

**MINUTES OF THE COUNCIL MEETING  
OF THE CITY OF PAOLA, KANSAS  
PAOLA JUSTICE CENTER 805 N PEARL  
6:00 O'CLOCK P.M.  
September 8, 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 Chief Don Poore, City Attorney Lee Tetwiler, HR Director Vicki Belt, and Leanne Shields.

**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.

**PROCLAMATION:** Mayor Stuteville read and presented a Proclamation naming the week of September 17<sup>th</sup> through the 23<sup>rd</sup> as Constitution Week.

**PRESENTATION:** HR Director Vicki Belt read the names of City Employees who received service awards: **5 Years:** Kelly Stewart, Paul Seaman, Catelyn Brady, Randi Shannon **10 Years:** Seth Katzer, Kenneth Rees, Curtis Kennon **15 Years:** Richard Mott, Jeremy Smail, Sheila Schultz, Audra Harper **20 Years:** Walter Ferguson **30 Years:** Kevin Colwell.

**Agenda Item 1 - CONSENT AGENDA**

- a. Approval of minutes of the meeting of August 11, 2020.
- b. Approval of Salary Ordinances 20-17
- c. Approval of Appropriation Ordinances 933 and 934.
- d. Approval of the Pledged Collateral Report for August 2020.
- e. Approval of the Journal Entries Reports for August 2020.
- f. Renewal of liquor licenses for Town Square at 15 W. Wea, Park Plaza Liquor at 1403-B Baptiste Dr., and Paola Country Club at 29651 Old KC Rd contingent upon receipt of required documents and payment.

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:** None

**Agenda Item 3 – UNFINISHED BUSINESS: None**

**Agenda Item 4 - NEW BUSINESS**

**Agenda Item 4a- Annual review of Water System Emergency Response Plan.**

Manager Fleming explained in 2019 the City Council adopted an Emergency Response Plan (ERP) for the water system which also included the Emergency Water Supply Plan. He stated as part of the ongoing compliance with the Kansas Department of Health and Environment, the ERP must be updated and reviewed by Council on an annual basis.

Manager Fleming stated staff has reviewed the ERP and updates to personnel and contact information have been completed. He presented Resolution 2020-016 as formal action to approve and acknowledge the changes.

Council Member Upshaw made a motion to approve Resolution No. 2020-16 City of Paola Water System Emergency Response Plan 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 4b – Consider approval of a bid for hail damage repair to public buildings.**

Manager Fleming presented three bids to repair hail damage discovered on several buildings within the City. He stated just prior to the Council Meeting the contractors were informed of an increase in price to construction material not reflected in the bids. Manager Fleming suggested requesting the contractors resubmit their bids with the new pricing.

After some discussion Council Member Nickelson made a motion to table the bid approval until the October 13, 2020 meeting. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0.

**Agenda Item 4c – Consider approval of a replat on Cherokee Ridge.**

Assistant Manager Shannon presented a replat request for lots 16-21 on Cherokee Ridge. She stated at the Planning Commission Meeting on August 18, 2020 the Commission had a tie vote of 2-2 regarding the replat and according to the Paola Land Development Ordinance a tie vote shall constitute a denial recommendation.

Assistant Manager Shannon stated the replat would require the owner to acquire an additional 30 ft of right-of-way to the west of the proposed Poplar Ridge extension to be able to meet the city street standards as shown on the Cherokee Ridge replat done by Allenbrand-Drews and Associates. She said the City will vacate the 30 ft right-of-way for Poplar Ridge but keep a utility easement, the plat meets the requirements set forth in the LDO.

After additional discussion, Council Member Nickelson made a motion to approve Motion to approve the replat for lots 16-21 of Cherokee Ridge. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

**Agenda Item 4d – Consider the renewal of the Housing Incentive Program.**

Manager Fleming explained over the years the City of Paola has worked to incentivize housing in a variety of ways. He said the program approved in September 2019 was a renewed version of an incentive placed in 2017 and 2018. He stated in the last year, nine new houses qualified for the New Housing Construction Incentive Program facilitating new construction, partial building permit fees, increased property value and water sales contributing to additional revenue that otherwise would not have been realized.

Manager Fleming presented Ordinance No 3163 adopting a New Housing Construction Incentive Program and repealing Ordinance No 3148.

Council Member Smail made a motion to adopt Ordinance No 3163 New Housing 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 4e – Consider approval of a new Cereal Malt Beverage License for Emery's LLC.**

Clerk Marler reported she spoke with Mr. Mike Folsom, owner of Emery's LLC dba Emery's Steakhouse, about a name change for the restaurant. She explained the business currently has a Cereal Malt Beverage license and a name change would require a new CMB license as these licenses are not transferrable. Mr. Folsom has submitted the required \$125 fee and application to apply for the new CMB license under the new name Milo's Steakhouse.

Council Member Nickelson made motion to approve a new CMB license for Emery's LLC at 16 W Peoria, dba Milo's Steakhouse, for license to sell CMB for consumption on the premises. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0.

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

**Agenda Item 6 - STAFF REPORTS**

Manager Fleming discussed the increase in COVID 19 cases in Miami County and suggested the continuance of the mask ordinance.

Manager Fleming mentioned the League of Kansas annual conference and should any Council wish to attend he would facilitate enrollment.

**Agenda Item 7 - MISCELLANEOUS MATTERS FROM THE COUNCIL: None**

**Agenda Item 8 - MISCELLANEOUS MATTERS FROM THE MAYOR: None**

## **Agenda Item 9 – EXECUTIVE SESSION**

Council Member House made a motion to recess into Executive Session for 34 minutes pursuant to personnel matters of non-elected personnel, K.S.A. 75-4319(b)(1). The purpose of the executive session is to discuss an individual employee's performance and employment and shall include the Mayor, Council, City Attorney, and City Manager. The regular meeting shall reconvene in the Municipal Court Room at 7:00 p.m. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 4 to 0.

At 7:00 p.m. the Council came out of Executive Session and Council Member House made a motion to recess into Executive Session for 20 minutes pursuant to personnel matters of non-elected personnel, K.S.A. 75-4319(b)(1). The purpose of the executive session is to discuss an individual employee's performance and employment and shall include the Mayor, Council, City Attorney, and City Manager. The regular meeting shall reconvene in the Municipal Court Room at 7:20 p.m. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

At 7:20 p.m. the Council came out of executive session.

## **Agenda Item 10 – 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.

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Artie Stuteville, Mayor

ATTEST: [seal]

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Stephanie Marler, City Clerk