

**MINUTES OF THE COUNCIL MEETING
OF THE CITY OF PAOLA, KANSAS
6:00 O’CLOCK P.M.
May 27, 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, Shirley Ferley, 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 May 13, 2014.
 - b. Approval of Salary Ordinance 14-11.
 - c. Approval of Appropriation Ordinance No 777.

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 Pritchard and all voted aye. The motion passed 3 to 0.

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

Agenda Item 5a – Consider the approval of a Community Event Permit and Temporary Alcohol License for sale/consumption of alcohol in the Park Square for the Art & Wine Stroll on July 12.

Manager Wieland reported that at the May 13th meeting, the City Council discussed the Temporary Alcohol Permit Application for the Art & Wine Stroll on July 12th. During that discussion, three concerns were raised concerning the consumption of alcohol in the Park Square:

1. The need to create a visual border or boundary in the Park Square to readily identify the area where alcohol could be consumed;
2. The need to address the legal removal and transportation of partially consumed bottles of wine;
3. The need to address security to support items 1 and 2.

Action on the application was tabled until these concerns were adequately addressed.

Manager Wieland reported that City staff met with Carol Everhart and Shirley Ferley to discuss the concerns raised at the City Council meeting. During that meeting, it was agreed that the concerns raised by the City Council could be addressed as follows:

- A. Caution tape and traffic cones would be used to create a visual border around the Park Square to easily identify the area where participants are allowed to consume alcohol in the Park Square. This border would also communicate to the public that there is a special event taking place in the park.
- B. Wine bottles purchased by participants would be opened only in the Park Square. Partially consumed bottles will be re-corked and placed into a sealed bag that meets the requirements for legal transportation in the State of Kansas.
- C. Volunteers will be stationed at each entrance/exit at the Park Square to insure that participants do not carry open containers of alcohol from the park.

Mrs. Shirley Ferley addressed the Council to elaborate on the proposed solutions and expressed their willingness to satisfy the concerns. She indicated that originally they had proposed to have 5 entrances/exits to the Park Square but are considering 8 entrances/exits with volunteers stationed at each one for security. The 8 entrances/exits would be located where each sidewalk intersects with the perimeter sidewalk around the Park Square.

After additional discussion, Council Member Pritchard made a motion to approve the Community Event Permit and Temporary Alcohol License for the Art & Wine Stroll on July 12. The motion was seconded by Council Member House. Council Members Pritchard and House voted aye and Council Member Wilhoite voted nay. The motion passed 2 to 1.

Agenda Item 5b – Presentation of the 2013 Audit Report by Harold Mayes of Agler & Gaeddert.

Mr. Harold Mayes with Agler & Gaeddert presented the Audit Report for the City of Paola for calendar year 2013. He reported that the opinion of the financial statements for the City is presented on a “Cash Basis” per the Kansas Municipal Audit and Accounting Guide.

Mr. Mayes reviewed the Summary of Receipts, Expenditures Regulatory Basis and Unencumbered Cash for the calendar year 2013. He explained that the cash balance for the General Fund and a most of the other funds did increase during the year, but overall cash balances decreased by a little over \$339,000. The decrease was mostly attributed to activity in the Capital Improvement Project Fund, Water Utility Fund, Family Aquatics Center Reserve Fund, and the Bond and Interest Fund.

Mr. Mayes reviewed the City’s schedule of long term debt and noted that no new bonds were issued during 2013. Overall, total outstanding debt decreased by \$1.39 million due to principal repayments.

Mr. Mayes reviewed the Statement of Cash Receipts and Expenditures – Actual and Budget. He explained that this is the schedule that the State of Kansas is most interested in as it determines if there are any budget violations for the fiscal year. The schedule indicates that the City had no unfavorable variances with the 2013 Budget.

Mr. Mayes went on to review some of the details of the activity in various funds. After a discussion, Council Member Pritchard made a motion to accept the 2013 Audit Report from Agler & Gaeddert. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 3 to 0.

Agenda Item 5c – Consider a “Letter of Engagement” for the 2014 audit.

Manager Wieland presented a Letter of Engagement from Agler & Gaeddert for the 2014 audit. The audit firm proposed a fee of \$14,300 plus out of pocket expenses for the 2014 audit, an increase of \$100.00 over the amount of the 2013 audit.

After a discussion, Council Member House made a motion to approve a Letter of Engagement with Agler & Gaeddert to audit the City of Paola for calendar year 2014 in the amount of \$14,300 plus costs. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 3 to 0.

Agenda Item 5d – Consider a Resolution requesting a waiver from conformance to fixed asset accounting provisions as provided in KSA 75-1120a(c)1.

Clerk Droste presented a Resolution requesting a waiver from conformance with Generally Accepted Accounting Principles for 2014. He reported that pursuant to Kansas Statutes, the City has the option of preparing all audit reports on a cash basis rather than accounting for the fixed assets of the City.

After a discussion, Council Member Pritchard made a motion to approve A RESOLUTION REQUESTING A WAIVER FROM CONFORMANCE TO CERTAIN PROVISIONS OF GENERALLY ACCEPTED ACCOUNTING PRINCIPLES. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 3 to 0 and the Resolution was assigned number 2014-003.

Agenda Item 5e – Consider the approval of Payment Request No 9 for the Library Addition and Renovation Project #2013-001 – Part A.

Manager Wieland presented payment request number 9 for the Library Addition and Renovation Project #2013-001 – Part A, in the amount of \$84,738.00. He reported that this request is mostly comprised of expenditures related to masonry, electrical, interior finishes, and stored materials. There is \$308,385.00 remaining to be paid out under this contract.

After a discussion, Council Member Wilhoite made a motion to approve payment request #9 from Legacy Contractors, LLC in the net amount of \$84,738.00 for the Library addition and renovation project #2013-001-Part A. The motion was seconded by Council Member Pritchard and all voted aye. The motion passed 3 to 0.

Agenda Item 5f – Consider the approval of Payment Request No 5 for the Library Addition and Renovation Project #2013-001 – Part B.

Manager Wieland presented payment request number 5 for the Library Addition and Renovation Project #2013-001 – Part B, in the amount of \$7,825.00. He reported that this request comprised mostly of expenses related to electrical work. There is \$140,804.00 remaining to be paid out under this contract.

After a discussion, Council Member House made a motion to approve payment request #5 from Legacy Contractors, LLC in the net amount of \$7,825.00 for the Library addition and renovation project #2013-001-Part B. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 3 to 0.

Agenda Item 5g – Consider the approval of bids for the repair the roof of the main building and the roof of the west shed at Public Works.

Manager Wieland presented bids for repairing the metal roof on the main building and the west shed building at Public Works.

<u>Contractor</u>	<u>Bid</u>	<u>Product</u>	<u>Product/Labor Warranty</u>
Hensley Coating, Inc.	\$41,702.79	Rapid Roof III	10/10 Year
Hensley Coating, Inc.	\$43,645.55	Benchmark	12/12 Year
Hensley Coating, Inc.	\$48,491.62	Puma XL	15/15 Year
Shelter Defense	\$66,808.38	Gaco	50/10 Year
Clark and Associates	\$42,575.00	Gaco	50/10 Year

Manager Wieland noted that all three of the bids from Hensley Coating are products manufactured by Conklin Roofing Systems, with varying thicknesses and warranties. He reported that the City has been very satisfied with the Rapid Roof III product which has been used on the Fire Station and on City Hall.

After a discussion, Council Member Wilhoite made a motion to approve the bid from Hensley Coating, Inc. in the amount of \$41,702.79 to repair the roof of the main building and the roof of the west shed building at Public Works. The motion was seconded by Council Member Pritchard and all voted aye. The motion passed 3 to 0.

Agenda Item 6 – NEW BUSINESS

Clerk Droste reported that sales tax revenues for the month of May amounted to \$190,973 bringing the year to date total to \$942,023 which is 5.15% more than the same time period in 2013.

Clerk Droste reported that the Chamber of Commerce Annual Dinner will be held on Thursday, June 19th at Town Square. The guest speaker is Danny O’Neill of The Roasterie, Inc. in Kansas City.

Police Chief Smail reported that the state-wide “Click-it-or-Ticket” campaign will be ending in one week.

Manager Wieland reported that he has received a request from an individual requesting an exemption from the 14 day camping limit at Lake Miola. He indicated that this individual and his

family are living in their camper after selling their home and planning the construction of a new home. Manager Wieland noted that the Lake Miola Committee spent a great deal of time and consideration in drafting the camping ordinance and asked the Council for their guidance on the issue. Mayor Stuteville stated that if an exception is made for one, an exception has to be made for all and you no longer have regulations. She also noted that the City's ordinance is identical to the rules applicable to State campgrounds. The Council was unanimous in their agreement not to make an exception to the limitation noting that the campground is intended for recreational use not for long term residency.

Manager Wieland reported that the Miami County Elected Officials Dinner will be in Spring Hill on Wednesday, November 19th.

Manager Wieland reported that the City has been contacted by Mr. Lee Mott with Suddenlink Communication indicating that they will be able to assist the City with emergency communications by placing messages on Cable TV Channel 6.

Council Member Pritchard presented a concern by a neighbor who was asked to install additional vents in his new roof after the roofing project was completed. Manager Wieland agreed to check into the issue.

Council Member Wilhoite complimented the Public Works Department on the manner which the cemetery was maintained for Memorial Day.

Council Member Wilhoite also complimented Police Chief Smail and the Police Department in the manner in which they handled the situation in her neighborhood over the weekend.

Agenda Item 9 – ADJOURNMENT

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

Artie Stuteville, Mayor

ATTEST: [seal]

Daniel G. Droste, City Clerk