

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

June 26, 2012

**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 Artie Stuteville and Council Members Jim Pritchard, Gee Gee Wilhoite, Leigh House and Kevin Clouse.

Council Members absent: None.

Also present: City Manager Jay Wieland, City Clerk Dan Droste, City Attorney Lee Tetwiler, Police Chief Dave Smail, City Planner Mike Gotfredson, Richard Lentz, Russell Hayes, 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 announced that there was an Amended Agenda adding the following:

- 1) Agenda Item 5d - Consider approval of an easement agreement with Great Southern Bank.
- 2) At the conclusion of the regular meeting, the City Council will have a work study meeting to discuss the 2013 Budget.

Agenda Item 2 - ROLL CALL: Mayor Stuteville and Council Members Pritchard, Wilhoite, House, and Clouse 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 June 12, 2012.
- b. Approval of Salary Ordinance 12-12.
- c. Approval of Appropriation Ordinance No 729.

- d. Approval of the renewal of a Drinking Establishment License for El Tapatio Mexican Restaurant at 2 W Piankishaw.
- e. Approval of the renewal of a Drinking Establishment License for Beethoven's #9 Restaurant at 110 W Peoria.

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

Agenda Item 5 - REPORTS OF OFFICERS, BOARDS AND COMMITTEES

Agenda Item 5a – Consider a Conditional Use Permit for an automobile detailing business at 811 S Silver Street.

Planner Gotfredson presented a request for a Conditional Use Permit for an automobile detailing business at 811 S Silver. He reported that the Planning Commission unanimously recommended approval of the CUP at their meeting on June 19th subject to the following conditions:

- 1) The building must be approved for an occupancy permit.
- 2) A maximum of two overnight drop-off vehicles are permitted.
- 3) Repairs to rear privacy fence to be completed as needed.
- 4) At any time, the City may institute revocation of the conditional use permit for violations of the conditions of approval, expiration, or the reasons specified in Section 21.225 of the Land Development Ordinance.

After a discussion, Councilmember Pritchard made a motion to approve AN ORDINANCE APPROVING CONDITIONAL USE PERMIT 12-CUP-01 as presented. The motion was seconded by Councilmember Wilhoite and all voted aye. The motion passed 4 to 0 and the Ordinance was assigned No 3047.

Agenda Item 5b – Consider a Final Plat for 7.53 acres located near Hospital Drive and Lakemary Drive.

Planner Gotfredson presented a final plat for "Paola Living Center" located on 7.53 acres near Hospital Drive and Lakemary Drive. The plat divides the property into two lots. One lot will contain the existing building occupied by Fort Scott Community College and the other will be used for a 28 unit senior housing development. He reported that the Planning Commission unanimously recommended approval of the final plat at their meeting on June 19th.

After a discussion, Councilmember Pritchard made a motion to approve the Final Plat for Paola Living Center located in part of the Southwest Quarter of Section 15, Township 17, Range 23, Paola, Miami County, Kansas. The motion was seconded by Councilmember Wilhoite and all voted aye. The motion passed 4 to 0.

Agenda Item 5c – Consider approval of disbursements from the Transient Guest Tax Fund.

Manager Wieland reported that at the meeting of the Paola Convention and Tourism Committee on Thursday, June 21, 2012, the Committee reviewed two requests for Transient Guest Tax grant funding. The two applications were for the Paola Trails Task Force/Paola Pathways - \$1,000 for underwriting promotional materials for the development of a marketing and recruitment campaign and the Miami County Arts Coalition - \$2,500 for the Concert in the Park series and for posters to be sold during the Art and Wine Stroll.

The Paola Convention and Tourism Committee recommended that the requests be funded as follows:

- 1) Paola Trails Task Force/Paola Pathways, - \$1,000
- 2) Miami County Arts Coalition – Concert in the Park Series - \$1,000 contingent upon the Coalition satisfying the liability insurance requirements of the City (the Committee declined the portion of the request for poster funding and a stipend for an artist to design the poster).

Manager Wieland disclosed that his wife, Peg Wieland, is a member of the Paola Trails Task Force and is related to one of the members of the Paola Convention and Tourism Committee.

Councilmember House made a motion to approve disbursements from the Transient Guest Tax Fund as presented. The motion was seconded by Councilmember Wilhoite. Councilmembers Wilhoite, House and Clouse voted aye and Councilmember Pritchard abstained because he serves on the Paola Trails System Task Force. As an abstention is counted with the majority, the motion passed 4 to 0.

Agenda Item 5d – Consider approval of a lease agreement with Great Southern Bank.

Manager Wieland presented a lease agreement with Great Southern Bank on the bank's parking lot adjacent to City Hall. The lease will allow the City to construct a sidewalk to access the public restrooms and to install geothermal wells in connection with the City Hall renovation project. In consideration for the lease agreement, the City will re-pave the parking lot after the geothermal wells have been installed. Manager Wieland complimented Great Southern Bank on the tremendous cooperation that they have provided to the City both with this lease and in providing temporary office facilities during the renovation project.

After a discussion, Councilmember Pritchard made a motion to approve a Geothermal Lease agreement with Great Southern Bank for Lot 2 and the west 11 feet of Lot 1 in Block 31 and authorize the Mayor to sign. The motion was seconded by Councilmember Wilhoite and all voted aye. The motion passed 4 to 0.

Agenda Item 6 – NEW BUSINESS

Clerk Droste reported that sales tax revenues for June amounted to \$178,914 making the year to date total \$1,041,835.

Clerk Droste reported that 515 swimming pool season passes have been sold through today.

Public Works Director Browning reported that a reception was planned for Dave Borovicka on Friday, July 13th from 1:00 to 3:00 pm at Town Square. Mr. Borovicka is retiring after 27 years as the Lake Miola Caretaker.

Manager Wieland reported that the latest edition of the City newsletter “The Pace of Paola” will be sent out soon.

Mayor Stuteville reported that she was contacted by someone who has had a difficult time contacting Wea Creek Kennels in connection with a pet that was picked up. Police Chief Smail indicated that he was aware of the problem and would see what could be done to improve the situation.

Agenda Item 7 – ADJOURNMENT

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

Artie Stuteville, Mayor

ATTEST: [seal]

Daniel G. Droste, City Clerk