

**MINUTES OF THE COUNCIL MEETING  
OF THE CITY OF PAOLA, KANSAS  
6:00 O'CLOCK P.M.  
July 9, 2019**

**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 Dave Smail, Trent Upshaw, Leigh House and Aaron Nickelson.

**Council Members absent:** None

**Also present:** City Manager Jay Wieland, City Clerk Dan Droste, Assistant City Clerk Stephanie Marler, Chief of Police Don Poore, Public Works Director Kirk Rees, Assistant City Manager Randi Shannon, HR Director Vicki Belt, Brian McCauley with the Miami County Republic Tom Wright, Gary Lasher, Dawn Atwell, Wes Gerken, Brian House, Bobby Knudsen, and others.

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

**ROLL CALL:** Mayor Stuteville and Council Members Smail, Upshaw, House and Nickelson were all present.

**PRESENTATION**

Mayor Stuteville acknowledged City Clerk Dan Droste for his upcoming retirement. Clerk Droste has served the citizens of Paola for 15 years. Mayor Stuteville thanked him and presented him a key to the City.

**Agenda Item 1 - CONSENT AGENDA**

- a. Approval of minutes of the meeting of May 14, 2019.
- b. Approval of Salary Ordinances 19-11 and 19-12.
- c. Approval of Appropriation Ordinances 903 and 904.
- d. Approval of the Pledged Collateral Report for May 2019.
- e. Approval of the Journal Entries Reports for May 2019.
- f. Approval of the Renewal of a drinking establishment license for El Potro Mexican Café at 602 N Pearl
- g. Approval of minutes of the Special Meeting of May 28, 2019

Council Member Smail made a motion to approve the Consent Agenda as presented and authorize the Mayor to sign. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

## **Agenda Item 2 - COMMENTS FROM THE PUBLIC:**

Dawn Atwell with Elite Home Builders, who is also a Paola resident, addressed the Council asking that they consider reinstating the New Housing Incentive Program that expired in 2018. She stated that people are not building homes like they were the last couple years and thought with the price reduction more people would build on lots available in Paola and not go to neighboring towns.

Wes Gerken, a Paola resident, requested an exemption to the City Ordinance that prohibits the use of UTV's and side by sides in City limits. He mentioned that some neighboring cities have changed laws to allow these vehicles and the Governor agreed to allow the use on highways with speed limits 65 mph and under.

## **Agenda Item 3 – UNFINISHED BUSINESS:**

### **Agenda Item 3a - Discuss taking action on the dangerous structure located at 115 W. Wea.**

City Manager Wieland reminded the Council that at the June 11, 2019 Council meeting, Resolution No 2019-004 was approved extending the deadline for repairs to the structure located at 115 W. Wea. The resolution allowed for an additional 28 days for a temporary roof structure to be put in place to keep the rain water out of the building. Manager Wieland commented that there has been some significant progress made. Assistant City Manager Shannon also commented that the building inspector Mr. Trout did inspect the work and it is looking good.

Owner of the property Mr. Thomas Wright addressed the Council to provide an update of his progress. He now has a temporary roof on the structure that will keep water out of his building and also the neighboring building. Mr. Wright was unable to give the council a timeline for completion of a permanent roof as he relies on volunteers to help with the construction. He feels that structure is safe and secure and asked that the council consider allowing him to work with the inspection department and stop the dangerous structure process.

Mr. Gary Lasher, who owns the property to the east, addressed the Council to state that he is excited to see the progress and know that the water issue is taken care of and that the building will not be torn down.

Council Member Upshaw inquired about stopping the dangerous structure process and Manager Wieland stated that a permanent roof would need to be in place and some other structural issues resolved. The Council agreed to allow Mr. Wright until the October 8<sup>th</sup> council to come back and give a report, with the understanding that Chief Inspector Trout give monthly updates to the Council.

After some discussion Council Member Upshaw made a motion to approve Resolution No 2019-008 allowing 89 days to repair the dangerous structure at 115 W Wea with monthly updates provided by the Community Development Department. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 4 to 0.

#### **Agenda Item 4 – NEW BUSINESS**

##### **Agenda Item 4a - Consider a lease agreement with the Miami County Fair Association for the use of property in Wallace Park for the Miami County Fair from July 21 to July 28, 2019.**

Clerk Droste reported that annually, the Miami County Fair is held at the fairgrounds adjacent to Wallace Park. The fairgrounds property is owned by the Miami County Fair Association and is outside the city limits. The fairgrounds property is not large enough to accommodate all of the activities of the County Fair. Therefore, the City has historically entered into a lease agreement with the Fair Association which allows them to use a portion of Wallace Park for the County Fair. The area included in the lease is the fenced area south of the loop road in Wallace Park. This is the area that the carnival traditionally sets up.

After more discussion Council Member House made a motion to approve the Lease with the Miami County Fair Association, as presented, and authorize the Mayor to sign. The motion was seconded by Council Member Nickelson and all voted aye. The motion was passed 4 to 0.

##### **Agenda Item 4b - Consider the adoption of a resolution setting the date for elected officials to take office.**

Clerk Droste explained that Senate Bill No 105 was passed in 2018 by the legislature to allow Cities to set by Resolution, a date between December 1 and the second Monday in January for elected officials to take office. Staff suggested establishing the second Tuesday in December, which would be a regular council meeting, for new officials to take office.

With no further discussion Council Member Nickelson made a motion to approve A RESOLUTION ESTABLISHING THE BEGINNING DATE FOR THE TERM OF OFFICE FOR ELECTED OFFICIALS on the second Tuesday in December. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0.

##### **Agenda Item 4c - Consider the adoption of an ordinance to change the regular council meeting in January from the second Monday in January to the second Tuesday in January.**

Clerk Droste stated that now that the newly elected officials will take office at the regular meeting in December, it is no longer necessary to have the January meeting on the second Monday. Clerk Droste said in order to change the regular Council meeting in January from the second Monday in January to the second Tuesday in January, an Ordinance would need to be approved.

With no further discussion Council Member Nickelson made a motion to approve AN ORDINANCE AMENDING SECTION 105.120, MEETINGS, IN CHAPTER 105, ADMINISTRATION, OF THE CODE OF THE CITY OF PAOLA, KANSAS, 2009. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

**Agenda Item 4d - Consider the transfer of property, located adjacent to 308 E Chippewa, back to the property owner.**

Assistant City Manager Shannon explained that in 1911 the owner of 308 E Chippewa deeded over the west 10 feet of their property to the City of Paola to use as a water course. Robert Chester, the current owner of 308 E Chippewa, is requesting for this piece of property to revert back to him in order to make his lot standard size (55ft x 125ft). The deed specifically agreed that if the piece of property is ever abandoned as a water course then it will revert back to the grantor or who shall hold the title at the time of reversion. Staff believes that this water course was used before the city had any drainage system in place and has since become insignificant. There are not existing public utilities located on this piece of property

After some additional discussion Council Member Smail made a motion to approve the Quitclaim Deed to transfer the west 10 feet of lot 9 block 5 to the property owner and authorize the Mayor to sign. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

**Agenda Item 4e - Consider a report from the Paola Building Inspector regarding a dangerous structure located at 602 W. Wea pursuant to KSA 12-1752.**

Assistant City Manager Shannon informed the Council that the Community Development Department was notified of a dilapidated house located at 602 W Wea. This home is owned by Daniel Howard Everette and is currently uninhabited. Chief Building Inspector William Trout inspected the property and found that the roof is collapsing, windows are broken or missing, siding is rotted from the home, and the North wall of the home is bowing and structurally unsafe.

The property at 602 W Wea has not been occupied for some time. Inspector Trout suggested the Council declare the structure to be unsafe and dangerous and to direct the structure to be repaired and the premises made safe and secure. A copy of the inspection report was supplied to the members of the Council.

Council Member Upshaw made a motion to accept the report from Paola Building Inspector, William Trout, Sr., declaring 602 W Wea 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 4f - Consider a Resolution Fixing the Time and Place of Condemnation Hearing for property located at 602 W. Wea, Paola, Kansas, pursuant to KSA 12-1752.**

Assistant City Manager Shannon requested the Council adopt Resolution 2019-006, pursuant to K.S.A. 12-1752. This resolution will set a Public Hearing to be scheduled for September 10, 2019 at 6:00 pm at the Paola Justice Center during the regularly scheduled City Council meeting. The public hearing will allow for any owner, agent, lienholders of record or occupants or other interested parties in the structure to appear and show cause why such structure should not be condemned and ordered repaired or demolished as an unsafe or dangerous structure.

Council Member House 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 Nickelson and all voted aye. The motion passed 4 to 0.

**Agenda Item 4g - Consider a report from the Paola Building Inspector regarding a dangerous structure located at 402 W Piankishaw pursuant to KSA 12-1752.**

Assistant City Manager Shannon informed the Council that the Community Development Department was notified of a dilapidated house located at 402 W Piankishaw. This home is owned by Anthony Perry & Pamela Perry. Chief Building Inspector William Trout inspected the property and found that the roof of the home is deteriorated and falling, the windows are broken and/or missing, live electrical wiring is exposed, and the home has been without water since August 2015.

Assistant City Manager Shannon said the property at 402 W Piankishaw seem to have been unoccupied for some time. Inspector Trout suggests the Council declare the structure to be unsafe and dangerous and to direct the structure to be repaired and the premises made safe and secure. A copy of the Building Inspector's report was supplied to the Council.

Council Member Smail made a motion to accept the report from Paola Building Inspector, William Trout, Sr., declaring 402 W Piankishaw as an unsafe and dangerous structure pursuant to KSA 12-1752. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

**Agenda Item 4h - Consider a Resolution Fixing the Time and Place of Condemnation Hearing for property located at 402 W Piankishaw, Paola, Kansas, pursuant to KSA 12-1752.**

Assistant City Manager Shannon requested the Council adopt Resolution 2019-007, pursuant to K.S.A. 12-1752. This resolution will set a Public Hearing to be scheduled for September 10, 2019 at 6:00 pm at the Paola Justice Center during the regularly scheduled City Council meeting. The public hearing will allow for any owner, agent, lienholders of record or occupants or other interested parties in the structure to appear and show cause why such structure should not be condemned and ordered repaired or demolished as an unsafe or dangerous structure.

Council Member Nickelson 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 House and all voted aye. The motion passed 4 to 0.

**Agenda Item 4i - Consider bids for the upgrade to the camera system at the Police Department.**

Chief of Police Poore explained to the council that the Police Department would like to pursue the purchase and installation of a new Digital Video Recorder (DVR)/Network Video Recorder (NVR) system. The current system is beginning to fail and it is vital to have an operational system. Chief Poore was able to obtain bids from three companies:

	<b>Without New PTZ Controller</b>	<b>With New PTZ Controller</b>
<b>SPI</b>	\$17,715.00	\$21,380.00
<b>C&amp;C</b>		\$20,070.00
<b>TED</b>	\$7,285.00	

Chief Poore said the bids include complete installation of all equipment. He suggests accepting the bid from SPI without the PTZ controller as the current PTZ unit is still operational.

After some discussion Council Member Smail made a motion to approve the bid from SPI in the amount of \$17,715.00 for a new video system for the Police Department. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

**Agenda Item 5 - COMMITTEE REPORTS** – None.

**Agenda Item 6 - STAFF REPORTS**

City Clerk Droste addressed the council as this is his last regular Council meeting as City Clerk/Financial Director. His comments are as follows:

*Artie, Dave, Trent, Leigh, Aaron, and Jay:*

*Please excuse my lack of formality, but I would like to make a few comments to you, not as Mayor, Council Members, and City Officials, but as friends.*

*I have been given the pleasure and responsibility of serving the residents of the City of Paola as City Clerk and Finance Director for the last 15 years. I began my career with the City under very unusual circumstances following the untimely and sudden passing of Jill Holmes. That was a very difficult chapter in Paola's history, and a very big challenge for me.*

*In 22 days, my service to the City will come to an end as I pass on my responsibilities to Stephanie. I would like to commend you all for having the foresight to promote Stephanie to Assistant City Clerk more than a year ago so that she would have the opportunity to learn as*

*much as possible before my retirement. I have tremendous confidence in her abilities and I know for certain that she will be an excellent City Clerk for Paola.*

*I have had the pleasure of working alongside some of the most dedicated professionals that I have known. Each and every employee for the City of Paola is committed to performing their duties at the highest level. This is especially true for Jay, Stephanie, Don, Kirk, Randi, and Vicki. This dedication encouraged me to perform at a higher level and it made my job easier knowing that we were all working for a common goal, the betterment of our community.*

*I am continually amazed by you, our elected officials, by your unselfish, and often times unappreciated service to Paola. We all know that you don't do it for the money, or the prestige, or to fulfill a personal agenda, you do it for the betterment of our community. I respect all of you for dedication to Paola. Thank you.*

*While I eagerly look forward to enjoying my retirement, I am sure that there will be a part of me that will miss working toward the betterment and growth of the City of Paola. I have seen a tremendous amount of progress during the past 15 years and I am certain that Paola will continue to prosper far into the future. Ruthie and I have been proud to call Paola our home for the last 40 years and we have no plans to change that. Although from time to time, I may be fairly difficult to find!*

*Thank you for allowing me to serve the City of Paola.*

City Manager Wieland mentioned that the revised application for the Paola Crossings project has been received. Staff is working on the process of completing a resolution to adopt for a public hearing.

City Manager Wieland discussed that staff was able to speak with Attorney Mary Carson on the wording for the sales tax renewal. The wording will need to be determined by the August Council meeting and an Ordinance passed to get the question on the November ballot. He mentioned that this sales tax is essential to the overall running of the city.

City Manager Wieland touched on the discussion of the renewal of the New Housing Incentive. Paola is in desperate need of single-family starter homes in our community. He mentioned that he and Assistant City Manager Shannon will work on some incentive ideas to bring to the Council.

City Manager Wieland informed the Council that he has done some research on the UTV and side by sides and will provide the Council with information and Ordinances that some other Cities have used.

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

Council Member Smail brought up the issue numbers on houses not being visible or missing. It is hard for emergency services to find these locations without numbers and he would like to explore a solution to this problem.

Council Member Upshaw appreciates the City taking action on the dangerous structures.

Council Member Upshaw also mentioned that the work on the intersections is looking good.

Council Member House thanked Dan for helping her and answering all her questions these past 8 years.

Council Member House also mentioned that Cross Point Church will be hosting a fundraiser to benefit PACA at the Community Center on July 13<sup>th</sup> at 6:30.

Council Member Nickelson thanked Dan and he realizes most people don't understand his importance to the City and he is a valuable resource to the Council.

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

Mayor Stuteville expressed her appreciation for Dan.

Mayor Stuteville thanked the Public Works Department for the improved curb on East Wea.

The Mayor announced the appointment of Dave Smail to the Maris Des Cygnes Public Utility Authority Board.

Council Member Upshaw made a motion to approve the appointment of Dave Smail to the Maris Des Cygnes Public Utility Authority Board. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 4 to 0.

#### **Agenda Item 9 – 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 Nickelson and all voted aye. The motion passed 4 to 0.

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Artie Stuteville, Mayor

ATTEST: [seal]

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Stephanie Marler, City Clerk