

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

January 22, 2013

**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 Jim Pritchard, Gee Gee Wilhoite, and Leigh House.

Council Members absent: Council Member Aaron Nickelson.

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, 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, and House were present. Council Member Nickelson 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 January 8, 2013.
- b. Approval of Salary Ordinance 13-1.
- c. Approval of Appropriation Ordinance No 743 & 744.
- d. Approval of the Journal Entries Report for December, 2012.
- e. Approval of the Pledged Securities Report for December, 2012.

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 3 to 0.

Agenda Item 5 - REPORTS OF OFFICERS, BOARDS AND COMMITTEES:

Agenda Item 5a – Consider an Amendment to the ALLTEL Communications (Verizon Wireless) Water Tower Attachment Communications Site Agreement.

Manager Wieland presented a proposed agreement from Alltel Communications to place additional equipment on the City's older water tower. He reported that the City Attorney suggested modifications to the original proposal which Alltel has agreed to. The new agreement increases the City's revenue from \$1,210.00 to \$1,400.00 per month and includes a 3% annual increase throughout for each subsequent year of the renewal.

After additional discussion, Councilmember Wilhoite made a motion to approve an Amendment to the ALLTEL Communications (Verizon Wireless) Water Tower Attachment Communications Site Agreement and authorize the Mayor to sign. The motion was seconded by Council Member House and all vote aye. The motion passed 3 to 0.

Agenda Item 5b – Consider a Modification for the Verizon Wireless Communication Facility at the City's water tower located at 307 N Oak Street.

Manager Wieland reported that the proposed Consent to Modification provides written consent to Alltel to place the additional equipment on the City's water tower pursuant to the Site Agreement that was approved as Agenda Item 5a.

After additional discussion, Councilmember House made a motion to approve the Consent to Modification for the Verizon Wireless Communication Facility at 307 N Oak Street and authorize the City Manager to sign. The motion was seconded by Council Member Wilhoite and all vote aye. The motion passed 3 to 0.

Agenda Item 5c – Preliminary Financial Report for Budget Year 2012.

Clerk Droste presented a preliminary financial report for 2012. He indicated that the report is prepared from the City's accounting system prior to the annual audit review. The report does include an adjustment for Salary Ordinance No 13-1 which was recorded in 2013 for wages earned by employees in 2012.

Clerk Droste presented revenues and expenditures for each of the City's Budgeted Funds for 2012. In total, the City's budgeted revenues totaled \$14,133,877 which exceeded budget projections by 101.2% or \$167,337. Total budgeted expenditures amounted to \$10,514,570 which were under budgeted projections by \$128,717 or 98.8% of the amended budget. Consequently, the City's end of year cash balances exceeded the budget estimate by 8.2% or \$296,054 and totaled \$3,619,307 for all budgeted funds.

Agenda Item 5d – Report by the City Clerk on Candidates who have filed for City Offices to be placed on the ballot on April 2, 2013. (Filing deadline Tuesday, January 22, 2013 at Noon)

Clerk Droste reported that the following individuals have filed the appropriated paperwork to have their names placed on the ballot as candidates for the April 2nd General Election:

Mayor: Artie Stuteville
City Council Ward 1: Jim Pritchard
City Council Ward 3: Leigh House

Agenda Item 6 – NEW BUSINESS

Police Chief Smail reported that in the past few days there have been three separate bomb threats at USD 368 facilities, one at Paola High School and two at the Paola Middle School. The incident at the High School and the last incident at the Middle School have been cleared and the individuals have been identified. The potential consequences facing the offenders were discussed.

Manager Wieland reported that the City Offices have been moved back to the remodeled City Hall building. He reported that there are a few outstanding computer and telephone issues to be resolved but the move went very smoothly.

Council Member Wilhoite stated that she toured City Hall and was very impressed. She appreciated the fact that so much of the history of the building was preserved during the remodeling.

Council Member House stated that she too was impressed with the City Hall remodeling and she also thanked Police Chief Smail for the Police Department's response to the recent bomb threats at the High School and Middle School.

Mayor Stuteville reported that Council Member Nickelson will be having surgery and will not be attending the next few Council Meetings.

Agenda Item 7 – EXECUTIVE SESSION for the purpose of a consultation with an attorney for the governing body which is deemed privileged in the attorney-client relationship. K.S.A. 75-4319(B)(2) is the authority for this recess.

Councilmember Pritchard made a motion to adjourn to Executive Session, to include the Mayor, Council, City Manager, City Clerk, and City Attorney, for 20 minutes for the purpose of a consultation with an attorney for the governing body which is deemed privileged in the attorney-client relationship; the regular meeting to reconvene at 6:45 p.m. The motion was seconded by Council Member Wilhoite and all vote aye. The motion passed 3 to 0.

At 6:45 p.m., Councilmember House made a motion to reconvene the adjourned meeting. The motion was seconded by Council Member Wilhoite and all vote aye. The motion passed 3 to 0.

Councilmember Pritchard made a motion to adjourn to Executive Session, to include the Mayor, Council, City Manager, City Clerk, and City Attorney, for an additional 20 minutes for the purpose of a consultation with an attorney for the governing body which is deemed privileged in the attorney-client relationship; the regular meeting to reconvene at 7:05 p.m. The motion was seconded by Council Member House and all vote aye. The motion passed 3 to 0.

At 7:05 p.m., Councilmember Wilhoite made a motion to reconvene the adjourned meeting. The motion was seconded by Council Member House and all vote aye. The motion passed 3 to 0.

No action was taken pursuant to the Executive Sessions.

Agenda Item 8 – ADJOURNMENT

With no additional business to come before the Council, Council Member Wilhoite made a motion to adjourn. Council Member House seconded the motion and all voted aye. The motion passed 3 to 0.

Artie Stuteville, Mayor

ATTEST: [seal]

Daniel G. Droste, City Clerk