

**MINUTES OF THE COUNCIL MEETING
OF THE CITY OF PAOLA, KANSAS
6:00 O’CLOCK P.M.
December 9, 2014**

**Held in the Municipal Court Room at the Paola Justice Center
805 North Pearl Street in Paola**

The Governing Body of the City of Paola, Kansas, met with Council President Pritchard presiding.

Council Members present: Mayor Artie Stuteville and Council Members Jim Pritchard, Gee Gee Wilhoite, Leigh House and Aaron Nickelson.

Council Members absent: None.

Also present: City Manager Jay Wieland, City Clerk Dan Droste, City Attorney Lee Tetwiler, Police Chief Dave Smail, City Planner Mike Gotfredson, Richard Lentz, Nick Ewing with Sullivan Palmer Architects, 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 Nickelson 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 regular meeting of November 25, 2014.
- b. Approval of Salary Ordinance 14-27.
- c. Approval of Appropriation Ordinance No 790.
- d. Approval of the Journal Entries Report for November, 2014.
- e. Approval of the Pledged Securities Report for November, 2014.
- f. Approval of the renewal of a Drinking Establishment License for Spudley’s at 2 Morningside Drive.
- g. Approval of the renewal of the Class A Private Club License for the VFW at 202 Delaware.
- h. Approval of the renewal of Cereal Malt Beverage Licenses for 2015:
 - 1) Price Chopper at 309 N Hospital Drive – Off Premises

- 2) Casey's General Store #1237 at 119 N Hospital Drive – Off Premises
- 3) Casey's General Store #1337 at 404 S Silver Street – Off Premises
- 4) Darrel's Last Resort at 807 S Silver Street – Off Premises and On Premises
- 5) BBQ Shack at 1613 E Peoria Street – On Premises
- 6) Emery's Steak House at 16 W Peoria Street – On Premises
- 7) Pizza Hut at 816 N Pearl Street – On Premises
- 8) Walmart at 310 Hedge Lane – Off Premises
- 9) Fuel Expresso #13 at 1005 N Pearl Street – Off Premises

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 Nickelson and all voted aye. The motion passed 4 to 0.

Agenda Item 5 – REPORTS OF OFFICERS, BOARDS AND COMMITTEES:

Agenda Item 5a – Consider adoption of a Continuing Disclosure Policy.

Manager Wieland presented a proposed Continuing Disclosure Policy for consideration. He explained that the policy outlines the procedures that City Staff needs to complete to be in full compliance with requirements outlined by the Securities and Exchange Committee pursuant to Rule 15C2-12. Clerk Droste summarized the filing and notification triggers that are identified in the policy.

After additional discussion, Council Member House made a motion to adopt the Continuing Disclosure Policy, as presented, to insure satisfaction of continuing disclosure obligations pursuant to Rule 15C2-12, as amended, promulgated under the Securities Exchange Act of 1934, as amended. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 4 to 0.

Agenda Item 5b – Consider a Resolution consenting to the transfer of the Franchise Agreement with Wildflower Telecommunications, LLC.

Manager Wieland reported that the City was notified via email by the law firm of Cafer Perberton, LLC, that IdeaTek, formerly Wildflower Telecommunications, LLC, is in the process of selling a portion of its Kansas operations, including those in the Paola city limits, to Zayo Group, LLC. A request was made for the City to formally approve the transfer of the Franchise Agreement to Zayo Group. Manager Wieland presented a Resolution which would provide formal approval of the transfer of the Franchise Agreement.

After additional discussion, Council Member Wilhoite made a motion to approve A RESOLUTION CONSENTING TO THE TRANSFER OF FRANCHISE PURSUANT TO SECTION 15 OF AN ORDINANCE GRANTING THE FRANCHISE, PRIVILEGES AND RIGHTS TO WILDFLOWER TELECOMMUNICATIONS, LLC, ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT, ACQUIRE, OPERATE AND MAINTAIN A COMMUNICATIONS SYSTEM IN THE CITY OF PAOLA, KANSAS, AND TO USE THE STREETS, ROADS, ALLEYS, POLES, AND OTHER PUBLIC PLACES WITHIN SAID CITY FOR SUCH PURPOSES; ADOPTED AS ORDINANCE NO 3056 ON APRIL 23, 2013. The

motion was seconded by Council Member Nickelson and all voted aye. The motion passed 4 to 0 and the Resolution was assigned number 2014-010.

Agenda Item 5c – Consider the cancellation of the Real Estate Contract for Lot 7 in the Paola Industrial Park.

Manager Wieland reported that the City Council approved a real estate contract to transfer the title of Lot 7 in the Paola Industrial Park to Pfefferkorn & Baldrige Engineering, LLC on July 8th. Since that time, Pfefferkorn & Baldrige Engineering, LLC has elected to purchase the property located at 308 S Silver. The firm now plans to move their operations to this building rather than build a new building in the Industrial Park.

After additional discussion, Council Member Nickelson made a motion to cancel the Real Estate Contract with Pfefferkorn & Baldrige Engineering, LLC for Lot 7 in the Paola Industrial Park that was previously approved by the City Council on July 8, 2014. . The motion was seconded by Council Member Pritchard and all voted aye. The motion passed 4 to 0.

Agenda Item 5d – Report on City Offices to be placed on the April 7, 2015 ballot.

Clerk Droste reported that in the General Election on April 7, 2015, the City offices of Mayor, Council Member – Ward 1 and Council Member – Ward 3 will be on the ballot. The “Candidates Declaration of Intention” and \$10 filing fee must be paid to the City Clerk by 12:00 Noon on Tuesday, January 27, 2015 to qualify as a candidate. Should more than three individuals file for the same position, a primary election would be held on March 3, 2015 to reduce the number of candidates to three.

Informational packets for candidates with all of the required forms are available at the Office of the City Clerk at Paola City Hall. Information is also available on the City’s website at www.cityofpaola.com.

Agenda Item 5e – Year-to-date Budget Report.

Manager Wieland presented a summary of the revenues and expenditures for all budgeted funds through the end of November. Overall, total revenues amounted to \$14,223,043 or 95.8% of the amended 2014 budget and expenditures amounted to \$10,567,936 or 90.0% of the amended budget.

Agenda Item 6 – NEW BUSINESS

Clerk Droste reported that the annual Chamber of Commerce “State of the City Breakfast” will be held on January 10, 2015 at Town Square. Also, the groundbreaking ceremony for the Miami County Detention Center will be held at 11:00 am on Wednesday, December 17th.

City Planner Gotfredson reported that the plans for most of the USD 368 Phase II improvements have been received.

Manager Wieland reported that in 2013, the City Council approved a bonus day off on Christmas Eve to reward City employees for the great workers compensation loss record that was recorded for the year. Manager Wieland reported that for the third year in a row, the City’s employees set a record low for workers compensation claims and he would like the City Council to again this

year approve a bonus day off on Christmas Eve as a reward for their efforts. Clerk Droste added that he received the City's workers compensation premium invoice earlier in the day and the City's workers compensation loss experience modifier for 2015 will be 0.74. Also, the Kansas Municipal Insurance Trust awarded an additional 10% discount for the plan year. Droste reported that the gross premium for 2015 was \$97,494, but after applying the experience modifier and discount, the City's premium will be \$65,131, a savings of over \$32,000 or 36%. Manager Wieland reported that Christmas Eve would be given as a bonus day off for all full-time City employees, full-time employees that are required to work on Christmas Eve will be given a floating bonus day to be used within 60 days, and part-time employees would be rewarded with their regular scheduled pay or a bonus day equal to their daily average hours per week. Manager Wieland also requested approval for the annual Christmas gift cards for employees. He recommended that full time employees be given a \$60 gift card and that certain part time employees receive a \$30 gift card. After additional discussion, Councilmember Wilhoite made a motion to award a bonus day off for all City Employees as presented and also to approve the annual Christmas Gift Cards for employees as presented. The motion was seconded by Council Member Pritchard and all voted aye. The motion passed 4 to 0.

Manager Wieland reported that the notices regarding the TTHM violation were mailed on December 5th and that there were few concerned inquires. He reported that there will ongoing conversations with the MDCPUA to avoid future violations.

Manager Wieland reported on the status of the budget for the Library remodel and expansion project. With nearly all of the expenses accounted for, the project account has a remaining balance of \$97,755.

Council Member Nickelson reported that he attended the Tall Grass Theater Christmas production last week and that it was a very well done.

Mayor Stuteville nominated Corinne Buchanan to serve on the Library Board. Council Member Pritchard made a motion to approve the Mayor's nomination to the Library Board. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 4 to 0.

Agenda Item 7 – ADJOURNMENT

With no additional business to come before the Council, Council Member Nickelson made a motion to adjourn. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0.

Artie Stuteville, Mayor

ATTEST: [seal]

Daniel G. Droste, City Clerk