

**MINUTES OF THE COUNCIL MEETING
OF THE CITY OF PAOLA, KANSAS
5:30 O’CLOCK P.M.**

February 24, 2009

**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.

Councilmembers present: Mayor Stuteville, Council Members Pritchard, Dial, Rowlett, and Bell.

Council Members absent: None

Also present: City Manager Wieland, Clerk Droste, City Attorney Tetwiler, Public Works Director Bieker, Police Chief Smail, Building Inspector Trout, Brian McCauley with the Miami County Republic, Alan Hire, and Richard Lentz.

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, Dial, Rowlett, and Bell were all present.

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 meetings of February 10, 2009.**
- b. **Approval of Salary Ordinance number 09-03.**
- c. **Approval of Appropriation Ordinance No. 647.**

Councilmember Pritchard made a motion to approve the Consent Agenda including the minutes of February 10, 2009, Salary Ordinance No 09-03, and Appropriation Ordinance No 647, and authorize the Mayor to sign. Councilmember Dial seconded the motion and all voted aye. The motion passed 4 to 0.

Agenda Item 5 - REPORTS OF OFFICERS, BOARDS AND COMMITTEES

Agenda Item 5a – Consider approval of the preliminary plat for Paola Commons.

Manager Wieland reported that there are some unresolved questions regarding the preliminary plat for Paola Commons and he recommended that action on the plat be tabled until those issues could be addressed with the property owner and the engineers.

After further discussion, Councilmember Rowlett made a motion to table action on the preliminary plat for Paola Commons. The motion was seconded by Councilmember Bell and all voted aye. The motion passed 4 to 0.

Agenda Item 5b - Consider approval of the renewal of a Conditional Use Permit for 809 and 811 South Silver Street for a period of one year.

Manager Wieland reported that the Planning Commission has recommended approval of the request to renew the Conditional Use Permit for 809 and 811 South Silver Street subject to conditions. However, inasmuch as the property owner has not satisfied the conditions that were part of the original Conditional Use Permit (CUP), he did not recommend approval of the renewal.

Councilmember Rowlett asked if the City loses anything if the CUP is approved with the conditions that were recommended by the Planning Commission. He indicated that the owner would not be able to occupy the property with his business until the conditions are met. Manager Wieland indicated that the owner has not satisfied the conditions of the original CUP that was approved 15 months ago and he felt that there needed to be an effort to comply before the CUP is renewed.

Councilmember Bell indicated that he would like to relax some of the standards for businesses and that the rules should be uniformly enforced.

After discussing the situation, City Attorney Tetwiler stated that the Council could approve the request as recommended by the Planning Commission, remand the issue back to the Planning Commission with a recommendation to change the conditions to pre-conditions before the CUP would be approved, or they could choose to deny the request.

After further discussion, Councilmember Bell stated that given the lack of progress in satisfying the conditions of the original CUP, he was inclined to agree with the City Manager that the CUP should not be approved. Councilmember Bell made a motion to deny the renewal of the Conditional Use Permit for 809 and 811 South Silver Street. The motion was seconded by Councilmember Pritchard. Councilmembers Bell, Dial, and Pritchard voted aye and Councilmember Rowlett voted nay. The motion passed 3 to 1.

Agenda Item 5c – Consider approval of a Quit Claim Deed for the Paola Justice Center.

Manager Wieland reported that the Paola Justice Center property was replatted prior to the construction of the Center and that a Quit Claim Deed should be filed to update

the legal description of the property. Additionally, the deed would assist in completing the FEMA Flood Elevation Certificate for the property.

Councilmember Dial made a motion to approve Quit Claim Deed for the Paola Justice Center and authorize the Mayor to sign. Councilmember Pritchard seconded the motion and all voted aye. The motion passed 4 to 0.

Agenda Item 6 – NEW BUSINESS.

Councilmember Bell reported that nationwide the value of housing has decreased by 25% and he expressed concerns of proposed changes in property valuation rules by the State Legislature.

Councilmember Dial reported that there are two recreational vehicles parked in the trailer park in town.

Mayor Stuteville asked if the street program could be discussed at the next work study meeting. She also inquired about the status of the efforts to clear brush behind Maple Vista and asked if they would be clearing in other areas in town. Public Works Director Bieker reported that they will be working near Cherokee Ridge when they finish at the current location.

Agenda Item 7 –ADJOURNMENT.

With no additional business to come before the Council, Councilmember Dial made a motion to adjourn. Councilmember Bell seconded the motion and all voted aye. The motion passed 4 to 0.

Artie Stuteville, Mayor

ATTEST: (seal)

Daniel G. Droste, City Clerk