

**MINUTES OF THE REGULAR COUNCIL MEETING  
OF THE CITY OF PAOLA, KANSAS  
6:00 O’CLOCK P.M.  
September 8, 2015**

**Held in the Municipal Court Room 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:** Mayor Artie Stuteville and Council Members Jim Pritchard, Gee Gee Wilhoite, and Aaron Nickelson.

**Council Members absent:** Council Member Leigh House.

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

**Agenda Item 1 -CALL TO ORDER:** A regular meeting of the City Council was called to order by Mayor Stuteville.

Mayor Stuteville presented an amended agenda to include the following additions:

**Agenda Item 4 - Consent Agenda:**

- e. Approval of the Pledged Securities Report for August, 2015.
- f. Approval of the Journal Entries Report for August, 2015.

**Agenda Item 5g -** Consider acknowledgement of the submission of annual financial information and operating data for 2014 to the Electronic Municipal Market Access (EMMA) system.

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

**Agenda Item 3 - PETITIONS, REMONSTRANCES, AND COMMUNICATIONS:**

Mayor Stuteville 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 25, 2015.
- b. Approval of Salary Ordinance 15-18.
- c. Approval of Appropriation Ordinance No 810.
- d. Approval of the renewal of a Retail Liquor License for Park Plaza Liquor.
- e. Approval of the Pledged Securities Report for August, 2015.
- f. Approval of the Journal Entries Report for August, 2015.

Council Member Wilhoite made a motion to approve the Consent Agenda and authorize the Mayor to sign. The motion was seconded by Council Member Pritchard and all voted aye. The motion passed 3 to 0.

## **Agenda Item 5 – REPORTS OF OFFICERS, BOARDS AND COMMITTEES**

### **Agenda Item 5a – Conduct a Condemnation Hearing for the property located at 808 South Silver pursuant to K.S.A. 12-1752.**

Council Member Wilhoite made a motion to open the Condemnation Hearing for the property located at 808 South Silver pursuant to K.S.A. 12-1752 and City of Paola Resolution No. 2015-005. The motion was seconded by Council Member Pritchard and all voted aye. The motion passed 3 to 0.

No one from the public addressed the Council. City Planner Gotfredson reported that the owner of the property did recently obtain a demolition permit. Work on the demolition is underway but not yet completed.

Council Member Pritchard made a motion to close the Condemnation Hearing for the property located at 808 South Silver pursuant to K.S.A. 12-1752 and City of Paola Resolution No. 2015-005. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 3 to 0.

### **Agenda Item 5b – Consider a Resolution declaring the structure on the property located at 808 South Silver, Paola, KS as unsafe and dangerous and directing the structure to be removed as provided for in K.S.A. 12-1752.**

Manager Wieland reported that even though the owner has obtained a demolition permit and the demolition process is underway, he recommended that the Resolution be adopted to insure that the demolition is completed in a timely manner. City Attorney Tetwiler stated that if the Council elected not to adopt the Resolution and the owner did not complete the demolition process, the entire condemnation process would have to start over again.

After additional discussion, Council Member Pritchard made a motion to approve A RESOLUTION FINDING THAT THE STRUCTURE LOCATED AT LOT THREE (3) IN BLOCK 4 OF ANGIER'S ADDITION TO THE CITY OF PAOLA, MIAMI COUNTY, KANSAS, EXCEPT THAT PART TAKEN THEREFROM FOR HIGHWAY PURPOSE AND ALSO EXCEPTING THEREFROM THE FOLLOWING TRACT BEGINNING AT THE SOUTHWEST CORNER OF LOT 3, RUNNING THENCE NORTH ALONG THE EAST LINE OF LOT 3 TO A POINT 18 FEET AND 6 INCHES SOUTH OF THE NORTHEAST CORNER OF SAID LOT, THENCE IN A SOUTHWESTERLY DIRECTION ALONG THE CENTER LINE OF AN ORNAMENTAL FENCE TO A POINT ON THE SOUTH LINE OF SAID LOT 3, THENCE EAST 44.7 FEET TO THE POINT OF BEGINNING, ALL IN BLOCK 4, ANGIER'S ADDITION TO THE CITY OF PAOLA, MIAMI COUNTY, KANSAS; COMMONLY KNOWN AND REFERRED TO AS 808 SOUTH SILVER, PAOLA, KANSAS, IS UNSAFE AND DANGEROUS AND DIRECTING THAT THE STRUCTURE BE REMOVED AND THE PREMISES BE MADE SAFE AND

SECURE. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 3 to 0 and the Resolution was assigned number 2015-006.

**Agenda Item 5c – Consider the approval of a Street Closure Application from the First Lutheran Church for the 400 Block of E. Piankishaw on September 13, 2015 from 7:00 am to 5:00 pm.**

Manager Wileand presented a request from First Lutheran Church for a street closure for the 400 Block of E Piankishaw for their Discipleship Program.

Council Member Wilhoite made a motion to approve the closure of the 400 Block of E. Piankishaw on Sunday, September 13, 2015 from 7:00 am to 5:00 pm for the First Lutheran Church's Discipleship Program. The motion was seconded by Council Member Pritchard and all voted aye. The motion passed 3 to 0.

**Agenda Item 5d – Consider the approval of a Warranty Deed conveying a tract of land lying West of Hidden Meadow Estates to C3 Realty Investments, LLC.**

Clerk Droste reported that in 1965 the City of Paola took title to a tract of land for a street right of way in the area that is now known as Hidden Meadows. At some point in time, when title was transferred and subsequently re-platted, an error was made on a legal description which created some confusion about a portion of the right of way at the west end of the property. Subsequently, the County shows title to this tract in the name of the City of Paola, and also shows that there are unpaid taxes for several years. The City would never use the property as a street right of way because it no longer falls in line with streets that are actually constructed in the adjoining subdivisions.

In discussing the issue with the County Counselor, he advised that the cleanest solution would be for the City to apply for tax abatement for the unpaid taxes and a tax exemption for future taxes. Once approved, then the City could deed the property to the owner of Hidden Meadows so that the balance of the property can be properly re-platted.

City Attorney Tetwiler noted that the proposed deed was a "statutory warranty deed" and should instead be a "quit claim deed". Clerk Droste agreed to contact the title company to have the correct deed form prepared.

After additional discussion, Council Member Pritchard made a motion to approve the transfer of a strip of right-of-way located in Hidden Meadow Estates to C3 Realty Investments, LLC and authorize the Mayor to execute the Quit Claim Deed. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 3 to 0.

**Agenda Item 5e – Consider a proposal for engineering services with Wilson & Company.**

Manager Wieland presented a proposal in the amount of \$7,900 from Wilson & Company to prepare a traffic impact study for the area surrounding 303<sup>rd</sup> Street and Hedge Lane. He noted that the potential scope of the project would be to add turn lanes from Hedge Lane into

Cottonwood School to assist with traffic flows that will result from the construction of the new athletic fields and other amenities. Since the City Council has indicated it would be logical to use the \$500,000 Miami County sales tax grant and possible KDOT grant funds to make improvements in this area, staff recommends moving forward with the impact study as the first phase of the project.

After additional discussion, Council Member Nickelson made a motion to approve a proposal from Wilson & Company to conduct a Traffic Impact Study for the Hedge Lane and 303<sup>rd</sup> Improvement Project. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 3 to 0.

#### **Agenda Item 5f – Discussion regarding local elections pursuant to HB 2104.**

Manager Wieland reported that additional information has been released from the League of Kansas Municipalities and the Director of Elections in the Kansas Secretary of State's Office. There appears to be some conflict of opinion as to the status of spring elections in 2016. Until this and other details are clarified, we will not be able to proceed with the drafting of new ordinances to comply with the new election statutes.

#### **Agenda Item 5g – Consider acknowledgement of the submission of annual financial information and operating data for 2014 to the Electronic Municipal Market Access (EMMA) system.**

Clerk Droste reported that in compliance with the City's Continuing Disclosure Policy, the annual financial information and operating data for 2014 was electronically filed on the Electronic Municipal Market Access (EMMA) system on September 1, 2015. This information was filed with EMMA by Piper Jaffray. At the time of the filing, Clerk Droste reported that he was hospitalized and did not return to work until today, September 8<sup>th</sup>. An e-mail notification of this filing would have been sent to all members of the governing body within 5 days of the date of filing, had he been available to do so.

After additional discussion, Council Member Wilhoite made a motion to acknowledge that in compliance with Section II (2) of the Continuing Disclosure Policy for the City of Paola, the City Clerk did provide to the Governing Body written confirmation from EMMA that the annual financial information and operating data for 2014 for the City of Paola has been submitted and filed properly with the Municipal Securities Rulemaking Board through EMMA on September 1, 2015. The motion was seconded by Council Member Pritchard and all voted aye. The motion passed 3 to 0.

#### **Agenda Item 6 - NEW BUSINESS**

Public Works Director Browning reported that the large mower was back in service after repairs and the Parks Department is busy getting caught up on mowing.

Manager Wieland reported that a new housing permit was issued earlier this week and more are anticipated in the coming weeks.

Manager Wieland reported that there was a fatality automobile accident that occurred last Sunday evening at Lake Miola.

Manager Wieland reported that Midwest Connections was working with the City to place communications equipment on the old City water tower.

Manager Wieland reported that he was working with USD 368 to come up with a date for another joint meeting between the City and the School Board.

Manager Wieland requested permission to attend the ICMA Conference in Seattle at the end of September. He would be unavailable for the next City Council meeting.

Council Member Pritchard reported that there are several street lights that have been out for an extended period of time. Manager Wieland reported that he has been in contact with KCP&L about the issue.

Council Member Pritchard asked about a section of Castle Street that has been washed out by recent rains. He also commented about the paint on the streets around the Park Square from the Roots Festival.

#### **Agenda Item 7 – ADJOURNMENT**

With no additional business to come before the Council, Council Member Nickelson made a motion to adjourn. The motion was seconded by Council Member Pritchard 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