

**MINUTES OF THE COUNCIL MEETING
OF THE CITY OF PAOLA, KANSAS
6:00 O’CLOCK P.M.
January 12, 2016**

**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, Leigh House and Aaron Nickelson.

Council Members absent: None.

Also present: City Manager Jay Wieland, City Clerk Dan Droste, City Planner Mike Gotfredson, Interim Police Chief Don Poore, Public Works Director Craig Browning, Peg Wieland, Mark Fuchs, Greg Stallbaumer, 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 Mayor Stuteville.

Agenda Item 2 - ROLL CALL: Mayor Stuteville and Council Members Pritchard, Wilhoite, House, and Nickelson were all present. No one 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 December 8, 2015 & December 18, 2015.
- b. Approval of Salary Ordinance 15-25, 15-26, & 16-01.
- c. Approval of Appropriation Ordinance No 817 & 818.
- d. Approval of the Pledged Securities Report for December, 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 Wilhoite and all voted aye. The motion passed 4 to 0.

Agenda Item 5 – REPORTS OF OFFICERS, BOARDS AND COMMITTEES:

Agenda Item 5a – Conduct a Dangerous Structure Hearing for the property located at 5 E Kaskaskia.

Council Member Wilhoite made a motion to open the Dangerous Structure Hearing for the property located at 5 E Kaskaskia pursuant to K.S.A. 12-1752 and City of Paola Resolution No. 2015-007. The motion was seconded by Council Member Pritchard and all voted aye. The motion passed 4 to 0.

City Planner Gotfredson reported that on November 9, 2015, the Council heard a report from Chief Building Inspector Bill Trout on the condition of this property and the Council adopted a Resolution No 2015-006 calling for tonight's hearing to be set.

Clerk Droste reported that Mr. Greg Stallbaumer has entered into an agreement to purchase the property. In discussing this late development with City Attorney Tetwiler, Droste reported that Mr. Tetwiler recommended that the Council consider adopting tonight's proposed resolution allowing for sufficient time for the closing of the sale of the property and time to complete the repairs. Additional time could be granted, if necessary, but the condemnation process would not have to be repeated should the sale fall through.

Mr. Stallbaumer stated that sale should be completed within 30 days and he should have no problem completing repairs within 90 additional days to make the property safe and secure. After additional discussion, City Manager Wieland recommended that the Council adopt the Resolution as follows:

The owner of such structure is hereby directed to commence the repair of the property within 45 days from the date of this resolution (not later than the 26th day of February, 2016) and to have repairs completed within 90 days (not later than the 26th day of May, 2016). Provided, that upon due application by the owner and for good cause shown, the governing body, in its sole discretion, may grant the owner additional time to complete repairs or removal of the property.

Mr. Stallbaumer was agreeable to the proposed time frame.

Council Member Wilhoite made a motion to close the Dangerous Structure Hearing. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0.

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

Pursuant to the discussion during the Dangerous Structure Hearing for the property located at 5 E Kaskaskia, Council Member Nickelson made a motion to approve A RESOLUTION FINDING THAT THE STRUCTURE LOCATED AT LOT THREE (3), BLOCK NINETY-THREE (93), CITY OF PAOLA, MIAMI COUNTY, KANSAS; COMMONLY KNOWN AS 5 E KASKASKIA STREET, PAOLA, KANSAS 66071 IS UNSAFE OR DANGEROUS AND DIRECTING THAT THE STRUCTURE BE REMOVED AND THE PREMISES MADE SAFE AND SECURE. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0 and the Resolution was assigned number 2016-001.

Agenda Item 5c – Report from the Paola Pathways Task Force and request for approval of a 5K Run on the trail at Wallace Park.

Mark Fuchs with the Paola Pathways Task Force, reported that construction on the trail at the north end of Lake Miola is underway and will be completed this winter. The trail at the south end of Lake Miola will be completed next winter. He also reported that the Task Force has raised over \$240,000 with over \$140,000 from local businesses and residents and \$100,000 in grants.

Mr. Fuchs presented the Task Force's request to hold their annual 5K Run/Walk fund raising event at Wallace Park on Saturday, March 26th.

After additional discussion, Council Member House made a motion to approve the Paola Pathways Task Force 5K Run on March 26, 2016 on the trails at Wallace Park and approve the closure of Wallace Park Drive to accommodate the event. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 4 to 0.

Agenda Item 5d – Consider a Resolution of Support for Dean Development, LLC.

City Planner Gotfredson reported that Dean Development, LLC is submitting an application to the Kansas Housing Resource Corporation for tax credits for a new senior housing project in Paola. Their application is for the construction of 42 apartment units at 900 N Hospital Drive that will be similar to the 30 unit complex that was built near Lakemary Center.

Manager Wieland reported that there appears to be a strong demand for these units as the existing complex has a waiting list of more than 160. He also reported that Dean Development is also considering a "market rent based" senior housing complex in addition to the low income complex.

After additional discussion, Council Member Wilhoite made a motion to approve A RESOLUTION OF SUPPORT FOR DEAN DEVELOPMENT, LLC TO CONSTRUCT FORTY-TWO HANDICAP ACCESSIBLE LIVING UNITS FOR LOWER INCOME ELDERLY CITIZENS OF PAOLA AND THE SURROUNDING AREA. The motion was seconded by Council Member Pritchard and all voted aye. The motion passed 4 to 0 and the Resolution was assigned number 2016-002.

Agenda Item 5e – Consider a Resolution of Support for the Osawatomie State Hospital.

Manager Wieland presented a Resolution of Support for the Osawatomie State Hospital. He reported that he attended a meeting at the Miami County Administration Building with the County Commissioners, elected and appointed municipal officials, officials from the Osawatomie State Hospital, and our State elected officials to discuss the conditions at the hospital. A number of issues were discussed including state and federal funding, working conditions, facilities, and the impact that all of this has on the local and regional jurisdictions. At the conclusion of the meeting, the Miami County Commission adopted a Resolution of Support for the Osawatomie State Hospital and encouraged each of the cities in Miami County to adopt similar resolutions that will be sent to elected officials in Topeka.

After additional discussion, Council Member Pritchard made a motion to approve A RESOLUTION EXPRESSING CITY OF PAOLA SUPPORT FOR THE OSAWATOMIE

STATE HOSPITAL. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 4 to 0 and the Resolution was assigned number 2016-003.

Agenda Item 5f – Acknowledgement of Certification of Annual Disclosure Training pursuant to the City’s Continuing Disclosure Policy.

Clerk Droste presented a certification that he completed the required Annual Disclosure Training on January 11th as required by the City’s Continuing Disclosure Policy.

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

Agenda Item 5g – Consider adoption of the City’s 2016 Legislative Policy Statement.

Manager Wieland presented a revised draft of the 2016 Legislative Policy Statement pursuant to the discussion at the City Council work study meeting on January 5th. The 2016 Legislative Policy Statement communicates the position of the City of Paola related to the following important issues:

- Local control and municipal home rule.
- State and federal mandates.
- Governmental immunity.
- State fiscal fair play.
- Sales and use taxes.
- Economic development.
- Water and environment.
- Transportation.
- Public employees.
- Public Safety.
- Cooperation.

Manager Wieland presented additions to the Policy Statement as follows:

- State fiscal fair play.
 - Urges the state to take action to fully support the Osawatomie State Hospital’s vital operations and to resolve the ongoing issues in a way that restores Federal funding as well as insures that both patients and staff have a safe nurturing environment to work and to receive treatment.
 - Opposes any changes to state statutes pertaining to the creation and bonding authority of Public Building Commissions.
- Sales and use taxes.
 - Opposes legislation that further increases the state sales tax rate on goods and services.
- Economic development.
 - Opposes the limiting or restructuring of the Neighborhood Revitalization Act, the Downtown Redevelopment Act, the Transportation Development District

- Opposes moving of the Division of Workforce Development from the Department of Commerce to the Department of Labor.
 - Supports the continued availability of tax credits, such as historic preservation tax credits, as a tool for economic development.
- Water and environment.
 - Supports cooperative solutions to stormwater quality and quantity challenges that address point source and non-point source pollution.
 - Supports the development of a state air quality plan to protect the health and safety of Kansas citizens while balancing municipal cost concerns and economic development initiatives.
- Public employees.
 - Opposes any legislation that would affect the retirement status and benefits of employees who are currently covered under the KPERS system.
 - Supports reasonable and just unemployment benefits for employees who are qualified under the Kansas Employment Security Law.
 - Opposes the finding of state that volunteers who are paid a nominal stipend, such as volunteer firefighters and police cadets, are considered a qualified individual for unemployment benefits.
- Public Safety.
 - Supports the ability of the city to set policies regarding the carrying of weapons and firearms by our employees while they are engaged in the course of their employment.

After additional discussion, Council Member House made a motion to adopt the City of Paola 2016 Legislative Policy Statement as presented. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 4 to 0.

Agenda Item 6 – NEW BUSINESS

City Clerk Droste reminded everyone about upcoming events: The State of the City Breakfast on January 26th, the Legislative Breakfast on February 20th, and the Chamber of Commerce Annual Dinner on February 29th.

City Manager Wieland reported that he has contacted the City Manager for Fort Scott about their old disc golf goals. The Fort Scott City Council will discuss the donation of the old goals to Paola at their next meeting.

City Manager Wieland reported that the meeting with the Miami County Commissioners regarding economic development went very well. All of the cities in the county participated in the meeting and they were successful in communicating the diverse economic development challenges that each city faces.

Mayor Stuteville commented on the ice on the sidewalks on the south side of the Park Square. Manager Wieland reported that city staff is discussing options to address the problem. Manager Wieland also commented on ice caused by sump pumps that empty water at the street curb. He indicated that this is the preferred discharge point for sump pumps, even though the

ice is a challenge during the winter. He noted that it is a violation of code to discharge a sump pump into the sanitary sewer system.

Agenda Item 7 – EXECUTIVE SESSION for the purpose of discussing personnel matters of non-elected personnel. K.S.A. 75-4319(B)(1) is the authority for this recess.

Council Member Wilhoite made a motion to adjourn to Executive Session, to include the Mayor and Council, for 20 minutes for the purpose of discussing personnel matters of non-elected personnel; the regular meeting to reconvene at 7:50 p.m. The motion was seconded by Council Member Pritchard and all voted aye. The motion passed 4 to 0.

At 7:50 the Council came out of Executive Session and Council Member Wilhoite made a motion to reconvene the adjourned meeting. The motion was seconded by Council Member Pritchard and all voted aye. The motion passed 4 to 0.

Pursuant to the discussion held in the Executive Session, Council Member Pritchard made a motion to renew the City Manager’s Employment Agreement for a term of one year and authorized the Human Resources Director to apply a 2% Cost of Living increase and a 2% merit increase to the base salary of the City Manager effective beginning December 27, 2015. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 4 to 0.

Agenda Item 8 – ADJOURNMENT

With no additional business to come before the Council, Council Member Hosue made a motion to adjourn. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 4 to 0.

Artie Stuteville, Mayor

ATTEST: [seal]

Daniel G. Droste, City Clerk