

**MINUTES OF THE COUNCIL MEETING
OF THE CITY OF PAOLA, KANSAS
6:00 O’CLOCK P.M.
December 10, 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, City Attorney Lee Tetwiler, Public Works Director Craig Browning, Police Chief Dave Smail, City Planner Mike Gotfredson, Mark Fuchs, 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 November 26, 2013.
- b. Approval of Salary Ordinance 13-25.
- c. Approval of Appropriation Ordinance No 765.
- d. Approval of the Journal Entries Report for November, 2013.
- e. Approval of the Pledged Securities Report for November, 2013.
- f. Approval of the renewal of a Drinking Establishment License for Spudley’s at 2 Morningside Drive.
- g. Approval of the renewal of Cereal Malt Beverage Licenses for 2014:
 - 1) Price Chopper at 309 N Hospital Drive – Off Premises
 - 2) Casey’s General Store #1 at 119 N Hospital Drive – Off Premises
 - 3) Casey’s General Store #2 at 404 S Silver Street – Off Premises
 - 4) Darrel’s Last Resort at 807 S Silver Street – Off Premises and On Premises
 - 5) BBQ Shack at 1613 E Peoria Street – On Premises
 - 6) Emery’s Steak House at 16 W Peoria Street – On Premises
 - 7) Pizza Hut at 816 N Pearl Street – On Premises
 - 8) Walmart at 310 Hedge Lane – Off Premises
 - 9) Zarco at 1005 N Pearl Street – Off Premises

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

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

Agenda Item 5a – Report from the Paola Pathways Task Force and request for approval of a 5K Run on the trail at Wallace Park.

Mark Fuchs with the Paola Pathways Task Force reported that the committee has raised over \$130,000 in cash and pledges from over 130 giving units and the first phase of the trail is fully funded and construction is under way. He also reported that the committee has a new website to promote activities www.paolapathways.org.

Mr. Fuchs went on to discuss a 5K run/walk on March 29th for a fund raising event for additional trails. He described the route for the event and discussed the need to close a portion of Wallace Park Drive to accommodate the event. Entry fees for participants will be \$25 for 18 and older, \$20 for 10 to 18 years old, and \$10 for those under 10.

After additional discussion, Council Member Pritchard made a motion to approve the Paola Pathways Task Force 5K Run on March 29, 2014 on the trails at Wallace Park and also approve the closure of Wallace Park Drive to accommodate the event. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 4 to 0.

Agenda Item 5b – Consider approval of the City of Paola Corporate Boundary Resolution for 2013.

Clerk Droste reported that annually the cities of Kansas are required to declare by Resolution any changes to their corporate boundaries. During 2013 there were two changes to the City's boundary. On February 12, 2013, the City Council adopted Ordinance No 3053 which annexed a small tract of land that was acquired by the Crosspoint Assembly of God Church, and on October 22, 2013, the City Council adopted Ordinance No 3062 which de-annexed the tract of land that the City of Paola sold to Mr. & Mrs. Randall Moser. He noted that these tracts are specifically identified in the Boundary Resolution as "Tract 15" and "Tract A" respectively.

After additional discussion, Council Member Wilhoite made a motion to approve A RESOLUTION DECLARING THE BOUNDARY DESCRIPTION OF THE CITY OF PAOLA, KANSAS PURSUANT TO K.S.A. 12-517. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 4 to 0 and the Resolution was assigned No. 2013-009.

Agenda Item 5c – Consider approval of maintenance and repairs to the Paola Family Swimming Pool.

Public Works Director Browning reported that since the Paola Family Pool has been in operation the Public Works Department has completed yearly maintenance such as cleaning, power washing, grout and caulk removal and replacement, minor concrete repairs as well as annual painting. The time has come that a complete sand blast and repaint is necessary.

He also noted that in May of 2013 at the beginning of the pool season, a pipe failure eliminated the use of the “features” of the pool such as large and small fountains as well as water to the frog slide. Repair to that pipe was impossible due to other failures of valves and equipment that have experienced corrosion due to that environment.

As discussed at the City Council work study, cost estimates were solicited from 4 qualified contractors and from that process, Carrothers Construction Company of Paola was asked to provide a proposal to complete the following scope of work.

100% Sandblasting, Pool Basin re-paint	\$81,160.00
100% Caulking removal and replacement	\$8,380.00
Remove & Replace Pump House Pipe	\$37,535.00
Filter Inspection and recommendation	\$1,025.00
Pool Basin Concrete Repair	<u>\$1,500.00</u>
Total	\$129,600.00

If necessary, the pool filter media would be replaced for an additional \$13,790.00.

After additional discussion, Council Member Pritchard made a motion to waive the sealed bid process for construction of public improvements under Section 5(b)2 of the City of Paola Purchasing Policy and approve the proposal from Carrothers Construction Company, LLC in the amount of \$129,600.00 for maintenance and repairs to the Paola Family Pool and an alternate proposal in the amount of \$13,790.00 for pool filter media replacement, if necessary. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 4 to 0.

Agenda Item 5d – Consider the approval of Payment Request No 3 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 request is primarily for foundation, footings, basement floor, and a portion of the elevator shaft for the new addition to the Library and some stored materials. He reported that this request brings the total amount paid out on the project to \$319,744.00.

After additional discussion, Council Member Wilhoite made a motion to approve payment request #3 from Legacy Contractors, LLC in the net amount of \$66,495.00 for the Library addition and renovation project. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0.

Agenda Item 5e – Consider adoption of the City’s 2014 Legislative Policy Statement.

Manager Wieland distributed the revised 2014 Legislative Policy Statement. He highlighted and discussed all of the changes to the first draft that was distributed to the Council at the last meeting. In summary, the statement outlines the City’s position on:

- Strong, Balanced Local Economy
- Financially Sustainable City Government Providing Exceptional Services
- Safe and Secure Community
- Vibrant Neighborhoods in one Livable Community
- Beautiful and Environmentally Sensitive City

- Home Rule and Local Control
- State and Federal Mandates
- Governmental Immunity
- Sales and Use Tax
- General Finance
- Land Use, Development, and Revitalization
- Economic Development
- Water and Environment
- Transportation
- Public Employees
- Public Safety
- Cooperation

After additional discussion, Council Member House made a motion to adopt the City of Paola 2014 Legislative Policy Statement as presented. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 4 to 0.

Agenda Item 5f – Report on City Offices to be placed on the April 1, 2014 ballot.

Clerk Droste reported that in the General Election on April 1, 2014, the City offices of Council Member – Ward 2 and Council Member – Ward 4 will be placed on the ballot. The Ward 2 seat is currently held by Gee Gee Wilhoite and the Ward 4 seat is currently held by Aaron Nickelson.

The “Candidates Declaration of Intention” and \$10 filing fee must be paid to the City Clerk by 12:00 Noon on Tuesday, January 21, 2014 to qualify as a candidate. Should more than three individuals file for the same position, a primary election would be held on February 25, 2014 to reduce the number of candidates to three.

Informational packets for candidates with all of the required forms are available at the Office of the City Clerk at Paola City Hall. Information will also be made available on the City’s website at www.cityofpaola.com.

Agenda Item 5g – Year-to-date Budget Report.

City Clerk Droste presented a summary of the revenues and expenditures for all budgeted funds through the end of November. Overall, total revenues amounted to \$13,848,914 or 95.3% of the amended 2013 budget and expenditures amounted to \$10,131,924 or 89.6% of the amended budget.

Agenda Item 6 – NEW BUSINESS

Police Chief Smail reported on recent trainings for police personnel.

Manager Wieland requested approval for the annual \$50 Christmas gift cards for employees. Council Member Pritchard made a motion to approve the purchase of \$50 gift cards for city employees as a Christmas gift. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 4 to 0.

Manager Wieland reported that so far in 2013, the City has incurred a total of \$2,064.64 in actual and reserved Workers Compensation losses. He recommended that in recognition of the great job that the employees did in controlling Workers Compensation losses, he asked the Council to consider awarding a bonus day off on Christmas Eve. Clerk Droste explained that assuming that the City is fortunate enough not to have any additional accidents for the remainder of the year, 2013 will be a new record low for Workers Compensation Losses for the City, beating last year's record of \$2,299.41 by \$234.77 or 10.2%. The City's Loss Experience Modifier is calculated using the most recent three years of actual loss experience. It is this modifier along with the make up of the City's payroll that is used to determine the City's annual Workers Compensation Premiums. Next year's Loss Experience Modifier is likely to be a record low due to the fact that our actual losses for 2011, 2012 and 2013 could be \$11,247.73, \$2,299.41, and \$2,064.64 respectively. The total of these three years is only \$15,611.78, which is lower than losses that occurred 11 of the last 19 individual years. This is truly remarkable, especially when you consider that our average loss experience over the last 19 years is nearly \$51,000 including these last three. The City's Loss Experience Modifier for 2013 is 0.95 and next year it should be far less than the 0.86 modifier that the City enjoyed in 2011. After additional discussion, Councilmember Wilhoite made a motion to award a bonus day off for all full-time City employees on Christmas Eve, full-time employees that are required to work on Christmas Eve will be given a floating bonus day to be used within 60 days, and part-time employees would be rewarded with their regular scheduled pay or a bonus day equal to their daily average hours per week. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0.

Council Member Pritchard thanked City Staff and especially the Public Works Department for their efforts in making the new Trails program a success.

Everyone exchanged Seasons Greetings.

Agenda Item 7 – 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 4 to 0.

Artie Stuteville, Mayor

ATTEST: [seal]

Daniel G. Droste, City Clerk