

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

**November 13, 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.

**Council Members present:** Mayor Artie Stuteville and Council Members Gee Gee Wilhoite, Leigh House, and Aaron Nickelson.

**Council Members absent:** None.

**Also present:** City Manager Jay Wieland, City Clerk Dan Droste, City Attorney Lee Tetwiler, Police Chief Dave Smail, Public Works Director Browning, City Planner Gotfredson, Human Resources Director Vicki Belt, Mark Ridihalgh, Patti Ridihalgh, Megen Male, Eugenia Ackerly, Richard Lentz, 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.

**Agenda Item 2 - ROLL CALL:** Mayor Stuteville and Council Members Pritchard, Wilhoite, House, and Nickelson were all present.

**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 October 23, 2012.
- b. Approval of Salary Ordinance 12-22.
- c. Approval of Appropriation Ordinance No 738.
- d. Approval of the Journal Entries Report for October, 2012.
- e. Approval of the Pledged Collateral Report for October, 2012.
- f. Approval of the renewal of the Retail Liquor License for County Seat Liquor.
- g. Approval of the renewal of the Class A Private Club License for the VFW.

Council Member Pritchard inquired about several items on the Appropriation Ordinance. After a discussion, Councilmember 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 5 - REPORTS OF OFFICERS, BOARDS AND COMMITTEES**

### **Agenda Item 5a – Consider a Resolution Amending the Traffic Control Device Schedules to include additional stop signs, no parking and 25 mph speed limit on Osage Street.**

Manager Wieland presented a Resolution that incorporates changes to the Traffic Control Device Schedules pursuant to the recommendations that came from the traffic study of Osage Street. The Resolution includes (1) the reduction of the speed limit from 30 mph to 25 mph for Osage Street, (2) the addition of a 4 way stop at Osage Street and Walnut/Wallace park Drive, (3) the addition of a 4 way stop at Osage Street and East Street, (4) no parking on the south side of Osage Street from Silver Street to Hospital Drive, and (5) no parking on the north side of Osage Street within 100 feet of the 4 way stop intersections at Walnut/Wallace Park Drive and at East Street. In addition, crosswalks would be marked at the 4 way stop intersections.

Councilmember House asked about the possibility of traffic backing up during the County Fair or during baseball and softball season. Manager Wieland indicated that Police Officers could be assigned to assist with traffic control as needed.

After the discussion, Councilmember Wilhoite made a motion to approve A RESOLUTION AMENDING THE OFFICIAL TRAFFIC CONTROL DEVICE SCHEDULES FOR THE CITY OF PAOLA, KANSAS. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0 and the Resolution was assigned No 2012-010.

### **Agenda Item 5b – Consider approval of amendments to the City’s Employee Handbook.**

Human Resources Director Vicki Belt presented a Resolution amending the City’s Personnel Manual as follows:

Section 4.13 amended to read as follows:

All employees who terminate their employment with the City, voluntarily or involuntarily, will be paid on the next regular payday. Checks will be mailed unless other arrangements are requested and agreed to by both the City and exiting employee.

The last paragraph of Section 6.8 amended to read as follows:

To qualify for bonus personal time, an employee must have been employed by the City for the entire calendar year. Bonus personal time will be awarded no later than the fourth pay period of the calendar year and must be used prior to the end of the calendar year that it is awarded or it shall be cancelled without any payment due to the employee. Bonus personal time may be taken in 1 hour increments.

After a discussion, Councilmember Nickelson made a motion to approve A RESOLUTION AMENDING AND ADOPTING THE PERSONNEL MANUAL, EFFECTIVE JANUARY 1, 2012. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0 and the Resolution was assigned No 2012-011.

**Agenda Item 5c – Consider approval of a 2% Cost of Living Salary Adjustment for City Employees, reinstatement of merit pay increases, and amendments to the City’s Position Classification Pay Plan.**

Human Resources Director Vicki Belt reported that during the Budget Process, the Council adopted the 2013 Budget which includes a 2% cost of living salary adjustment and the reinstatement of up to a 2% merit adjustment for City employees. To implement these adjustments, a Resolution was presented amending the City’s Position Classification Pay Plan. In addition to these changes, some corrections and amendments to the plan were recommended, including the elimination of “Pay Grade 0” which is combined into the “Unclassified” category.

After a discussion, Councilmember Pritchard made a motion to approve a 2% Cost of Living Salary Adjustment for City Employees, the reinstatement of merit pay increases, and A RESOLUTION AMENDING AND ADOPTING THE POSITION CLASSIFICATION PAY PLAN, EFFECTIVE JANUARY 1, 2013. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 4 to 0 and the Resolution was assigned No. 2012-012.

**Agenda Item 5d – Consider the approval of Payment Request No 6 for the City Hall Renovation Project.**

Manager Wieland presented a payment request for the City Hall Renovation Project in the amount of \$117,372. This request represents 98% of the project less retainage in the amount of \$50,628.

After a discussion, Councilmember House made a motion to approve payment request #6 from Legacy Contractors, LLC in the net amount of \$117,372.00 for the City Hall renovation project. The motion was seconded by Council Member Pritchard and all voted aye. The motion passed 4 to 0.

**Agenda Item 5e – Consider bids for the demolition of the front porch of the dangerous structure located at 104 E Miami Street pursuant to Resolution No 2012-009.**

Manager Wieland presented bids for the demolition of the front porch of the dangerous structure located at 104 E Miami Street as follows:

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|--|------------|
| 1) Philip Slater dba Faithful Lawn Care        | \$1,000.00 |
| 2) Joe Flake dba Target Lawn Care              | \$1,174.00 |
| 3) Alvin Ballou dba A&B Tree Service           | \$1,200.00 |
| 4) Brian Love dba Main Attraction Construction | \$2,400.00 |
| 5) Pfefferkorn Design & Construction, LLC      | \$2,950.00 |

It was noted that the low bidder did not meet the requirement of being a licensed contractor in the City of Paola. The low bid was recommended for approval contingent upon the bidder obtaining his contractors license prior to performing the work.

After a discussion, Councilmember Pritchard stated that since the low bidder did not meet the bid requirements, the next lowest qualified bid should be accepted. Councilmember Pritchard made a motion to approve the bid from Joe Flake dba target Lawn Care in the amount of \$1,174 for the demolition and removal of the front porch of the dangerous structure located at 104 E Miami Street. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 4 to 0.

**Agenda Item 5f – Consider a Resolution declaring certain real estate owned by the City of Paola to be surplus property and no longer needed for useful benefit of the City and authorizing the sale of said property.**

Clerk Droste reported that at the November 6<sup>th</sup> Work Study Meeting, the Council discussed the possibility of selling a tract of land that is no longer used by the City. The tract of land was purchased by the City of Paola in 1962 as part of a 160 acre tract for the purpose of constructing and operating sewage treatment lagoons for the City. Approximately, in 1969, US 169 Highway was constructed through a portion of the 160 acre tract segregating approximately 10 acres on the west side of said highway.

Clerk Droste reported that this explains why the segregated tract of approximately 10 acres is landlocked with no roadway access. Additionally, the entire tract has been identified by the Federal Emergency Management Agency on Map Number 20121C0786C as being located in a Special Flood Hazard Area subject to inundation by the 1% annual chance of flood (The 100 year Flood Plain). The City has been approached by an individual who has offered to purchase the property for \$300 per acre.

Mayor Stuteville asked if it was appropriate to solicit bids for the property prior to accepting the offer for \$300 per acre. City Attorney Tetwiler reported that he has determined based on his research that the Council is not obligated to solicit bids for surplus property. This issue was discussed at length.

Council Member Nickelson asked about the price when market value for other tracts of land is higher. Manager Wieland indicated that the price reflects the limitations created by the property being located in the 100 year flood plain and being land locked.

After additional discussion, Councilmember Wilhoite made a motion to approve A RESOLUTION DECLARING CERTAIN REAL ESTATE OWNED BY THE CITY OF PAOLA TO BE SURPLUS PROPERTY AND AUTHORIZING THE SALE OF SAID SURPLUS PROPERTY. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0 and the Resolution was assigned No 2012-013.

**Agenda Item 5g – Consider a Request for a Water Leak Allowance.**

Clerk Droste presented a leak allowance request for 1114 Main Street. The owners found that an underground line in the sprinkler system had a leak and they have requested that they

be able to defer the repair of the line until the spring or summer of next year. Since the leak allowance policy requires that the repairs be made prior to granting the leak, it is an exception to the policy.

After discussing the request, the Council agreed that the Leak Allowance Policy be followed as originally adopted and Councilmember Pritchard made a motion to approve a Leak Allowance in the amount of \$143.30 for the property located at 1114 Main Street subject to receipt of evidence that the repairs have been completed. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 4 to 0.

### **Agenda Item 6 – NEW BUSINESS**

Clerk Droste reminded the City Council about the Elected Officials and Leadership Dinner on Monday November 26<sup>th</sup>.

Council Member Pritchard thanked the Public Works Department for the installation of the basketball court at Whitaker Park.

Mayor Stuteville asked about the effective life of a water meter. Public Works Director Browning reported that the meters usually last for quite some time, however the MXU which is the electronic transmitter for the meter reading system has a shorter life span. Manager Wieland reported that as meters age and fail, they slow down. Because of the way that water meters are built, it is extremely rare for a meter to speed up.

Mayor Stuteville commented on how nice the old Jackson Hotel looks. The Buffalo River Art Gallery is located on the first floor of the building and had its grand opening last Friday.

Mayor Stuteville thanked the group of residents for their involvement in making changes to traffic regulations on Osage Street.

**Agenda Item 7 – EXECUTIVE SESSION** for the purpose of discussing personnel matters of non-elected personnel. K.S.A. 75-4319(B)(1) is the authority for this recess.

Councilmember Pritchard made a motion to adjourn to Executive Session, to include the Mayor, Council and City Manager, for 30 minutes for the purpose of discussing personnel matters of non-elected personnel; the regular meeting to reconvene at 7:30 p.m. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 4 to 0.

At 7:30 pm, the Council came out of Executive Session and Council Member Pritchard made a motion to reconvene the adjourned meeting. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 4 to 0.

Councilmember Pritchard made a motion to adjourn to Executive Session, to include the Mayor, Council and City Manager, for an additional 90 minutes for the purpose of discussing personnel matters of non-elected personnel; the regular meeting to reconvene at 9:00 p.m. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0.

At 9:00 pm, the Council came out of Executive Session and Council Member Wilhoite made a motion to reconvene the adjourned meeting. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 4 to 0.

No action was taken pursuant to the Executive Session.

**Agenda Item 8 – ADJOURNMENT**

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

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Artie Stuteville, Mayor

ATTEST: [seal]

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Daniel G. Droste, City Clerk