

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

February 12, 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, 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 22, 2013.
- b. Approval of Salary Ordinance 13-2 and 13-3.
- c. Approval of Appropriation Ordinance No 745.
- d. Approval of the Journal Entries Report for January, 2013.
- e. Approval of the Pledged Securities Report for January, 2012.

Councilmember Wilhoite made a motion to approve the Consent Agenda as presented and authorize the Mayor to sign. The motion was seconded by Council Member Pritchard and all voted aye. The motion passed 3 to 0.

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

Agenda Item 5a – Consider a petition for annexation from Cross Point Assembly of God Church for property containing 24,783 square feet of land, more or less, in the west half of Section 9, Township 17 South, Range 23 East, Miami County, Kansas.

Manager Wieland presented a petition from the Cross Point Assembly of God Church requesting annexation of a tract of land that was recently gifted to the church that adjoins their property. The adjoining church property is in the City limits and since the church is petitioning for the annexation, no public hearing is required and the Council need only adopt an Ordinance approving the annexation. Clerk Droste noted that since the property is owned by a Religious Institution and is exempt from real estate taxes, the annexation is revenue neutral to the City.

Council Member House disclosed that she attends the Cross Point Assembly of God Church.

After additional discussion, Councilmember Pritchard made a motion to approve AN ORDINANCE ANNEXING LAND TO THE CITY OF PAOLA, KANSAS. The motion was seconded by Council Member Wilhoite and all vote aye. The motion passed 3 to 0 and the Ordinance was assigned No 3053.

Agenda Item 5b – Consider a Resolution authorizing the Mayor to execute an agreement with the Kansas Department of Transportation and the Union Pacific Railroad for improvements to the railroad crossing at Mulberry Street.

City Manager Wieland reported that the City recently received information from the Kansas Department of Transportation (KDOT) regarding improvements to the railroad crossing at Mulberry Street. KDOT is collaborating with Union Pacific Railroad to upgrade this crossing to a rail-highway crossing signal that includes gates. The cost of these improvements is being funded by Federal Section 130 Funds.

Manager Wieland reported that the only participation by the City will involve traffic control signage during construction and the installation of the typical advance warning signs that are located at all railroad crossings.

After additional discussion, Councilmember Wilhoite made a motion to adopt A RESOLUTION APPROVING THE AGREEMENT BETWEEN THE UNION PACIFIC RAILROAD COMPANY, THE CITY OF PAOLA, MIAMI COUNTY, KANSAS AND THE SECRETARY OF TRANSPORTATION OF THE STATE OF KANSAS, RELATIVE TO THE CONSTRUCTION AND MAINTENANCE OF HIGHWAY CROSSING SIGNALS UNDER SECTION 130, UNITED STATES CODE 23 AND AUTHORIZING THE MAYOR TO SIGN THE AGREEMENT ON BEHALF OF THE CITY. The motion was seconded by Council Member House and all vote aye. The motion passed 3 to 0 and the Resolution was assigned No 2013-002.

Agenda Item 5c – Consider an Amendment to the Communications Tower Lease with American Tower at Lake Miola.

Manager Wieland presented an amendment to the communications tower lease with American Tower at Lake Miola. The proposed amendment would increase the compensation paid to the City by \$350 per month effective March 1st, would include a 3% annual increase, would provide the City with 15% of any rents actually received from each sublease, license, or other collocation agreement entered into after the effective date of the

agreement, would extend the term of the agreement by 30 years (six renewal terms of 5 years each) and would give American Tower first right of refusal to the City's interests in the leased site.

Manager Wieland reported that he and the City Attorney have reviewed the proposed Amendment to the Communications Tower Lease with American Tower at Lake Miola and recommend the following changes: (1) that Section 7 relating to confidentiality be deleted and (2) actual dates be inserted in Section 1 to specifically identify renewal dates.

After additional discussion, Councilmember Pritchard made a motion to adopt A RESOLUTION APPROVING THE FIRST AMENDMENT TO LEASE AGREEMENT BETWEEN THE CITY OF PAOLA AND AMERICAN TOWER ASSET SUB, LLC AND AUTHORIZING THE MAYOR TO SIGN THE AGREEMENT ON BEHALF OF THE CITY, subject to the City Attorney's approval of the recommended changes to Sections 1 and 7 of the Agreement. The motion was seconded by Council Member Wilhoite and all vote aye. The motion passed 3 to 0 and the Resolution was assigned No 2013-003.

Agenda Item 5d – Consider the approval of Payment Request No 8 for the City Hall Renovation Project.

Manager Wieland presented the final payment request for the City Hall Renovation Project. He reported that this request is in the amount of \$10,000 which represents the payment of the remaining retainage under the contract. The project is now complete with only minor issues that the contractor has been very responsive to resolve.

After additional discussion, Councilmember House made a motion to approve payment request #8 from Legacy Contractors, LLC in the total amount of \$10,000.00 for the City Hall renovation project. The motion was seconded by Council Member Pritchard and all vote aye. The motion passed 3 to 0.

Agenda Item 6 – NEW BUSINESS

Clerk Droste reported that sales tax revenues for the month of January amounted to \$189,780 which is \$5,835 or 3.17% more than January of last year.

City Planner Gotfredson reported that the Paola Pathways Task Force has submitted a grant request to the Baher Foundation for phase 1 of the planned trail in Wallace Park.

Public Works Director Browning reported that crews are busy clearing brush at Lake Miola and that street crews will be taking advantage of the mild weather to start on street crack sealing. He also reported that work will begin soon on the Grandview Drive water line, sewer line, and street replacement project. Residents will be notified this week and work should begin in 2 or 3 weeks.

Manager Wieland reported that he is working on the final application for the tax credits for the City Hall Remodeling Project. Revenues from the sale of the tax credits should result in \$200,000 to \$250,000 in funds that will be used to create a maintenance reserve fund for City Hall and possibly some other deferred maintenance items on other City facilities.

Manager Wieland presented copies of some historical photographs that were given to the City by the Miami County Historical Society. The photographs will be framed and displayed in the newly remodeled City Hall.

Council Member House reported that she would be unable to attend the February 26th City Council Meeting due to a family obligation.

Agenda Item 7 – ADJOURNMENT

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

Artie Stuteville, Mayor

ATTEST: [seal]

Daniel G. Droste, City Clerk