

**MINUTES OF THE COUNCIL MEETING
OF THE CITY OF PAOLA, KANSAS
6:00 O’CLOCK P.M.
November 9, 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, Leigh House and Aaron Nickelson.

Council Members absent: Council Member Gee Gee Wilhoite.

Also present: City Manager Jay Wieland, City Clerk Dan Droste, City Attorney Lee Tetwiler, Interim Police Chief Don Poore, Public Works Director Craig Browning, Chief Building Inspector Bill Trout, and Brian McCauley with the Miami County Republic.

Agenda Item 1 - CALL TO ORDER: The regular council meeting was called to order by Mayor Stuteville.

Agenda Item 2 - ROLL CALL: Mayor Stuteville and Council Members Pritchard, House, and Nickelson were all present. Council Member Wilhoite 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 regular meeting of October 27, 2015.
- b. Approval of Salary Ordinance 15-22.
- c. Approval of Appropriation Ordinance No 814.
- d. Approval of the Journal Entries Report for October, 2015.
- e. Approval of the Pledged Securities Report for October, 2015.

Council Member Pritchard 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 5 – REPORTS OF OFFICERS, BOARDS AND COMMITTEES:

Agenda Item 5a – Consider a request from USD 368 to waive a building permit fee.

Manager Wieland presented a request from USD 368 to waive the building permit fee in the amount of \$924.00 for the construction of a concession stand at the new baseball and softball fields.

Council Member Nickelson made a motion to approve the request from USD 368 to waive the building permit fee in the amount of \$924.00 for the construction of a concession stand. The motion was seconded by Council Member House and all voted aye. The motion passed 3 to 0.

Agenda Item 5b – Consider a report from the Paola Building Inspector regarding dangerous structures located at 5 E Kaskaskia pursuant to KSA 12-1752.

Paola Building Inspector William Trout presented the following statement in regard to the condition of the structures located at 5 E Kaskaskia Street pursuant to KSA 12-1852:

COMES NOW William J. Trout, Sr., Paola Building Inspector, and in order to comply with the requirements set forth in K.S.A. 12-1752, stating that the following described structure is in a dangerous and unsafe condition:

- A) Legal description: Lot Three (3), Block Ninety-three (93), City of Paola, Miami County, Kansas.
- B) Street Address: 5 East Kaskaskia, Paola, KS 66071
- C) Owner: Wealth Maximus, LLC, 4656 Augusta Highway, Gilbert, SC 29054
- D) Owner's Agent: None known.
- E) Occupant(s): None known – property vacant.
- F) Lienholder(s): None.
- G) Other Parties of interest: None known.

The property is found to be unsafe and dangerous because of the following conditions:

- 1. House is abandoned;
- 2. Roof of the house is deteriorated with holes and falling;
- 3. Front porch deck is deteriorating;
- 4. Back deck is deteriorating;
- 5. Foundation is unsafe due to cracks and shifting;
- 6. Plumbing is no longer up to code or operable;
- 7. Electrical is no longer up to code or operable;

The undersigned hereby respectfully requests that the Governing Body of the City of Paola pass a Resolution fixing a time and place permitting the owner and any other interested parties in the aforescribed land and real estate an opportunity to show cause why such structure should not be condemned and ordered repaired or demolished.

RESPECTFULLY SUBMITTED, William J. Trout, Sr., Paola Building Inspector

Inspector Trout answered questions from the Council in regard to the condition of the structures and after additional discussion, Council Member Pritchard made a motion to accept the report from Paola Building Inspector, William Trout, Sr., declaring 5 E Kaskaskia as unsafe and dangerous structures pursuant to KSA 12-1752. The motion was seconded by Council Member House and all voted aye. The motion passed 3 to 0.

Agenda Item 5c – Consider a Resolution Fixing the Time and Place of Condemnation Hearing for the property located at 5 E Kaskaskia, Paola, Kansas, pursuant to KSA 12-1752.

City Clerk Droste presented a draft resolution that would establish a public hearing for the potential condemnation of the structure located at 5 E Kaskaskia in Paola, KS. He explained that the Resolution must be published once each week for two consecutive weeks on the same day of each week. The public hearing shall be at least 30 days after the date of the last publication. A copy of the resolution must be mailed to each party in interest within 3 days after the first date of publication.

Clerk Droste reported that, if approved, the resolution would be published on Wednesday, November 18th and on Wednesday, November 25th and the Public Hearing would be scheduled for January 12, 2016 at 6:00 pm during the regular City Council Meeting scheduled for that date. Copies of the resolution will be mailed in compliance with State Statutes.

After additional discussion, Council Member Nickelson made a motion to adopt A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF PAOLA, KANSAS, AT WHICH THE OWNER, HIS OR HER AGENT, LIENHOLDERS OF RECORD, OCCUPANTS, AND OTHER PARTIES IN INTEREST OF STRUCTURES LOCATED WITHIN SAID CITY AND DESCRIBED HEREIN MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURES SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS UNSAFE OR DANGEROUS STRUCTURES. The motion was seconded by Council Member Pritchard and all voted aye. The motion passed 3 to 0 and the Resolution was assigned number 2015-007.

Agenda Item 5d – Consider a proposal for the completion of the window replacement project at the Paola Fire Station.

Manager Wieland reported that part of the ongoing process of improving and renovating city owned facilities has been the replacement of the windows in the Paola Fire Station. The windows on the entire upper floor have been replaced either during the conversion of the school building to the fire station or as part of the efforts to improve the overall energy efficiency and appearance of the building. The windows on the lower north, east, and south sides of the building still need to be replaced. The existing windows are in poor condition due to the deterioration of the metal framing. They also are for the most part single pane glass that have no energy efficiency related “E” value. Staff would like to have Suffron Glass Company replace the remaining fourteen (14) substandard windows on the lower portion of the building. Eight (8) of the windows are on the north side, one (1) window is on the south side, and all the glass windows between the doors on the east side which consists of five (5) large windows. Suffron Glass Company was the contractor for the other two projects.

After additional discussion, Council Member House made a motion to approve the proposal in the amount of \$13,725 from Suffron Glass Company for the completion of the window replacement project at the Paola Fire Station. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 3 to 0.

Agenda Item 6 – NEW BUSINESS

Clerk Droste reminded the City Council about upcoming dinner meetings:

- The League of Kansas Municipalities Regional Supper to be held at the Olathe Community Center at 1205 E Kansas City Road in Olathe, KS on Tuesday, November 10, 2015 beginning at 5:30 pm.
- A joint dinner meeting with USD 368 School Board at the Paola Country Club at 29651 Old KC Road in Paola, KS on Tuesday, November 17, 2015 beginning at 6:00 pm.
- The Elected Officials and Leadership Dinner sponsored by the Miami County Economic Development Department to be held at the Trojan Elementary School at 1901 Parker Avenue in Osawatomie, KS on Wednesday, November 18, 2015 beginning at 6:00 pm.

Public Works Director Browning reported that he and City Mechanic Tony Waggoner picked up the truck that was authorized at the last meeting. He reported that the truck is in very good condition and he was very happy with the vehicle.

Manager Wieland reported that he and the Mayor had the privilege of attending the dinner for the Cancer benefit softball tournament. The tournament raised approximately \$18,500, attracted nearly 4,500 spectators, and involved 123 teams. The event organizers were very complimentary of the Public Works Department and the City for helping with the event.

Manager Wieland reported that the potential buyer of the mobile home park on the south side of town is no longer interested in the property.

Manager Wieland reported that Wilson and Company should be delivering the Hedge Lane Traffic Study Report tomorrow.

Manager Wieland asked the Council if anyone had comments on City Planner Gotfredson's letter regarding the new tax lid. Council Member Pritchard stated that the letter was well written and easy to understand.

Manager Wieland reported that there are still tickets available for "The Victor and Penny Show" at the Paola Free Library on Thursday evening.

Public Works Director Browning reported that today, the local "Girls on the Run" group helped with a clean-up day at the Paola Pathways Trail.

Council Member Pritchard inquired about the status of 808 S Silver Street and the property recently acquired by the American Legion. Chief Building Inspector Trout discussed the status of the properties.

Council Member House asked about the Firehouse Gym being closed. Manager Wieland reported that the gym lights were recently damaged and the gym was closed until the lights could be repaired.

Mayor Stuteville reported that the entrance to the alley on North Pearl Street near the laundromat has settled and is in need of gravel.

Agenda Item 7 – EXECUTIVE SESSION for the purpose of a consultation with an attorney for the governing body which is deemed privileged in the attorney-client relationship. K.S.A. 75-4319(B)(2) is the authority for this recess.

Council Member Pritchard made a motion to adjourn to Executive Session, to include the Mayor, Council, City Manager, City Clerk, and City Attorney for 10 minutes for the purpose of a consultation with an attorney for the governing body which is deemed privileged in the attorney-client relationship; the special meeting to reconvene at 6:40 p.m. The motion was seconded by Council Member House and all voted aye. The motion passed 3 to 0.

At 6:40 pm, the City Council came out of Executive Session and Council Member Pritchard made a motion to reconvene the adjourned meeting. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 3 to 0.

No action was taken pursuant to the Executive Session.

Agenda Item 8 – 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 3 to 0.

Artie Stuteville, Mayor

ATTEST: [seal]

Daniel G. Droste, City Clerk