARY TO SUCH PURPOSE, INCLUDING PAYMENT OF OBGLIGATIONS OF THE CITY ISSUED TO FINANCE SUCH PURPOSES. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0 and the Ordinance was given number 3145.

Agenda Item 4d - Consider an Ordinance amending Water Utility Rates effective with the utility billing dated August 31, 2019.

At the Special Council Meeting on July 23, 2019, Manager Wieland discussed the need to increase the metered water rate. His suggestion was to increase the rate from \$.0730 per 100 gallons to \$.0740 per 100 gallons. Manager Wieland said it is necessary to increase rates to water users to cover costs and maintain infrastructure. There will not be any changes to the monthly base charge or to the water plant debt charge.

Manager Wieland noted that he is very conscious that no one is in favor of higher utility rates. For an average household using 6,000 gallons per month, this \$0.01 rate increase would result in an additional monthly charge of \$0.60 and would become effective on the August 31, 2019 water bill.

Council Member Nickelson made a motion to approve AN ORDINANCE AMENDING TITLE VII UTILITIES, CHAPTER 700 WATER DEPARTMENT, ARTICLE II WATER RATES, SECTION 700.250 METERED VOLUME RATES, TO THE MUNICIPAL CODE OF THE CITY OF PAOLA, KANSAS. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0 and the Ordinance was given number 3144.

Agenda Item 4e - Consider an Ordinance amending Waste Water Treatment Plant Rates beginning with the December 31, 2019 billing statement.

At the Special Council Meeting on July 23, 2019, Manager Wieland discussed the need to increase sewer fees and presented options for the Council to consider. After reviewing operational needs of the plant and costs of repairs the suggestion was to increase the Wastewater Treatment Plant Improvement Charge of \$18.00 per month to \$19.00 per month. The current Monthly Service Charge of \$7.00 per month would remain the same. This would mean that the minimum sewer rate charge would go from \$25.00 per month to \$26.00 per month.

After some discussion Council Member Nickelson 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 4 to 0 and the Ordinance was given number 3143.

Agenda Item 4f - Consider approval of a final replat for Simple Simon's in Lots 5, 4 and part of 3 of block 33 City of Paola.

Assistant City Manager Shannon discussed the request for a replat of lots 5, 4 and part of lot 3 of block 33 City of Paola. The owner of 7 N Silver St. (Simple Simon's) has recently purchase the building next to his. Both buildings are currently part of the same parcel. The owner would like to be able to sell the building next to his in the future and therefore needed to split the parcel into two different tracts.

Assistant Manager Shannon stated this plat also meets the requirements set forth in the Land Development Standards, Section 21.620 Subdivision (Plat) Review, and all other zoning regulations of the Land Development Ordinance. At its meeting on July 30, 2019 the Paola Planning Commission recommended approval for the final replat of Simple Simon's.

Council Member House made a motion to approve the final replat of downtown lots 5, 4 and part of lot 3 of block 33 City of Paola. The vote was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

Agenda Item 4g - Consider a Resolution to adopt an Emergency Water Supply Plan.

Manager Wieland reported approximately every three years the City will complete an inspection with the State of Kansas to review the water system. With the 2019 inspection the State informed Public Works Director Rees that the City Council needs to adopt by Resolution an Emergency Response Plan for the water system.

Manager Wieland said currently there is not an Emergency Response Plan adopted by the City so Public Works Director Rees put together a plan that will protect the water system and community in the event of a disaster. The plan will need to be reviewed annually to make sure all information is correct and up to date. Manager Wieland also noted that all of the suggested revisions previously discussed had been incorporated in the current version of the plan.

Council Member Upshaw made a motion to approve A RESOLUTION TO ADOPT THE EMERGENCY RESPONSE PLAN AND EMERGENCY WATER SUPPLY PLAN FOR THE CITY OF PAOLA WATER SYSTEM. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0 and the Resolution was given number 2019009.

Agenda Item 4h - Consider bids for two new pickup trucks for the Public Works department.

Public Works Director Rees requested bids for the purchase of 2 new trucks for the Public Works department. Minimum specifications were distributed to the area auto dealers and the following bids were received:

Louisburg Ford

2019 **F250 4x4** \$25,867.80

2019 F250 4x2 \$23,414.80

Beckman Motors, Inc.

2020 2500HD Silverado 4x4 \$28,933.00

2020 2500HD Silverado 4x2 \$26,890.00

2019 F250 4x4 \$25,618.00

2019 F250 4x2 \$23,165.00

Manager Wieland was able to determine that it would be possible for Public Works to purchase these 2 trucks in the 2019 budget. Public Works Director Rees would like to purchase one 4x4 truck and one 4x2 truck.

Council Member Smail made a motion to accept the bid from Louisburg Ford in the amount of \$25,867.80 for one 2019 F-250 4x4 pickup truck and \$23,414.80 for one 2019 F250 4x2 pickup truck for a total amount of \$49,282.60. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

Agenda Item 4i - Consider a proposal from McAfee Henderson Solutions for Lake Dam Consulting.

Manager Wieland stated the “sluffing” on the backside of the Lake Miola Dam was a big concern for staff and corrections were made in 2016. In October, 2018, McAfee Henderson Solutions (MHS) completed a Dam Safety Inspection at Lake Miola. This inspection was completed to satisfy the permitting requirements of the Kansas Department of Agriculture.

Public Works Director Rees said the State of Kansas Division of Water Resources (KDWR) required investigation of the most recent “sluffing” and monitoring of seepage, as well as, properly permitting the fill modifications that were made to the dam in 2016. MHS will provide land surveying services and civil engineering consulting services to assist the city with the Lake Miola Dam compliance procedures.

After some discussion Council Member House made a motion to authorize the City Manager to execute an agreement in the amount of \$24,770, plus reimbursable expenses, with McAfee Henderson Solutions to provide professional land surveying service and civil engineering consulting services to address KDWR’s permitting requirements for the 2016-17 dam “sluffing” repairs. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 4 to 0.

Agenda Item 5 - COMMITTEE REPORTS – None.

Agenda Item 6 - STAFF REPORTS

Clerk Marler informed the Council that she received a request from Rick Schoenberger, owner of The BBQ Shack food truck, to hold a food truck festival on Park Square. Clerk Marler suggested possibly getting the Chamber involved to come up with some ideas that would not block the Square but would be close enough to enjoy it. Manager Wieland thought it would be acceptable to allow the event to be held on East Peoria between Agate and Pearl, in front of City Hall, if the Council agreed. Clerk Marler will talk with the Chamber and bring a plan to the Council.

Assistant Manager Shannon thanked Mayor Stuteville for the information on a Small Housing Development Lecture. Shannon asked Jessica Shay Howell with Community Development to attend the lecture and provide a synopsis of the presentation.

Public Works Director Rees said the micro-paving is complete on Silver St. and the striping will be finished up shortly on Baptiste Dr. and Silver St.

Manager Wieland reminded everyone that school starts on August 13th so be alert while drivers get used to school traffic.

Manager Wieland believes he will have a proposal within the next few weeks on a tract of land in the Industrial Park.

Manager Wieland asked the Council to mark their calendars for a special meeting on August 27th to discuss the Paola Crossings project.

Manager Wieland informed the Council that an existing business in Paola has made an offer on the building they currently operate out of and that the company is looking to expand their operations.

Manager Wieland also expressed what a fantastic job Janet McRea with Miami County Economic Development has done to assist with various economic projects.

Agenda Item 7 - MISCELLANEOUS MATTERS FROM THE COUNCIL

Council Member Smail questioned staff about the funding progress of the Paola Dog Park. Clerk Marler informed him that they have raised approximately \$500.00 so far with a goal of \$40,000.00

Council Member Smail asked if there was a plan or a need for the removal of silt in Lake Miola. Manager Wieland said there is no current plan for dredging the lake and the process will be extremely expensive.

Council Member House asked when the STO will be brought for adoption. Clerk Marler informed the Council the STO and UPOC will be on the agenda for the September Council Meeting.

Council Member House also thanked staff for all the work put in on the budget.

Council Member House thanked the Police Department for all of their first week of school activities and preparations. She knows how challenging the first few days can be.

Council Member Nickelson gave a special thank you to retired City Clerk Dan Droste for his work on the 2020 budget, also a thank you to Manager Wieland on his last budget.

Agenda Item 8 - MISCELLANEOUS MATTERS FROM THE MAYOR - None

Agenda Item 9 – ADJOURNMENT

With no additional business to come before the Council, Council Member House made a motion to adjourn. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0.

Artie Stuteville, Mayor

ATTEST: [seal]

Stephanie Marler, City Clerk