

**MINUTES OF THE COUNCIL MEETING  
OF THE CITY OF PAOLA, KANSAS  
6:00 O’CLOCK P.M.  
September 10, 2013**

**HELD AT THE PAOLA JUSTICE CENTER  
805 North Pearl Street in Paola**

The Governing Body of the City of Paola, Kansas, met with Mayor Stuteville presiding.

**Council Members present:** Council Members Jim Pritchard, Gee Gee Wilhoite, Leigh House and Aaron Nickelson.

**Council Members absent:** Mayor Artie Stuteville.

**Also present:** City Manager Jay Wieland, City Clerk Dan Droste, City Attorney Lee Tetwiler, Public Works Director Craig Browning, Police Chief Dave Smail, City Planner Mike Gotfredson, Richard Lentz, and Brian McCauley with the Miami County Republic.

**Agenda Item 1 - CALL TO ORDER:** The regular council meeting was called to order by Council President Pritchard.

**Agenda Item 2 - ROLL CALL:** Council Members Pritchard, Wilhoite, House and Nickelson were present. Mayor Stuteville was absent.

Council President Pritchard announced that the agenda for tonight’s meeting has been amended to include the following: “Agenda Item 5c – Consider the approval of temporary streets closure for the Paola High School Homecoming Parade on October 4.”

**Agenda Item 3 - PETITIONS, REMONSTRANCES, AND COMMUNICATIONS:** Council President Pritchard asked the audience if anyone desired to address the Council about any issue that is not an agenda item. No one addressed the Council.

- Agenda Item 4 - CONSENT AGENDA:**
- a. Approval of minutes of the meeting of August 27, 2013.
  - b. Approval of Salary Ordinance 13-19.
  - c. Approval of Appropriation Ordinance No 759.
  - d. Approval of the Journal Entries Report for August, 2013.
  - e. Approval of the Pledged Securities Report for August, 2013.
  - f. Approval of the renewal of a Drinking Establishment License for Applebee’s Grill & Bar.

After a discussion, 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 House and all voted aye. The motion passed 4 to 0.

**Agenda Item 5 - REPORTS OF OFFICERS, BOARDS AND COMMITTEES:**

**Agenda Item 5a – Consider an Ordinance Amending Conditional Use Permit 09-CUP-10 for a heavy retail business located a 410 North Silver.**

City Planner Gotfredson reported that at their meeting on August 20<sup>th</sup>, the Paola Planning Commission held a public hearing concerning a request for an amendment to an existing Conditional Use Permit (CUP) for Heavy Retail Use for 410 North Silver Street. No comments and no protest petitions were received during the public hearing.

Planner Gotfredson reported that the CUP was previously approved to allow for the sale of automobiles at this location and the applicant is requesting an amendment to allow for the ability to sell storage sheds. He reported that the Planning Commission recommended approval of the Conditional Use Permit subject to the following conditions and stipulations:

- 1) Provide additional screening to the south of the property with 2.75 plant units per 100 linear feet and replace street trees if needed.
- 2) No parking of inventory or customer vehicles is permitted in clear view area.
- 3) Exterior lighting must use cut-off fixtures.
- 4) Storage sheds must be located in the northwest corner of the property
- 5) Storage sheds must conform to all setback, clearview restrictions and be adequately screened from neighboring residential properties.
- 4) 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. 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.

After additional discussion, Council Member Wilhoite made a motion to approve AN ORDINANCE AMMENDING CONDITIONAL USE PERMIT 09-CUP-10. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 4 to 0 and the Ordinance was assigned number 3061.

**Agenda Item 5b – Consider bids for the sale of Tax Credits from the City Hall Remodeling Project.**

Manager Wieland reported that the City applied for and received Kansas Historic Rehabilitation Tax Credits for the Paola City Hall project in the amount of \$251,076 which is an amount that is equal to 25% of the eligible expenses incurred by the City for the preservation project. The Kansas Historic Rehabilitation Tax Credits issued by the Kansas State Historical Society State Historic Preservation Office under K.S.A. 2001 Supp.79-32,211 et al; allows 501c3 organizations and governmental agencies to transfer ownership of the tax credits to individuals or others parties for the purpose of reducing their tax burden. Typically these tax credits are marketed through a bank or a broker for a certain amount per dollar of credits. The City worked with the SHPO office and a local bank to identify potential purchasers. Three bids were received. The bids ranged in scope from \$0.80 on the dollar to \$0.85 on the dollar after brokerage and transfer fees were deducted.

City staff has reviewed the various proposals and is working out the final details and final agreement for a sale of the Kansas Historic Rehabilitation Tax Credits to Commerce Bank of St. Louis, Missouri at an effective rate (less brokerage fees and commissions) of \$0.85 on the dollar. The sale would net the City \$213,414.60. Manager Wieland reported that late revisions to the sale documents recommended by the City Attorney had not yet been reviewed and approved by the legal staff of Commerce Bank. He recommended a conditional approval subject to the final review of the documents by the City Attorney.

After additional discussion, Council Member House made a motion to approve the transfer of the tax credits to Commerce Bank for an amount not less than \$213,414.60 and to authorize the City Manager to execute the documentation necessary to accomplish the transfer of the Kansa Historic Rehabilitation Tax Credits in the amount of \$251,076.00 from the City Hall Remodeling Project, subject to final approval of the sale documents by the City Attorney. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 4 to 0.

**Agenda Item 5c – Consider the approval of temporary streets closure for the Paola High School Homecoming Parade on October 4.**

Clerk Droste presented a request for a street closure from Paola High School for the annual Homecoming Parade. He reported that the event is scheduled for October 4<sup>th</sup> from 1:15 pm to 2:15 pm. The proposed route has been changed to avoid the use of Hedge Lane. The new route will begin at the south parking lot, proceed west on Panther Drive, turn north through the USD 368 campus, turn west on 303<sup>rd</sup> street, then turn south into the football stadium parking lot.

After additional discussion, Council Member Wilhoite made a motion to approve the closure of a portion of Panther Drive and 303<sup>rd</sup> Street adjacent to the USD 368 Campus on October 4 from 1:15 pm to 2:15 pm for the Paola High School Homecoming Parade. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 4 to 0.

**Agenda Item 6 – NEW BUSINESS**

Clerk Droste reminded the Council that the League of Kansas Municipalities Annual Conference will be held at the Overland Park Convention Center from October 12<sup>th</sup> to the 14<sup>th</sup>. The deadline for receiving the registration fee discount is September 27<sup>th</sup>. The Council selected Gee Gee Wilhoite and Leigh House as voting delegates and Aaron Nickelson as an alternate voting delegate for the conference.

Clerk Droste reported that he received a request from the Trust Department at First Option Bank to act as a conduit for a \$2,000 grant to the Paola Youth Soccer Association. After a discussion, Council Member Nickelson made a motion to accept the grant from the Trust Department of First Option Bank for the benefit of the Paola Youth Soccer Association. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0.

Council Member House complimented the Public Works Department for the work on the sidewalk replacement on Wea Street. She also reported that the Sunflower Elementary School teachers were working at Sonic as car hops tonight for a fundraiser for the school. She encouraged everyone to stop by Sonic tonight for dinner or a treat.

Council President Pritchard thanked the Public Works Department for replacing the street sign on 295<sup>th</sup> Street that had been hit by a vehicle. He also inquired about the paint markings on city streets from recent cycling events. He suggested the city require that the groups use a less durable paint for these events.

Council President Pritchard reminded everyone that the ground breaking ceremony for the Paola Pathways Trail at Wallace Park will take place at 10:00 am on Friday, September 13<sup>th</sup> near the Rock Stadium parking lot. He also noted that the Paola Pathways Committee was hosting a Dinner Theater and Benefit Auction fundraiser at the Paola Community Center on Saturday, October 5<sup>th</sup> at 5:30 pm. The Paola High School Theater Department will perform “*You’re a Good Man, Charlie Brown*”. Tickets are \$38 per person and are available at City Hall, First Option Bank, Citizens State Bank and Price Chopper.

**Agenda Item 7 – EXECUTIVE SESSION for the purpose of discussing confidential data relating to financial affairs or trade secrets of corporations, partnerships, trusts and individual proprietorships. K.S.A. 75-4319(B)(4) is the authority for this recess.**

Council Member Wilhoite made a motion to adjourn to Executive Session, to include the Mayor, Council, City Manager, City Attorney, City Clerk, and City Planner for 15 minutes for the purpose of discussing confidential data relating to financial affairs or trade secrets of corporations, partnerships, trusts and individual proprietorships; the regular meeting to reconvene at 6:45 p.m. Council Member House seconded the motion and all voted aye. The motion passed 4 to 0.

At 6:45 pm, Council Member Wilhoite made a motion to reconvene the adjourned meeting. Council Member House seconded the motion and all voted aye. The motion passed 4 to 0.

There was no action taken pursuant to the Executive Session.

**Agenda Item 8 – ADJOURNMENT**

With no additional business to come before the Council, Council Member Wilhoite made a motion to adjourn. Council Member Nickelson seconded the motion 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