

**MINUTES OF THE COUNCIL MEETING  
OF THE CITY OF PAOLA, KANSAS  
PAOLA JUSTICE CENTER 805 N PEARL  
6:00 O’CLOCK P.M.  
July 14, 2020**

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:** City Manager Sid Fleming, Assistant City Manager Randi Shannon, City Clerk Stephanie Marler, Police Captain Eric Jenkins, HR Director Vicki Belt, Jodie Livengood, Chris Williams with Highland Development, Marlene Riebe and others.

<b>Speakers for Agenda Item 4g:</b>	Vicki Vetter-Scruggs	31622 Oak Grove Rd, Paola
	Michelle Kaiser	31206 Hedge Ln, Paola
	Debbie and Bill Mize	217 N 6 <sup>th</sup> Ter, Louisburg
	Zach Hamm	903 E Kaskaskia, Paola
	Sarah & Alan Baldridge	22505 W 303 <sup>rd</sup> , Paola
	Matt Meek	1115 E 303 <sup>rd</sup>
	Randy Rausch	41 Holly Ln
	Luke DeGrande	103 Hillcrest
	Linda Johnston	24821 Harmony Rd.
<b>Email Comments Sent:</b>	Carol Crabb	21894 W Limestone Ridge
	Jana Wilkerson	1 Grandview Dr
	Erin Hamm	903 E Kaskaskia
	Holly Taylor	607 E Piankishaw
	Tiffany White	7 Circle Dr

**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 June 9, 2020.
- b. Approval of Salary Ordinances 20-12 and 20-13
- c. Approval of Appropriation Ordinances 929 and 930.
- d. Approval of the Pledged Collateral Report for June 2020.

- e. Approval of the Journal Entries Reports for June 2020.
- f. Approval of the renewal of a drinking establishment license for Casa Grande at 120 W Peoria
- g. Approve the new Precious Metals Dealer License for Wilson's Jewelers at 506 Baptiste Dr. contingent upon submission of required documents.

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

**Agenda Item 2 - COMMENTS FROM THE PUBLIC: None**

**Agenda Item 4-g – Discuss masks and face coverings with potential action.**

***\*\* This item was moved to the beginning of the agenda due to public response \*\****

At the Work Study meeting on Tuesday, July 7<sup>th</sup>, Council Members discussed the ongoing COVID-19 pandemic. Paola has experienced temporary shut downs of business and schools and the number of people contracting the virus is growing. Council discussed the Governor's Executive Order 20-52 mandating masks be worn in public places. At their meeting on July 2<sup>nd</sup>, the Miami County Board of County Commissioners had voted to be less restrictive than the State Order by exempting Miami County from the mask mandate. Council decided to consider passing a support resolution regarding masks to help protect the Paola Community. Prior to the Council Meeting on July 14<sup>th</sup>, staff was prompted to also draft an ordinance that would mandate masks.

Mayor and Council listened to several citizens of Paola and surrounding communities regarding the possible adoption of Ordinance 3161 to enact a mask mandate in the City of Paola or to adopt a Resolution of Support suggesting masks be worn but not required. A business owner and local shoppers discussed implementing a mandate would cripple the local economy. Several others discussed how the health and safety of our community is very important and a mandate is necessary. Some speakers argued a mandate would take away their freedom by not allowing them the option to wear a mask or not.

Manager Fleming asked the Council to pass the Ordinance stating that is what is needed to stop the spread, keep citizens safe and businesses open.

Council Member Smail said the only option is to require masks be worn in public if people expect friends and family to be safe and healthy. He said masks are the only way to prevent another shut down.

Council Member Upshaw said the numbers in Paola are low and does not feel a mandate is necessary. He believes it will also be impossible to enforce in businesses.

Council Member House said she can see both the health side and the economy side of the situation. She said several business owners have contacted her and they believe this mandate would shut down their business.

Council Member Nickelson said it should be about keeping the economy open to require masks. He said possibly the only way to open the schools is going to be requiring masks now to slow the spread. He would also like the minimum age limit increased to help schools and daycare facilities.

City Attorney Tetwiler discussed his interpretation of public space vs private space. He also pointed out the fact that several other communities require masks.

Mayor Stuteville said she feels that masks are the way to protect citizens. She said the majority of the people that contacted her asked for the mandate to be passed. She noted she not only looks to our community but also the State health officials. She wants the community to stay safe and follow three easy things, social distancing, wash your hands and wear a mask.

After more discussion Council Member Smail made a motion to approve AN ORDINANCE REQUIRING THE WEARING OF MASKS OR OTHER FACE COVERINGS IN PUBLIC SPACES. The motion was seconded by Council Member Nickelson. Council Member Smail and Council Member Nickelson voted aye, Council Member Upshaw and Council Member House voted Nay. Mayor Stuteville cast the tie breaking vote and the motion passed 3 to 2 and was given Ordinance No 3161.

### **Agenda Item 3 – PUBLIC HEARING**

#### **Agenda Item 3a – Public Hearing to consider the creation of the proposed Community Improvement District.**

Council Member Nickelson made a motion to open the public hearing to discuss the creation of the proposed CID. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

Manager Fleming explained the public hearing is to discuss a change in the previously adopted CID. By creating the TIF and CID together, the City will help facilitate the revitalization of the property and enhance the economic vitality of the City of Paola. He stated the CID would impose an additional 1.25% sales tax within the designated district boundaries.

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

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

#### **Agenda Item 4a- Consider approval of the bid with G-B Construction LLC for street reconstruction.**

Manager Fleming stated as part of the street program for 2020, staff identified four blocks of streets that were in desperate need of complete removal and replacement. He said at the March

10<sup>th</sup> meeting, Council authorized staff to enter into an agreement with BG Consultants to design the plans for two locations – West Miami and East Kaskaskia.

Four bids were received by the stated deadline and summarized below:

<b>CONTRACTOR</b>	<b>TOTAL BID</b>
<i>Engineer's Estimate</i>	<i>\$335,178.00</i>
<b>G-B Construction LLC</b>	<b>\$297,647.90</b>
Killough Construction, Inc.	\$308,783.66
Kansas Heavy Construction LLC	\$318,549.00
Freeman Concrete Construction LLC	\$428,416.10

Manager Fleming suggested G-B Construction LLC be awarded the project since they offered the lowest, qualified bid that best serves the City of Paola's interest.

Council Member Smail made a motion to approve the bid from G-B Construction LLC in the amount of \$297,647.90 for the reconstruction of blocks in Miami Street and Kaskaskia Street. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

#### **Agenda Item 4b – Paola Crossings Community Improvement District**

**i. Consider adoption of an Ordinance Creating Paola Crossings Community Improvement District.**

Manager Fleming presented Ordinance 3160 to create a Community Improvement District in the Paola Crossings Development. He said Highlands Development LLC has been working with the City on the Redevelopment District Plan to redevelop and revitalize approximately 36 acres at the northeast corner of Hedge Lane and Baptiste Dr. He said Ordinance 3160 will repeal the previously adopted Ordinance 3150 and the CID will include both Tract 1 and Tract 2, which is designated as a TIF District.

Mr. Chris Williams with Highland Development LLC presented a drawing to show the area of the CID.

Manager Fleming noted upon approval of Ordinance 3160 the proposed Development Agreement will also be finalized and executed pursuant to Ordinance 3151.

With no further discussion Council Member Upshaw made a motion to approve AN ORDINANCE CREATING THE PAOLA CROSSINGS NO. 1 COMMUNITY IMPROVEMENT DISTRICT IN THE CITY OF PAOLA, KANSAS AND AUTHORIZE THE LEVY OF A COMMUNITY IMPROVEMENT DISTRICT RETAILERS' SALES TAX TO BE COLLECTED WITHIN THE DISTRICT AND REPEALING ORDINANCE NO. 3150. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0 and was given Ordinance No 3160.

**ii. Consider a Public Improvement Cost-Share agreement with Highlands Development, LLC.**

Manager Fleming stated as part of the redevelopment planning process for Paola Crossings, the developer also requested the City “cost share” some of the public improvements for the property in an amount not to exceed three hundred thousand dollars (\$300,000). This would include a “right turn in – right turn out” access to the property off of Baptiste Dr. and improvements associated with the public water and sewer lines.

With no additional discussion Council Member House made a motion to approve a Resolution authorizing the cost-share agreement with Highlands Development LLC for the “Right Turn In-Right Turn Out” turn lane on Baptiste Dr. in an amount not to exceed \$300,000 subject to review by legal-counsel and staff. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 4 to 0 and was given Resolution No 2020-014.

**Agenda Item 4c – Consider a Development Agreement with DPI, Inc.**

Assistant Manager Shannon said at the April 14, 2020 Council Meeting, Council authorized the necessary documents to complete the land transfer of Tract 4, approximately 8.28 acres, of the Paola Industrial Park, 1410 Industrial Park Dr. to Distributors Processing, Inc. She presented a Development Agreement between the City and DPI. This agreement is to specify the standards and conditions that will govern the future development of the property between time of the land purchase and the application of tax abatement.

Assistant Manager Shannon stated the agreement includes the construction of a new 20,000 square foot manufacturing warehouse and office complex. She said the developer will make a minimum capital investment in the project of \$3,000,000 and will request an ad valorem tax abatement on the real property and improvements once construction is near completion.

After additional discussion, Council Member Smail made a motion authorize the Mayor to execute the Development Agreement on behalf of the City with DPI, Inc. on Tract 4 in the Industrial Park, in substantially the form presented at the meeting. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

**Agenda Item 4d - Consider acknowledgement of the submission to the Electronic Municipal Market Access (EMMA) system.**

Clerk Marler reported in compliance with the City’s Continuing Disclosure Policy, the 2019 Audit Report, and the 2019 Operating Data concerning the City of Paola, Kansas were electronically filed on the Electronic Municipal Market Access (EMMA) system on June 30, 2020. This information was filed with EMMA by Raymond James and Associates. She noted that also in compliance with the policy, the City Council was notified via a written memorandum on

July 1<sup>st</sup> that the filing had been completed. The Continuing Disclosure policy requires this confirmation be acknowledged by the City Council at the regular meeting.

Council Member Nickelson made a motion to acknowledge in compliance with Section II (2) of the Continuing Disclosure Policy for the City of Paola, the City Clerk did provide to the Governing Body written confirmation from EMMA that the 2019 Audit and Supplemental Operating Data for the City of Paola has been submitted and filed properly with the Municipal Securities Rulemaking Board on June 30, 2020. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0.

#### **Agenda Item 4e - Consider approval of the Miami County Fair Board Lease.**

Clerk Marler reported that annually, the Miami County Fair is held at the fairgrounds adjacent to Wallace Park. The fairgrounds property is owned by the Miami County Fair Association and is outside the city limits. The fairgrounds property is not large enough to accommodate all of the activities of the County Fair. Therefore, the City has historically entered into a lease agreement with the Fair Association which allows them to use a portion of Wallace Park for the County Fair. The area included in the lease is the fenced area south of the loop road in Wallace Park. This is the area that the carnival traditionally sets up.

Council Member Upshaw made a motion to approve the Lease with the Miami County Fair Association, as presented, and authorize the Mayor to sign. The motion was seconded by Council Member Smail and all voted aye. The motion was passed 4 to 0.

#### **Agenda Item 4f – Round Table Discussion for the 2021 budget.**

Council decided to set the Budget Public Hearing but requested a separate Special Council Meeting on Monday, July 20<sup>th</sup> to discuss the 2021 budget further.

Council Member Nickelson made a motion to set August 11, 2020 as the date for the 2021 Budget Public Hearing. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0.

#### **Agenda Item 5 - COMMITTEE REPORTS – None.**

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

Manager Fleming shared a thank you letter from a citizen to Public Works for work done in their alley.

Manager Fleming said the right turn lane project on Baptiste Dr. will go out for bid later this fall.

Manager Fleming said Public Works has been working on the waterline on Hospital Dr. then will move on to the Ursuline waterline.

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

Council Members stated they appreciate how the Council can work together and do what is need for the Paola citizens.

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

**Mayor Stuteville asked the Council to consider the appointment of John Scott to the Planning Commission.**

Council Member Upshaw made a motion to approve the appointment of John Scott to the Planning Commission. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0.

Mayor Stuteville read a request from Miami County for citizens to complete a survey regarding the effects COVID-19 has had on them.

### **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 Upshaw 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