

**MINUTES OF THE COUNCIL MEETING  
OF THE CITY OF PAOLA, KANSAS  
PAOLA JUSTICE CENTER 805 N PEARL  
6:00 O'CLOCK P.M.  
September 14, 2021**

The Governing Body of the City of Paola, Kansas, met with Mayor Stuteville presiding.

**Council Members present:** Mayor Artie Stuteville and Council Members Dave Smail, Trent Upshaw, Leigh House and LeAnne Shields.

**Council Members absent:** None

**Also present:** City Manager Sid Fleming, Assistant City Manager Randi Shannon, City Clerk Stephanie Marler, Interim Police Chief Eric Jenkins, City Attorney Lee Tetwiler, Fire Chief Andy Martin, Brian McCauley with the Miami County Republic, Renee Slinkard with Daughters of the American Revolution, Doug Smith and Luke DeGrande.

**CALL TO ORDER:** The regular council meeting was called to order by Mayor Stuteville.

**ROLL CALL:** Mayor Stuteville and Council Members Smail, Upshaw, House and Shields were all present.

**Agenda Item 1 - CONSENT AGENDA**

- a. Approval of minutes of the meeting of August 10, 2021
- b. Approval of Salary Ordinances 21-16, 21-17 and 21-18.
- c. Approval of Appropriation Ordinances 957 and 958.
- d. Approval of the Pledged Collateral Report for August 2021.
- e. Approval of the Journal Entries Reports for August 2021.
- f. Approve liquor license renewal for Town Square 15 W Wea, Park Plaza Liquor 1403-B Baptiste Drive and Paola Country Club 29651 Old KC Road, contingent upon receipt of application, fee and approved safety inspection.

Council Member Smail made a motion to approve the Consent Agenda as presented and authorize the mayor to sign it. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

## **Agenda Item 2 - COMMENTS FROM THE PUBLIC:**

Doug Smith - 608 E. Peoria - addressed the Council regarding the drainage problem at his address. He stated the concrete parking that was installed at 610 E. Peoria is now causing the rain water to run off to his property and flood his backyard and basement.

## **Agenda Item 3 – OLD BUSINESS**

### **Agenda Item 3a - Public Hearing to exceed the Revenue Neutral Rate (RNR)**

Council Member House made a motion to open the public hearing regarding the RNR. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

Clerk Marler explained according to SB13, a hearing to exceed the RNR must be held followed by approval of a resolution to exceed, before the 2022 budget can be adopted.

With no public comment Council Member Smail made a motion to close the public hearing. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0.

### **Agenda Item 3a.i - Consider Resolution No. 2021-017: Exceeding the Revenue Neutral Rate.**

Clerk Marler said the RNR provided by the County was 39.740 mills. She said after preparing the proposed budget presented to the Council the rate needed was 43.390. She also reminded the Council should they not approve the exceedance, any money collected over the RNR would have to be paid back to the taxpayers.

Council Member House made a motion to approve Resolution 2021-017 to levy a property tax rate exceeding the Revenue Neutral Rate for the City of Paola and authorize the necessary signatures. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

### **Agenda Item 3b - Public Hearing for and adoption of the proposed 2022 Paola City Budget.**

Council Member Upshaw made a motion to open the public hearing on the proposed 2022 Paola City Budget. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0.

With no public comment Council Member Upshaw made a motion to close the public hearing. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0.

### **Agenda Item 3c - Consider adoption of the 2022 Budget.**

Clerk Marler said after staff recommendations and review at several council work studies the proposed budget is \$13,990,593 with a mill levy of 43.390.

Council Member Upshaw made a motion to adopt the 2022 Paola City Budget in the amount of \$13,990,593 pursuant to the Notice of Budget Hearing published in the Miami County Republic on September 1, 2021 and authorize the necessary signatures. The motion was seconded by Council Member Shields and all voted aye. The motion passed 4 to 0.

#### **Agenda Item 4 - NEW BUSINESS**

##### **Agenda Item 4a - Consider Resolution 2021-018: Water System Emergency Response Plan Review**

Manager Fleming said the City of Paola Emergency Response Plan was initially adopted in 2019 as part of the ongoing compliance with Kansas Department of Health and Environment (KDHE). He said the plan must be reviewed annually; the only changes necessary were to contact information.

Council Member Shields made a motion to approve Resolution 2021-018 City of Paola Water System Emergency Response Plan and authorize the necessary signatures. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

##### **Agenda Item 4b - Consider Ordinance No. 3179 – Renewal of Housing Incentive Program**

Manager Fleming said in the last year there have been ten houses qualify for the new construction housing incentive program. He said based on the tier structure and fee reduction, the City of Paola has forgiven \$42,433.09 in building permit, plan review, water and sewer connection fees.

Manager Fleming said the current plan is set to expire September 30<sup>th</sup>. He said this has proven to be a great benefit the city can provide and suggests approving it for another year.

Council member Smail made a motion to adopt Ordinance No. 3179 – New Housing Construction Incentive Program and authorize the necessary signatures. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0.

##### **Agenda Item 4c - Lake Miola Water Quality Monitoring Program**

Manager Fleming said with the close proximity of agricultural land, concerns over the water quality of Lake Miola have been expressed. He said in an effort to address those concerns staff has been in contact with KDHE which led to the Kansas Biological Survey (KBS) and its ability to provide the necessary services for water quality monitoring. KBS developed a plan to monitor the water quality at several locations throughout the lake and the sampling events will take place between April and October of 2022. He said additionally KBS will compile historical data for the lake.

After some discussion Council Member Shields made a motion to approve the University of Kansas Center for Research, Inc. Sponsored Research Agreement for the Monitoring Water Quality in Lake Miola, Kansas program for \$25,991 and authorize the necessary signatures. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0.

#### **Agenda Item 4d - Demolition Award for 401 E Kaskaskia**

Assistant Manager Shannon reviewed some background for the property located at 401 E. Kaskaskia. She said at the Council meeting on May 11, 2021 Resolution 2021-007 was approved finding the structure at that location to be unsafe and set the public hearing for condemnation. She said the public hearing was held on July 13, 2021 and Council passed Resolution 2021-013 condemning 401 E. Kaskaskia and giving the property owner until August 10, 2021 to demolish the property and make it safe and secure.

Assistant Manager Shannon said at the August 10<sup>th</sup> council meeting staff was given direction to proceed with soliciting bids from private contractors to demolish the property. She said the owner then obtained a permit on August 18<sup>th</sup> to demolish the property but has not yet started the process.

Assistant Manager Shannon said bids were solicited and the three bids below were received:

<b>CONTRACTOR</b>	<b>BID PRICE</b>
Gowing's Construction	\$9,250.00
G-B Construction, LLC	\$10,000.00
Denton Excavating, INC	\$18,860.00

She suggested approval of Gowing's Construction with the lowest bid to remove the primary structures and garage. She also said although bids have been solicited, the City will continue to communicate and work with the property owner to keep the project moving forward. The demo permit obtained by the owner expires October 18, 2021.

After some discussion Council Member Upshaw made a motion to award the demolition bid for 401 E Kaskaskia to Gowing's Construction in the amount of \$9,250.00 on or after October 18, 2021 and authorize the necessary signatures. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0.

#### **Agenda Item 4e - Communications Shelter Design-Build Award**

Manager Fleming said as part of the 2021 budget, plans were included to update the communications building located at the Oak Street Water Tower. He said the structure houses critical Fire Dispatching and other radio equipment and is in need of replacement. He said a Request for Proposal was advertised on August 11, 2021 and below are the 2 proposals received by the September 1<sup>st</sup> deadline.

<b>CONTRACTOR</b>	<b>BUILDING SIZE</b>	<b>TOTAL BID</b>
Triangle Builders	10'x 10"x 8'	\$73,400.00
Legacy Contractors – Proposal #1	10'x 10' x 8'	\$98,709.00
Legacy Contractors – Proposal #2	8'x 8' x 8'	\$71,585.00

Council was concerned about the high bid amounts for the small structure, Fire Chief Andy Martin was able to discuss some of the cost drivers. He said wind speed rating and grounding options were able to be cut down but he still wanted to be able to protect the equipment inside it.

After some discussion Council Member Upshaw made a motion to approve Triangle Builders to provide the design-build services for the new Communications Building for an amount not to exceed \$75,000.00 and authorize the necessary signatures. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0.

#### **Agenda Item 5 - COMMITTEE REPORTS**

Manager Fleming said the Recreation Commission Task Force met. They have submitted everything to have the question placed on the ballot in November. The group also worked on a FAQ sheet and educational information to get out to voters that may have questions.

#### **Agenda Item 6 - STAFF REPORTS**

Manager Fleming said the new spending tool for the sales tax is out on the website.

Assistant Manager Shannon informed the Council they are invited to participate in the “Miami County Challenge” softball and cornhole tournament. It will be hosted by the City of Louisburg and will take place on October 9<sup>th</sup> at Lewis Young Park.

Interim Police Chief Jenkins said the department was awarded the Community Grant from Walmart for “Shop with a Cop” again this year.

#### **Agenda Item 7 - MISCELLANEOUS MATTERS FROM THE COUNCIL:**

Council Member Upshaw thanked the Fire Department and Police Department in light of the 911 anniversary.

Council Member Upshaw addressed the mask mandate emails he received. He said since the comments were directed at protecting the younger population, he thought it best to let the school board decide how to handle it.

Council Member House thanked department heads and staff that worked on the budget.

**Agenda Item 8 - MISCELLANEOUS MATTERS FROM THE MAYOR:**

Mayor Stuteville shared letters with the Council she received asking for a mask mandate. She asked if any Council Members wanted to address the subject.

Council Member House said she would leave it to the school district.

Council Member Smail said he would implement a mandate should it come to a vote.

**Agenda Item 9 – EXECUTIVE SESSION**

**Agenda Item 9a - Discuss Matters Under Attorney-Client Privilege.**

Council Member House moved city council recess into Executive Session for 15 minutes pursuant to attorney-client privilege, K.S.A. 75-4319(b)(2). The purpose of the executive session is to discuss legal matters considered privileged under the attorney-client relationship and shall include the Mayor, Council, City Attorney, City Manager, and Assistant City Manager. The regular meeting shall reconvene in the Municipal Court Room at 7:11 PM. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

At 7:11 PM the Council came out of Executive Session and Council Member House made a motion to reconvene the recessed meeting. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

**Agenda Item 9b - Discuss Acquisition of Real Property**

Council Member Upshaw moved city council recess into Executive Session for 30 minutes pursuant to the preliminary discussion of the acquisition of real property, K.S.A. 75-4319(b)(6). The purpose of the executive session is to discuss the possible acquisition of real property and shall include the Mayor, Council, City Attorney, City Manager, and Assistant City Manager. The regular meeting shall reconvene in the Municipal Court Room at 7:43 PM. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0.

At 7:43 PM the Council came out of Executive Session and Council Member Upshaw made a motion to reconvene the recessed meeting. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0.

### **Agenda Item 9 - ADJOURNMENT**

With no additional business to come before the Council, Council Member Smail made a motion to adjourn. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0.

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Artie Stuteville, Mayor

ATTEST: [seal]

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Stephanie Marler, City Clerk