

**MINUTES OF THE COUNCIL MEETING
OF THE CITY OF PAOLA, KANSAS
6:00 O'CLOCK P.M.
January 14, 2020**

**Held in the Municipal Court Room at the Paola Justice Center
805 N Pearl Street in Paola**

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 Aaron Nickelson.

Council Members absent: None

Also present: Acting City Manager Randi Shannon, City Clerk Stephanie Marler, Police Chief Don Poore, HR Director Vicki Belt, Sid Fleming, Rob George with Legacy Contractors, Janelle Sanders, Mark Slawson and others.

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 Nickelson were all present.

Agenda Item 1 - CONSENT AGENDA

- a. Approval of minutes of the meeting of December 10, 2019.
- b. Approval of Salary Ordinances 19-26 and 19-27.
- c. Approval of Appropriation Ordinances 917 and 918.
- d. Approval of the Pledged Collateral Report for December 2019.
- e. Approval of the Journal Entries Reports for December 2019.
- f. Approval of minutes of the meeting of December 17, 2019
- g. Approval of minutes of the meeting of December 27, 2019
- h. Approval of minutes of the meeting of December 28, 2019
- i. Approval of minutes of the meeting of December 30, 2019
- j. Approval of minutes of the meeting of January 7, 2020.

Council Member Smail made a motion to approve the Consent Agenda as presented and authorize the Mayor to sign. 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:

Agenda Item 3 – UNFINISHED BUSINESS:

Agenda Item 4- ANNUAL DESIGNATION OF DEPOSITORIES FOR CITY FUNDS

Council Member House made a motion to designate Security Bank of Kansas City, Great Southern Bank, First Security Bank, First Option Bank and Landmark National Bank as depositories for City funds. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 4 to 0.

Agenda Item 5 - ANNUAL AUTHORIZATION: Consider a Resolution authorizing the City Manager to pay claims to take advantage of any discount for early payment and to avoid the assessment of a penalty for late payment of claims against the City.

Council Member Nickelson made a motion to approve A RESOLUTION OF THE CITY OF PAOLA, KANSAS, AUTHORIZING THE CITY MANAGER TO PAY CLAIMS AGAINST THE CITY PURSUANT TO K.S.A. 12-105b(e). The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0 and was given Resolution No 2020-001.

Agenda Item 6 – NEW BUSINESS

Agenda Item 6a - Consideration of a Conditional Use Permit for a storage facility on Sundance Drive.

Acting City Manager Shannon presented a request for a conditional use permit for a lot located on Sundance Drive. Manager Shannon stated at the meeting on December 10th the Council approved a site plan for Legacy Properties and Development for construction of a storage facility. A public hearing was held and the Planning Commission voted to recommend approval of the CUP.

Acting Manager Shannon explained staff recommends the CUP be approved with the following conditions:

- 1) No exterior storage is permitted.
- 2) No overnight parking is permitted.
- 3) A review of compliance shall be made by the Zoning Officer to the Planning Commission one year after issuance. If deemed necessary, subsequent annual reviews may be requested by the Planning Commission. Such reviews are not subject to publication, notification and public hearing requirements. If property owner is requesting an amendment to the CUP, the notification shall follow the same procedures as the original CUP request.
- 4) At any time, the City may institute revocation of the Conditional Use Permit for violations of the conditions of approval, expiration, or the reasons specified in Section 21.225 of the Land Development Ordinance (LDO). The City shall provide notice to the landowner and public in the same manner as was provided for the establishment of the Conditional Use Permit.

After further discussion Council Member House made a motion to approve AN ORDINANCE APPROVING CONDITIONAL USE PERMIT 20-CUP-01. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 4 to 0 and was given Ordinance No 3152.

Agenda Item 6b - Consider rezoning Rockwood Estates from Thoroughfare Access to Residential 1.

Acting Manager Shannon presented the Council with some background on the Rockwood Estates rezoning request. She said Rockwood Estates is a residential subdivision with the current zoning of Thoroughfare Access (TA). As the Rockwood Subdivision has phased and developed over time, the nature of the growth has been exclusively single family residential.

Acting Manager Shannon stated a petition was signed by the ownership of seventy-one (71) of the one hundred two (102) lots in Rockwood Estates requesting a zoning change from TA to Neighborhood Conservation – Residential 1 (NC-R1). The zoning change to NC-R1 will allow the subdivision to only construct single family homes, which would keep the single-family character of the subdivision and prevent construction of duplexes or other forms of multi-family residences.

Acting Manager Shannon stated the Planning Commission recommends approval of the zoning change of Rockwood Estate from Thoroughfare Access to Neighborhood Conservation Residential 1

After some discussion Council Member Upshaw made a motion to approve AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OF CERTAIN LANDS LOCATED IN THE CITY OF PAOLA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE LAND DEVELOPMENT ORDINANCE OF THE CITY OF PAOLA, KANSAS. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0 and was given Ordinance No 3153.

Agenda Item 6c - Consider a proposal for the 2020 Sanitary Sewer Rehabilitation Program.

Acting Manager Shannon explained Public Works Director Rees received pricing for the 2020 Sanitary Sewer Rehabilitation Program. The plan includes the installation of 1,516 linear feet of cured-in-place pipe (CIPP) to rehabilitate a portion of the sanitary sewer system in various locations around Paola.

Acting Manager Shannon stated Insituform was the only company to submit a bid for this process. She said Insituform has performed this service for the City of Paola for a number of years with great success. Their bids have been consistently lower than competitors and staff has no reservations about recommending their bid be accepted.

With no further discussion Council Member Upshaw made a motion to approve the bid from Insituform in the amount of \$38,621.39 for the installation of 1,516 linear feet of CIPP sanitary sewer pipe lining. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0.

Agenda Item 6d - Consider bids for 2 new mowers for the Public Works Department.

Acting Manager Shannon stated the Public Works Department is requesting approval to purchase 2 new mowers for 2020. One would be a 52" cut rear discharge and the other a batwing finish mower.

Acting Manager Shannon explained Moridge Mfg. out of Moundridge, KS supplied the following bid for the rear discharge mower. This dealer was able to give government pricing on new Grasshopper mowers.

Grasshopper 725DT	\$14,990.73
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Several bids were received for the batwing finish mower, they are as follows:

Shuck Implement Co.	\$14,268.00
John Deere	\$13,793.04
John Deere	\$15,292.41
KanEquip	\$14,250.00

Acting Manager Shannon said Public Works Director Rees would like to purchase the finish mower from Shuck Implement. The mower brand is good and the company is great to work with.

Council Member Upshaw made a motion to approve the bid from Moridge Mfg., in the amount of \$14,990.73 for a Grasshopper Lawn Tractor and a bid from Shuck Implement Co. in the amount of \$14,268.00 for Woods TBA 144 Commercial Turf Batwing Finish Mower. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0.

Agenda Item 6e - Consider establishing a fee for fire incident reports to reimburse for staff time.

City Clerk Marler stated several times a year the Fire Department will receive a request for an incident report when there has been a fire, either from an individual or insurance company. She said Fire Chief Andy Martin questioned about charging a fee since the fire station is not staffed and a member of the department must go in and fill the request.

Clerk Marler said the fire department fills approximately 20-30 requests for reports each year. When staff needs to go to the fire station, they are paid \$35 for a run. Currently there is no reimbursement for staff time spent on research to fill report requests.

Clerk Marler noted on average there are about 20-30 reports filled each year. The cost to the city is about \$840-\$1,050 in staff reimbursement. If the council would like to charge \$10 per report, the city could recover \$200 - \$300 for staff time.

After some discussion the Council agreed to charge \$10.00 per fire report. Council Member Nickelson made a motion to approve AN ORDINANCE ESTABLISHING A FEE FOR FIRE INCIDENT REPORTS UNDER THE KANSAS OPEN RECORDS ACT PURSUANT TO K.S.A. 45-220. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0 and was given Ordinance No 3154.

Agenda Item 6f- Consider approval of an employment contract for a new City Manager.

HR Director Vicki Belt explained after negotiations with both the City Council and Sid Fleming, she is requesting Council approval of an employment contract with Sid Fleming to take the role of City Manager for the City of Paola.

Council Member Smail made a motion to approve an Employment Agreement with Sid Fleming to serve as City Manager and authorize the Mayor to sign. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

Agenda Item 7 - COMMITTEE REPORTS – None.

Agenda Item 8 - STAFF REPORTS

Clerk Marler pointed out some upcoming dates for Chamber events the Council tries to attend. She said the Annual Chamber Dinner is February 25th, Legislative Breakfast is March 7th and State of the City Breakfast is March 11th.

Acting Manager Shannon presented the Council with a thank you letter to the McPheeters Family for their generous donation for play equipment in Whitaker Park and asked if they would please sign it.

Agenda Item 9 - MISCELLANEOUS MATTERS FROM THE COUNCIL

Council Member Upshaw welcomed Sid and thanked the staff for their involvement in the interview process.

Council Member House welcomed Sid and expressed her appreciation for the group involved in the hiring process.

Council Member Nickelson also thanked the Council and staff.

Agenda Item 10 - MISCELLANEOUS MATTERS FROM THE MAYOR

Agenda Item 10a - EXECUTIVE SESSION: the justification being for consultation with an attorney for the public body or agency which would be deemed privileged in the attorney-client relationship; pursuant to K.S.A. 75-4319(b)(2) is the authority for this recess.

Council Member Smail made a motion to recess to Executive Session, to include the Mayor, Council, and City Attorney for 15 minutes for consultation with an attorney for the public body or agency which would be deemed privileged in the attorney-client relationship; exception, KSA 75-4319(b)(2); the regular meeting to reconvene here at the Municipal Court Room at 6:40 p.m. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 4 to 0.

At 6:40 pm, the Council came out of Executive Session and Council Member Nickelson 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 11 – ADJOURNMENT

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

Artie Stuteville, Mayor

ATTEST: [seal]

Stephanie Marler, City Clerk