

**MINUTES OF THE COUNCIL MEETING  
OF THE CITY OF PAOLA, KANSAS  
6:00 O’CLOCK P.M.  
October 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, Leigh House and Aaron Nickelson.

**Council Members absent:** None.

**Also present:** City Manager Jay Wieland, City Clerk Dan Droste, Public Works Director Craig Browning, Police Chief Dave Smail, City Planner Mike 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, House and Nickelson were all present. No one 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 October 8, 2013.
- b. Approval of Salary Ordinance 13-22.
- c. Approval of Appropriation Ordinance No 762.
- d. Approval of a leak allowance in the amount of \$21.53 for 201 E Chippewa.
- e. Approval of a leak allowance in the amount of \$118.79 for 134 S Silver.

Clerk Droste requested that Item 4e be removed from the Consent Agenda to be considered separately.

After a discussion, Council Member House made a motion to approve the Consent Agenda, excluding Item 4e, as presented and authorize the Mayor to sign. The motion was seconded by Council Member Pritchard and all voted aye. The motion passed 4 to 0.

Clerk Droste reported that the completed paperwork for the leak allowance for 134 S Silver had not yet been returned by the property owner. Due to the timing of the next City Council meeting, he recommended that the leak allowance be approved subject to the receipt of the

paperwork documenting the repairs and the completed leak allowance application. After a discussion, Council Member Pritchard made a motion to approve the leak allowance in the amount of \$118.79 for 134 S Silver subject to the receipt of the appropriate paperwork from the owner of the property. The motion was seconded by Council Member Wilhoite and all vote aye. The motion passed 4 to 0.

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

**Agenda Item 5a – Public Hearing regarding a petition from Randall D. and Hildegard M. Moser requesting de-annexation of tract of land located in the Southeast Quarter of Section 21, Township 17, Range 23, Miami County, Kansas.**

Councilmember Pritchard made a motion to open the Public Hearing. . The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 4 to 0.

No one addressed the Council to speak for or against the petition.

Councilmember Wilhoite made a motion to close the Public Hearing. . The motion was seconded by Council Member Pritchard and all voted aye. The motion passed 4 to 0.

**Agenda Item 5b – Consider an Ordinance de-annexing a tract of land located in the Southeast Quarter of Section 21, Township 17, Range 23, Miami County, Kansas.**

Clerk Droste presented an Ordinance for consideration that would de-annex a tract of land that the City recently sold to Mr. and Mrs. Randall Moser. Pursuant to the contract for the sale of the property, the new owners have petitioned the City to de-annex the property from the corporate limits of the City. In their petition, the new owners warrant and state that:

- a) They are the only owners of record of this property;
- b) This entire property is located in a Special Flood Hazard Area as identified by the Federal Emergency Management Agency;
- c) This property is land-locked and there is no public access to the property;
- d) This property is currently undeveloped and is likely to remain in an undeveloped state;
- e) This property is currently not served by any public services provided by the City of Paola, Kansas and the new owners have no intention of requesting City services for this property in the future.

After additional discussion, Councilmember Pritchard made a motion to approve AN ORDINANCE DE-ANNEXING LAND TO THE CITY OF PAOLA, KANSAS. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 4 to 0 and the Ordinance was assigned number 3062.

**Agenda Item 5c – Consider the approval of Payment Request No 1 for the Library Addition and Renovation Project.**

Manager Wieland presented a Contractor’s Application for Payment for the Library Addition and Renovation Project from Legacy Contractors, LLC. This first request covers expenditures for architect design fees, preliminary demolition and the performance bond that

is required due to the project being financed by revenue bonds. The amount of payment request is \$113,720.00 net of the 10% retainage that is withheld per the contract.

After additional discussion, Councilmember Nickelson made a motion to approve payment request #1 from Legacy Contractors, LLC in the net amount of \$113,720.00 for the Library addition and renovation project. 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 inquired about attendance for the upcoming Elected Officials and Leadership Dinner in November.

City Attorney Tetwiler complimented the City on the new pathway in Wallace Park.

Manager Wieland asked the Council to authorize the Mayor to issue a Proclamation for Food Day in Paola, KS. Council Member Wilhoite made a motion to authorize the Mayor to declare Thursday, October 24<sup>th</sup> as Food Day in Paola. The motion was seconded by Council Member Pritchard and all voted aye. The motion passed 4 to 0. Mayor Stuteville read the Proclamation declaring Thursday, October 24<sup>th</sup> as Food Day in the City of Paola.

Manager Wieland presented a request from the Paola Senior Center asking for support for their public transportation grant application.

Manager Wieland reported that over 60 employees and spouses participated in the wellness screening and flu shots that was offered earlier today. He was very pleased with the turn out.

Manager Wieland reported that tomorrow he and Public Works Director Browning would be meeting with the new District Engineer of the Kansas Department of Transportation.

Council Member Nickelson asked about the ripples in the asphalt on the hill at Wallace Park Drive. He inquired if the micro-resurfacing was used to correct that problem. Public Works Director Browning indicated that the old surface was removed and the road base was repaired and replaced with new asphalt.

Council Member Nickelson asked where the trail heads would be located for the new pathways in Wallace Park. Public Works Director Browning indicated that his crew was working on the three kiosks for the trail heads and they would be installed near the Bull Creek Bridge, near the shelter house and near Rock Stadium.

**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.

Council Member Wilhoite made a motion to adjourn to Executive Session, to include the Mayor, Council, City Manager, City Clerk, and City Attorney for 15 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 6:40 p.m. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0.

At 6:40 pm, Councilmember Wilhoite made a motion to reconvene the adjourned meeting. The motion was seconded by Council Member House 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 Pritchard made a motion to adjourn. Council Member House seconded the motion and all voted aye. The motion passed 4 to 0.

---

Artie Stuteville, Mayor

ATTEST: [seal]

---

Daniel G. Droste, City Clerk