

**MINUTES OF THE COUNCIL MEETING
OF THE CITY OF PAOLA, KANSAS
6:00 O’CLOCK P.M.
November 12, 2013**

**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 Gee Gee Wilhoite, Leigh House and Aaron Nickelson.

Council Members absent: Council Member Jim Pritchard.

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, Human Resources Director Vicki Belt, Dylan Stringham, Braeden Jevne, Alex Johnston, Zach Smith, Steve Stringham, Jeff Johnston, Lily Woolsey, 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 Wilhoite, House and Nickelson were all present. Council Member Pritchard was absent.

Mayor Stuteville announced that there was an amended agenda which included two additional items: Agenda Item 5-f – Consider approval of the renewal of an agreement with the Kansas Department of Wildlife, Parks and Tourism to participate in the Community Fisheries Assistance Program; and Agenda Item 5-g – Consider authorization of a letter of support to Lakemary Center for a State Public Transportation Grant.

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.

Dylan Stringham, Braeden Jevne, Alex Johnston, and Zach Smith with Boy Scout Troop 100 introduced themselves and reported that they were in attendance for their Communications Merit Badge. Mayor Stuteville welcomed them to the meeting.

Agenda Item 4 - CONSENT AGENDA:

- a. Approval of minutes of the meeting of October 22, 2013.
- b. Approval of Salary Ordinance 13-23.
- c. Approval of Appropriation Ordinance No 763.
- d. Approval of the Journal Entries Report for October, 2013.
- e. Approval of the Pledged Securities Report for October, 2013.
- f. Approval of a leak allowance in the amount of \$55.35 for 410 E Miami.

- g. Approval of a Building Permit Waiver from USD 368 in the amount of \$915.00.

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 5 - REPORTS OF OFFICERS, BOARDS AND COMMITTEES:

Agenda Item 5a – Consider adoption of a new brush and tree limb collection program.

Manager Wieland presented a summary of the newly proposed brush and tree limb collection program as follows:

- Brush and limbs would be picked up at the curbside on the fourth Monday of each month, except for the month of May which will be the Tuesday after Memorial Day.
- Brush and limbs should be tied into bundles using twine or string only. Wire or plastic ties would not be accepted.
- All limbs must be less than 4 inches in diameter.
- Limbs and brush must be cut to lengths of 4 feet or less.
- Bundles cannot exceed a weight of 50 pounds.
- Bundles must be placed at the street curb in front of the house before 8:00 am on the day of collection, not in the alley.
- The first collection day will be November 25, 2013.

Manager Wieland reported that at the City Council Work Study Meeting, City staff proposed that larger tree limbs could be collected if they were cut into 2 foot lengths and did not exceed 50 pounds. However, after further consideration, staff had concerns over the possibility of entire trees being placed on the curb for collection and concerns over the potential injury to employees who would be picking up large quantities of heavy limbs. Therefore, he recommended that tree limbs be limited to a maximum of 4 inches in diameter.

Council Member Nickelson asked if this program would apply to trees and limbs that were blown down due to storms. Manager Wieland indicated that the current policy of picking up limbs from street trees that were blown down during a storm will remain in place.

After additional discussion, Councilmember Nickelson made a motion to approve the new brush and tree limb collection program as presented. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 3 to 0.

Agenda Item 5b – Consider an Ordinance establishing prohibited hours for soliciting within the City.

Manager Wieland reported that at the Work Study Meeting on November 5th, the Council discussed the need to establish hours where door-to-door soliciting is prohibited. The consensus of the Council was that soliciting should be prohibited as follows:

- from 6:00 p.m. to 10:00 a.m. Monday through Saturday,
- all day on Sunday,
- at anytime when a sign has been posted on a residence or building stating "No Solicitors or Peddlers," or words to that effect,

- except that a licensed solicitor or peddler may call upon the occupant of a residence at other times when he has received express prior permission from such occupant to do so.

Manager Wieland indicated that the City’s ordinances relating to soliciting does not apply to groups such as the Girl Scouts or Boy Scouts and others.

After additional discussion, Councilmember Nickelson made a motion to approve AN ORDINANCE AMENDING TITLE VI, BUSINESS AND OCCUPATION, CHAPTER 610: PEDDLERS, SOLICITORS, CANVASSERS, SECTION 610.055: PROHIBITED HOURS; SIGNAGE, OF THE MUNICIPAL CODE OF 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 Ordinance was assigned number 3063.

Agenda Item 5c – Consider an Ordinance amending the Employee Benefits Fund.

Manager Wieland presented an Ordinance amending the allowable expenditures that can be paid from the Employee Benefits Contribution Fund by updating it to include:

- Medicare.
- Kansas Police and Fireman’s Retirement System (KP&F).
- Health and wellness, disability, life insurance benefits, and accruals for benefits as required by the city personnel policy.

After additional discussion, Councilmember Wilhoite made a motion to approve AN ORDINANCE AMENDING TITLE I, GOVERNMENT CODE, CHAPTER 105: ADMINISTRATION, SECTION 105.320: EMPLOYEE BENEFITS CONTRIBUTION FUND, OF THE MUNICIPAL CODE OF THE CITY OF PAOLA, KANSAS. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 3 to 0 and the Ordinance was assigned number 3064.

Agenda Item 5d – Consider approval of amendments to the City’s Employee Handbook.

Human Resources Director Belt reported that at the Work Study Meeting on November 5th, the Council discussed proposed changes to the City’s Employee Handbook. She presented a Resolution that incorporates changes that were discussed to the following sections of the handbook:

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|----------------|---------------------------------------|
| Section 3.1 | Definitions |
| Section 4.13 | Pay at Termination |
| Section 5.3 | Punctuality, Illness, and Absenteeism |
| Section 6.3(a) | Sick Leave Policy |
| Section 6.3(f) | Sick Leave Notification |
| Section 6.3(h) | Misuses of Sick Leave |
| Section 6.4 | Family and Medical Leave |
| Section 6.8 | Personal Leave |
| Section 2.7(m) | Taxable Fringe Benefits |
| Section 9.7 | Wellness Program |

After additional discussion, Councilmember House made a motion to approve A RESOLUTION AMENDING AND ADOPTING THE PERSONNEL MANUAL, EFFECTIVE NOVEMBER

13, 2013. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 3 to 0 and the Resolution was assigned number 2013-008.

Agenda Item 5e – Consider approval of repairs to the waste water treatment plant.

Public Works Director Browning reported that the waste water treatment plant has been experiencing issues with the “scum troughs” on the two clarifier basins. After troubleshooting the problems, it was determined that the troughs were installed at an incorrect height which creates stress on the motor and causes the wiper blades to wear out prematurely. The original construction contractor, CAS Construction, has agreed to correct the issue for a total of \$4,723.00 which is an extremely low bid given the amount of work that will be required to lower the troughs.

After additional discussion, Councilmember House made a motion to approve the bid from CAS Construction in the amount of \$4,723.00 to lower the skimmer troughs at the waste water treatment plant. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 3 to 0.

Agenda Item 5f – Consider approval of the renewal of an agreement with the Kansas Department of Wildlife, Parks and Tourism to participate in the Community Fisheries Assistance Program.

Public Works Director Browning presented an agreement with the Kansas Department of Wildlife, Parks and Tourism for the City to renew its participation in the Community Fisheries Assistance Program at Lake Miola. He explained that the City would be paid \$6,489.00 annually in exchange for not requiring the purchase of a City issued fishing license for anglers at Lake Miola. Additionally, the City can also qualify for grants through the State for improvements at Lake Miola.

After additional discussion, Councilmember Nickelson made a motion to approve the agreement with the Kansas Department of Wildlife, Parks and Tourism to participate in the Community Fisheries Assistance Program and authorize Public Works Director Browning to sign on behalf of the City. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 3 to 0.

Agenda Item 5g – Consider authorization of a letter of support to Lakemary Center for a State Public Transportation Grant.

Manager Wieland presented a request from Lakemary Center for a letter of support for a State Public Transportation Grant. After additional discussion, Councilmember Wilhoite made a motion to approve a letter of support to Lakemary Center for a State Public Transportation Grant under USC49-5316 of the Federal Transit Administration Act of 1991 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 6 – NEW BUSINESS

Clerk Droste reported that sales tax revenues for the month of October totaled \$186,136 bringing the year to date total to \$1,873,393 which is \$66,401 more than the same time period last year.

Clerk Droste reminded the Council about the Elected Officials and Leadership Dinner that is scheduled for tomorrow evening in Louisburg. Those attending will meet at City Hall at 5:30 pm to car pool to the event.

Clerk Droste inquired about who would be attending the League of Kansas Municipalities Regional Supper in Lenexa on Wednesday, November 30th. Mayor Stuteville, Council Member Pritchard, City Manager Wieland and Clerk Droste will be attending.

Manager Wieland reported that the Historic Rehabilitation Grant Application for the Library will be completed and submitted within the next few days.

Manager Wieland discussed the City's presentation for the Elected Officials and Leadership Dinner at Louisburg tomorrow evening.

Manager Wieland reported that the Veterans Day Service at the Veterans Memorial was very nice and well attended.

Council Member Wilhoite reported that her daughter recently toured the waste water treatment plant and that she was very impressed with the facility.

Mayor Stuteville reported that she attended the annual dinner for the Miami County Historical Society and it was a very nice event.

Agenda Item 7 – ADJOURNMENT

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

Artie Stuteville, Mayor

ATTEST: [seal]

Daniel G. Droste, City Clerk