

**MINUTES OF THE REGULAR COUNCIL MEETING  
OF THE CITY OF PAOLA, KANSAS  
6:00 O’CLOCK P.M.  
August 25, 2015**

**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 Mayor Stuteville presiding.

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

**Council Members absent:** Council Member Aaron Nickelson.

**Also present:** City Manager Jay Wieland, City Clerk Dan Droste, City Attorney Lee Tetwiler, Police Chief Dave Smail, City Planner Mike Gotfredson, Public Works Director Craig Browning, Renee Slinkard, Karen Kidwell, and Brian McCauley with the Miami County Republic.

**Agenda Item 1 -CALL TO ORDER:** A regular meeting of the City Council was called to order by Mayor Stuteville.

**Agenda Item 2 - ROLL CALL:** Mayor Stuteville and Council Members Pritchard, Wilhoite, and House were all present. Council Member Nickelson 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.

Mayor Stuteville presented a Proclamation to Renee Slinkard and Karen Kidwell with the Marais Des Cygnes Chapter of the Daughters of the American Revolution naming September 17<sup>th</sup> through the 23<sup>rd</sup> as Constitution Week.

**Agenda Item 4 -CONSENT AGENDA:**

- a. Approval of minutes of the meetings of August 11, 2015.
- b. Approval of Salary Ordinance 15-17.
- c. Approval of Appropriation Ordinance No 809.
- d. Approval of the renewal of a Drinking Establishment License for Applebee’s.

Council Member Pritchard made a motion to approve the Consent Agenda 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 5 – REPORTS OF OFFICERS, BOARDS AND COMMITTEES**

### **Agenda Item 5a – Consider Adoption of the 2015 Uniform Public Offense Code.**

Clerk Droste reported that the City has adopted the Uniform Public Offense Code (UPOC) since 2004. This document is published annually by the League of Kansas Municipalities incorporating any new statutory changes passed by the State Legislature. Since it was first adopted, the City has chosen to omit certain sections of the UPOC, specifically: Section 6.16 - Giving a Worthless Check; Section 6.19 - Equity Skimming; and Section 3.1.1 – Domestic Battery. These sections are omitted because the natures of these offenses are such that they are more appropriately dealt with in District Court rather than in Municipal Court.

Council Member Wilhoite made a motion to approve AN ORDINANCE AMENDING SECTION 205.005 OF THE CODE OF THE CITY OF PAOLA, KANSAS, 2009, REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF PAOLA, KANSAS; INCORPORATING BY REFERENCE THE “UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES, EDITION OF 2015”, WITH CERTAIN OMISSIONS. The motion was seconded by Council Member Pritchard and all voted aye. The motion passed 3 to 0 and the Ordinance was assigned number 3086.

### **Agenda Item 5b – Consider Adoption of the 2015 Standard Traffic Ordinance.**

Clerk Droste reported that the City has adopted the Standard Traffic Ordinance (STO) annually since 1993. This document is published annually by the League of Kansas Municipalities incorporating any new statutory changes passed by the State Legislature. In past years, the City Council has adopted the STO without modification or omission. However, the City Council has previously adopted Ordinances relating to all-terrain vehicles and the lawful operation of golf carts on city streets. Therefore, Sections 114.1 and 114.4 are deleted in preference to the City’s ordinances. Additionally, Section 194 and 195.1 of the STO provides for minimum mandatory sentencing of 90 days in jail and a \$1,500 fine for a third conviction for driving with a canceled, suspended, or revoked license. Per the advice of the City Attorney, Section 194 is amended to remove language referring to this minimum mandatory sentencing and Section 195.1 is deleted.

Council Member Pritchard made a motion to approve AN ORDINANCE AMENDING SECTION 300.010 OF THE CODE OF THE CITY OF PAOLA, KANSAS, 2009, INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES, EDITION OF 2015", WITH CERTAIN OMISSIONS AND AMENDMENTS; AND AFFIRMING THAT SECTION 305.060 UNLAWFUL OPERATION OF ALL-TERRAIN AND UNREGISTERED VEHICLES AND SECTION 305.070 OPERATION OF GOLF CARTS OF THE CODE OF THE CITY OF PAOLA, KANSAS, 2009, ARE NOT AMENDED, MODIFIED OR REPEALED. The motion was seconded by Council Member House and all voted aye. The motion passed 3 to 0 and the Ordinance was assigned number 3087.

### **Agenda Item 5c – Discussion regarding the transition to November elections pursuant to HB 2104.**

City Clerk Droste presented a historical timeline of significant dates relating to local elections for the Governing Body of the City of Paola as follows:

August 14, 1855	City of Paola is incorporated.
August 7, 1869	City of Paola is incorporated as a city of the second class.
1855 to 1869	The City is governed by a Board of Trustees with five members.
1869 to 1881	The City is divided into two Wards. Elections are held each year for Mayor and 4 City Council Members for 1 year terms.
1881 to 1966	The City is divided into four Wards with 2 City Council Members elected from each Ward. Elections are held each year with the Mayor and 1 Council Member from each Ward being elected in odd numbered years for 2 year terms and a second Council Member from each ward being elected in even number years for 2 year terms.
August 7, 1962	A City election is held approving the conversion to the City Manager Plan of Government.
1966 to present	The number of City Council Members are reduced from 8 to 4 with only one City Council Member from each Ward. The Mayor and City Council Members from Wards 1 and 3 are elected in odd numbered years for 2 year terms and the City Council Members from Wards 2 and 4 are elected in even numbered years for 2 year terms.

Manager Wieland reported that during the 2015 session of the Kansas Legislature HB 2104 was passed and signed into law. The bill moved city elections from April to November of odd-years. As a result, the entire election schedules for Kansas cities have been altered and cities will need to make revisions in their structures to meet the criteria of the new legislation. For Paola, which uses a two year, staggered term election cycle the new law creates some very unique questions.

The bill as written and adopted sets local elections in November of odd numbered years but does provide for special elections, partisan elections, and even year elections. It also provides for the extension of existing local elected officials terms of office from ending after a spring election to ending on the second Monday of January of the new election cycle. Unfortunately, HB2104 did not address local government elections such as Paola's which are on a two year cycle thus resulting in an election being held every year.

Upon an initial review of HB 2104, it was thought that the continuation of the spring election cycle for 2016 would be feasible. But after exhaustive research the League of Kansas Municipalities has reached the conclusion that HB 2104 did away with all local governmental election cycles and that any future elections for city council members would need to be on the fall election cycle. Thus, the April election for the Wards 2 and 4 will be the first elections

subject to the new law and will need to be held in November of 2016 even though it is not an odd year as set out in state law.

The terms of office for all council members will need to be extended to meet the requirements HB 2104. As a result, the terms of Council Members Nickelson and Wilhoite will be extended from ending on the first meeting in May of 2016 to ending on the second Monday of January of 2017. The terms of Mayor Stuteville and Council Members House and Pritchard will end on the second Monday of 2018 rather than the first Tuesday meeting in May of 2017.

The City will need to adopt several ordinances to address the changes set out in HB 2104. Before moving forward with the preparation of the required ordinances staff believes it would be beneficial to review the current election format and determine if the Governing Body would like to consider revising the length of the terms of office, eliminating the ward system and going to “at-large” elections, eliminating the staggered 2 year terms and having all council members elected at one time in the odd years, or leaving things as they are and having elections annually in both even and odd years.

Manager Wieland noted that one thing to keep in mind when thinking about the possibilities is that if the City elections remain on the 2 year term schedule Wards 2 and 4 will have years when their election season will coincide with national and state elections such as in 2016. It is very possible that local elections in those years will be lost in the rhetoric and unpleasantness of the national and state races.

After this and additional discussion, the Mayor and City Council agreed that the City’s current format should be retained with 2 year terms; the Mayor and Council Members in Ward 1 and 3 being elected in odd years; and the Council Members from Ward 2 and 4 being elected in even years. City staff was instructed to further research the issue and prepare the necessary ordinances to transition to November elections.

#### **Agenda Item 6 - NEW BUSINESS**

Clerk Droste reported that sales tax revenues for August amounted to \$220,228 bringing the year-to-date total to \$1,622,779 or 4.52% higher than the same time period in 2014.

Clerk Droste presented a revised Household Trash and Recycling brochure and discussed the new services provided by L&K Services, including a monthly bulky item pick up and larger 96 gallon recycling containers.

Clerk Droste reported that the League of Kansas Municipalities 2015 Annual Conference will be held in Topeka from October 10<sup>th</sup> through the 12<sup>th</sup>. Early registration deadline is September 25<sup>th</sup>.

Public Works Director Browning reported that his staff is busy preparing for the Roots Festival, repairs to Brookside Drive will begin later this week, work on the Osage Street water line replacement will resume soon, and he discussed recent repairs at the waste water treatment plant.

City Manager Wieland reported that he attended the Miami County Elected Officials Breakfast earlier today where presentations were made by the Kansas Works Office and on the status of the new County jail. He also reported that an advertisement will be running soon for Police Chief as Chief Smail will be retiring on October 1<sup>st</sup>.

Council Member Pritchard complimented the Public Works Department for their efforts in cleaning up Whitaker Park.

**Agenda Item 7 – EXECUTIVE SESSION for the purpose of a consultation with an attorney for the governing body which is deemed privileged in the attorney-client relationship. K.S.A. 75-4319(B)(2) is the authority for this recess.**

Council Member Wilhoite made a motion to adjourn to Executive Session, to include the Mayor, Council, City Manager, City Clerk, and City Attorney for 15 minutes for the purpose of a consultation with an attorney for the governing body which is deemed privileged in the attorney-client relationship; the special meeting to reconvene at 7:00 p.m. The motion was seconded by Council Member House and all voted aye.

At 7:00 pm the Council came out of executive session and Council Member Pritchard made a motion to reconvene the adjourned meeting. The motion was seconded by Council Member House and all voted aye.

No action was taken pursuant to the executive session.

#### **Agenda Item 8 – ADJOURNMENT**

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

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Artie Stuteville, Mayor

ATTEST: [seal]

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Daniel G. Droste, City Clerk