

**MINUTES OF THE COUNCIL MEETING
OF THE CITY OF PAOLA, KANSAS
6:00 O'CLOCK P.M.
February 28, 2017**

**Held in the Municipal Court Room at the Paola Justice Center
806 N 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: Aaron Nickelson.

Also present: City Manager Jay Wieland, City Clerk Dan Droste, Chief of Police Paul Jokerst, and Interim Public Works Director Kirk Rees.

CALL TO ORDER: The regular council meeting was called to order by Mayor Stuteville.

ROLL CALL: Mayor Stuteville and Council Members Pritchard, Wilhoite, and House were all present. Council Member Nickelson was absent.

Agenda Item 1 - CONSENT AGENDA

- a) Approval of minutes of the meetings of January 24, 2017 and February 14, 2017.
- b) Approval of Salary Ordinance 17-03 and 17-04.
- c) Approval of Appropriation Ordinance No 846 and 847.
- d) Approval of the Journal Entries Report for January, 2017.
- e) Approval of the Pledged Collateral Report for January, 2017.

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 2 - COMMENTS FROM THE PUBLIC – No one addressed the Council.

Agenda Item 3 - UNFINISHED BUSINESS – None.

Agenda Item 4 – NEW BUSINESS

Agenda Item 4a - Consider bids for the 2017 sewer line rehabilitation project.

Interim Public Works Director Rees presented bids for the 2017 sewer line rehabilitation project as follows:

- Insituform Technologies, Inc. in the amount of \$24.00/foot or \$41,328.00
- SAK in the amount of \$33.00/foot or \$56,826.00.

The bids are to rehabilitate 1,722 feet of 8 inch sewer line.

After additional discussion, Council Member Wilhoite made a motion to approve the bid from Insituform Technologies, Inc. in the amount of \$24.00 per lineal foot to rehabilitate 1,722 feet of 8" sewer line in the total amount of \$41,328.00. The motion was seconded by Council Member House and all voted aye. The motion passed 3 to 0.

Agenda Item 4b - Consider bids for a new mower for the Public Works Parks Department.

Interim Public Works Director Rees reported that as part of the regular equipment replacement program, bids were obtained for a new Grasshopper 725DT mower with a 52 inch deck. This new mower would be used primarily at the cemetery. The bids were as follows:

- | | |
|-----------------------|-------------|
| • Norris Equipment | \$13,787.73 |
| • Blue Valley Tractor | \$13,989.00 |
| • McConnell Machinery | \$14,520.00 |

After additional discussion, Council Member House made a motion to approve the bid from Norris Equipment in the amount of \$13,787.73 for the purchase of a new Grasshopper 725DT 52" Mower. The motion was seconded by Council Member Pritchard and all voted aye. The motion passed 3 to 0.

Agenda Item 4c - Consider a lease for a new tractor for the Public Works Department.

Interim Public Works Director Rees presented bids for a new utility tractor as follows:

- John Deere 5100 E Utility Tractor: Purchase price = \$54,685.08; Year lease = \$5,800.00, New Tractor every year.
- John Deere 5100 E Utility Tractor: Purchase Price = \$54,685.08; 36 month lease = \$25,769.88/Year with \$1.00 Residual at the end.
- Massey Ferguson 4710 Tractor: Purchase Price = \$46,790.00; 36 month lease = \$10,590.52/Year with \$19,183.10 Residual at the end
- Case I 100C Tractor: Purchase Price = \$59,942.00; 36 month lease = \$21,428.16/Year with \$1.00 Residual at the end.

He explained that the Municipal Lease Program with John Deere for the 5100 E Utility Tractor is a 1 year lease for \$5,800.00 and at the end of the least term, the tractor is returned to John Deere. If the City decides to continue the lease, a new tractor is delivered for the new lease term.

After additional discussion, Council Member Pritchard made a motion to approve a one year lease agreement with John Deere in the amount of \$6,800.00 for a John Deere 5100E Utility Tractor. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 3 to 0.

Agenda Item 4d - Consider bids for a new 15' Batwing Mower for the Public Works Parks Department.

Interim Public Works Director Rees presented bids to replace the City's batwing mower as follows:

- Woods BW1SOX 15' Batwing Mower: \$11,119.00
- Woods BW180XHD 15' Batwing Mower: \$14,865.00
- Land Pride RC4615 Heavy Duty Smooth lop Rotary Cutter: \$15,000.00
- Brush Hog 2815-3 15' Batwing Heavy Duty Rotary Cutter: \$16,442.00
- John Deere HX15 Flex-Wing Rotary Cutter: \$16,846.73

Council Member Wilhoite made a motion to approve the bid from Woods Equipment in the amount of \$11,119.00 for the purchase of a new Woods BW180X 15' Batwing Mower. The motion was seconded by Council Member House and all voted aye. The motion passed 3 to 0.

Agenda Item 4e - Consider adoption of an Ordinance changing regular meetings of the City Council from twice monthly to monthly.

City Clerk Droste provided the City Council with a memorandum addressing the historical background on the frequency of City Council meetings and provided guidance on some procedural considerations for changing from twice monthly meetings to monthly meeting. The memorandum stated as follows:

Historical Background

Prior to April of 2010, Section 105.120 of the Municipal Code Book called for the City Council to meet on a monthly basis, and read as follows:

The Council shall meet regularly once a month, or oftener if the public business requires. The time and place of regular meetings shall be set by the Council by resolution or motion and made a matter of record. A call signed by three (3) of the Councilmembers shall be sufficient to warrant for a special meeting. Regular or special meetings shall always be open to the public.

Over time, it became the regular practice of the City Council to meet for their regular monthly meeting on the second Tuesday of each month at 4:00 pm. At the conclusion of that meeting, the Council would motion to continue the regular monthly meeting to reconvene on the 4th Tuesday of that month. This was the regular practice of the council prior to my arrival as City Clerk in 2004.

On November 25th, 2008, the City Council adopted Resolution No 2008-007 which amended the meeting schedule as follows:

The Council shall meet on the second (2nd) and fourth (4th) Tuesday of each month at 5:30 P.M., except during the month of December. During the month of December, the Council of the City of Paola shall meet only on the second (2nd) Tuesday of that month. If the date of a regularly scheduled public meeting falls on a legal holiday, the date of the meeting can be changed by motion and vote of the Council. Regular or special meetings shall always be open to the public. Special meetings may be called by the Mayor or Acting Mayor, on the written request of any three (3) members of the Council, specifying the object and purpose of such meeting, which request shall be read at the meeting, and entered at length on the journal. In all cases, it shall require a majority of the Councilmembers elect to constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as the Council by ordinance may have previously prescribed.

Subsequently, on April 27, 2010, the City Council adopted Ordinance No 3009 which amended Section 105.120 of the Municipal Code Book as follows:

The Council shall have regular meetings on the second (2nd) and fourth (4th) Tuesday of each month, except during the month of December. During the month of December, the Council of the City of Paola shall meet only on the second (2nd) Tuesday of that month. The time and place of regular meetings of the Council shall be set by the Council by resolution and made a matter of record. If the date of a regularly scheduled public meeting falls on a legal holiday, the date of the meeting can be changed by motion and vote of the Council. Regular or special meetings shall always be open to the public. Special meetings may be called by the Mayor or Acting Mayor, on the written request of any three (3) members of the Council, specifying the time, place, object and purpose of such meeting, which request shall be read at the meeting. In all cases, it shall require a majority of the Councilmembers elect to constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as the Council by ordinance may have previously prescribed.

At that same time, the City Council adopted Resolution No 2010-002 setting the time and place of regular meetings as follows:

The regular meetings of the Council of the City of Paola shall begin at 6:00 pm. The regular meetings of the Council of the City of Paola shall be held in the Municipal Court Room at the Paola Justice Center Building located at 805 North Pearl Street in Paola, Kansas.

Procedural Issues

Should the City Council desire to change back to a monthly meeting schedule, there are some procedural issues to consider. Most of the issues that come to mind are related to items that the City Council takes action to approve in advance, these include: Appropriation Ordinances, Liquor Licenses, Cereal Malt Beverage Licenses, Water Leak Allowances, and Street Closures. Additionally, the budget process and fall elections have statutory deadlines that must be complied with.

Appropriation Ordinances: This is probably the most important issue. With monthly meetings, in order for the City to pay vendors in a timely fashion, the Council will likely be approving one of the monthly appropriation ordinances after checks need to be

mailed. In visiting with the League of Municipalities, their attorney recommended that the Council should address this issue by adopting an annual resolution pursuant to KSA 12-105b(e) which reads as follows:

Claims against a municipality which provide for a discount for early payment or for the assessment of a penalty for late payment may be authorized to be paid in advance of approval thereof by the governing body in accordance with the provisions of this subsection. The governing body may designate and authorize one or more of its officers or employees to pay any such claim made against the municipality in advance of its presentation to and approval by the governing body if payment of the amount of such claim is required before the next scheduled regular meeting of the governing body in order for the municipality to benefit from the discount provided for early payment or to avoid assessment of the penalty for late payment. Any officer or employee authorized to pay claims under this subsection shall keep an accurate record of all moneys paid and the purpose for which expended, and shall submit the record to the governing body at the next meeting thereof. Payments of claims by an officer or employee of the municipality under authority of this subsection are valid to the same extent as if the claims had been approved and ordered to be paid by the governing body.

Liquor Licenses and Cereal Malt Beverage Licenses: These licenses would need to be approved by the City Council prior to their issuance or renewal. With monthly meetings, this would mean that most, if not all licenses, would be approved conditionally as most of the paperwork and inspections would not be completed 30 to 45 days prior to renewal. The only circumstance that this may not work well for is new licenses, especially one that requires a public hearing. A special meeting may be required to accommodate a new Liquor or CMB License.

Water Leak Allowances: These will likely need to be approved after the fact so that the utility bill can be adjusted in a timely fashion. The Council could consider allowing this approval to take place at a staff level.

Street Closures: These will likely need to be approved after the fact to accommodate community event scheduling. The Council could consider allowing this approval to take place at a staff level.

The Budget Process: This will require a series of Special Meetings to accommodate the Budget Calendar.

Fall Elections: One final issue to consider is the timing of the new fall elections and the installation of newly elected officials. State statute requires that newly elected officials be installed and take their oath of office on the second Monday of January. Although there is no statutory requirement for the oath of office to take place during a Council meeting, this has historically occurred during a meeting. The Council could consider changing the January meeting to the second Monday instead of the second Tuesday.

Implementing the Change

Changing from bi-monthly to monthly City Council meetings will require the adoption of the following Ordinance and Resolutions:

- 1) Ordinance amending Section 105.120 of the Municipal Code Book changing regular meetings to the second (2nd) Tuesday of each month, except during the month of January. During the month of January, the Council of the City of Paola shall meet on the second (2nd) Monday of that month.
- 2) An Annual Resolution designating and authorizing the City Manager to pay vendors in advance of its presentation to and approval by the governing body.
- 3) An Ordinance amending the approval of Street Closures, authorizing the City Manager to approve same.
- 4) A Resolution amending the approval of Water Leak Allowances providing for Staff approval of water leaks in the amount of \$250.00 or less.

End of Memorandum

City Manager Wieland noted that the City Council had discussed this issue at length during the Work Study Session on February 7, 2017, and the City Clerk had prepared the Ordinances and Resolutions pursuant to that discussion.

After a discussion, Council Member Pritchard made a motion to approve AN ORDINANCE AMENDING SECTION 105.120, MEETINGS, IN CHAPTER 105, ADMINISTRATION, OF THE CODE OF THE CITY OF PAOLA, KANSAS, 2009. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 3 to 0 and the Ordinance was assigned number 3107.

Agenda Item 4f - Consider a Resolution authorizing the City Manager to pay claims to take advantage of any discount for early payment and to avoid the assessment of a penalty for late payment of claims against the City.

Clerk Droste reported that he discussed the change from twice monthly meetings to monthly meetings with the League of Kansas Municipalities (LKM). It was their recommendation that the City Council consider a Resolution which designates and authorizes one or more of its officers or employees to pay any such claim made against the municipality in advance of its presentation to and approval by the governing body if payment of the amount of such claim is required before the next scheduled regular meeting of the governing body in order for the municipality to benefit from the discount provided for early payment or to avoid assessment of the penalty for late payment, as provided in KSA 12-105b(e). The LKM also recommended that this Resolution be adopted or reaffirmed on an annual basis for the purpose of transparency. The LKM also noted that there was no statutory requirement for the passage of the Resolution or for the annual reaffirmation.

After a discussion, Council Member House made a motion to approve A RESOLUTION OF THE CITY OF PAOLA, KANSAS, AUTHORIZING THE CITY MANAGER TO PAY CLAIMS AGAINST THE CITY PURSUANT TO K.S.A. 12-105b(e). The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 3 to 0 and the Resolution was assigned number 2017-002.

Agenda Item 4g - Consider an Ordinance amending the approval of Street Closures.

Clerk Droste presented an Ordinance providing for the City Manager to approve Street Closure Applications for Community Events.

Council Member Wilhoite made a motion to approve AN ORDINANCE AMENDING SECTION 605.140, STREET CLOSURES, IN CHAPTER 605, SPECIAL EVENTS, OF THE CODE OF THE CITY OF PAOLA, KANSAS, 2009. The motion was seconded by Council Member House and all voted aye. The motion passed 3 to 0 and the Ordinance was assigned number 3108.

Agenda Item 4h - Consider a Resolution amending the approval of Water Leak Allowances.

Clerk Droste presented a Resolution amending the Water Leak Allowance Policy by providing for the City Clerk to approve water leaks in the amount of \$250.00 or less and requiring City Council approval of water leaks greater than \$250.00.

Council Member Pritchard made a motion to approve A RESOLUTION REPEALING RESOLUTION NO 2009-012 AND RESOLUTION NO 2011-002 AND AMENDING THE WATER LEAK ALLOWANCE POLICY FOR 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 Resolution was assigned number 2017-003.

Agenda Item 4i - Presentation and adoption of the City's 2017 Legislative Policy Statement.

Manager Wieland presented the final draft of the City's 2017 Legislative Policy Statement. He noted that the final draft included the latest changes as discussed at the Work Study Meeting on February 7th. In summary, the statement includes the City of Paola's position regarding:

- Local control and municipal home rule.
- State and Federal mandates.
- Governmental immunity.
- State fiscal fair play.
- Sales and use taxes.
- Economic development.
- Water and environment.
- Transportation.
- Public Employees.
- Public safety.

After a discussion, Council Member Pritchard made a motion to adopt the City of Paola 2017 Legislative Policy Statement as presented. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 3 to 0.

Agenda Item 5 - COMMITTEE REPORTS – There were no Committee Reports presented.

Agenda Item 6 - STAFF REPORTS

Clerk Droste reported that sales tax revenue for the month of February set an all-time record at \$243,699. Year-to-date, sales tax revenues are \$57,654 or 14.28% more than the same time period in 2016.

Interim Public Works Director Rees reported that the Public Works Department is working on a water leak at the intersection of Peoria Street and Hospital Drive. The east part of that intersection will be closed until the leak and street repairs are completed.

Manager Wieland reported that he met with County Commissioner Rob Roberts and he has extended an invitation to tour the new County Detention Center prior to the opening.

Manager Wieland reported that the County Commissioners are considering the dissolution of the Rural Fire Board. If the Board is dissolved, their role may be assumed by the County Commission. This issue was discussed at length.

Manager Wieland reported that he and Interim Public Works Director Rees met with representatives from GK Smith & Sons, Inc. to survey the status of the security light poles at the swimming pool. Recently one of the poles was blown over by the wind. The light pole had substantial rust damage in the interior portion of the base. All of the poles will need to be replaced.

Agenda Item 7 - MISCELLANEOUS MATTERS FROM THE COUNCIL

Council Member Pritchard asked about the Annual Chamber of Commerce Dinner. Everyone commented that the meal and the presentation was excellent this year.

Council Member Pritchard inquired about the status of the intersection of Morningside and Overhill Drives. Interim Public Works Director Rees reported that the Street Department is preparing to pour the concrete for the remainder of the intersection, currently there is one lane open.

Council Member Pritchard asked if there is any consideration being given to power wash the canvas buildings at Public Works. Interim Public Works Director Rees indicated that he would look into it.

Council Member House asked how the Sunflower Elementary Law Enforcement Appreciation event was. Chief of Police Jokerst indicated that the program was very nice and well received by his Department.

Agenda Item 8 - MISCELLANEOUS MATTERS FROM THE MAYOR

Mayor Stuteville reported that she visited with two ladies who were at the Chamber Annual Dinner who commented on how nice the City looks. They indicated that it was much nicer than in years past.

Mayor Stuteville stated that she was not in favor of changing the restriction on the width of driveways at this time. She preferred to wait to address this issue at the time that the Comprehensive Plan is updated.

Agenda Item 9 – ADJOURNMENT

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

Artie Stuteville, Mayor

ATTEST: [seal]

Daniel G. Droste, City Clerk