

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

**December 14, 2010**

**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, Wilhoite, Rowlett, and Minden.

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 Vicki Belt, and Jesse Kratz from 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, Rowlett, and Minden were all present.

**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 meeting of November 23, 2010.
- b. Approval of Salary Ordinance 10-25.
- c. Approval of Appropriation Ordinance No 691.
- d. Approval of the Journal Entries Report for November, 2010.
- e. Approval of the Pledged Securities Report for November, 2010.
- f. Approval of the renewal of Cereal Malt Beverage Licenses for 2011:
  - 1) Price Chopper at 309 N Hospital Drive – Off Premises
  - 2) Casey’s General Store #1 at 119 N Hospital Drive – Off Premises
  - 3) Casey’s General Store #2 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) Wal-mart at 310 Hedge Lane – Off Premises
- 9) Zarco 66 at 1005 N Pearl Street – Off Premises
- 10) Paola Pit Stop at 812 S Silver – Off Premises

Clerk Droste reported that the application for a CMB License for Spudley’s at 2 W Piankishaw had been withdrawn as the restaurant will be closing at the end of the month. After additional discussion, Councilmember Wilhoite made a motion to approve the Consent Agenda as presented and authorize the Mayor to sign. The motion was seconded by Councilmember Rowlett and all voted aye. The motion passed 4 to 0.

**Agenda Item 5 - REPORTS OF OFFICERS, BOARDS AND COMMITTEES**

**Agenda Item 5a - Consider bids for the renewal of Workers Compensation Insurance.**

Manager Wieland presented bids from the Kansas Municipal Insurance Trust (KMIT) and from EMC Insurance Company through Elliott Insurance Group. The bids were as follows:

<u>Company</u>	<u>Salary Base</u>	<u>Experience Modifier</u>	<u>Discount</u>	<u>Premium</u>
KMIT	\$2,870,270	0.85	7.00%	\$67,568
EMC	\$2,870,270	0.85	\$2,221	\$66,990

Manager Wieland recommended that the Council continue the coverage with KMIT as the difference in the bids is only \$578.00 and would be offset by staff time in changing carriers.

Clerk Droste explained that due to the efforts of all city employees, the City’s experience modifier had decreased from 1.47 in 2007 to 0.85 in 2011. Clerk Droste went on to explain the safety program and the assistance that KMIT has provided to help in reducing claims.

After additional discussion, Councilmember Rowlett made a motion to approve the proposal from KMIT in the amount of \$67,368.00 for the renewal of Workers Compensation Insurance for the City of Paola for 2011. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 4 to 0.

**Agenda Item 5b - Consider approval of a Resolution restricting parking on Circle Drive and Brookside Drive.**

Public Works Director Browning presented a proposal to restrict parking on all of Circle Drive and Brookside Drive between Morningside Drive and Valley Drive. He explained that these streets were identified in a previous study as areas of congestion that create driving hazards and make snow removal difficult.

Mayor Stuteville asked if the residents had been notified about the parking changes. Public Works Director Browning indicated that the area had been marked and many of the residents have called Public Works to find out what was happening.

Councilmember Minden asked if it was necessary to restrict parking on the cul-de-sac on Circle Drive. Public Works Director Browning indicated that the cul-de-sac is congested from time to time but is not as bad as the rest of Circle Drive.

After additional discussion, Councilmember Rowlett made a motion to approve A RESOLUTION AMENDING THE OFFICIAL TRAFFIC CONTROL DEVICE SCHEDULES FOR THE CITY OF PAOLA, KANSAS. The motion was seconded by Councilmember Minden and all voted aye. The motion passed 4 to 0 and the Resolution was assigned number 2010-012.

**Agenda Item 5c - Consider approval of an amendment to the Smoke Free Work Place Policy in the City's Employee Handbook.**

Manager Wieland presented a Resolution amending the City's Smoke Free Work Place Policy. He indicated that the changes mirror the new state statutes and are the same as discussed in the last work study meeting.

Councilmember Pritchard made a motion to approve A RESOLUTION AMENDING AND ADOPTING THE PERSONNEL MANUAL, EFFECTIVE JANUARY 1, 2011. The motion was seconded by Councilmember Wilhoite and all voted aye. The motion passed 4 to 0 and the Resolution was assigned number 2010-013.

**Agenda Item 5d - Consider lease financing options and the approval of an Ordinance authorizing lease financing for the purchase of police vehicles.**

Clerk Droste presented bids for lease financing for the purchase of three 2010 Dodge Charger Police Cars. The bids are as follows:

Citizens State Bank	3.45%
First Option Bank	3.50%
(Great Southern Bank, Landmark Bank, and First Security Bank did not submit bids.)	

He also presented an Ordinance authorizing the execution of the lease documents as required to complete the transaction. To insure that the City meets all statutory requirements, including non-appropriation, and IRS requirements concerning non-arbitrage and tax exemption, documents were prepared by the City's Bond Counsel.

After additional discussion, Councilmember Wilhoite made a motion to accept the bid from Citizens State Bank of 3.45% for a 2 year lease to finance the purchase of three 2010 Dodge Charger Police Cars for the Paola Police Department and to approve AN ORDINANCE OF THE CITY OF PAOLA, KANSAS, AUTHORIZING THE EXECUTION OF A LEASE PURCHASE AGREEMENT BY THE CITY FOR THE ACQUISITION OF POLICE

CARS. The motion was seconded by Councilmember Rowlett and all voted aye. The motion passed 4 to 0 and the Ordinance was assigned number 3027.

**Agenda Item 5e – Consider approval of bids for the sale of surplus equipment.**

Public Works Director Browning presented bids for the sale of surplus equipment as follows:

2006 Ex-mark mower	\$ 3,060.00
2007 Ex-mark mower	\$ 3,560.00
2007 Ex-mark mower	\$ 4,060.00
Bush Hog Flail mower	<u>\$ 450.00</u>
Total	\$11,130.00
2006 Curb Cat Concrete Curb Machine	\$1,000.00
2000 Tymco Street Sweeper	No Bid

Public Works Director recommended that the bids for the three Ex-mark mowers and for the Bush Hog Flail mower be accepted and that the bid for the Curb Cat be rejected as insufficient. The proceeds from the sale of the equipment will be deposited to the Equipment Reserve Fund and used to supplement the purchase new mowers that are budgeted in 2011.

After additional discussion, Councilmember Pritchard made a motion to approve the bids for the sale of surplus equipment as presented. The motion was seconded by Councilmember Rowlett and all voted aye. The motion passed 4 to 0.

**Agenda Item 5f – Consider approval of invoices for the Park Square Street Light Project.**

Clerk Droste presented invoices for the Park Square Lighting project from the Paola Chamber of Commerce for the costs incurred for the dedication ceremony and reception in the amount of \$1,960.00. Additionally, the invoice from Brandon Industries Inc for the decorative stop signs and poles was paid from the Transient Guest Tax Fund by mistake. This invoice in the amount of \$2,132.00 should have been paid from the Goss Funds. The invoices total \$4,092.00.

After additional discussion, Councilmember Minden made a motion to approve payment of the invoices in the total amount of \$4,092.00 from the Goss Donation Fund for the Park Square Street Lighting Project. The motion was seconded by Councilmember Wilhoite and all voted aye. The motion passed 4 to 0.

**Agenda Item 5g – Consider approval of corrections to the City of Paola Corporate Boundary Description.**

Clerk Droste reported that at the last Council Work Study Meeting, he reported that the City had been notified by the Kansas Department of Transportation that there were two

typographical errors in the legal description of the corporate boundary description of the City of Paola. He presented a Resolution correcting the errors.

After a discussion, Councilmember Pritchard made a motion to approve A RESOLUTION AMENDING THE BOUNDARY DESCRIPTION OF THE CITY OF PAOLA, KANSAS PURSUANT TO K.S.A. 12-517. The motion was seconded by Councilmember Minden and all voted aye. The motion passed 4 to 0 and the Resolution was assigned number 2010-014.

**Agenda Item 5h – Report on elected offices that are to be placed on the April 2011 ballot.**

Clerk Droste reported that in the general election on April 5, 2011, the following offices will be placed on the ballot:

Mayor – At large  
City Council Member – Ward 1  
City Council Member – Ward 3

The “Candidates Declaration of Intention”, \$10 filing fee, and other documents, must be filed to the City Clerk by 12:00 Noon on Tuesday, January 25, 2011 to qualify as a candidate. Should more than three individuals file for the same position, a primary election would be held on March 1, 2011 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](http://www.cityofpaola.com).

**Agenda Item 6 – NEW BUSINESS**

Clerk Droste commented on the preliminary budget report for 2010. He indicated that revenue collections were at 98.4% of the amended budget and expenditures are 88.4% of the amended budget through the end of November.

Public Works Director Browning reported that the remaining decorative stop signs should be installed before the end of the week. He also reported that the weekend winds were not kind to the holiday light pole decorations.

Manager Wieland requested approval of an agreement for engineering services from Henderson Engineers, Inc. in the amount of \$750.00 for the water supply site survey for the neighborhood near Taylor Forge. After additional discussion, Councilmember Rowlett made a motion to approve the agreement with Henderson Engineers, Inc. in the amount of \$750.00. The motion was seconded by Councilmember Minden and all voted aye. The motion passed 4 to 0.

Councilmember Minden asked about trees being cut down at Lake Miola. Public Works Director Browning reported that the trees that were removed were dead.

Councilmember Minden asked when the new street sweeper would be put into service. Public Works Director Browning indicated that Key Equipment Company will be taking care of some minor maintenance issues and training staff on the operation of the equipment later this week.

Councilmember Rowlett asked about the discussions with the County regarding the growth area. Manager Wieland reported that a first meeting is scheduled tomorrow afternoon to begin the process. Manager Wieland indicated that some issues of concern from the City's perspective might include annexation issues, building code compatibility, and zoning compatibility with our Comprehensive Plan. Councilmember Rowlett asked that these issues be discussed with the Council prior to being presented to the County. After additional discussion, Manager Wieland stated that the subject would be included on an upcoming work study agenda.

Councilmember Wilhoite asked if the new street sweeper could clean Petroleus and Mulberry Streets when it is placed in service.

Councilmember Pritchard commented on a brush fire near Hillcrest Drive and indicated that Fire Department did a good job in responding to the incident.

Mayor Stuteville reminded everyone about the annual Chamber of Commerce Christmas Party tomorrow evening at 5:30 pm at the American Legion.

All were wished a Merry Christmas.

**Agenda Item 7 – ADJOURNMENT.**

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

---

Artie Stuteville, Mayor

ATTEST: (seal)

---

Daniel G. Droste, City Clerk