

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

Held via Zoom Meeting

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

Council Members present: Mayor Artie Stuterville and Council Members Dave Smail, Trent Upshaw, Leigh House and Aaron Nickelson.

Council Members absent: None

Also present: City Manager Sid Fleming, Assistant City Manager Randi Shannon, City Clerk Stephanie Marler, Public Works Director Kirk Rees, Brian McCauley with the Miami County Republic, Steve Cowman and others

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

ROLL CALL: Mayor Stuterville and Council Members Smail, Upshaw, House and Nickelson were all present.

Agenda Item 1 - CONSENT AGENDA

- a. Approval of minutes of the meeting of March 10, 2020.
- b. Approval of Salary Ordinances 20-6 and 20-7.
- c. Approval of Appropriation Ordinances 923 and 924.
- d. Approval of the Pledged Collateral Report for March 2020.
- e. Approval of the Journal Entries Reports for March 2020.
- f. Approval of minutes of the special meeting on March 25, 2020.
- g. Renewal of the Retail Liquor License for Beethoven's #9 subject to completed application and fee. Fire inspection is complete.

Council Member Nickelson made a motion to approve the Consent Agenda as presented and authorize the Mayor to sign. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0.

Agenda Item 2 - COMMENTS FROM THE PUBLIC:

Agenda Item 3 - PUBLIC HEARING

Agenda Item 3a - Public Hearing to consider the petition of Bruce Cordle requesting the vacation of a certain street right-of-way in the City of Paola, Kansas.

Council Member Smail made a motion to open the public hearing to discuss the street vacation request. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

Clerk Marler stated she received a request from Bruce Cordle, owner of 812 S Silver, to vacate the portion of Wallace Street West of Silver Street and the right-of-way of South Silver Street that lies adjacent to his property.

Clerk Marler said the right-of-way in front of the property at 812 S Silver on Silver St. was an old KDOT highway right-of-way. She said while researching this request it was discovered that KDOT deeded the property to the City of Paola. It appears the property to the north of Mr. Cordle's property has been changed but no documents show the correction for this property.

Clerk Marler stated the portion of Wallace St. is the block West of Silver St. directly South of Mr. Cordle's property. She said previous owners were allowed to expand the parking lot and erect a sign in the area of the street.

Clerk Marler said the City would maintain a utility easement through the property. The property owners adjacent to this portion of the street are Mr. Cordle and the City of Paola. Each owner will get half of the vacated street.

With no further discussion Council Member Nickelson 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.

Council Member Upshaw made a motion to approve AN ORDINANCE VACATING A PORTION OF THE WESTERLY RIGHT-OF-WAY OF SILVER STREET AND ALL OF THE NORTH HALF OF WALLACE STREET, WEST OF SILVER STREET, IN 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 3156.

Agenda Item 4 – NEW BUSINESS

Agenda Item 4a – Consider an agreement with DPI Global

Manager Fleming explained Distributors Processing, Inc has been working with City staff on plans for developing a lot in the Paola Industrial Park. The company envisions building a new 20,000 square foot manufacturing, warehouse and office complex with further development as their market continues to grow. Manager Fleming asked the Council to consider authorizing the Mayor and City Clerk to sign all the necessary documents on behalf of the City to complete the transfer of Tract 4 of the Paola Industrial Park, to Distributors Processing, Inc.

With no further discussion Council Member House made a motion to approve an agreement with DPI Global subject to review and approval by the City Manager and City Attorney, for the purchase of Lot 4 Block 1 in the Industrial Park 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 4b – Consider a Resolution for the sale of real property to DPI Global.

Council Member Nickelson made a motion to approve A RESOLUTION AUTHORIZING THE SALE AND TRANSFER OF REAL PROPERTY TO DISTRIBUTORS PROCESSING, INC. dba DPI GLOBAL. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0 and was given Resolution No 2020-007.

Agenda Item 4c - Consideration of a Conditional Use Permit for 25 W. Wea.

Assistant Manager Shannon presented a conditional use permit from Thomas and Jennifer Wright for a pet grooming business at 25 W. Wea. Assistant Manager Shannon stated the Planning Commission has reviewed the permit and held a public hearing. The commissioners recommend approval with the following conditions:

1. Adequate ventilation shall be provided between adjoining structures.
2. Prior to receiving a permit, the applicant must submit copies of approvals from all regulatory agencies having jurisdiction over pet grooming services.
3. All pet waste shall be disposed of in an approved manner.
4. Noise levels shall be limited so as not to disturb surrounding properties.
5. All chemicals used in the grooming process shall be non-destructive to the public sanitary sewer system.
6. Overnight boarding of animals is prohibited
7. 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.
8. 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. 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.

Assistant Manager Shannon stated the Wright's currently operate this business at 14 S Silver and are relocating the dog grooming business to the new address.

After some discussion Council Member Smail made a motion to approve AN ORDINANCE APPROVING CONDITIONAL USE PERMIT 20-CUP-03. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 4 to 0 and was given Ordinance No 3157.

Agenda Item 4d - Consider the renewal of the City's liability/auto insurance policies.

Manager Fleming presented the City's insurance policy renewal. He stated the City's liability, property, and auto insurance package through EMC Insurance Companies renews annually on April 1st. He provided the following renewal:

Type	Current	Renewal	+/-	Difference
Property	\$58,218	\$58,974	\$756	1.30%

General Liability	\$17,115	\$17,632	\$517	3.02%
Commercial Auto	\$28,993	\$33,987	\$4,994	17.22%
Equipment Floater	\$6,604	\$6,666	\$62	0.94%
Employee Crime	\$698	\$696	(\$2)	-0.29%
Linebacker	\$4,879	\$6,207	\$1,328	27.22%
Law Enforcement	\$7,153	\$7,510	\$357	4.99%
Data & Cyber	\$660	\$660	\$0	0.00%
Umbrella	\$8,664	\$9,157	\$493	5.69%

Ambulance Malpractice now renews with auto policy \$1696

Manager Fleming stated the Linebacker Coverage, which provides protection against wrongful acts of policyholders, saw a significant percentage increase. He noted this was connected to a systemwide adjustment by EMC and not specific issues with Paola's coverage. He also noted the auto coverage saw a substantial increase and was linked to coverage adjustments and claims.

Manager Fleming said additional consideration must also be given for the annual dividend that EMC pays to all cities in their Municipal Insurance Pool. He said in the last five years, the City of Paola has received \$91,704.03 in dividends from EMC. This is an average of \$18,340.81 each year.

With no further discussion Council Member House made a motion to approve the bid from EMC Insurance Companies for the City's liability/property/auto insurance policies in the amount of \$144,231.00, as presented. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

Agenda Item 4e - Consider a Resolution authorizing the refunding of General Obligation bonds.

Manager Fleming said City staff began working with Greg Vahrenberg with Raymond James to explore the possibility to refund the Series 2012 General Obligation Refunding and Improvement Bonds. He said in early 2020 the bond market saw record low interest rates which could result in a savings for the city.

Manager Fleming presented Resolution 2020-008 which provides authorization for the Raymond James & Associates, Inc. and Triplett Woolf Garretson, LLC to act on behalf of the City of Paola as the Underwriter and Bond Counsel respectively. The Underwriter and Bond Counsel will then work with staff and formally pursue the bond refunding issuance. The resolution also allows the Mayor to execute a Preliminary Official Statement, final Official Statement, and a Bond Purchase Agreement in preparation of and to facilitate the issuance of the bonds. This authorization allows the City to take advantage of market conditions and issue the bonds when a favorable opportunity presents itself. Council could then adopt the final Bond Resolution and Ordinance at its next, regularly scheduled meeting.

After some discussion Council Member Upshaw made a motion to approve A RESOLUTION OF THE CITY OF PAOLA, KANSAS DECLARING IT NECESSARY AND ADVISABLE TO AUTHORIZE AND PROVIDE FOR THE UNDERWRITING AND OFFERING FOR SALE OF THE CITY'S GENERAL OBLIGATION REFUNDING BONDS, IN THE

APPROXIMATE PRINCIPAL AMOUNT OF \$4,255,000. The motion was seconded by Council member Smail and all voted aye. The motion passed 4 to 0 and was given Resolution No 2020-008.

Agenda Item 5 - COMMITTEE REPORTS – None.

Agenda Item 6 - STAFF REPORTS

Manager Fleming updated the Council on the dangerous structure located at 115 W Wea. He said the Building Inspection Department will require the doors and lower windows be secured and issue a Stop Work order until a permit is obtained.

Manager Fleming commented that little has changed regarding the COVID 19 restrictions and he will continue to monitor for any necessary changes.

Agenda Item 7 - MISCELLANEOUS MATTERS FROM THE COUNCIL

Council Member Smail asked if the playgrounds are being used. Staff stated they had not seen much activity on the playgrounds but will continue monitoring.

Council Member Upshaw officially welcomed City Manager Fleming to Paola and thanked Assistant City Manager Shannon for doing a good job filling the Interim position.

Council Member House also welcomed City Manager Fleming. She also asked if any changes needed to be addressed at the lake during the COVID 19 restrictions. Manager Fleming said he will work with staff to create signage for the swimming area.

Agenda Item 8 - MISCELLANEOUS MATTERS FROM THE MAYOR

Mayor Stuteville thanked Public Works for repairs done on some of the intersections in town.

Agenda Item 11 – ADJOURNMENT

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

Artie Stuteville, Mayor

ATTEST: [seal]

Stephanie Marler, City Clerk