

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

September 11, 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 Attorney Tetwiler, City Clerk Dan Droste, Police Chief Dave Smail, Public Works Director Browning, City Planner Gotfredson, Richard Lentz, Harold Achey, 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.

Mayor Stuteville announced that there was an amendment to the agenda adding Agenda Item 5d – Consider the approval of a new Caterer’s License for Town Square.

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.

Mr. Harold Achey addressed the Council regarding the disposal of branches and rose bush clippings at the Public Works yard waste collection site. Mayor Stuteville stated that L&K Services will take small amounts of twigs and limbs provided that they are bagged and set out with the regular trash. The Mayor went on to explain that previously the yard waste collection site was overwhelmed with the disposal of whole trees by individuals and contractors. She went on to explain that the City Manager and Public Works Director are trying to come up with a solution to the problem.

Councilmember Clouse announced that as of next Saturday that he would be moving outside of the Ward 4 boundaries and he needed to step down from his Council seat. He stated that he enjoyed being a part of the Council and he appreciated the leadership of the City and all of

the work that is involved in the operations of the City. Mayor Stuteville reluctantly accepted his resignation and thanked him for his service on the Council and to the City of Paola. The Council and City Staff all thanked Councilmember Clouse for his service. Councilmember Clouse excused himself and vacated his seat on the Council.

Agenda Item 4 - CONSENT AGENDA

- a. Approval of minutes of the meeting of August 28, 2012.
- b. Approval of Salary Ordinance 12-18.
- c. Approval of Appropriation Ordinance No 734.
- d. Approval of the Journal Entries Report for August 2012.
- e. Approval of the Pledged Securities Report for August 2012.

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 3 to 0.

Agenda Item 5 - REPORTS OF OFFICERS, BOARDS AND COMMITTEES

Agenda Item 5a – Consider Adoption of an Ordinance deleting the categories of “Class F, Provisional License” and “Non-Specialist Contractor” license categories and amends Table 4-411 License and Registration Fees in Sections 500.410 and 500.420 of the Municipal Code of the City of Paola.

Manager Wieland reported at the Work Study Meeting, the Council discussed the need to eliminate the category of non-specialist contractor but agreed that existing license holders should be allowed to maintain their license. The Council also discussed the need to change that license fee to be equal to the fees for other general contractor licenses. He also reported that in reviewing Section 500.420, City Staff noticed that there was an old license classification that was no longer applicable. The “Class F – Provisional License” category has not been used since December 31, 2009. This classification was used during the transition time period when the new continuing education requirements were implemented. Since this category is no longer needed, the proposed Ordinance also deletes it from the Code.

After additional discussion, Councilmember Pritchard made a motion to approve AN ORDINANCE AMENDING SECTION 500.410 CATEGORIES OF CONTRACTOR LICENSES – TYPES OF WORK AUTHORIZED AND AMENDING SECTION 500.420 CONTRACTOR LICENSE APPLICATION, BOTH IN ARTICLE I - GENERAL PROVISIONS, CHAPTER 500 BUILDING AND CONSTRUCTION CODES, TITLE V - BUILDING CODE, OF THE CODE OF THE CITY OF PAOLA, KANSAS, 2009. The motion was seconded by Councilmember Wilhoite. Councilmembers Pritchard and Wilhoite voted aye and Councilmember House voted nay. The motion passed 2 to 1 and the Ordinance was assigned number 3052.

Agenda Item 5b – Consider approval of disbursements from the Transient Guest Tax Fund.

Manager Wieland presented a recommendation from the Convention and Tourism Committee to approve a \$750 grant to the Paola Fire Department to promote the upcoming Firefighter Training School that will be held at the Paola Fire Station on October 26, 27 and 28. They also recommended a grant in the amount of \$4,000 to the Paola Community Center to assist with the promotion of various events to be held at the PCC through August of 2013.

After additional discussion, Councilmember Pritchard made a motion to approve disbursements from the Transient Guest Tax Fund as presented. The motion was seconded by Councilmember House and all voted aye. The motion passed 3 to 0.

Agenda Item 5c – Consider the approval of Payment Request No 4 for the City Hall Renovation Project.

Manager Wieland presented payment request #4 from Legacy Contractors LLC in the amount of \$181,411.00 for the City Hall renovation project. He reported that the project is moving along nicely and is ahead of schedule.

After additional discussion, Councilmember Wilhoite made a motion to approve payment request #4 from Legacy Contractors, LLC in the net amount of \$181,411.00 for the City Hall renovation project. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 3 to 0.

Agenda Item 5d – Consider the approval of a new Caterer’s License for Town Square.

Clerk Droste presented an application from Town Square for a Caterer’s License. After additional discussion, Councilmember Pritchard made a motion to approve a new Caterer’s License for MKM Management, LLC, doing business as Town Square at 15 W Wea subject to a satisfactory fire safety inspection and the issuance of a State of Kansas Caterer’s License. The motion was seconded by Councilmember House. Councilmembers Pritchard and House voted aye and Councilmember Wilhoite voted nay. The motion passed 2 to 1.

Agenda Item 6 – NEW BUSINESS

City Attorney Tetwiler presented the Council with a copy of a recent article from the Kansas City Star regarding a potential problem with Johnson County governments doing public business in violation of the open meetings law.

Clerk Droste inquired about the Council attending the annual League of Kansas Municipalities Conference in Topeka in October. There was minimal interest in attending.

Manager Wieland reported that he, Public Works Director Browning and Planner Gotfredson will be meeting with the group in regard to the construction of new restrooms at the Wallace Park ball fields.

Manager Wieland reported that the Public Works Department completed the work on the sidewalk and the street parking at City Hall. He reported on other details of the City Hall project.

Mayor Stuteville asked Clerk Droste to report on the procedure for filling the City Council seat vacated by Councilmember Clouse. Clerk Droste stated that the Paola Municipal Code provides the following:

“All vacancies occurring in the office of City Councilmembers for the City of Paola, Kansas, whether such vacancies occur by reason of the removal of a Councilmember from his/her Ward or by his/her death, resignation, the failure of a Councilmember to qualify for office, or the disqualification of a Councilmember for the holding of such office shall be filled by an election held among the remaining members of the City Council of said City, and such election must be held at the next regular meeting of the Governing Body of said City or at a special meeting called therefore for the purpose of filling such vacancy or at an adjournment or continuance of such regular or special meeting and any successor in office elected by the Governing Body to fill such vacancy must be elected by a majority of the remaining Councilmembers of said City, and should the remaining Councilmembers of said City fail to elect a successor in office for the vacancy in office of Councilmembers after being polled three (3) times by the Mayor, or in his/her absence, the President of the Council of said City, then and in that event, the Mayor, or in his/her absence, the President of the Council, of said City, shall appoint a qualified person from the Ward in which said vacancy exists to fill such unexpired term, and in the event that any person so elected by the remaining members of the Council or appointed by the Mayor or President of the Council in the manner aforesaid, should refuse, fail or neglect to qualify for such office by taking or subscribing to his/her oath for a period of ten (10) days following such election or appointment, as the case may be, then and in the event, the Mayor of said City shall forthwith appoint another qualified person to fill such vacancy.”

The procedure was discussed in detail. Mayor Stuteville asked if an article could be printed in the next edition of the Miami County Republic asking for interested parties to contact her or City Hall.

Agenda Item 7 – ADJOURNMENT

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

Artie Stuteville, Mayor

ATTEST: [seal]

Daniel G. Droste, City Clerk