

**MINUTES OF THE COUNCIL MEETING
OF THE CITY OF PAOLA, KANSAS
5:30 O’CLOCK P.M.**

December 8, 2009

**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.

Councilmembers present: Mayor Stuteville and Council Members Pritchard, Dial, Rowlett, and Bell.

Council Members absent: None

Also present: City Manager Wieland, City Clerk Droste, City Planner Gotfredson, Public Works Director Browning, Police Chief Smail, Human Resources Director Belt, Richard Lentz, and Jesse Trimble from the Miami County Republic.

Agenda Item 1 - CALL TO ORDER: The regular council meeting was called to order by Mayor Artie Stuteville.

Agenda Item 2 - ROLL CALL: Mayor Stuteville and Council Members Pritchard, Dial, Rowlett, and Bell were all present. No one was absent.

Agenda Item 3 - PETITIONS, REMONSTRANCES, AND COMMUNICATIONS

Council 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 meeting of November 24, 2009.
- b. Approval of Salary Ordinance number 09-24.
- c. Approval of Appropriation Ordinance No. 666.
- d. Approval of the Journal Entries Report for November, 2009.
- e. Approval of Cereal Malt Beverage Licenses for:
 - 1) Price Chopper at 309 N Hospital Drive
 - 2) Casey’s General Store #1 at 119 N Hospital Drive
 - 3) Casey’s General Store #2 at 404 S Silver Street
 - 4) Darrel’s Last Resort at 807 S Silver Street
 - 5) BBQ Shack at 1613 E Peoria Street
 - 6) Emery’s Steak House at 16 W Peoria Street
 - 7) Pizza Hut at 816 N Pearl Street
 - 8) Walmart at 310 Hedge Lane
 - 9) Zarco 66 at 1005 N Pearl Street

10) Cactus Jack's at 602 N Pearl Street

Councilmember Bell questioned disbursements for gym equipment, floor mats and ice maker for the new Fire Station and a disbursement to the International Association of Chiefs of Police. After discussion, Councilmember Pritchard made a motion to approve the Consent Agenda as presented, and authorize the Mayor to sign. The motion was seconded by Councilmember Dial. Councilmembers Rowlett, Dial, and Pritchard voted aye and Councilmember Bell voted nay. The motion passed 3 to 1.

Agenda Item 5 - REPORTS OF OFFICERS, BOARDS AND COMMITTEES

Agenda Item 5a - Consider the conditional approval of the renewal of the Retail Liquor License for Shipman Liquor at 115 W Wea Street.

Clerk Droste reported that Shipman Liquor at 115 W Wea has applied for a renewal of the Retail Liquor Licenses that expires on January 1st. He reported that the facility has passed the required fire safety inspection, and recommended that the license be approved.

Clerk Droste also reported that there are several building code issues that remain unresolved. Councilmembers Pritchard and Rowlett questioned why the building code issues had not been resolved. After discussion, Councilmember Rowlett asked that a report on the status of the building code issues be given and the next Council Meeting in January and the Council will consider if it should proceed with an unsafe structure action on the property.

Councilmember Rowlett made a motion to approve the renewal of the Retail Liquor License for Shipman Liquor at 115 W Wea Street. The motion was seconded by Councilmember Dial and all voted aye. The motion passed 4 to 0.

Agenda Item 5b - Consider a Resolution amending the Personnel Manual.

Human Resources Director Belt reviewed the changes in the Personnel Manual that were discussed at the work study meeting.

After the discussion, Councilmember Dial made a motion to approve A RESOLUTION AMENDING AND ADOPTING THE PERSONNEL MANUAL, EFFECTIVE JANUARY 1, 2010. The motion was seconded by Councilmember Rowlett and all voted aye. The motion passed 4 to 0 and the Resolution was assigned number 2009-014.

Councilmember Bell questioned the Pay Classification Plan as it relates to merit pay increases. He also questioned the merit increases and salary levels of persons at the top of the pay grade for their positions.

Agenda Item 5c - Consider a Codification Ordinance for the Municipal Code of the City of Paola.

Clerk Droste presented the adoption ordinance for the codification of the Municipal Code for the City of Paola.

Councilmember Dial made a motion to approve AN ORDINANCE ADOPTING AND ENACTING A NEW CODE OF ORDINANCES OF THE CITY OF PAOLA; ESTABLISHING THE SAME; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, EXCEPT AS HEREIN EXPRESSLY PROVIDED; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE OF ORDINANCES; PROVIDING PENALTY FOR THE VIOLATION THEREOF; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE. The motion was seconded by Councilmember Rowlett and all voted aye. The motion passed 4 to 0 and the Ordinance was assigned number 3005.

Agenda Item 5d - Report on elected offices that are to be placed on the April 2010 ballot.

Clerk Droste reported that in the general election on April 6, 2010, the following offices will be placed on the ballot:

City Council Member – Ward 2
City Council Member – Ward 4

The “Candidates Declaration of Intention” and \$10 filing fee must be paid to the City Clerk by 12:00 Noon on Tuesday, January 26, 2010 to qualify as a candidate.

Should more than three individuals file for the same position, a primary election would be held on March 2, 2010 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 will also be made available on the City’s website at www.cityofpaola.com.

Agenda Item 6 – NEW BUSINESS

Clerk Droste presented a summary report of the 2009 Budget.

Clerk Droste reported that he received the renewal notice for Workers Compensation Insurance for 2010. He reported that the City’s experience modifier for 2010 will be 0.93.

City Manager Wieland asked the Council preferred to authorize \$25 gift cards for the employees or a post-holiday party in January. The gift certificates would amount to a total of \$2,600. The Council agreed that the gift cards should be given to the employees.

City Manager Wieland reported that he attended the Kansas Association of City Managers conference in Salina. He indicated that the hot topic for city planning and zoning is dealing with small lot wind turbines.

Councilmember Bell asked what the cash balances were for the City. Clerk Droste reported that the total cash balance in all funds was \$7.491 million and the General Fund cash balance was \$789 thousand as of November 30th.

Councilmember Bell asked about the economic incentive proposal that was presented by Hannes Poetter at the work study meeting. Manager Wieland reported that he was researching policies of other communities and will provide more information at the work study meeting in January. Incentives that included credits for city provided utilities were discussed.

Councilmember Rowlett stated that he would remove himself from all discussion about building incentives since he is a contractor and could benefit from such incentives.

Councilmember Rowlett suggested that when there are questions about expenditures, that the Appropriation Ordinance be removed from the Consent Agenda and discussed and considered separately. This way, Councilmember Bell would not be voting against the entire Consent Agenda when he has an issue with one or two things on the Appropriation Ordinance. Councilmember Bell indicated that he was not necessarily voting against the expenditures, he was not in agreement with the decision to make the expenditure. After additional discussion, City Attorney Tetwiler suggested that when there is a question about a specific expenditure or item, the Council Person should contact City Staff before the public meeting to provide more information. Councilmember Dial suggested that the Appropriation Ordinance be listed as a separate agenda item instead of being included in the Consent Agenda.

Mayor Stuteville reported that Corporal Steven Nancarrow of the United States Marines would like to meet with the Council tomorrow evening at 5:30 pm here at the Paola Justice Center to present the City with a US Flag that flew over his military base in Iraq.

Agenda Item 7 - ADJOURNMENT.

With no additional business to come before the Council, Councilmember Pritchard made a motion to adjourn. Councilmember Dial seconded the motion and all voted aye. The motion passed 4 to 0.

Artie Stuteville, Mayor

ATTEST: (seal)

Daniel G. Droste, City Clerk