

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

April 23, 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 Gee Gee Wilhoite, Leigh House, and Aaron Nickelson.

Council Members absent: Council Member Jim Pritchard.

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 Wilhoite, House, and Nickelson were present. Council Member Pritchard 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.

Keaton Farmer introduced himself and his father, Mark Farmer. Keaton indicated that he was a member of Boy Scout Troop 100 and was working on his Citizenship Merit Badge.

Agenda Item 4 - CONSENT AGENDA:

- a. Approval of minutes of the meeting of April 9, 2013.
- b. Approval of Salary Ordinance 13-8.
- c. Approval of Appropriation Ordinance No 750.

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

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

Agenda Item 5a – Consider approval of a new application for a Precious Metals Dealer License.

Clerk Droste reported that he received an application for a new Precious Metals Dealer License from Advance America Cash Advance Center located at 301 Angela Drive in Paola. He stated that in the application, Advance America indicates that they will be purchasing precious metals but not selling them. All of the precious metals that are purchased will be sent to a manufacturing company to be melted and recycled.

Pursuant to City Code, a written recommendation of Police Chief Smail was presented that stated no objection to the issuance of the license. Council Member Nickelson asked if the business is required to maintain records of who is selling and what is being purchased in the event that the item is stolen. Police Chief Smail indicated that written records and video should be available if it became necessary for an investigation.

After additional discussion, Council Member House made a motion to approve the Precious Metals Dealer License for Advance America, Cash Advance Centers of Kansas, Inc. at 301 Angela Dr in Paola. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 3 to 0.

Agenda Item 5b – Consider approval of a Street Closure Application for the Miami County 4-H Foundation’s “Clover Run” 5K.

Clerk Droste reported that he has been contacted by the Miami County 4-H Foundation who is organizing the first annual “Clover Run” 5k. The event is scheduled to take place at Wallace Park on Saturday, June 1st at 7:30 am. The race course will be set up on mostly unpaved areas and only a small section of the roadway to the Rock Stadium and two crossings on Wallace Park Drive will need to be closed to accommodate the event. Pursuant to Chapter 605 of the Paola Municipal Code, the organizers of the even have filed the appropriate applications. Residents that access their homes from Wallace Park Drive will be notified of the event in advance.

After additional discussion, Council Member Nickelson made a motion to approve the Street Closure Application for the “Clover Run” 5K at Wallace Park on Saturday, June 1, 2013. The motion was seconded by Council Member House and all voted aye. The motion passed 3 to 0.

Agenda Item 5c – Consider approval of an Ordinance granting franchise, privileges and rights to Wildflower Telecommunications.

Manager Wieland reported that he has been working with Wildflower Telecommunications, LLC since September of 2012 about a Franchise Agreement to install a fiber optic network in Paola to support wireless telephone networks. He reported that the original draft of the Franchise Agreement was quite basic and that he and the City Attorney have amended the document to mirror agreements that the City has with other franchisees. The amended agreement has not yet been returned by Wildflower Telecommunications, LLC, however, the agreement must be completed before the contractor can obtain the permit to begin installation.

Council Member Nickelson questioned the amount of the franchise fee in the agreement. City Attorney Tetwiler indicated that the \$2.75 fee per access line was stipulated by Kansas Statute and that it could be changed in the future as a part of a renewal with proper notification.

City Attorney Tetwiler stated that there will likely be a few remaining changes to negotiate in the agreement. Manager Wieland stated that since the next City Council Meeting is not for 3 weeks

and the contractor is anxious to begin installation, he recommended that the proposed ordinance be approved subject to approval of the final language by the City Attorney.

After additional discussion, Council Member Wilhoite made a motion to approve AN ORDINANCE GRANTING THE FRANCHISE PRIVILEGES AND RIGHTS TO WILDFLOWER TELECOMMUNICATIONS, LLC. ITS SUCCESSORS AND ASSIGNS, TO CONDUCT, ACQUIRE, OPERATE AND MAINTAIN A COMMUNICATIONS SYSTEM IN THE CITY OF PAOLA, KANSAS, AND TO USE THE STREETS, ROADS, ALLEYS, POLES, AND OTHER PUBLIC PLACES WITHIN SAID CITY FOR SUCH PURPOSES, subject to approval of the final language by the City Attorney. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 3 to 0 and the Ordinance was assigned number 3056.

Agenda Item 6 – NEW BUSINESS

Clerk Droste presented a copy of a notification that was sent to all emergency services and law enforcement agencies in Miami County regarding the closure of North Pearl Street on May 14th for the removal of the overhead gas pipeline structure. He also reported that letters will be sent to all businesses and residences north of the street closure. Public Works Director Browning reported that advance closure messaging signs will be in place next Tuesday.

Clerk Droste reported that sales tax revenues for the month of April totaled \$145,923 bringing the year to date total to \$707,105 which is \$29,183 more than the same time period last year.

Public Works Director Browning reported that the road reconstruction phase of the Grandview Drive project will begin next Monday.

Police Chief Smail reported that last evening, two Police Officers were able to revive an individual by using the mobile AED and conventional “mouth to mouth” resuscitation and CPR.

Planner Gotfredson reported that the Kansas Department of Transportation will hold a public meeting in regard to the K-68 Expansion Project on Tuesday, May 7th at the Paola Community Center from 3:30 to 4:30 pm.

Manager Wieland reported that Miami County will begin the reconstruction of the intersection of 287th Street with Old Kansas City Road on May 6th. Public Works Director Browning will be attending the pre-construction meeting.

Manager Wieland reported that 54.3 tons of refuse was collected during the annual Spring Clean Up.

Council Member Wilhoite reported to Public Works Director Browning that their church was experiencing a problem with brown water.

Mayor Stuteville nominated the following individuals to serve as follows:

Tourism Committee: Barb Dillenbeck and Alan Hire

Planning Commission: Travis Hardwick

Paola Housing Authority: Doretha Smith

Library Board: Ruby Reynolds

Council Member House made a motion to approve the Mayor's appointments as presented. The motion was seconded by Council Member Wilhoite and all vote aye. The motion passed 3 to 0.

Agenda Item 7 – EXECUTIVE SESSION - for the purpose of discussing confidential data relating to financial affairs or trade secrets of corporations, partnerships, trusts and individual proprietorships. K.S.A. 75-4319(B)(4) is the authority for this recess.

Council Member Nickelson made a motion to adjourn to Executive Session, to include the Mayor, Council, City Manager, City Clerk, City Planner and City Attorney, for 15 minutes for the purpose of discussing confidential data relating to financial affairs or trade secrets of corporations, partnerships, trusts and individual proprietorships; the regular meeting to reconvene at 6:55 p.m. The motion was seconded by Council Member House and all voted aye. The motion passed 3 to 0.

At 6:55 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 House 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 discussing confidential data relating to financial affairs or trade secrets of corporations, partnerships, trusts and individual proprietorships; the regular meeting to reconvene at 7:15 p.m. The motion was seconded by Council Member Nickelson and all vote aye. The motion passed 3 to 0.

At 7:15 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