

**MINUTES OF THE COUNCIL MEETING  
OF THE CITY OF PAOLA, KANSAS  
6:00 O'CLOCK P.M.  
February 11, 2014**

**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, Public Works Director Craig Browning, Police Chief Dave Smail, City Planner Mike Gotfredson, Michael Oldfield, Richard Lentz, Stephanie Connell, 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 all 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 regular meeting of January 28, 2014.
- b. Approval of Salary Ordinance 14-3.
- c. Approval of Appropriation Ordinance No 770.
- d. Approval of the Journal Entries Report for January, 2014.
- e. Approval of the Pledged Securities Report for January, 2014.
- f. Approval of a Water Leak Allowance in the amount of \$286.59 for 706 N Pearl.

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 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 Ordinance amending Sewer Utility Rates User Charges Portion of the Volume Charge from \$0.33 to \$0.35 per 100 Gallons Billed Volume effective with the utility billing dated 03/31/2014.**

Manager Wieland reported that in the process of developing the 2014 budget for the City of Paola, staff performed an evaluation of the operational needs of the Sewer Fund including revenue levels, fund balances/carryover amounts and the costs of operating, maintaining, and improving the sanitary sewer system. Based on a recalculation of projected operating costs in 2014, staff is recommending that the adjustment to the monthly base rate remain unchanged for fiscal year 2014 and that the volume charge per 100 gallons of billed volume be increased from \$0.33 to \$0.35. This recommended increase is less than what was originally estimated during the budget process and no change is being recommended in the monthly service charge.

After the discussion, Council Member Wilhoite made a motion to approve AN ORDINANCE AMENDING TITLE VII. UTILITIES, CHAPTER 715: SEWERS, ARTICLE IV. RATES AND CHARGES FOR WASTEWATER TREATMENT USERS, SECTION 715.240: SCHEDULE OF CHARGES, OF THE MUNICIPAL CODE OF THE CITY OF PAOLA, KANSAS. The motion was seconded by Council Member House and all voted aye. The motion passed 3 to 0 and the Ordinance was assigned number 3067.

#### **Agenda Item 5b – Discussion regarding Kansas Legislative Issues.**

Manager Wieland updated the City Council on the status of several pending bills in the Kansas Legislature.

House Bill No 2449 would amend the Kansas Historic Preservation Act. The bill would place the burden of proof on the applicant of a proposed project for supporting their application in an appeal situation. Manager Wieland recommended that the City support this bill.

House Bill No 2500 would prohibit text messaging while operating a moving motor vehicle. Manager Wieland recommended that the City support this bill.

House Bill No 2227 would change municipal elections from April to November. As the City of Paola has 2 year terms for the Governing Body, this change would place half of the City's elections on the same ballot as National Elections. Almost all municipalities in the State of Kansas are on record as being opposed to this legislation. Manager Wieland recommended that the City continue to oppose this bill.

House Bill No 2594 would require a minimum 2 year residency requirement for candidates seeking to run for the state legislature or any municipal office. Manager Wieland recommended that the City take a neutral position on this bill.

#### **Agenda Item 6 – NEW BUSINESS**

Public Works Director Browning reported that the City's salt/sand supply is very low due to the recent winter storms. Orders to replenish the supply were submitted in January, however deliveries cannot be made until March due to the nationwide demand for road salt.

Manager Wieland reported that the joint meeting with the USD 368 Board will be rescheduled for Tuesday, February 18<sup>th</sup>, if the Council is available that evening. After a discussion it was agreed that the Council could meet on that evening.

Council Member Pritchard thanked everyone for the cards of support for the recent loss of his Father-in-law.

Council Member Wilhoite reported that she had been contacted by a resident on Overhill Drive complaining about the snow removal on that street.

Council Member House thanked everyone for the cards and telephone calls regarding the recent loss of her Grandfather.

Clerk Droste reported that Council Member Nickelson was not in attendance due to the recent loss of an Uncle who was in an automobile accident over the weekend. The funeral was today.

Mayor Stuteville asked about the speed signs on Osage Street. Public Works Director Browning indicated that the signs were placed at the request of the City Manager, but the rechargeable batteries are bad need to be replaced.

**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, and City Attorney for 5 minutes for the purpose of a consultation with an attorney for the governing body which is deemed privileged in the attorney-client relationship; the special meeting to reconvene at 6:35 p.m. The motion was seconded by Council Member Pritchard and all voted aye. The motion passed 3 to 0.

At the conclusion of the Executive Session, 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 3 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 Wilhoite made a motion to adjourn. Council Member House seconded the motion and all voted aye. The motion passed 3 to 0.

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Artie Stuteville, Mayor

ATTEST: [seal]

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Daniel G. Droste, City Clerk