

**MINUTES OF THE COUNCIL MEETING
OF THE CITY OF PAOLA, KANSAS
6:00 O'CLOCK P.M.
January 14, 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, Leigh House, Aaron Nickelson and Council Member Elect Trent Upsawh.

Council Members absent: Council Member Gee Gee Wilhoite.

Also present: City Manager Jay Wieland, City Clerk Dan Droste, Assistant City Clerk Stephanie Marler, City Attorney Lee Tetwiler, Chief of Police Don Poore, Public Works Director Kirk Rees, Assistant to the City Manager Randi Shannon, Brian McCauley with the Miami County Republic, Holly Upshaw and Riley Upshaw.

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. Council Member Wilhoite was absent.

Agenda Item 1 - CONSENT AGENDA

- a. Approval of minutes of the meeting of December 11, 2018.
- b. Approval of Salary Ordinances 18-26, 19-1 and 19-2.
- c. Approval of Appropriation Ordinances 893 and 894.
- d. Approval of the Pledged Collateral Report for December, 2018.
- e. Approval of the Journal Entries Reports for December 2018.
- f. Approval of a leak allowance in the amount of \$547.50 for 303 E Shawnee St.

Council Member Nickelson 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 3 to 0.

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

Agenda Item 3 - RECESS SINE DIE

Council Member House made a motion to recess sine die. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 3 to 0.

Clerk Droste administered the Oath of Office to Council Members Aaron Nickelson and Trent Upshaw.

Council Member Leigh House presented an invocation for the new City Council.

Council Member Upshaw made a motion to resume the recessed meeting. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0. Mayor Stuterville called the new City Council to order and resumed the recessed meeting.

Agenda Item 4 - ELECTION OF COUNCIL OFFICERS

Council Member Nickelson made a motion to nominate Council Member Leigh House as President of the Paola City Council. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0.

Council Member House made a motion to nominate Council Member Aaron Nickelson as Vice President of the Paola City Council. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

Agenda Item 5 - DESIGNATION OF DEPOSITORYIES FOR CITY FUNDS

Council Member House made a motion to designate Security Bank of Kansas City, Great Southern Bank, First Security Bank, First Option Bank and Landmark National Bank as depositories for City funds. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 4 to 0.

Agenda Item 6 - ANNUAL AUTHORIZATION: Consider a Resolution authorizing the City Manager to pay claims to take advantage of any discount for early payment and to avoid the assessment of a penalty for late payment of claims against the City.

Council Member Smail made a motion to approve A RESOLUTION OF THE CITY OF PAOLA, KANSAS, AUTHORIZING THE CITY MANAGER TO PAY CLAIMS AGAINST THE CITY PURSUANT TO K.S.A. 12-105b(e). The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0 and the Resolution was assigned number 2019-001.

Agenda Item 7 - UNFINISHED BUSINESS

Agenda Item 7a - Consider amendments to Section 11.250 Residential Access Drives of the Land Development Ordinance.

Mayor Stuterville reminded the council that this request was originally presented by the Planning Commission to increase the access drive to 32 feet or 35 percent of the lot frontage. The council decided at the November 13, 2018 council meeting to return the request to the Planning Commission for further discussion. The Planning Commission is now requesting the access drive be increased to 28 feet at the right of way line.

City Manager Wieland stated that staff believes a width of 24 feet would be a reasonable accommodation to their request.

Assistant to the City Manager Shannon reported that the Planning Commission would like to be progressive and base driveway width based on garage size. Mayor Stuteville expressed her concerns about the street parking and how this would be affected with the bigger driveway access.

Council Member Nickelson also questioned why they originally requested 32 feet or 35 percent of the lot frontage and then removed the percentage request in the revised proposal. Assistant to the City Manager Shannon explained that this was a way to keep the driveway width reasonable but a decrease in the width would not require a percentage regulation.

Council Member House said she would agree to increase the regulation to 24 feet to allow bigger driveways but also keep more of the green space. Council Members Smail and Upshaw also agreed to increase it to 24 feet.

Council Member Nickelson wanted to take into consideration all the work the Planning Commission has put into their proposal. He said he would agree to increase the regulation to 26 feet.

Council Member Upshaw made a motion to send the proposal back to the Planning Commission at 24 feet. With no second Council Member Upshaw modified his motion to approve AN ORDINANCE AMENDING SECTION 11.250 RESIDENTIAL ACCESS DRIVES OF ARTICLE 11, STREET AND ACCESS STANDARDS, OF THE LAND DEVELOPMENT ORDINANCE FOR THE CITY OF PAOLA, KANSAS to increase the Residential Access Drive maximum to 24 feet at the right of way line. Council Member Smail Seconded. Council Members Smail, Upshaw, and House all voted aye. Council Member Nickelson voted nay. The motion passed 3 to 1. The Ordinance was assigned number 3134.

Agenda Item 8 - NEW BUSINESS

Agenda Item 8a - Consider an Ordinance adopting the APWA Construction Standards into the Code of the City of Paola.

City Manager Wieland expressed that with more new construction happening in Paola, it has become imperative that a formal policy for construction standards be adopted. The American Public Works Association maintains a comprehensive set of construction specifications and design criteria for construction projects.

Although the LDO has adopted the Storm Water Drainage section of the APWA, the city has not officially adopted these standards. Many surrounding communities including but not limited to Spring Hill, Louisburg, Olathe and Overland Park have either adopted the standard in its entirety or certain sections. Adopting the APWA Standards will allow for our Public Works, Building Inspection and Community Development Departments to be a more cohesive unit and eliminate confusion during development projects.

After a discussion, Council Member Nickelson made a motion to approve AN ORDINANCE ADOPTING THE KANSAS CITY METRO CHAPTER AMERICAN PUBLIC WORKS ASSOCIATION POLICY TO BE INCORPORATED IN THE CODE OF THE CITY OF PAOLA, KANSAS, 2009, REGULATING CONSTRUCTION STANDARDS WITHIN THE CORPORATE LIMITS OF THE CITY OF PAOLA, KANSAS; INCORPORATING BY REFERENCE THE "AMERICAN PUBLIC WORKS ASSOCIATION CONSTRUCTION STANDARDS, EDITION OF 2017", WITH NO OMISSIONS OR AMENDMENTS. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0. The Ordinance was assigned number 3133.

Agenda Item 8b - Consider an Ordinance to take affect April 1, 2019 amending the Alcoholic Beverages section of the City of Paola Code to include changes made by the State of Kansas.

City Clerk Droste informed the council that the State of Kansas will change the definition of cereal malt beverage effective April 1, 2019. The code book defines cereal malt beverage as 3.2% alcohol by weight, after April 1st it will be referred to as enhanced cereal malt beverage with 6% or less alcohol by volume. An ordinance to amend the definition is recommended and made effective April 1, 2019.

Currently a business that holds a CMB license is only allowed to sell beverages with 3.2% alcohol by weight or less. With the passing of the new bill, CMB license holders will be able to sell beer that contains not more than 6% alcohol by volume. The CMB license that was renewed at the start of 2019 will still be accepted after April 1, 2019 with no changes required.

City Clerk Droste also mentioned that while reviewing the entire Chapter on Alcoholic Beverages, there were some other sections that should be updated. He suggests removing the section on dancing regulations as they are out dated. Also Article V: Drinking Establishments does not have a section for Business Regulations so he suggests adding a new section for that.

Council Member Upshaw made a motion to approve AN ORDINANCE AMENDING ARTICLE I, SECTION 600.010, DEFINITIONS; ARTICLE IV, SECTION 600.240, BUSINESS REGULATIONS; ARTICLE IV, SECTION 600.280, MAINTAIN ORDERLY PLACE OF BUSINESS; ARTICLE VI, SECTION 600.370, BUSINESS REGULATIONS; ENACTING ARTICLE V, SECTION 600.345, BUSINESS REGULATIONS; AND REPEALING ARTICLE IV, SECTION 600.290, DANCING REGULATIONS; IN TITLE VI: BUSINESS AND OCCUPATION, CHAPTER 600: ALCOHOLIC BEVERAGES, OF THE CODE OF THE CITY OF PAOLA, KANSAS, 2009. The motion was seconded by Council Member Nickelson and all voted aye. The motion was passed 4 to 0. The Ordinance was assigned number 3132

Agenda Item 8c - Acknowledgement of Certification of Annual Disclosure Training pursuant to the City's Continuing Disclosure Policy.

City Clerk Droste presented a Certification of Annual Disclosure Training pursuant to Section V of the City's Continuing Disclosure policy. He reported that on January 11, 2019, Stephanie Marler, Assistant City Clerk, and he met with Mary Carson of Triplett, Woolf & Garretson via teleconference to complete the required annual disclosure training.

Council Member Nickelson made a motion to acknowledge receipt of the Certification of Annual Disclosure Training pursuant to Section V.2 of the City of Paola's Continuing Disclosure Policy. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

Agenda Item 8c - Preliminary Financial Report for Budget Year 2018.

City Clerk Droste presented the preliminary financial reports for the 2018 Budget Year. He reported that total revenues for all budgeted funds totaled \$15,254,363 or 100.00% of the amended budget. Expenditures for the same funds amounted to \$11,718,871 or 99.4% of the amended budget. Clerk Droste added that the end of year cash balances for all budgeted funds amounted to \$3,535,492 which exceeded the amended budget estimate by \$80,312 or 2.3%.

The preliminary financial report was discussed in further detail. City Manager Wieland thanked all of the City's Department Heads for doing such a good job managing their budgets.

Agenda Item 9 - COMMITTEE REPORTS – None.

Agenda Item 10 - STAFF REPORTS

Assistant City Clerk Marler updated the council about the delay in trash pick up due to the winter storm. Trucks were getting stuck in the alleyway due to several inches of snow. Waste Management will pick up double the limit on the next pick-up day.

Manager Wieland informed the council that he will be working on the Statement of Municipal Policy. He asked for any topics that they would like to include. He said he would like to have that completed by February 16th for the Legislative Breakfast.

Manager Wieland also provided the Council with a copy of the new Governor Laura Kelly's speech. He said it is very positive and upbeat.

Agenda Item 11 - MISCELLANEOUS MATTERS FROM THE COUNCIL

Council Member Upshaw said he is happy to be serving on the council.

Council Member Nickelson asked how the Ford Explorer Police Cars are getting around in the snow. Police Chief Don Poore said they are doing much better than the old Dodge Chargers and they haven't had any issues.

Agenda Item 12 - MISCELLANEOUS MATTERS FROM THE MAYOR

Mayor Stuteville asked about the downed tree limbs from the weather storm. Public Works Director Kirk Rees said the crews are going around town and getting the ones at the edge of the road. The City has asked residents to move debris to the curb, so he said they will be picking them up into the next week.

Mayor Stuteville complimented Public Works on the great job they have been doing clearing the large amount of snow Paola received.

Agenda Item 13 – 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 4 to 0.

Artie Stuteville, Mayor

ATTEST: [seal]

Daniel G. Droste, City Clerk