

**MINUTES OF THE COUNCIL MEETING  
OF THE CITY OF PAOLA, KANSAS  
6:00 O'CLOCK P.M.  
October 25, 2016**

**Held in the Municipal Court Room at the Paola Justice Center  
806 N 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:** No one was absent.

**Also present:** City Manager Jay Wieland, City Clerk Dan Droste, City Attorney Lee Tetwiler, City Planner Mike Gotfredson, Chief of Police Paul Jokerst, Interim Public Works Director Kirk Rees, Pamela Thompson, William Thompson, Mark Whitlow, Police Detective Jason Frizzell, Police Officer Mike Bliss, Command Staff and Officers of the Paola Police Department, Brian McCauley with the Miami County Republic and others.

**CALL TO ORDER:** The regular council meeting was called to order by Mayor Stuteville.

**ROLL CALL:** Mayor Stuteville and Council Members Pritchard, Wilhoite, House, and Nickelson were present. No one was absent.

**POLICE DEPARTMENT PRESENTATION**

Chief of Police Paul Jokerst and Captain Kevin Colwell introduced Jason Frizzell who was recently promoted to Detective. Captain Colwell presented Detective Frizzell's badge to his wife, Angela, who pinned it on his uniform. Chief of Police Jokerst introduced Police Officer Michael "Mike" Bliss to the City Council. Officer Bliss recently joined the Department.

**Agenda Item 1 - CONSENT AGENDA**

- a. Approval of minutes of the meetings of October 11, 2016
- b. Approval of Salary Ordinance 16-21.
- c. Approval of Appropriation Ordinance No 838.

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 2 - COMMENTS FROM THE PUBLIC**

No one addressed the Council.

### **Agenda Item 3 - UNFINISHED BUSINESS**

#### **Agenda Item 3a - Conduct a Dangerous Structure Hearing for the property located at 104 E Miami.**

Council Member Wilhoite made a motion to open the Dangerous Structure Hearing for the property located at 104 E Miami pursuant to K.S.A. 12-1752 and City of Paola Resolution No. 2016-008. The motion was seconded by Council Member Pritchard and all voted aye. The motion passed 4 to 0.

Manager Wieland reported that the residence located at 104 E Miami has been abandoned and vacant for a number of years. Taxes are unpaid since 2009 and the property was previously involved in a bankruptcy.

City Attorney Tetwiler gave some background on the legal history of the property and Clerk Droste explained the process for recovering the cost of demolishing the structure, should that occur.

No one from the public came forward to address the Council in regard to the property.

Council Member Pritchard made a motion to close the Dangerous Structure Hearing for the property located at 104 E Miami. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 4 to 0.

#### **Agenda Item 3b - Consider Resolution declaring the structure on the property located at 104 E Miami, 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 held during the Dangerous Structure Hearing, Council Member Nickelson made a motion to approve A RESOLUTION FINDING THAT THE STRUCTURE LOCATED AT LOT SEVEN (7), BLOCK NINETEEN (19), CITY OF PAOLA, MIAMI COUNTY, KANSAS; COMMONLY KNOWN AS 104 E MIAMI 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 2016-011.

#### **Agenda Item 3c - Update on the status of repairs and improvement to 401 E Kaskaskia pursuant to Resolution No 2016-006.**

City Planner Gotfredson reported that this process for addressing and resolving the unsafe conditions at 401 E Kaskaskia began nearly a year ago in November of 2015. Although progress has been made in removing debris from the property, the process is still incomplete.

City Planner Gotfredson reported that Staff has recently been notified that Mr. Mark Whitlow has offered to purchase the property from Mr. & Mrs. Thompson.

Mr. Thompson addressed the Council and reported that they have accepted the offer from Mr. Whitlow to purchase the property and that they have an additional offer from another party to purchase the property.

Mr. Whitlow addressed the Council and reported that he has agreed to purchase the property on or before November 30<sup>th</sup> provided that it is “trash free”. He indicated that the property needs a lot of work but that it is structurally sound in his opinion. He plans to renovate the property for his daughter to live in.

City Attorney advised the Council to proceed with the legal process and instruct Staff to draft the Condemnation Ordinance for consideration at the next meeting.

Council Member Pritchard made a motion to instruct City Staff to draft an Ordinance Authorizing and Directing the removal of Certain Unsafe and Dangerous Structures located at 401 E Kaskaskia for consideration at the November 8, 2016 Paola City Council Meeting. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 4 to 0.

Mr. Whitlow asked what needed to be done to keep the City from condemning the property and tearing it down. City Attorney Tetwiler responded that he needed to “buy it and go to work”.

#### **Agenda Item 4 – NEW BUSINESS**

##### **Agenda Item 4a - Consider approval of a street closure request for the Cottonwood Elementary “Kids Fun Run & 5K” on November 12th.**

Council Member House made a motion to approve the Cottonwood Elementary “Kids Fun Run and 5K” on November 12, 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 Nickelson and all voted aye. The motion passed 4 to 0.

##### **Agenda Item 4b - Consider the approval of a Street Closure Application from the First Lutheran Church for the 400 Block of E. Piankishaw for their “Project Generosity” event.**

Council Member Pritchard made a motion to approve the closure of the 400 Block of E. Piankishaw on Sunday, November 13, 2016 from 12:00 pm to 6:00 pm for the First Lutheran Church’s “Project Generosity” event. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 4 to 0.

#### **Agenda Item 5 - COMMITTEE REPORTS**

Council Member Pritchard reported on the “work day” on the Paola Pathways Trail at Wallace Park. Volunteers gathered last Sunday to stain the 3 kiosks, the trail posts and the bridge. After work was completed, the group enjoyed a chili dinner.

## **Agenda Item 6 - STAFF REPORTS**

Clerk Droste reported that sales tax revenue for the month of October amounted to \$212,277 bringing the year to date total to \$2,022,021. He also reported that the City had received the last distribution for real estate taxes and motor vehicle taxes and that overall, these revenues were \$77,000 over budgeted expectations.

Clerk Droste reminded everyone about the League of Kansas Municipalities Regional Supper tomorrow evening.

Chief of Police Jokerst reported that the Prescription Drug Take Back program resulted in 20 pounds of unused and expired prescription drugs being turned over to the District Attorney's Office for destruction.

Interim Public Works Director Rees reported that Union Pacific will be closing Peoria Street at the railroad crossing to repair damage to the crossing that resulted from the recent train derailment. The road is expected to be closed for approximately 5 hours for the repairs.

Manager Wieland reported that the power pole relocation project at the southeast corner of Baptiste and Hospital Drives has been completed.

Manager Wieland reported that he met with the USD 368 Superintendent of Schools about the signalization project at 303<sup>rd</sup> Street and Hedge Lane. Timing of the funding for the project was discussed versus the School District's desire to have the project completed during the summer of 2017.

Manager Wieland reported that the presentation of the "First Impressions" program would be at the Paola Fire Station on Thursday, November 10<sup>th</sup> at 8:00 am.

Manager Wieland requested that the Council review the League of Kansas Municipalities Policy Statement and respond to him with comments regarding items to be included in the City's Policy Statement.

Manager Wieland presented information on the upcoming 150<sup>th</sup> anniversary celebration for the Osawatomie State Hospital.

Manager Wieland reported that the annual Halloween Parade would be on Monday, October 31<sup>st</sup> at the Park Square.

Manager Wieland reported that the Union Pacific Seam Locomotive #844 would be passing through Paola at approximately 5:00 pm on Thursday evening after a brief stop in Osawatomie.

## **Agenda Item 7 - MISCELLANEOUS MATTERS FROM THE COUNCIL**

Council Member Pritchard thanked the Interim Public Works Director Rees and the Public Works Department for their assistance with the recent "work day" on the Paola Pathways Trail at Wallace Park.

## **Agenda Item 8 - MISCELLANEOUS MATTERS FROM THE MAYOR**

No other topics were discussed.

## **Agenda Item 9 – EXECUTIVE SESSION for preliminary discussions relating to the acquisition of real property. K.S.A. 75-4319(B)(6) is the authority for this recess.**

Council Member Wilhoite made a motion to adjourn to Executive Session, to include the Mayor, Council, City Manager, City Clerk, City Attorney, City Planner, and Interim Public Works Director Rees, for 15 minutes for the purpose of preliminary discussions relating to the acquisition of real property; the regular meeting to reconvene at 6:50 p.m. The motion was seconded by Council Member Pritchard and all voted aye. The motion passed 4 to 0.

At 6:50 pm, the City Council came out of Executive Session. Council Member Wilhoite made a motion to reconvene the adjourned meeting. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0.

No action was taken pursuant to the Executive Session.

## **Agenda Item 10 – ADJOURNMENT**

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

ATTEST: [seal]

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Artie Stuteville, Mayor

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Daniel G. Droste, City Clerk