

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

July 10, 2012

**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.

Councilmembers present: Mayor Artie Stuteville and Council Members Jim Pritchard, Gee Gee Wilhoite, Leigh House and Kevin Clouse.

Council Members absent: None.

Also present: City Manager Jay Wieland, City Clerk Dan Droste, City Attorney Lee Tetwiler, Police Chief Dave Smail, Public Works Director Browning, Mike Dumpert, Brandon Goodman, representatives from the Shriners, 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 Clouse 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 June 26, 2012.
- b. Approval of Salary Ordinance 12-13.
- c. Approval of Appropriation Ordinance No 730.
- d. Approval of the Journal Entries Report for June, 2012.
- e. Approval of the Pledged Securities Report for June, 2012.

Councilmember Pritchard noted a correction to the minutes and asked about the inclusion of the check to Legacy Contractors on the Appropriation Ordinance. Clerk Droste indicated that the City’s accounting system has an audit feature that automatically includes all checks generated by the system on the Appropriation Ordinance. As this payment is already listed as a separate agenda item, the separate action taken by the Council will prevail.

Councilmember Wilhoite made a motion to approve the Consent Agenda as presented and authorize the Mayor to sign. The motion was seconded by Councilmember House and all voted aye. The motion passed 4 to 0.

Mayor Stuteville presented a proclamation honoring Brandon Goodman and Coach Mike Dumpert for being selected to participate in the 39th Annual Kansas All-Star Shrine Bowl Football Game.

Agenda Item 5 - REPORTS OF OFFICERS, BOARDS AND COMMITTEES

Agenda Item 5a – Consider a lease agreement with the Miami County Fair Association for the use of property in Wallace Park for the Miami County Fair from July 21 to July 29, 2012.

Manager Wieland presented a lease agreement with the Miami County Fair Association for the use of city property in Wallace Park for the County Fair. After discussion, Councilmember Pritchard made a motion to approve the Lease with the Miami County Fair Association as presented. The motion was seconded by Councilmember Wilhoite and all voted aye. The motion passed 4 to 0.

Agenda Item 5b – Consider the approval of Payment Request No 2 for the City Hall Renovation Project.

Manager Wieland reported that the City Hall renovation continues to progress quite nicely. Work has begun on the sewer line replacement and the interior plumbing. It has been determined that the wood flooring on the second floor will be able to be refinished in some areas. Deliveries of materials are beginning to arrive and storage of these materials will be a challenge for the contractor. Manager Wieland presented payment request number 2 in the net amount of \$70,514.00 after retainage.

After discussion, Councilmember House made a motion to approve payment request #2 from Legacy Contractors, LLC in the net amount of \$70,514.00 for the City Hall renovation project. The motion was seconded by Councilmember Clouse and all voted aye. The motion passed 4 to 0.

Agenda Item 5c – Consider an Ordinance amending the City of Paola Ward Boundaries.

Clerk Droste reported that at the City Council Work Study Meeting in March, the need to adjust Ward boundaries was discussed. Based on the 2010 US Census, the populations of the existing Wards of the City of Paola have grown disproportionately unequal and are as follows:

Ward 1	1,240	22.1%
Ward 2	1,100	19.6%
Ward 3	1,432	25.6%
<u>Ward 4</u>	<u>1,830</u>	<u>32.7%</u>
Total	5,602	100.0%

The deviation between the largest and smallest Ward is 730 persons or 13.0%.

Clerk Droste noted that K.S.A. 14-103 provides that “The city council shall divide the city into wards, which shall be as equal in population as practicable, establish the boundaries thereof ...” and that “The territory of each ward shall be contiguous and compact.” He presented a map detailing the current ward boundaries overlaid with the proposed boundaries.

By changing the boundaries of the Wards of the City of Paola as detailed on the map as presented, the population of each Ward will be as follows:

Ward 1	1,339	23.9%
Ward 2	1,491	26.6%
Ward 3	1,365	24.4%
<u>Ward 4</u>	<u>1,407</u>	<u>25.1%</u>
Total	5,602	100.0%

The deviation between the largest and smallest Ward will be 152 persons or 2.7%

Clerk Droste noted that the ordinance, if adopted, would be published in summary form pursuant to amendments to KSA 12-3001 and 12-3007 that became effective on July 1, 2012. Under the revised statute, an ordinance may be published in summary if: (1) The publication is identified as a "summary" and contains notice that the complete text of the ordinance may be obtained or viewed free of charge at the office of the city clerk; (2) the city attorney certifies the summary of the ordinance prior to publication to ensure that the summary is legally accurate and sufficient; and (3) the publication contains the city's official website address where a reproduction of the original ordinance is available for a minimum of one week following the summary publication in the newspaper.

After additional discussion, Councilmember Pritchard made a motion to approve AN ORDINANCE AMENDING THE WARD BOUNDARIES OF THE CITY OF PAOLA KANSAS PURSUANT TO K.S.A 14-103. The motion was seconded by Councilmember Wilhoite and all voted aye. The motion passed 4 to 0 and the Ordinance was assigned No 3048.

Agenda Item 5d – Review Governor Brownback’s Executive Order 12-08 declaring Miami County to be in a Drought Warning.

Manager Wieland reported that Governor Brownback issued Executive Order 12-08 on July 3rd declaring much of the State, including Miami County, to be in a Drought Warning. The Executive Order identifies 36 counties in an emergency status, 55 counties in a warning status, and 14 counties in a watch status.

Manager Wieland reviewed Chapter 710 of the Paola Municipal Code which addresses water droughts and emergencies. He reported that the Council could take action to issue a Resolution declaring that a water watch exists and that it shall take steps to inform the public and ask for voluntary reductions in water use. Such a watch shall be deemed to continue until it is declared by resolution of the Governing Body to have ended.

Manager Wieland reported that at this point in time, the Council could elect not to issue a water watch, but if the drought worsened, it could issue a declaration of a water warning without issuing a water watch first. He indicated that the City's water source is secure and we have received no indication from the Marais Des Cygnes Public Utility Authority that water restrictions should be implemented.

After additional discussion, the Council agreed that it was not necessary to issue a declaration at this time.

Agenda Item 6 – NEW BUSINESS

Public Works Director Browning reminded everyone that the retirement reception for Dave Borovicka will be on Friday, July 13th from 1:00 to 3:00 pm at Town Square.

Councilmember Pritchard reported that he would not be in attendance at the next Council Meeting on July 24th.

Councilmember Wilhoite reported that she would not be in attendance at the City Council work study meeting on August 7th.

Councilmember Clouse reported that he would be unavailable for budget meetings next week.

Agenda Item 7 – ADJOURNMENT

With no additional business to come before the Council, Councilmember Wilhoite made a motion to adjourn. Councilmember Pritchard seconded the motion and all voted aye. The motion passed 4 to 0.

Artie Stuteville, Mayor

ATTEST: [seal]

Daniel G. Droste, City Clerk