

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

December 13, 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, Wilhoite, House, and Minden.

Council Members absent: None.

Also present: City Manager Wieland, City Clerk Droste, City Planner Gotfredson, Human Resources Director Belt, Richard Lentz, and Brian McCauley with the Miami County Republic.

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

Agenda Item 2 - ROLL CALL: Mayor Stuteville and Council Members Pritchard, Wilhoite, House, and Minden 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 meeting of November 22, 2011 and November 29, 2011.
- b. Approval of Salary Ordinance 11-24.
- c. Approval of Appropriation Ordinance No 715.
- d. Approval of the Journal Entries Report for November, 2011.
- e. Approval of the Pledged Securities Report for November, 2011.
- f. Approval of a leak allowance for 509 S Walnut.
- g. Approval of the renewal of Cereal Malt Beverage Licenses for 2012:
 - 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) Walmart 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 requested that the Cereal Malt Beverage License for Walmart be approved contingent upon satisfactory completion of the Fire Safety inspection and that the Cereal Malt Beverage License for the Paola Pit Stop be approved contingent upon receipt of the License Fee.

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 4 to 0.

Agenda Item 5 - REPORTS OF OFFICERS, BOARDS AND COMMITTEES

Agenda Item 5a – Consider approval of amendments to the City’s Personnel Manual.

Manager Wieland reported that the City Council discussed proposed changes to the City’s Personnel Manual at the Work Study Meeting on December 6th. He presented a Resolution amending the City’s Personnel Manual as follows:

Section 2.7(d) of the Personnel Manual is hereby amended to read as follows:

- (d) **Overnight Travel Expenses:** Any employee who travels overnight on City business is required to submit an approved Travel Request Form showing date, destination and purpose of the trip.

The City has a per diem policy for meals associated with overnight travel. Per diem rates are based upon the government approved per diem rate for the city to which you are traveling. The per diem applies to all full travel days associated with an approved overnight stay. Meals provided through seminar or meeting registrations will be deducted from per diem daily allowance. Any meal expenditures over the per diem rate will not be reimbursed by the City. Any restaurant tipping is included in the per diem rate and will not be reimbursed by the City.

The City has an accountable reimbursement policy for all other associated overnight travel expenses. The employee may pay cash or charge the expenses to a City credit card. The employee must attach detailed receipts for transportation, lodging and other travel expenses to the Travel Request Form previously approved by the City Manager for reimbursement. Cash expenses not documented with a detailed receipt will not be reimbursed and credit card expenses not documented with a detailed receipt must be paid by the employee. All expenses will be reimbursed pursuant to Section 2.8 where applicable.

Same Day Travel Expense: Any employee who travels on City business is required to submit an approved Travel Request Form showing date, destination and purpose of the trip.

The City has an accountable reimbursement policy for same day travel. The employee may pay cash or charge the expenses to a City credit card. The employee must attach detailed receipts for transportation, meals and other travel expenses to the Travel Request Form previously approved by the City Manager for reimbursement. Cash expenses not documented with a detailed

receipt will not be reimbursed and credit card expenses not documented with a detailed receipt must be paid by the employee. All expenses will be reimbursed pursuant to Section 2.8 where applicable.

Section 2.7(f) of the Personnel Manual is hereby amended to read as follows:

- (f) **Cell Phones:** The City provides cell phones to some employees for the convenience of the City. Personal use of these cell phones is discouraged; however, the City recognizes that it is impractical to fully monitor personal use of these phones.

Section 4.11 a. of the Personnel Manual is hereby amended to read as follows:

4.11 a. Stand-By Status. This stand-by status policy does not apply to exempt employees as defined in Section 4.8. If an employee is scheduled for stand-by status, the employee shall be compensated with four (4) hours of compensatory time for each week of stand-by status served. If an employee is scheduled for stand-by status on a City designated and/or actual holiday and is not called back for duty, the employee shall be paid for two (2) hours at employee's regular rate of pay.

Section 6.2 d. of the Personnel Manual is hereby amended to read as follows:

- (d) Employees on any type of unpaid leave for more than three (3) working days in a pay period shall not be eligible for earning of vacation for that pay period.

Section 6.3 b. of the Personnel Manual is hereby amended to read as follows:

- (b) **Accrual of Sick Leave** Full-time employees shall earn 3.10 hours of sick leave per bi-weekly pay period. Employees on any type of unpaid leave for more than three (3) working days in a pay period shall not be eligible for earning of sick leave for that pay period.

A new Section 2.4 b. is hereby added and shall read as follows:

2.4 b Social Media and Social Networking. The City takes no position on an employee's decision to start or maintain a blog or participate in other social media activities while not "on duty". However, it is the right and duty of the City to protect itself from unauthorized disclosure of information.

Social media is defined as "any web-based applications that allow information to be broadcast to an entire network". The network may be "user defined" such as Facebook, or open, like You Tube. Social media differ from e-mail and websites which are addressed by the City's Electronic Mail, Internet and Intranet Use policy (Section 2.4). Examples of social media sites include: LinkedIn, Facebook, Twitter, You Tube and various web logs, or blogs.

Only employees of the City whose job duties require the use of such social media—and others who have received permission from the City Manager or applicable Department Head—are authorized to use those systems while on duty.

Employer Monitoring. City employees have no reasonable expectation of privacy while using the Internet or while using computer or technology equipment, including phones, computers, radios, and text messaging devices for any purpose, including authorized blogging. Your postings can be reviewed by anyone, including the City. The City reserves the right to use content management tools to monitor, review or block content on City blogs that violate City blogging rules and guidelines.

Reporting Violations. The City requests and strongly urges employees to report any violations or possible or perceived violations to supervisors, managers or the HR Department. Violations include, but are not limited to, discussing proprietary information and any unlawful activity related to blogging or social networking.

Employees should remember they are always a representative of the City. Employees who utilize such social media outlets while on their own time or on City time, if applicable, should always exercise good judgment in what they post. Following are principles for the social media posting.

- a) Personal blogs should have clear disclaimers that the view expressed by the author in the blog is the author's alone and does not represent the view(s) of the City. Such disclaimer may read like "the views expressed are mine alone and are not to be interpreted as the view(s) of the City of Paola."
- b) Information published by you should comply with the City's and Department's confidentiality policies.
- c) Be respectful to the City, Mayor, Council, other employees and taxpayers.
- d) Your online presence reflects on the City. Be aware that your actions captured via images, posts, or comments may be considered a direct reflection.
- e) Postings should not include the City logo unless permission is asked for and granted by the City Manager pursuant to City policy.
- f) Employees should neither claim nor imply they are speaking on behalf of the City.
- g) Internet postings must respect copyright, privacy, fair use, financial disclosure, and other applicable laws.
- h) Personal social media activities should not interfere with your work commitments.

The above list is not intended to be inclusive and the absence or lack of explicit principle does not limit the application of this policy.

Personal Blogs. The City respects the right of employees to write blogs and use social networking sites and does not want to discourage employees from self-publishing and self-expression. An employee is expected to follow the guidelines and policies set forth to provide a clear line between you as the individual and you as the employee.

The City respects the right of employees to use blogs and social networking sites as a medium of self-expression and public conversation and does not discriminate against employees who use these media for personal interests and affiliations or other lawful purposes.

Bloggers are personally responsible for their commentary on blogs and social networking sites. Bloggers can be held personally liable for commentary that is considered defamatory, obscene, proprietary or libelous by any offended party, not just the City. Employees cannot use blogs or social networking sites to harass, threaten, discriminate or disparage against employees or anyone associated with or doing business with the City.

Disciplinary Action. Employees found to have violated this policy may be subject to disciplinary action, up to and including termination of employment and criminal prosecution, if appropriate.

If an employee has any questions relating to this policy, the employee's personal blog or social networking, the employee should ask his or her immediate manager or supervisor.

After a discussion, Councilmember Minden 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 2011-014.

Agenda Item 5b – Consider approval of an Ordinance extending the New Housing Purchase Assistance Program through June 30, 2012.

Manager Wieland presented an Ordinance extending the New Housing Purchase Assistance Program through June 30, 2012 pursuant to the discussion at the Work Study Meeting on December 6th.

Councilmember Pritchard made a motion to approve AN ORDINANCE EXTENDING THE TERM OF THE NEW HOUSING PURCHASE ASSISTANCE PROGRAM THROUGH JUNE 30, 2012. The motion was seconded by Councilmember House and all voted aye. The motion passed 4 to 0 and the Ordinance was assigned number 3041.

Agenda Item 5c – Report on City Offices to be placed on the April 3, 2012 ballot.

Clerk Droste reported that at the General Election on April 3, 2012, the following offices will be placed on the ballot: City Council Member – Ward 2 and 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 24, 2012 to qualify as a candidate. Should more than three individuals file for the same position, a primary election would be held on February 28, 2012 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

Manager Wieland requested approval to purchase \$30 gift cards for all City employees as a Christmas gift. After a discussion, Councilmember Wilhoite made a motion to approve the purchase of \$30 gift cards for City employees as presented. The motion was seconded by Councilmember Minden and all voted aye. The motion passed 4 to 0.

Councilmember Minden reported that he had received requests to have the bicycle routes marked that will be part of the hiking/biking trail. Public Works Director Browning indicated that the pavement temperatures were too cold for the paint to properly cure and that the earliest that this could be completed would be in late spring or early summer.

Mayor Stuteville nominated Travis Hardwick to serve on the Paola Planning Commission to fill the seat previously held by Thomas Bonner. Councilmember Pritchard made a motion to approve the Mayor's appointment of Travis Hardwick to serve on the Paola Planning Commission. The motion was seconded by Councilmember House and all voted aye. The motion passed 4 to 0.

The Mayor, Council and City Staff all exchanged holiday greetings and well wishes.

Agenda Item 7 – ADJOURNMENT

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

Artie Stuteville, Mayor

ATTEST: (seal)

Daniel G. Droste, City Clerk