

**MINUTES OF THE COUNCIL MEETING
OF THE CITY OF PAOLA, KANSAS
PAOLA JUSTICE CENTER 805 N PEARL
6:00 O'CLOCK P.M.
December 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 (via Zoom), 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, Brian McCauley with Miami County Republic, 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.

Agenda Item 1 - CONSENT AGENDA

- a. Approval of minutes of the meeting of November 10, 2020.
- b. Approval of Salary Ordinances 20-23 and 20-24.
- c. Approval of Appropriation Ordinances 939 and 940.
- d. Approval of the Pledged Collateral Report for November 2020.
- e. Approval of the Journal Entries Reports for November 2020.
- f. Renewal of a Drinking Establishment License for Spudley's at 2 Morningside Dr. and Papa C's BBQ Bar & Grill at 807 S Silver subject to completed application process.
- g. Renewal of the Class "A" Private Club License for the VFW at 202 Delaware.
- h. Approval of the renewal of Cereal Malt Beverage Licenses for 2021:
 1. Price Chopper at 309 N Hospital Drive – Off Premises
 2. Casey's General Store #1237 at 119 N Hospital Drive – Off Premises
 3. Casey's General Store #1337 at 404 S Silver Street – Off Premises
 4. Milo's Steak House at 16 W Peoria Street – On Premises
 5. Walmart at 310 Hedge Lane – Off Premises
 6. Fuel Expresso #15 at 1005 N Pearl Street – Off Premises
 7. Pizza Hut at 1613 E Peoria – On Premises

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 Upshaw and all voted aye. The motion passed 4 to 0.

Agenda Item 2 - COMMENTS FROM THE PUBLIC: None

Agenda Item 3 – CONSIDER CERTIFICATE OF ELECTION RESULTS.

Clerk Marler informed the Council the votes from the November 3, 2020 election were canvassed on November 13, 2020 by the Miami County Board of Canvassers. The final results are as follows:

Paola City Council – Ward 2

Trent Upshaw	506
Write-Ins	7
Total	513

Paola City Council – Ward 4

Aaron J. Nickelson	314
LeAnne Shields	414
Write-Ins	6
Total	734

Council Member Upshaw made a motion to accept the certificate of election results naming Trent Upshaw – City Council Ward 2, and LeAnne Shields – City Council Ward 4 as the candidates receiving the most votes. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0.

Agenda Item 4 - RECESS SINE DIE

Council Member House made a motion to recess sine die. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 4 to 0.

Agenda Item 5 – ADMINISTRATION OF OATH OF OFFICE

Clerk Marler administered the Oath of Office to Council Members Trent Upshaw and LeAnne Shields

Agenda Item 6 – INVOCATION

Council Member Leigh House presented an invocation for the new City Council.

Agenda Item 7 – RESUME COUNCIL MEETING

Council Member Upshaw made a motion to resume the recessed meeting. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0. Mayor Stuteville called the new City Council to order and resumed the recessed meeting.

Agenda Item 8 – ANNUAL ELECTION OF COUNCIL OFFICERS

Council Member Upshaw made a motion to nominate Council Member House as President of the Paola City Council. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0.

Council Member House made a motion to nominate Council Member Upshaw as Vice President of the Paola City Council. The motion was seconded by Council Member Shields and all voted aye. The motion passed 4 to 0.

Agenda Item 9 – NEW BUSINESS

Agenda Item 9a - Consider approval of the City of Paola Corporate Boundary Resolution for 2020.

Clerk Marler stated the cities in Kansas are required to annually declare by resolution any changes to their corporate boundary. She said in May of 2020 Ordinance No 3158 was approved by the Council to annex property to the north into the city limits. Clerk Marler presented Resolution No 2020-017 that includes Tract 16 as the addition to the corporate boundary description.

Council Member House made a motion to approve Resolution No 2020-017 declaring the boundary description of the City of Paola, KS pursuant to K.S.A. 12-517. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

Agenda Item 9b - Consider an Ordinance to increase fees paid to court appointed attorneys.

Clerk Marler presented Ordinance No 3169 for consideration to increase pay to public defenders. She said the current fee paid is \$50.00 per hour and the proposed increase would raise the hourly fee to \$70.00. The maximum fee would also be increased from \$500.00 to \$700.00.

Council Upshaw made a motion to approve Ordinance No. 3169 AMENDING TITLE I, SECTION 115.060 ATTORNEY FEES OF THE CODE OF THE CITY OF PAOLA, KANSAS. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0.

Agenda Item 9c – Sanitation agreement addendum.

Manager Fleming presented an addendum to the Waste Management Contract for the rate structure change approved November 10, 2020. He said to maintain the existing level of recycling service, Waste Management will charge an additional \$0.88 per customer per month, starting January 1, 2021. Additionally, the existing contract with Waste Management includes a two percent (2.0%) annual increase. The rate in the amendment (\$17.18) includes both the additional recycling charge and the annual escalation charge.

Council Member House made a motion to approve the *Amendment to Contract for Solid Waste Collection Services* with Waste Management of Kansas, Inc. 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 9d - Consider approval of the Construction Engineering Services bid.

Manager Fleming stated as part of the construction phase process for the Baptiste Drive extension, the City of Paola needs to hire a consultant to provide the construction and inspection engineering services to ensure proper oversight and a successful project.

Manager Fleming said the RFP solicitation was advertised on November 10, 2020 with a deadline of 10:00 am December 1, 2020. He said city staff reviewed the four proposals received for these services.

<u>CONSULTANT</u>	<u>TOTAL PRICE</u>
<i>Baldrige Engineering LLC</i>	<i>\$16,250.00</i>
Pfefferkorn Engineering & Environmental	\$29,280.00
BG Consultants, Inc	\$77,500.00
SMH Consultants	\$83,503.00

Manager Fleming said based on the review of the submittals and the recent successful work on the Miami Street and Kaskaskia Street Projects, Baldrige Engineering, LLC offers the lowest, qualified proposal that best serves the City of Paola's interest.

Council Member House made a motion to accept the bid from Baldrige Engineering LLC for the construction and inspection engineering services on the Baptiste Drive Extension Project in the amount of \$16,250.00 and authorize the necessary signatures. The motion was seconded by Council Member Shields. Council Members Smail, House and Shields all voted aye and Council Member Upshaw abstained. An abstention counts toward the majority vote. The motion passed 4 to 0.

Agenda Item 9e - Consider an Ordinance to update Paola Municipal Code Chapter 200.

Manager Fleming discussed the current breed specific ban included in the Paola Municipal Code, Chapter 200. He stated during several discussions at Council Work Sessions, the general consensus expressed a willingness to move away from the breed-specific ban, stating here is still concern regarding certain breeds and their historical tendency to be involved in vicious and even deadly dog attacks.

Manager Fleming presented *Ordinance #3168 – Amendments to Paola Municipal Code Chapter 200 – Animals* to repeal the breed-specific ban and create more punitive penalties for unregistered animals who violate the City's codes. He said the ordinance also updates the fees for dogs and cats that are impounded and brings the impounding fees in line with the charges the City pays the City of Osawatomie for these charges.

After further discussion Council member Upshaw made a motion to approve Ordinance No. 3168 – *Amendments to Paola Municipal Code Chapter 200- Animals*, and authorize the necessary signatures. The motion was seconded by Council Member House. Council Members Upshaw, House and Shields voted aye and Council Member Smail voted nay. The motion passed 3 to 1.

Agenda Item 9f - Consider approval of an addendum to the contract with SAM.

Manager Fleming said in August, the City of Paola approved an agreement with Midland GIS Solutions, LLC, now known as SAM LLC, for Utility GPS, GIS Development, and Web-GIS Implementation. He said SAM based the agreement on an estimated 550 manholes and associated structures within the sewer system. For the water system, SAM estimated 786 features.

Manager Fleming stated at this time, SAM has located and fully mapped 700 manholes and associated structures for the sewer system. He said after working in the system, they believe there are another 140 structures that are left to be mapped. So, the sewer system is estimated at 840 manholes and associated structures, which is 153% of the estimate used for the agreement.

Manager Fleming said there were also discrepancies in the number of assets in the water system. SAM has currently mapped 1,187 features and estimates that the total number of water features will be close to 1,233, which is 157% of the estimate used for the agreement.

Manager Fleming presented the Council a proposed addendum from SAM to the original agreement. The addendum would be for the not-to-exceed amount of \$13,174.00 and would include the work to develop a complete GIS map system for both the Water and Wastewater Utilities.

After some discussion Council Member Upshaw made a motion to approve the contract addendum with SAM, LLC for the not-to-exceed amount of \$13,174.00 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 10 - COMMITTEE REPORTS – None.

Agenda Item 11 - STAFF REPORTS

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

Manager Fleming stated he followed up on the concern brought to the work study meeting regrading the goats north of Lake Miola. He said he spoke with Miami County and there are no violations noted at this time.

Police Chief Poore thanked Council for the Christmas gifts given to staff.

Agenda Item 12 - MISCELLANEOUS MATTERS FROM THE COUNCIL:

Council Member Upshaw thanked Aaron Nickelson for his service on the City Council and welcomed incoming Council Member LeAnne Shields.

Council Member House commended USD 368 for everything they are doing to keep kids in school during COVID. She also thanked Aaron Nickelson for services on the Council and welcomed Council Member LeAnne Shields.

Council Member Shields said the Park Square looks beautiful with the additional Christmas decorations.

Agenda Item 13 - MISCELLANEOUS MATTERS FROM THE MAYOR:

Mayor Stuteville asked Council to consider the appointment of Donna McMahon and Starla Medlin to the Paola Housing Authority Board.

Council Member House made a motion to approve the appointment of Donna McMahon and Starla Medlin to the Paola Housing Authority Board. The motion was seconded by Council Member Shields and all voted aye. The motion passed 4 to 0.

Agenda Item 14 – 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 House and all voted aye. The motion passed 4 to 0.

Artie Stuteville, Mayor

ATTEST: [seal]

Stephanie Marler, City Clerk