

**MINUTES OF THE COUNCIL MEETING
OF THE CITY OF PAOLA, KANSAS
6:00 O'CLOCK P.M.
September 10, 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 Stephanie Marler, Chief of Police Don Poore, Public Works Director Kirk Rees, Brian McCauley with the Miami County Republic, Wes Gerken, Ernie and Connie Scherman, Dawn Atwell, Matt Fineout and Scott Shappell.

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.

Agenda Item 1 - CONSENT AGENDA

- a. Approval of minutes of the meeting of August 13, 2019.
- b. Approval of Salary Ordinances 19-18.
- c. Approval of Appropriation Ordinances 909 and 910.
- d. Approval of the Pledged Collateral Report for August 2019.
- e. Approval of the Journal Entries Reports for August 2019.
- f. Approval of minutes of the Special meeting of August 27, 2019.
- g. Approval of the renewal of a Retail Liquor License for Park Plaza Liquor at 1403-B Baptiste Drive, subject to complete documentation, fee, and inspection.
- h. Approval of the renewal of a Caterer's License for Town Square at 15 W Wea, subject to complete documentation, fee, and inspection.
- i. Approval of the renewal of a Drinking Establishment License for Applebee's at 1301 Kansas Drive.
- j. Approval of the renewal of a Drinking Establishment License for the Paola Country Club at 29651 Old KC Road, subject to completion of documentation, fee and inspection.

Council Member Nickelson 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:

Ernie and Connie Scherman addressed the council regarding the proposed New Housing Incentive program. They thanked City staff and council for the work put in and bringing it to a Council vote.

Agenda Item 3 – UNFINISHED BUSINESS:**Agenda Item 3a - Public Hearing to discuss the repair or removal of the structure located at 602 W. Wea.**

Council Member Smail made a motion to open the public hearing to discuss the repair or removal of the structure located at 602 W. Wea. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

Mayor Stuteville welcomed the audience and asked if there was anyone who desired to address the City Council in regard to the property at 602 W Wea. No one came forward to address the City Council.

Manager Wieland stated that the owner, Daniel Everette, had been in contact with staff and has scheduled the property to be demolished on October 18th. Manager Wieland, City Attorney Lee Tewiler and Council Members discussed tabling the issue until November 12th.

With no further comments Council Member Upshaw made a motion to close the public hearing. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0.

Agenda Item 3b - Consider a resolution finding the structure located 602 W Wea at to be unsafe or dangerous.

Council Member House made a motion to table A RESOLUTION FINDING THAT THE STRUCTURE LOCATED ON LOT TEN (10), BLOCK "D", OF THE CITY OF PAOLA, MIAMI COUNTY, KANSAS COMMONLY KNOWN AS 602 W WEA, PAOLA, KANSAS, IS UNSAFE OR DANGEROUS AND DIRECTING THE STRUCTURE TO BE REPAIRED OR REMOVED AND THE PREMISES MADE SAFE AND SECURE until the November 12, 2019 Council Meeting. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 4 to 0.

Agenda Item 3c - Public Hearing to discuss the repair or removal of the structure located at 402 W. Piankishaw.

Council Member Upshaw made a motion to open the public hearing to discuss the repair or removal of the structure located at 402 W Piankishaw. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0.

Mayor Stuteville asked if there was anyone who desired to address the City Council in regard to the property at 402 W Piankishaw. No one came forward to address the City Council.

Manager Wieland stated the owner of record has not been in contact with staff but it appears someone is occupying the residence. City staff has received no response to letters sent or staffs attempted contact at the residence. Manager Wieland affirmed the utility account has been activated but only trash services turned on.

With no further comments Council Member House made a motion to close the public hearing. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 4 to 0.

Agenda Item 3d - Consider a resolution finding the structure located at 402 W. Piankishaw to be unsafe or dangerous.

Council Member Nickelson made a motion to adopt A RESOLUTION FINDING THAT THE STRUCTURE LOCATED ON LOT TEN (10), BLOCK EIGHTY-FOUR (84), OF THE CITY OF PAOLA, MIAMI COUNTY, KANSAS COMMONLY KNOWN AS 402 W PIANKISHAW, PAOLA, KANSAS, IS UNSAFE OR DANGEROUS AND DIRECTING THE STRUCTURE TO BE REPAIRED OR REMOVED AND THE PREMISES MADE SAFE AND SECURE. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0. The Resolution was given number 2019-011.

Agenda Item 4 – NEW BUSINESS

Agenda Item 4a - Consider Adoption of the 2019 Standard Traffic Ordinance.

Manager Wieland presented the 2019 Standard Traffic Ordinance for consideration with certain omissions and additions.

After some discussion Council Member Upshaw made a motion to approve AN ORDINANCE AMENDING SECTION 300.010 OF THE CODE OF THE CITY OF PAOLA, KANSAS, 2009, INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES, EDITION OF 2019", WITH CERTAIN OMISSIONS AND AMENDEMENTS; AND AFFIRMING THAT SECTION 305.060 UNLAWFUL OPERATION OF ALL-TERRAIN AND UNREGISTERED VEHICLES OF THE CODE OF THE CITY OF PAOLA, KANSAS, 2009, IS NOT AMENDED, MODIFIED OR REPEALED; AND AMENDING SECTION 305.070 OPERATION OF GOLF CARTS AND ADDING SECTION 305.080 OF THE CODE OF THE CITY OF PAOLA, KANSAS, 2009, AUTHORIZING THE OPERATION OF WORK-SITE UTILITY VEHICLES ON THE STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF PAOLA, AND PROVIDING FOR RELATED MATTERS, INCLUDING PENALTIES FOR VIOLATION THEREOF. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0 and the Ordinance was given number 3146.

Agenda Item 4b - Consider Adoption of the 2019 Uniform Public Offense Code.

City Clerk Marler presented the 2019 Uniform Public Offense Code for consideration with certain omissions and additions.

After some discussion Council Member House made a motion to approve AN ORDINANCE AMENDING SECTION 205.005 OF THE CODE OF THE CITY OF PAOLA, KANSAS, 2009, REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF PAOLA, KANSAS; INCORPORATING BY REFERENCE THE “UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES, EDITION OF 2019”, WITH CERTAIN OMISSIONS AND AMENDMENTS. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0 and the Ordinance was given number 3147.

Agenda Item 4c - Consider an Ordinance adopting a New Housing Construction Incentive Program.

Manager Wieland presented the New Housing Construction Incentive Program that was discussed at the September 3rd work study meeting. Under the program, fees associated with the new home construction will be reduced based on the construction value.

After additional discussion Council Member Smail made a motion to approve AN ORDINANCE ADOPTING A NEW HOUSING CONSTRUCTION INCENTIVE PROGRAM, AND REPEALING ORDINANCE NO. 3122. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0 and the Ordinance was given number 3148.

Agenda Item 5 - COMMITTEE REPORTS – None.

Agenda Item 6 - STAFF REPORTS

Public Works Director Rees informed the Council the chip seal project on the Lake Miola Dam road was completed.

Manager Wieland thanked Council Member Upshaw, Council Member House and Mayor Stuterville for attending the School Board Meeting on September 9th. The proposed TIF district was presented to the School Board and Manager Wieland appreciated the show of support from the Council.

Manager Wieland will meet with members of the Community Garden on September 12th to discuss land acquisition adjacent to the garden. Inclusion of the extra property would allow for the Community Garden Committee to work on drainage issues.

Manager Wieland notified the Council of a request he received from the Rockwood Homeowners Association for zoning changes in the Rockwood subdivision. The subdivision is currently zoned thoroughfare and the HOA does not believe this classification fits with the overall appearance of homes they would like.

Manager Wieland suggested in addition to the new housing construction incentive, it could be possible to look into incentives to benefit the downtown district in addition to the Neighborhood Revitalization that currently exists. Manager Wieland also discussed the Street Scape project that was discussed several years ago. The plan would be feasible once some of the bond debt is paid down.

Manager Wieland updated the Council about the progress happening at 115 W. Wea. The owners have the roof sheathing in place but the building lacks a roof cap and windows allowing water to enter the building. There are several projects that need to be completed for the property to be considered safe and secure.

Manager Wieland reminded the Council of the Tuesday, September 17th Executive session at the Paola Justice Center at 6:00 pm to review applications for the City Manager position.

Manager Wieland reminded the Council about an invitation to attend the Paola Pathways Chamber Coffee on September 27th at the Lake Miola Pirate Ship Trailhead. The committee is celebrating the completion of the Paola Pathways trails system.

Manager Wieland notified the Council of the free chlorine water system maintenance beginning on September 16th ending on October 16th.

Agenda Item 7 - MISCELLANEOUS MATTERS FROM THE COUNCIL

Council Member Smail asked about limb pick up. Public Works Director Rees reminded him about the once a month pick up requiring the limbs to be bundled and placed curbside. Director Rees then mentioned Public Works will sometimes do a special pick up after storm damage. Director Reese

Council Member Upshaw thanked Manager Wieland for the TIF presentation to the School Board. He also thanked staff for the work on the housing incentive program.

Council Member House also thanked Manager Wieland for the presentation to the School Board. House thought is was very informative.

Agenda Item 8 - MISCELLANEOUS MATTERS FROM THE MAYOR - None

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 Smail and all voted aye. The motion passed 4 to 0.

Artie Stuteville, Mayor

ATTEST: [seal]

Stephanie Marler, City Clerk