

**MINUTES OF THE COUNCIL MEETING
OF THE CITY OF PAOLA, KANSAS
6:00 O'CLOCK P.M.
January 8, 2018**

**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, Leigh House and Council Member Elect Dave Smail.

Council Members absent: Council Member Aaron Nickelson.

Also present: City Manager Jay Wieland, City Clerk Dan Droste, Assistant City Clerk Stephanie Marler, City Attorney Lee Tetwiler, Chief of Police Don Poore, Public Works Director Kirk Rees, Deb Smail, Mike Folsom, Theresa Pritchard, Cliff Blackmore, and Brian McCauley with the Miami County Republic.

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 meeting of December 12, 2017.
- b. Approval of Salary Ordinances 17-26 and 18-01.
- c. Approval of Appropriation Ordinances 867 and 868.
- d. Approval of the Pledged Collateral Report for December, 2017.

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 House 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 - RECESS SINE DIE

Council Member Wilhoite made a motion to recess sine die. The motion was seconded by Council Member House and all voted aye. The motion passed 3 to 0.

Mayor Stuteville presented a plaque and gift to retiring City Council Member Jim Pritchard in appreciation for his more than 13 years of service to the City of Paola.

Clerk Droste administered the Oath of Office to Mayor Artie Stuterville and Council Members Dave Smail and Leigh House.

Pastor Michael Folsom presented an invocation for the new City Council.

Council Member Wilhoite made a motion to resume the recessed meeting. The motion was seconded by Council Member House and all voted aye. The motion passed 3 to 0.

Newly elected City Council Member Dave Smail took his seat with the Council and Mayor Stuterville called the new City Council to order and resumed the recessed meeting.

Agenda Item 4 - ELECTION OF COUNCIL OFFICERS

Council Member Wilhoite made a motion to nominate Council Member Leigh House as President of the Paola City Council. The motion was seconded by Council Member Smail and all voted aye. The motion passed 3 to 0.

Council Member House made a motion to nominate Council Member Gee Gee Wilhoite as Vice President of the Paola City Council. The motion was seconded by Council Member Smail and all voted aye. The motion passed 3 to 0.

Agenda Item 5 - DESIGNATION OF DEPOSITORYIES FOR CITY FUNDS

Council Member House made a motion to designate Security Bank of Kansas City, Great Southern Bank, First Security Bank, First Option Bank and Landmark National Bank as depositories for City funds. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 3 to 0.

Agenda Item 6 - ANNUAL AUTHORIZATION: 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.

Council Member Wilhoite 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 House and all voted aye. The motion passed 3 to 0 and the Resolution was assigned number 2018-001.

Agenda Item 7 - UNFINISHED BUSINESS – None.

Agenda Item 8 - NEW BUSINESS

Agenda Item 8a - Consider bids for lease financing for the purchase of two 2018 International 7400 SFA 4x2 Dump Trucks.

City Clerk Droste presented bids for 48 month lease financing for the acquisition of two 2018 International 7400 SFA 4x2 Dump Trucks with additional equipment as follows:

<u>Bank</u>	<u>Rate</u>	<u>Fee</u>	<u>APR</u>	<u>Terms</u>
First Security Bank	3.47%	\$0.00	3.47%	Fixed Rate
First Option Bank	3.95%	\$0.00	3.95%	Fixed Rate
Great Southern Bank	4.05%	\$0.00	4.05%	Fixed Rate
Security Bank of KC	4.50%	\$0.00	4.50%	Fixed Rate
Landmark National Bank	No bid			

After a discussion, Council Member House made a motion to approve the bid from First Security Bank at a fixed rate of 3.47% / 3.47% APR for a 48 month lease to finance the acquisition of two 2018 International 7400 SFA 4x2 Dump Trucks with additional equipment. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 3 to 0.

Agenda Item 8b - Consider approval of a Resolution authorizing the Mayor and City Clerk to execute a lease purchase agreement with First Security Bank.

City Clerk Droste presented a Resolution authorizing the Mayor and City Clerk to execute a lease purchase agreement with First Security Bank. After a discussion, Council Member Smail made a motion to approve A RESOLUTION OF THE CITY OF PAOLA, KANSAS, AUTHORIZING THE EXECUTION OF A LEASE PURCHASE AGREEMENT. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 3 to 0 and the Resolution was assigned number 2018-002.

Agenda Item 8c - Acknowledgement of Certification of Annual Disclosure Training pursuant to the City's Continuing Disclosure Policy.

City Clerk Droste presented a Certification of Annual Disclosure Training pursuant to Section V of the City's Continuing Disclosure policy. He reported that on December 28, 2017, Stephanie Marler, Assistant City Clerk, and he met with Mary Carson of Triplett, Woolf & Garretson via teleconference to complete the required annual disclosure training.

Council Member Wilhoite made a motion to acknowledge receipt of the Certification of Annual Disclosure Training pursuant to Section V.2 of the City of Paola's Continuing Disclosure Policy. The motion was seconded by Council Member House and all voted aye. The motion passed 3 to 0.

Agenda Item 8d - Consider approval of a new Cereal Malt Beverage License for Walmart, Inc.

City Clerk Droste reported that he was notified by the Legal Department at Walmart that their corporate name will officially change on February 1st from Wal-Mart Stores, Inc. to Walmart, Inc. Although this does not seem to be significant, it does require them to get a new Cereal Malt Beverage License as these licenses are not transferrable. A new CMB Application and \$75 fee is being processed by Walmart. Since this is the last Council Meeting prior to February 1st, approval is request subject to the receipt of the application and fee.

Council Member House made a motion to approve a new License for the sale of Cereal Malt Beverages in the original and unopened containers and not for consumption on the premises for Walmart, Inc. at 310 Hedge Lane, Paola, Kansas, subject to the receipt of the CMB Application and \$75 license fee. The motion was seconded by Council Member Smail. Council Members Smail and House voted aye and Council Member Wilhoite abstained. As an abstention is counted toward the majority, the motion passed 3 to 0.

Agenda Item 8e - Consider approval of a lease agreement with KwiKom Communications to place equipment on the City's water tower.

Manager Wieland presented a draft of a lease agreement with KwiKom Communications. He indicated that the attorney for KwiKom had not completed his review of the agreement but his response is expected later this week. After discussing the terms of the agreement, Manager Wieland recommended approval of the agreement subject to legal review.

Council Member Wilhoite made a motion to approve a lease agreement with KwiKom Communication to place equipment on the City's water tower, subject to legal review, and authorize the City Manager to sign. The motion was seconded by Council Member Smail and all voted aye. The motion passed 3 to 0.

Agenda Item 9 - COMMITTEE REPORTS – None.

Agenda Item 10 - STAFF REPORTS

City Clerk Droste reported that the State of the City Breakfast will be held on Tuesday, February 6th at Town Square from 7:30 to 9:00 a.m. and the Annual Legislative Breakfast will be on Saturday, February 17th at Holy Trinity School from 7:00 to 9:00 a.m.

Manager Wieland asked the City Council to contact him with any items that they would like to have included in the Mayor's address at the State of the City Breakfast.

Agenda Item 11 - MISCELLANEOUS MATTERS FROM THE COUNCIL

The City Council welcomed new City Council Member Dave Smail and thanked former City Council Member Jim Pritchard for his service to the City.

Agenda Item 12 - MISCELLANEOUS MATTERS FROM THE MAYOR

Mayor Stuterville reminded everyone that Kansas Day will be celebrated at Paola High School on Saturday, January 27th from 9:00 am to 2:00 pm.

Mayor Stuterville passed along a comment about the City's Christmas decorations at Silver Street just north of the Square. Those decorations are quite old and looking poorly.

Mayor Stuterville also welcomed new City Council Member Dave Smail and thanked former City Council Member Jim Pritchard for his service to the City.

Agenda Item 13 - EXECUTIVE SESSION: the justification being the discussion of personnel matters of non-elected personnel. K.S.A. 75-4319(b)(1) is the authority for this recess.

Council Member House made a motion to recess to an Executive Session, to include the Mayor and Council to discuss the annual performance evaluation of the City Manager pursuant to the non-elected personnel matter exemption, KSA 75-4319(b)(1); the regular meeting to reconvene here at the Municipal Court Room at 6:40 p.m. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 3 to 0.

At 6:40 pm the City Council came out of Executive Session and Council Member Wilhoite made a motion to reconvene the recessed meeting. The motion was seconded by Council Member Smail and all voted aye. The motion passed 3 to 0.

Agenda Item 14 - EXECUTIVE SESSION: the justification being the discussion of personnel matters of non-elected personnel. K.S.A. 75-4319(b)(1) is the authority for this recess.

Council Member House made a motion to recess to an Executive Session, to include the Mayor, Council, and City Manager to discuss the annual performance evaluation of the City Manager pursuant to the non-elected personnel matter exemption, KSA 75-4319(b)(1); the regular meeting to reconvene here at the Municipal Court Room at 7:20 p.m. The motion was seconded by Council Member Smail and all voted aye. The motion passed 3 to 0.

At 7:20 pm the City Council came out of Executive Session and Council Member Smail made a motion to reconvene the recessed meeting. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 3 to 0.

Pursuant to discussion during the Executive Session, Council Member House made a motion to award City Manager Jay Wieland a 2% merit increase in salary. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 3 to 0.

Agenda Item 15 – ADJOURNMENT

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

Artie Stuteville, Mayor

ATTEST: [seal]

Daniel G. Droste, City Clerk