

**MINUTES OF THE COUNCIL MEETING
OF THE CITY OF PAOLA, KANSAS
6:00 O'CLOCK P.M.
March 10, 2020**

**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, Leigh House and Aaron Nickelson.

Council Members absent: Trent Upshaw

Also present: Interim City Manager Randi Shannon, City Attorney Lee Tetwiler, Police Chief Don Poore, Public Works Director Kirk Rees and Brian McCauley with the Miami County Republic, Thomas Wright, Rob White, Scott Shappell, Matt Fineout, Linda Johnston, Bob and Julie Zoller, Chandra Weekley, Alexis, Annabelle & Gavin Shaw, Ron Rosenstein, Renee Bowman 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 and Nickelson were all present.

Agenda Item 1 - CONSENT AGENDA

- a. Approval of minutes of the meeting of February 11, 2020.
- b. Approval of Salary Ordinances 20-4 and 20-5.
- c. Approval of Appropriation Ordinances 921 and 922.
- d. Approval of the Pledged Collateral Report for February 2020.
- e. Approval of the Journal Entries Reports for February 2020.
- f. Renewal of the Retail Liquor License for In Good Spirits subject to completed application, fee, and inspection.

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

Agenda Item 2 - COMMENTS FROM THE PUBLIC:

Agenda Item 3 – UNFINISHED BUSINESS:

Agenda Item 3a - Discuss construction status at 115 W. Wea.

Thomas Wright, owner of 115 W. Wea, addressed the council regarding the slow progress on the repairs of the building. Mr. Wright stated shortly after the October 8, 2019 council meeting where he was granted additional time to complete repairs to make the building safe and secure, Mr. Wright's family had personal matters arise that needed their full attention.

Mr. Wright introduced Rob White to the Council as a board member for What's for Dinner. Mr. White said he has been working on grants to help move forward with repairs but was unsure of what exactly need to be completed.

The Council agreed that more time should be allowed but would like a detailed inspection report from the Building Inspector before moving forward.

Council Member Nickelson made a motion to table Resolution number 2020-005 until a detailed inspection report can be presented at the April 7, 2020 Work Study meeting. The motion was seconded by Council Member Smail and all voted aye. The motion passed 3 to 0.

Agenda Item 4 – NEW BUSINESS

Agenda Item 4a – Consider approval of a special event permit for Music and the Market.

Interim City Manager Shannon presented the Music and the Market event permit. She stated the event was discussed at the February work study meeting. A few concerns were for the parking situation since more business will be open at this time and the route for the horse and buggy could be dangerous due to more traffic.

Interim Manager Shannon said the vendors should be encouraged to park in one of the three city parking lots a block from the square, once they unload their items. The food truck will be in the city parking lot across from City Hall where attendees will be more likely to park in the lot, grab some food, and walk to the square. This will also leave the parking spots open where the food truck would typically be.

Interim Manager Shannon also noted the horse and buggy will change their route to the block around City Hall. This will keep them off Silver where the traffic will be heavier.

The vendors will set up on the east side of the square, they can begin setting up at 6:00 pm and leave at 9:00 pm. Set up will not be allowed before this time due to the gazebo rental schedule time for weddings.

Council Member House made a motion to approve an event permit to change the time of the event and location of the food truck for Music and the Market subject to insurance approval. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 3 to 0.

Agenda Item 4b – Consideration of a Conditional Use Permit for 8 E. Kaskaskia.

Interim Manager Shannon presented a conditional use permit from Scott Shappell and Matt Fineout for 8 E. Kaskaskia to run a bed and breakfast at the location. Interim Manager Shannon

stated the Planning Commission has reviewed the permit request and approved it with the following requirements.

- 1) The owner/proprietor is required to occupy the residence.
- 2) The number of bedrooms used for a Bed and Breakfast shall not exceed five (5).
- 3) Bed and Breakfast shall comply with County and State requirements/licenses as a food service or lodging facility.
- 4) Short-term overnight lodging shall be permitted. Monthly rentals or leasing shall be prohibited.
- 5) A minimum of one off-street parking space is required. The Planning Commission may permit on-street parking to be substituted upon determining that the street can accommodate the parking and the provision of off-street parking would be detrimental to the area's appearance.
- 6) A review of compliance shall be made by the Zoning Officer to the Planning Commission one year after issuance. If deemed necessary, subsequent annual reviews may be requested by the Planning Commission. Such reviews are not subject to publication, notification and public hearing requirements. If property owner is requesting an amendment to the CUP, the notification shall follow the same procedures as the original CUP request.
- 7) At any time, the City may institute revocation of the Conditional Use Permit for violations of the conditions of approval, expiration, or the reasons specified in Section 21.225 of the Land Development Ordinance (LDO). The City shall provide notice to the landowner and public in the same manner as was provided for the establishment of the Conditional Use Permit.

Interim Manager Shannon noted the owners will continue to renovate the property as a single-family residence and they will have six months to act on the conditional use permit.

Council Member Smail made a motion to approve AN ORDINANCE APPROVING CONDITIONAL USE PERMIT 20-CUP-02. The motion was seconded by Council Member House and all voted aye. The motion passed 3 to 0 and was given Ordinance No 3155.

Agenda Item 4c Consider bids to install the fencing for the Paola Dog Park.

Annabelle Shaw began by addressing the Council to thank them for the support in moving forward with the dog park project.

Police Chief Poore, who also serves on the Paola Dog Park committee, presented the bids for the fencing to be installed for the dog park. Those Fence companies considered from various recommendations were Wright Way Remodeling Osawatomie, KS, Prime Fence Olathe, Ks, and Patriot Fence Olathe, Ks.

The bids were as follows:

| | |
|------------------------|-------------|
| Wright Way Remodeling: | \$21,432.00 |
| Prime Fence: | \$17,725.00 |
| Patriot Fence: | \$18,720.00 |

Chief Poore noted Wright Way asked that their company be removed from the bid list due to personal reasons that would not allow them to complete the project.

Chief Poore said the Dog Park Board is requesting that Patriot Fence out of Olathe, Ks be the selected company for this project at a cost of \$18,720.00. Due to Patriot's reputation the board would like to accept their bid even though slightly higher. Patriot has experience building Dog Parks, to include Heritage Dog Park in Olathe, Ks.

After further discussion Council Member Nickelson made a motion to approve the bid from Patriot Fence to install fencing for the Paola Dog Park in the amount of \$18,720.00. The bid was seconded by Council Member House and all voted aye. The motion passed 3 to 0.

Agenda Item 4d - Consider approval of a contract with BG Consultants for road reconstruction survey and design.

Public Works Director addressed the council with a request to enter into a Contract with BG Consultants for the reconstruction of several streets in town that are in need of some major repairs. Director Rees has chosen 2 areas that need complete reconstruction. He explained West Miami St. from West St to Mulberry St and East Kaskaskia from Oak to Hickory are included in this phase. Both of the suggested areas are 2 block projects.

Director Rees would like to hire BG Consultants for the beginning phase of reconstruction. BG Consultants will survey and design the project and prepare construction plans. They will also work with utilities and obtain any necessary permits.

After further discussion Council Member House made a motion to approve a contract with BG Consultants in the amount of \$30,000 to survey and design West Miami St. from South West St. to South Mulberry St. and East Kaskaskia St. from North Oak St. to North Hickory St. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 3 to 0.

Agenda Item 4e - Consider a Resolution relating to benefits obtainable by the Federal and State Aid program.

Public Works Director Rees explained to the Council that a Resolution would need to be passed allowing an agreement to be signed by the Mayor and City Clerk to move forward with the Federal grant money awarded for the Hedge Lane and Baptiste Drive project.

With no further discussion Council Member Nickelson made a motion to approve A RESOLUTION RELATING TO BENEFITS OBTAINABLE BY CITIES UNDER THE FEDERAL AND STATE AID PROGRAM. The motion was seconded by Council Member House and all voted aye. The motion was passed 3 to 0 and given Resolution No 2020-004.

Agenda Item 5 - COMMITTEE REPORTS – None.

Agenda Item 6 - STAFF REPORTS

Interim Manager Shannon reminded the Council of the State of the City breakfast Wednesday morning at 7:00 in Town Square.

Agenda Item 7 - MISCELLANEOUS MATTERS FROM THE COUNCIL

Council Member Smail said a citizen was concern about the waste from the goat farm north of Lake Miola running into the lake water. Public Works Director Reese said the Kansas Department of Wildlife was aware of the farm and the lake is tested every year. There have not been any alarming results from those tests.

Council Member House commented that she travels and sees several towns and just wanted to thank the people that work to keep Paola clean and nice all the time. She said that is what makes Paola great.

Agenda Item 8 - MISCELLANEOUS MATTERS FROM THE MAYOR

Consider the appointment of Gayle Plummer to the Library Board.

Council Member House made a motion to approve the appointment of Gayle Plummer to the Library Board. The motion was seconded by Council Member Smail and all voted aye. The motion was passed 3 to 0.

Agenda Item 11 – 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 Nickelson and all voted aye. The motion passed 4 to 0.

Artie Stuteville, Mayor

ATTEST: [seal]

Stephanie Marler, City Clerk