

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

January 26, 2010

**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 and Council Members Pritchard, Dial, Rowlett, and Bell.

Council Members absent: None

Also present: City Manager Wieland, City Clerk Droste, City Planner Gotfredson, Public Works Director Browning, Police Chief Smail, Richard Lentz, Hannes Poetter, Patrick Poetter, LeAnne Shields, David Moll, Betty Kern, Paul Staats, Carol Everhart from the Paola Chamber of Commerce, and Jesse Trimble from the Miami County Republic.

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

Agenda Item 2 - ROLL CALL: Mayor Stuteville and Council Members Pritchard, Dial, Rowlett, and Bell were all present. No one was absent.

Agenda Item 3 - PETITIONS, REMONSTRANCES, AND COMMUNICATIONS
Council 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 January 12, 2010.
- b. Approval of Salary Ordinance number 10-01.
- c. Approval of the renewal of a Caterers License for Evergreen Events, LLC.

Councilmember Rowlett made a motion to approve the Consent Agenda as presented and authorize the Mayor to sign. The motion was seconded by Councilmember Dial and all voted aye. The motion passed 4 to 0.

Agenda Item – APPROPRIATION ORDINANCE 670.

Councilmember Pritchard questioned expenditures for two firemen to travel to Ohio, the heating bill at the old water plant, the installation of a remote start system for a police vehicle, appliances

for the fire station, and tire and transmission repairs on public works vehicles. Also Councilmember Bell questioned disbursements for a new microphone for the court room and questioned the original expenditure of the sound system for the court room. Councilmember Bell also asked about the expenditure for inspecting the old water tower. After discussion, Councilmember Pritchard made a motion to approve Appropriation Ordinances 670 as presented, and authorize the Mayor to sign. The motion was seconded by Councilmember Rowlett and all voted aye. The motion passed 4 to 0.

Agenda Item 6 - REPORTS OF OFFICERS, BOARDS AND COMMITTEES

Agenda Item 6a – Public Hearing to consider the petition to vacate right-of-way in Block 9, Perry’s Addition to the City of Paola

Councilmember Pritchard made a motion to open the Public Hearing to consider the petition of Applied Realty Solutions, LLC, requesting the vacation of a portion of the street right-of-way adjacent to the east line of Lot 1, Block 9, Perry’s Addition to the City of Paola. The motion was seconded by Councilmember Dial and all voted aye. The motion passed 4 to 0.

Planner Gotfredson presented the petition from Applied Realty Solutions, LLC to vacate a portion of the right-of-way of North Silver Street at Lot 1, Block 9, Perry’s Addition. He also presented a survey of the area to be vacated.

Hannes Poetter addressed the Council and stated that he owns the property adjacent to the motel and he has no objection to the petition.

Clerk Droste reported that letters were mailed to all local utilities and only the Kansas Gas Service Company responded. In their response, Kansas Gas Service Company did not object to the petition so long as an easement is maintained for existing utilities.

No one else addressed the Council.

Councilmember Pritchard made a motion to close the Public Hearing. The motion was seconded by Councilmember Rowlett and all voted aye. The motion passed 4 to 0.

Councilmember Rowlett asked for clarification on the area being vacated and on the remaining street right-of-way. After discussion, Councilmember Rowlett made a motion to approve the petition of Applied Realty Solutions, LLC, requesting the vacation of a portion of the street right-of-way adjacent to the east line of Lot 1, Block 9, Perry’s Addition to the City of Paola, as identified in the petition, provided however, that the City of Paola, reserves for itself, and its assigns, the right to erect, install, operate, replace, repair and maintain any and all water lines, sewer lines, gas lines, telephone lines, electrical utility lines, and cable TV lines presently located, if any under, through, over, along and across the described portion of the street so vacated; and that all costs associated with this action be paid by the petitioner. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 4 to 0.

Agenda Item 6b – Consider an Ordinance vacating a portion of the right-of-way of Silver Street in Block 9, Perry’s Addition to the City of Paola. (Only if the petition is approved in Item 6a.)

Councilmember Dial made a motion to approve AN ORDINANCE VACATING A PORTION OF THE RIGHT-OF-WAY OF SILVER STREET AT LOT 1, BLOCK 9, PERRY’S ADDITION TO THE CITY OF PAOLA, KANSAS. The motion was seconded by Councilmember Rowlett and all voted aye. The motion passed 4 to 0. The Ordinance was assigned No.3006.

Agenda Item 6c – Consider a request to waive a building permit fee from the Miami County Historical Museum.

Manager Wieland presented a request from the Miami County Historical Museum to waive a \$69.00 Building Permit Fee. He stated that since the Museum is an entity funded by Miami County, he recommended approval of the request. After discussion, Councilmember Pritchard made a motion to approve the request to waive the building permit fee in the amount of \$69.00 for the Miami County Historical Museum. The motion was seconded by Councilmember Rowlett and all voted aye. The motion passed 4 to 0.

Agenda Item 6d – Report and discussion regarding the disposal of surplus equipment.

Public Works Director Browning reported that his department has two inoperable mowers, a 1984 Mercedes Benz diesel truck with an oil distributor, and a 1991 Ford Bus. Bids are being solicited for the equipment through February 1, 2010 at noon.

Councilmember Bell questioned the relatively low number of hours on the mowers and asked if the city was getting sufficient value given the cost of the equipment. The condition of all of the equipment was discussed in detail.

Agenda Item 6e – Annual Economic Development Report.

Carol Everhart, Director of the Paola Chamber of Commerce, presented the annual report of economic development activity. She presented financial statements, detailed reports of expenditures, job description, and activities.

Director Everhart reported that there continues to be interest for an “entertainment district” including a movie theater.

Director Everhart reported on a potential lighting project for the Park Square. Details and cost estimates on the project are still being worked on, but she was hopeful that the project could be completed by the end of the year. Funding for the project would come from Mr. and Mrs. Jack Goss. Possible additional “phases” could include lights in front of the businesses that border the Park Square and along Silver Street leading to the downtown area. Funding for the additional “phases” would be from other sources.

Councilmember Rowlett suggested that samples of the lights proposed for the Park Square could be brought to a Council Meeting so that the Council could better visualize the improvements.

Agenda Item 7 – NEW BUSINESS

Clerk Droste reported that the deadline for filing for the positions of City Council for Ward 2 and Ward 4 was at noon today. He reported that Gee Gee Wilhoite was the only candidate for Ward 2 and that Pete Bell and Mark Minden have filed as candidates for Ward 4. The general election will be held on April 6, 2010.

Manager Wieland reported that City Planner Gotfredson has completed a first draft of the “Business Assistance Program”. Details would be presented to the Council at a future meeting.

Manager Wieland reported that a second art gallery has opened near the Park Square with a third planned in the near future.

Manager Wieland reported that work on the kitchen at the Community Center is progressing and that an additional \$5,000 has been committed to the project by Mr. Tom Schwartz.

Manager Wieland reported that the grant application for improvements to the shelter house at Wallace Park has been modified and will be submitted soon.

Manager Wieland reported that the Fire Station project is nearly complete and that an open house is planned for late February or early March. He indicated that there may be a private donation to pay for improvements to the rest rooms in the gymnasium.

Councilmember Bell asked about the proposed new fire truck. Manager Wieland reported that a presentation will be made at the February Work Study Meeting.

Councilmember Rowlett advised that there was a recent article in the Topeka Capitol Journal about a recall election for the Mayor of Jetmore, Kansas due to a potential conflict of interest. He indicated that this was the reason that he continues to recuse himself from all of the discussions relating to housing incentive policies.

Councilmember Pritchard asked about the condition of the gym. Manager Wieland reported that there is still some contractor’s equipment and old furniture that needs to be removed and the gym needs to be thoroughly cleaned.

Agenda Item 8 – Discuss proposed New Housing Purchase Assistance Program and consider approval of an Ordinance establishing the program (if applicable).

Prior to the discussion on housing incentive policies, Councilmember Rowlett recused himself and left the meeting.

Manager Wieland presented a draft of the New Housing Purchase Assistance Program. He indicated that the draft was based on the discussions at the previous regular meeting and work study meeting.

After discussing the major features and qualifications for the program, Councilmember Dial suggested that the income limitations in the program be eliminated since the program is targeted to assist sales of new homes. Councilmember Pritchard supported the idea of eliminating the income limitations.

Mayor Stuteville asked if this program would apply to in-fill lots in town. Manager Wieland indicated that his program cannot be used with other City programs such as the Neighborhood Revitalization Program.

Councilmember Bell asked if the grant would be taxable to the recipient. Manager Wieland indicated that it would be taxable as income to the recipient. Councilmember Bell indicated that if the grant was taxable as income to the recipient, it would be viewed negatively by prospective buyers.

Councilmember Bell asked if there was not also consideration being given to waive building permit fees. Councilmembers Dial and Pritchard agreed that it was discussed but it was not going to be included in the program.

Councilmember Pritchard asked City Attorney Tetwiler if the program was legal. City Attorney Tetwiler indicated that the revised ordinance citing "Home Rule" does allow the City to adopt the program legally.

LeAnne Shields asked the Council about including manufactured housing in the program. Manager Wieland indicated that any manufactured housing would be required to meet all of the requirements of the Land Development Ordinance and that there are manufacturers that build a home that is equal in quality to stick built construction.

Paul Staats asked about including remodeling of existing homes and commercial properties. Manager Wieland indicated that the Neighborhood Revitalization Plan offers incentives for remodeling of existing homes and there are several other existing incentives for commercial properties.

Clerk Droste stated that there are some existing new homes that are currently under construction or that are for sale that will be included in the program so that they are not at a disadvantage to other new homes in the program. Two or three of these homes are located in Hidden Meadows, one in Indian Hills, and one in Heatherwood Estates. He disclosed the Councilmember Rowlett is a home builder in Hidden Meadows and has recused himself from the discussions on this program.

After additional discussion, Councilmember Dial made a motion to approve the "New Housing Purchase Assistance Program" with the deletion of all references to limitations on income and adopt AN ORDINANCE ADOPTING A NEW HOUSING PURCHASE ASSISTANCE PROGRAM. The motion was seconded by Councilmember Pritchard and all

voted aye. Councilmember Rowlett was not present and did not vote. The motion passed 3 to 0. The Ordinance was assigned number 3007.

Agenda Item 9 - ADJOURNMENT.

With no additional business to come before the Council, Councilmember Pritchard made a motion to adjourn. Councilmember Dial seconded the motion and all voted aye. The motion passed 3 to 0.

Artie Stuteville, Mayor

ATTEST: (seal)

Daniel G. Droste, City Clerk