

**MINUTES OF THE COUNCIL MEETING
OF THE CITY OF PAOLA, KANSAS
6:00 O’CLOCK P.M.
March 8, 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 Attorney Lee Tetwiler, City Planner Mike Gotfredson, Interim Police Chief Don Poore, Public Works Director Craig Browning, Michael Oldfield, 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.

Mayor Stuteville presented an amended agenda to include the following addition:
Agenda Item 5i – Consider approval of a new Cereal Malt Beverage License.

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.

Mayor Stuteville asked Michael Oldfield if he had received a response from City Planner Gotfredson about his concerns about the City’s building and zoning regulations in regard to residential garages and carports. Mr. Oldfield indicated that he had received the response and had no further questions at this time.

- Agenda Item 4 - CONSENT AGENDA:**
- a. Approval of minutes of the meeting of February 9, 2016 and February 23, 2016
 - b. Approval of Salary Ordinance 16-04 and 16-05.
 - c. Approval of Appropriation Ordinance No 822 and 823.
 - d. Approval of the Pledged Securities Report for February, 2016.
 - e. Approval of the Journal Entries Report for February, 2016.

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 – Consider a report from the Paola Building Inspector regarding a dangerous structure located at 401 E Kaskaskia pursuant to KSA 12-1752.

City Planner Gotfredson presented a report from Paola Building Inspector Bill Trout regarding a dangerous structure located at 401 E Kaskaskia pursuant to KSA 12-1752. The report detailed violations observed during an inspection of the property on December 10, 2015. The Inspector's comments are as follows:

- 1) Bill met Mrs. Thompson at her home at 1:30pm, Thursday December 10th, 2015.
- 2) Mrs. Thompson gave Bill the right to enter her home to perform a life and safety inspection.
- 3) The front door, located on the west side of the structure is currently broken and off the hinges. To enter the home Bill and Mrs. Thompson had to lay the door down on top of the trash, and walk on top of the door.
- 4) After he and Mrs. Thompson entered the home, they picked the door back up and started walking on top of numerous boxes, clothes, trash and other items in order to move about the house. There is not a clear three foot path to move around the house.
- 5) Moving around the house was difficult due to the amount of boxes, clothes, trash, and other items piled high enough for Bill to hit his head on the ceiling multiple times.
- 6) Due to the height of the items, there are light fixtures coming in close contact with items which presents a fire hazard.
- 7) Due to the fact that the stairs leading to the basement and the upstairs were completely packed with items, an inspection was only able to be made of the first floor.
- 8) The bathroom on the first floor was apparently inoperable do to the amount of items located in the room. The toilet was not visible due to the amount of items and there were some items stored in the shower.
- 9) All the windows of the house are currently blocked with items.
- 10) The back door which is located on the south side of the structure is currently completely blocked with items.
- 11) The back door also has no hinges or door handle and is kept shut with a rope and wire.
- 12) There is a small window located on the south side of the house has no window pane, and is covered with cardboard.

- 13) All of the appliances such as multiple fridges, washer, dryer, etc. located inside are completely covered with items.
- 14) Mrs. Thompson stated that she recently got her furnace fixed by G.K. Smith & Son's, but all of the vents are currently covered with items, therefore she is currently using space heaters.
- 15) There were spider webs, bugs and mice that were seen throughout the house during the inspection. Mrs. Thompson stated that there is a snake that she lets roam the house to eat the rats. *Mrs. Thompson states that the snake has been let go since inspection.*
- 16) Due to the open window at the south side of the house, there could possibly be mold but there were too many items cover the floor and walls to tell for sure.
- 17) There was a strong nauseous odor throughout the house that could be smelled through protective gear.
- 18) Visible building code violations:
 - a. Plumbing does not meet code
 - i. From what was visible during the inspection, it seems that there is not a working bathroom
 - b. Electrical does not meet code
 - i. Plugs are covered with items, and light fixtures are hanging down too close to items presenting a fire hazard
 - c. HVAC is not up to code
 - i. G.K Smith & Sons warned Mrs. Thompson to not run the furnace until all the items are removed from the vents due to fire hazard
 - d. Foundation may have some issues but was not able to access the basement due to the amount of items in the stairway
 - e. There are multiple fire safety issues such as:
 - i. There is not a three (3) foot path to move throughout the house
 - ii. All the window exits are covered with items
 - iii. Both the front and back door exits are not easily accessible
 - f. Due to the above findings this structure was deemed unsafe and therefore posted with a "Do Not Occupy" sign, along with being cautioned taped.

City Attorney Tetwiler advised the City Council that the owner of the property is currently being prosecuted in Municipal Court for nuisance citations related to the condition of this property. He indicated that if the City Council commences with the dangerous structure procedures, the nuisance citations in Municipal Court will be dismissed.

After additional discussion, Council Member House made a motion to accept the report form Paola Building Inspector, William Trout, Sr., declaring 401 E Kaskaskia as unsafe and dangerous structures pursuant to KSA 12-1752. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 4 to 0.

Agenda Item 5b – Consider a Resolution Fixing the Time and Place of Condemnation Hearing for the property located at 401 E Kaskaskia, Paola, Kansas, pursuant to KSA 12-1752.

Pursuant to the previous discussion in regard to the Building Inspector's report on the property located at 401 E Kaskaskia, Clerk Droste presented a resolution setting the date for the public hearing on Tuesday, April 26, 2016, at 6:00 pm at the Paola Justice Center during the regularly scheduled City Council meeting. He noted that upon approval, the resolution will be published and mailed to all parties of interest according to KSA 12-1752.

After additional discussion, Council Member Wilhoite 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 4 to 0 and the Resolution was assigned number 2016-004.

Agenda Item 5c – Consider approval of a Conditional Use Permit to convert a duplex to attached single family housing at 304 E Ottawa.

City Planner Gotfredson requested that discussion and action on this agenda item be tabled for an indefinite period of time.

Council Member Wilhoite made a motion to table the discussion and consideration of AN ORDINANCE APPROVING CONDITIONAL USE PERMIT 16-CUP-01. The motion was seconded by Council Member Pritchard and all voted aye. The motion passed 4 to 0.

Agenda Item 5d – Consider an Ordinance amending the Land Development Ordinance relating to Senior Housing.

Planner Gotfredson reported that the Paola Planning Commission has discussed an amendment to the Land Development Ordinance (LDO) that would create separate regulations and guidelines for "Senior Housing". Currently "Senior Housing" is considered as "Multi-family Units" or "Apartment Units" and a variance can be required in order to construct senior housing units in compliance with the LDO.

At its meeting on February 16, 2016, the Planning Commission held a public hearing where no comment was given. The Planning Commission unanimously recommended approval of the following:

1. Table 03.110 A. General Use Table would be amended to allow Senior Housing in the "SC – Suburban-Commercial" and the "TA – Thoroughfare Access" zoning districts. Senior Housing would also be allowed in other zoning districts as a "Conditional Use".
2. Table 03.110 A. General Use Table would also be amended to change the parking requirements for Senior Housing to 1.5 stalls per unit. Current multi-family parking requirements are 2.25 stalls per unit. The reason for lower parking requirement is the fact that Senior Housing typically has few automobiles per tenant.
3. Table 04.110 A. Use and Lot Standards would be amended so that Senior housing will be allowed 14 gross units per acre and 20 net units per acre, whereas typical multifamily housing has 12 gross units per acre density and 18 net units per acre.

4. Section 23.220 Residential Uses will be amended as follows: Senior Housing. These are multi-unit housing units that are restricted to older adults, age fifty five (55) and over, as per federal housing guidelines.

After additional discussion, Council Member Wilhoite made a motion to adopt AMMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE RELATED TO SENIOR HOUSING. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 4 to 0 and the Ordinance was assigned number 3091.

Agenda Item 5e – Consider bids for the “Hay Lease” for certain tracts of land at Lake Miola and at the Paola Industrial Park.

Manager Wieland presented bids for the hay lease at Lake Miola and the Paola Industrial Park. He noted a request for bids was published in the newspaper and bid packets were mailed to interested parties. The following bids were received:

Dave Slyter: \$0.00 / year
Rick Courtney: \$300.00 / year

After additional discussion, Council Member Pritchard made a motion to accept the bid from Rick Courtney in the amount of \$300 annually for the “Hay Lease” at Lake Miola and at the Paola Industrial Park and authorize the City Manager to sign. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 4 to 0.

Agenda Item 5f – Consider bids for the 2016 Street Repair Program.

Public Works Director Browning presented bids for the 2016 Street Repair Program which includes the following:

- West Lake Miola - Overlay
- College Street West of Brayman - Overlay
- North Pearl from Piankishaw to Baptiste - Mill and Overlay
- South Pearl from Wea to Park Street - Mill and Overlay
- East Chippewa / South Paola to Osage - Overlay
- Holly Lane from to Peoria to Round-a-bout - Mill and Overlay
- South Agate, Park Street, Pearl Terrace - Mill and Overlay
- Walnut Street from Wea to Osage - Overlay after Curb replacement
- Petroleus Street from Miami to Peoria - Overlay
- Mulberry from Wea to Peoria - Overlay
- Diamond from Wea to Peoria - Overlay
- Virginia and South Gold Terrace - Overlay

The total amount of asphalt needed for the project is 5,500 tons. This does include a 10% over run contingency. Bids were requested from the following asphalt companies:

Killough Construction Inc.	\$57.10 per ton	\$314,050.00
O'Donnell and Sons Construction	\$57.95 per ton	\$318,725.00

After additional discussion, Council Member Nickelson made a motion to accept the bid from Killough Construction, Inc in the amount of \$57.10 per ton in the total amount of \$314,050 for

mill and overlay for the 2016 Street Repair Program. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 4 to 0.

Agenda Item 5g – Consider approval of a Business Attraction and Retention Mini-Grant Program.

City Manager Wieland requested that discussion and action on this agenda item be tabled until the March 22nd City Council Meeting.

Council Member Wilhoite made a motion to table the discussion and consideration of the Attraction and Retention Mini-Grant Program Provided by Miami County and the Cities of Louisburg, Paola, Osawatomie, Spring Hill, and Fontana, until the March 22nd City Council Meeting. The motion was seconded by Council Member Pritchard and all voted aye. The motion passed 4 to 0.

Agenda Item 5h – Consider an Ordinance approving the Marais Des Cygnes Public Utility Authority water facilities Refunding Revenue Bonds Series 2016.

Manager Wieland reported that at their meeting on March 3rd, the MDCPUA Board approved a Resolution approving the refunding of a portion of the original 2007 Bonds. The bonds were offered on the market on Wednesday, March 2nd and resulted in a net total interest savings of \$979,837.43 over the remaining 20 year term of the bond issue. This amounts to an annual average savings of \$49,891.87. The proposed bond refunding will restructure the MDCPUA debt structure providing lower annual debt service payments that will in turn provide some relief from upward pressure on long term water rates.

After additional discussion, Council Member House made a motion to approve AN ORDINANCE OF THE CITY OF PAOLA, KANSAS, APPROVING THE ISSUANCE OF \$9,950,000 AGGREGATE PRINCIPAL AMOUNT OF THE MARAIS DES CYGNES PUBLIC UTILITY AUTHORITY, MIAMI COUNTY, KANSAS (“AUTHORITY”), WATER FACILITIES REFUNDING REVENUE BONDS, SERIES 2016 TO REFUND A PORTION OF THE AUTHORITY’S WATER FACILITIES REVENUE BONDS, SERIES 2007; AUTHORIZING THE EXECUTION OF ANY NECESSARY DOCUMENTS RELATED TO THE TRANSACTIONS AUTHORIZED HEREIN; AND AMENDING, RATIFYING AND CONFIRMING THE CITY’S ORDINANCE NO. 2949. The motion was seconded by Council Member Wilhoite. Council Members Wilhoite, House and Nickelson voted aye and Council Member Pritchard abstained. As an abstention is counted with the majority, the motion passed 4 to 0. The Ordinance was assigned number 3092.

Note: Council Member Pritchard abstained from voting as he is a member of the Marais Des Cygnes Public Utility Authority Board.

Agenda Item 5i – Consider approval of a new Cereal Malt Beverage License.

Clerk Droste reported that Mr. Michael Folsom who is in the process of purchasing Emery’s Steakhouse. He is requesting a Cereal Malt Beverage License for the business located at 16 W Peoria Street and would be contingent upon a satisfactory fire safety inspection. City Attorney Tetwiler noted that since the sale is pending, the license should also be contingent upon the transfer of title to the business.

After additional discussion, Council Member Nickelson made a motion to approve a cereal malt beverage license for consumption on premises for Emery's, LLC at 16 W Peoria Street subject to the transfer of title to the business and a satisfactory fire safety inspection. The motion was seconded by Council Member Pritchard. Council Members Pritchard, House and Nickelson voted aye and Council Member Wilhoite voted nay. The motion passed 3 to 1.

Agenda Item 6 – NEW BUSINESS

Interim Police Chief Poore reported that Captain Kevin Colwell will be graduating from the FBI Academy and Officer Matt Keller and Officer Chris White will be graduating from the Police Academy next week.

Council Member Pritchard noted that the street light at Hospital Dr and Baptiste Dr is not working properly. Public Works Director Browning stated that the camera that monitors north bound traffic is not working. It will be repaired soon.

Council Member Pritchard asked about Petroleus Park. Public Works Director Browning stated that the Parks Department is working on a plan to address the playground equipment at the park.

Council Member Pritchard asked about the slides at the pool. Manager Wieland stated that he would check with the Pool Manager on the status of the slides.

Council Member Pritchard asked about installing basketball goals for younger kids at Whitaker Park. Manager Wieland reported that commercial grade adjustable goals with “break away” rims are cost prohibitive.

Agenda Item 7 – ADJOURNMENT

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

Artie Stuteville, Mayor

ATTEST: [seal]

Daniel G. Droste, City Clerk