

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

June 14, 2011

**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, House, and Minden.

Council Members absent: Councilmember Wilhoite.

Also present: City Manager Wieland, City Clerk Droste, City Attorney Tetwiler, City Planner Gotfredson, Police Chief Smail, Human Resources Director Belt, Richard Lentz, Tom Webber, Jason Camis with the Paola Chamber of Commerce, 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, House, and Minden were present. Councilmember Wilhoite 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 meeting of May 24, 2011.
- b. Approval of Salary Ordinance 11-11.
- c. Approval of Appropriation Ordinance No 703.
- d. Approval of the Journal Entries Report for May, 2011.
- e. Approval of the Pledged Securities Report for May, 2011.
- f. Approval of the renewal of the Drinking Establishment License for El Potro.
- g. Approval of the renewal of the Drinking Establishment License for Beethovens #9.

Councilmember Pritchard made a motion to approve the Consent Agenda as presented and authorize the Mayor to sign. The motion was seconded by Councilmember Minden and all voted aye. The motion passed 3 to 0.

Agenda Item 5 - REPORTS OF OFFICERS, BOARDS AND COMMITTEES

Agenda Item 5a - Consider a Resolution adopting a tobacco cessation policy for city employees.

Manager Wieland presented a Resolution adopting a revised tobacco cessation policy pursuant to the discussion at the Work Study Meeting held on June 7th. The proposed policy is as follows:

TOBACCO CESSATION PROGRAM

1. Complete the correct choice on Tobacco Cessation Program offering form provided to you by the Human Resources Department.
2. Visit your physician to acquire a prescription for Chantix. (Chantix has the best documented results for tobacco cessation at this time). The City has procured a discounted price for Chantix for employees enrolled in the City Tobacco Cessation Program. If your physician wishes to prescribe a different cessation drug or you are unable to tolerate Chantix please contact the Human Resources Department for other arrangements.
3. Any and all physician expense will be paid 100% by the employee.
4. Prescriptions will be filled at Rucker's Pharmacy located at 2 East Peoria, Paola, KS. The pharmacy will have a list of Tobacco Cessation Program enrollees.
5. The City will provide 75% of the cost for up to three (3) months of your prescription for Chantix for the enrolled employee. The remaining 25% will be paid by the employee directly to the pharmacy. If another tobacco cessation drug was prescribed by physician and approved by Human Resources, 75% of the cost for up to three (3) months of said drug will be provided, as long as the cost does not exceed the monthly cost of Chantix. The remaining 25% will be paid by the employee directly to the pharmacy. The City of Paola's 75% of said prescriptions will be billed directly from the pharmacy to the City of Paola.
6. At the end of the maximum three (3) month program if an employee is still in need of Chantix or other approved cessation drug, the employee may request from Human Resources a one (1) month continuance of drug cessation assistance. If granted, the fourth (4th) month of prescription will be a 50/50 cost split. The employee will pay the pharmacy their normal 25% and will reimburse the City the remaining 25% of this cost split through either an after tax payroll deduction or a direct payment.
7. Any longer usage of any tobacco cessation drug than the above referenced periods will be at 100% cost to the employee. The employee may choose to use a different pharmacy at this time.
8. *Failure to complete the three (3) month program and the requested fourth (4th) month extension, if applicable, will result in the employee paying reimbursement to the City for **total dollar** cost incurred by the City for the employee for tobacco cessation prescription(s). Reimbursement will be paid in lump sum or after tax payroll deduction.

*Failure is defined as discontinuance of physician prescribed drug or continued use of tobacco.

Manager Wieland reported that participation in the tobacco cessation program is voluntary. He also presented a Resolution which provides that City of Paola shall pay 78% of the monthly premiums for group health insurance for all eligible active employees who are not

users of tobacco products; and the City of Paola shall pay 48% of the monthly premiums for group health insurance for all eligible active employees who are users of tobacco products, effective September 1, 2011.

After the program and the Resolutions were discussed at length, Councilmember Pritchard made a motion to approve A RESOLUTION ADOPTING A TOBACCO CESSATION PROGRAM FOR CITY OF PAOLA EMPLOYEES (Resolution No. 2011-007) and A RESOLUTION AMENDING THE PERCENTAGE OF CITY PAID BENEFITS FOR ELIGIBLE ACTIVE EMPLOYEES WHO USE TOBACCO PRODUCTS, EFFECTIVE SEPTEMBER 1, 2011 (Resolution No. 2011-008). The motion was seconded by Councilmember House and all voted aye. The motion passed 3 to 0.

Agenda Item 5b - Consider approval of a bid to install the fence for the Skate Park in Wallace Park.

Manager Wieland presented proposals from three fence companies for the installation of the fence at the new skate park at Wallace Park. Installation will include approximately 270 feet of 6 foot tall black vinyl chain link fence with two (2) walk in gates and one (1) double gate. Proposals were as follows:

AmeriFence Corporation:	\$5,465.00
Tom Burge Fence:	\$6,495.00
Mann Fence Company:	\$7,843.26

After discussion, Councilmember Minden made a motion to approve the bid from AmeriFence Corporation in the amount of \$5,465.00 to install the fence for the Skate Park. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 3 to 0.

Agenda Item 5c - Consider approval of disbursements from the Transient Guest Tax Fund.

Manager Wieland reported that at the meeting of the Paola Convention and Tourism Committee on Wednesday, June 8th the Committee reviewed five requests for Transient Guest Tax grant funding. The Committee approved three of the applications with no modifications, one with a modification and declined funding for one application since it did not currently meet the criteria for funding (lack of a specific event or goal attainment for community promotion). The four applications recommended for funding are for the Miami County Arts Coalition/Concerts in Park - \$1,000 (requested \$1,800); Miami County Museum/Civil War Exhibition promotion - \$2,500 (requested \$2,500); Roots Festival Committee - \$2,000 (requested \$2,000); and Paola Heartland Car Show - \$500 (requested \$500).

After discussion, Councilmember Pritchard made a motion to approve disbursements from the Transient Guest Tax Fund as presented. The motion was seconded by Councilmember House and all voted aye. The motion passed 3 to 0.

Agenda Item 5d - Consider approval of a Resolution adopting the Miami County Multi-Jurisdictional Hazard Mitigation Plan.

Manager Wieland reported that in early January of 2009 Miami County along with the other governmental jurisdictions in the County undertook the development of a Multi-Jurisdictional Mitigation Plan. The creation and maintenance of a multi-jurisdictional mitigation plan is required as a condition for future mitigation projects under multiple FEMA pre- and post disaster mitigation grant programs. The City Council approved Resolution No. 2009-001(a) authorizing participation in the planning process and the creation of a mitigation plan for Miami County on January 13th, 2009. The plan was provisionally approved by Kansas Division of Emergency Management and the Federal Emergency Management Agency, Region VII, earlier this year.

Manager Wieland stated that the final step in the approval process is the adoption of the Plan by all of the participating jurisdictions in Miami County. He presented a Resolution adopting the plan.

After discussion, Councilmember House made a motion to approve A RESOLUTION ADOPTING THE MIAMI COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN. The motion was seconded by Councilmember Minden and all voted aye. The motion passed 3 to 0 and the Resolution was assigned number 2011-006.

Agenda Item 5e - Discussion regarding a Community Event Application for the Art & Wine Stroll on June 25th.

Clerk Droste reported that he has received an application from Paola Heartland and Tourism / Miami County Historical Museum for a Community Event Permit in connection with the upcoming Art & Wine Stroll. He reported that the groups plan to run the event in the same manner as last year:

- Art will be displayed in various businesses where wine will be available for tasting.
- The wine must be consumed in the building where it is served.
- Art will be displayed in the Park Square and musicians will be performing at the Gazebo.
- No alcohol will be served or consumed in the Park Square or on other City property.
- No streets will be closed.

Clerk Droste also reported that the group has determined that they are not required to obtain a State of Kansas Temporary Alcohol License and since they will not be selling or serving alcohol on City property, no City Temporary Alcohol Permit is required. He indicated that no Council action was required for the application as Community Event Permits are issued at a staff level. The issue was presented as an informational item.

Agenda Item 5f - Discussion regarding routes for a potential walking / biking trail.

Manager Wieland led a discussion regarding potential routes for a walking and biking trail in Paola. He reported that a student at Emporia State University offered to work on the project as a part of her Senior Capstone Project.

Manager Wieland indicated that he has always been told that the most desirable route would be to establish a trail from Wallace Park to Lake Miola. He indicated that staff would identify city owned right-of-ways to see if it is practical to create a route linking these two parks. Geography may dictate that sidewalks and/or bike and pedestrian lanes in the street be used to fill in areas that will not accommodate a dedicated trail.

After discussion, Manager Wieland recommended that Public Works Director Browning and Planner Gotfredson could identify city owned property and propose potential routes for the trail. The issue would be discussed further in another work study meeting.

Agenda Item 6 – NEW BUSINESS

Manager Wieland reported that he has received a request from Mr. Joe Hursey with the Miami County Historical Museum for a letter of support for the museum to receive a traveling display entitled “*The Way We Work*” from the Smithsonian Museums. The Mayor agreed to sign a letter of support.

Manager Wieland presented the latest design layout for the skate park at Wallace Park. He reported that the skate park should be completed by mid-August.

Councilmember Minden acknowledged Mr. Tom Webber who lives on Tower Street was in attendance. Mr. Webber and his neighbors are experiencing low water pressure at their residence and were hopeful that a resolution could be found. Manager Wieland reported that staff has contacted Wilson and Company to analyze the situation to see what can be done to address the situation. Manager Wieland asked for Mr. Webber’s patience as staff works to resolve the problem.

Councilmember Minden asked about the weeds on the Heatherwood dam and who was responsible for mowing it. Manager Wieland agreed to look into it.

Councilmember Pritchard reported that he received a complaint about the price of admission to the pool and the reduction in hours. He indicated that she was invited to attend the meeting to express her concerns. Manager Wieland discussed pool hours and admission prices as compared to other municipal pools in the area. He reported that other than not offering a family season pass, hours and admission prices were comparable to area pools.

Agenda Item 7 – EXECUTIVE SESSION for preliminary discussions relating to the acquisition of real property. K.S.A. 75-4319(B)(6) is the authority for this recess.

Councilmember Minden 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 preliminary discussions relating to the acquisition of real property. The motion was seconded by Councilmember Pritchard and all voted aye. The motion passed 3 to 0.

At the conclusion of the Executive Session, Councilmember Minden made a motion to reconvene the adjourned meeting. The motion was seconded by Councilmember House and all voted aye. The motion passed 3 to 0.

No action was taken pursuant to the Executive Session.

Agenda Item 8 – ADJOURNMENT.

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

Artie Stuteville, Mayor

ATTEST: (seal)

Daniel G. Droste, City Clerk