

**MINUTES OF THE COUNCIL MEETING  
OF THE CITY OF PAOLA, KANSAS  
PAOLA JUSTICE CENTER 805 N PEARL  
6:00 O'CLOCK P.M.  
April 13, 2021**

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 LeAnne Shields.

**Council Members absent:** None

**Also present:** City Manager Sid Fleming, Assistant City Manager Randi Shannon, City Clerk Stephanie Marler, Interim Police Chief Eric Jenkins, City Attorney Lee Tetwiler, Library Director Rachael Hissong, Brian McCauley with the Miami County Republic and Brian House.

**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 Shields were all present.

**INTRODUCTION** – Manager Fleming introduced the new Library Director, Rachael Hissong.

**Agenda Item 1 - CONSENT AGENDA**

- a. Approval of minutes of the meeting of March 9, 2021
- b. Approval of Salary Ordinances 21-6 & 21-7
- c. Approval of Appropriation Ordinances 947 and 948.
- d. Approval of the Pledged Collateral Report for March 2021.
- e. Approval of the Journal Entries Reports for March 2021.

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 – NEW BUSINESS**

**Agenda Item 3a - Consider Disbursements from the Transient Guest Tax Fund.**

Clerk Marler reported that the Paola Convention and Tourism Committee met on March 11, 2021 to review 14 applications that were submitted for grants to be disbursed from the

Transient Guest Tax Fund. She explained the committee had less funds than in previous years due to COVID restrictions keeping people from traveling. The committee decided to lower the reserve in the fund to allow for more grant approvals.

<b>Grant No.</b>	<b>Requestor</b>	<b>Event</b>	<b>Requested Amount</b>	<b>Approved Amount</b>
1	Discover Historic Paola	Kansas Main Street	\$400.00	\$0.00
2	Heartland Art Guild	Annual Art Show	\$3,000.00	\$2,500.00
3	Li'l Red Hen	Ad Astra Quilt Shop Hop	\$500.00	\$500.00
4	Master Gardeners	Garden Tour	\$1,000.00	\$500.00
5	Miami County Arts Coalition	Music on the Square	\$2,650.00	\$2,000.00
<b>6</b>	<b>Paola Chamber of Commerce</b>	Fireworks	\$6,000.00	\$4,000.00
7		Car Show	\$5,000.00	\$3,500.00
8		Kansas Day	\$1,000.00	\$500.00
9		Visit Paola Brochure	\$500.00	\$300.00
10		Visitors Center	\$2,000.00	\$1,500.00
11		Wine & Brew	\$1,500.00	\$0.00
12	Paola Community Center	Marketing	\$3,900.00	\$0.00
13	Paola Farmers Market	Marketing	\$750.00	\$600.00
14	Roots Festival	Festival	\$10,000.00	\$8,000.00
		*reserved for Roots		\$2,000.00
			<b>\$38,200.00</b>	<b>\$25,900.00</b>

The Total of the approved grants to be disbursed is \$25,900. The committee agreed to grant \$8,000 for the Roots Festival and review after the event for an additional \$2,000.

Council Member House made a motion to approve the disbursements for the Transient Guest Tax Fund as presented. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0.

#### **Agenda Item 3b - Consider Resolution 2021-005 for a Temporary Entertainment District.**

Clerk Marler presented a request from the Olathe Charitable Health Foundation to allow alcohol consumption on the Paola Park Square during a private event. The Foundation holds an event called Moon Over Miami that is a fundraiser for the Miami County Medical Center and Family Medicine Clinic.

Clerk Marler said according to the Municipal Code Section 605, the Governing Body may, by resolution, allow consumption of alcohol at a Special Event or in a Temporary Entertainment District on public property. She presented Resolution 2021-005 for council to consider approval of alcohol consumption on June 11, 2021.

Council Member Shields made a motion to approve Resolution 2021-005 for a Temporary Entertainment District allowing alcohol consumption on Paola Park Square on June 11, 2021 during the hours of 6:00 pm to 10:00 pm. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

### **Agenda Item 3c - Covid 19 Response Actions.**

Manager Fleming said in response to the ongoing global COVID-19 pandemic, the City of Paola has taken many actions and precautions to keep its employees, citizens, and community safe – two of which were formal actions. He said Resolution 2020-006 declared a local emergency due to the building pandemic granting the City Manager broader authority to take quick action and rapidly respond to the changing dynamics associated with the pandemic. The second action being adoption of Ordinance #3161 required the wearing of masks or other face covering in public spaces.

Manager Fleming noted while the threat of COVID-19 has not been eliminated, the City has established operational procedures to mitigate the risks. He said after evaluating the current status of the pandemic and discussing the matter at the April 6, 2021, Council Work Session, Resolution 2021-006 has been prepared to repeal Resolution 2020-006, which expanded “the authority of the City Manager to act on behalf of the City in decisions regarding the COVID-19 pandemic.” Manager Fleming also prepared Ordinance 3173 at the request of several Council Members to repeal Ordinance 3161 which required “the wearing of masks or other face coverings in public spaces.”

**Action 3c.i.** Council Member Upshaw made a motion to approve Resolution No. 2021-006 rescinding Resolution No. 2020-006 and authorize the necessary signatures. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0.

**Action 3c.ii.** Council Member House made a motion to approve Ordinance No. 3173 repealing Ordinance No. 3161 and authorize the necessary signatures. The motion was seconded by Council Member Upshaw. Council Members Upshaw, House and Shields voted aye. Council Member Smail voted nay. The motion passed 3 to 1.

### **Agenda Item 4 - COMMITTEE REPORTS: – None.**

### **Agenda Item 5 - STAFF REPORTS**

Manager Fleming gave an update on the progress of the Baptiste Drive Extension project and the Baptiste Drive and Hedge Lane project.

Manager Fleming stated the Water & Wastewater Master Plan is in progress and could potentially have it ready for the May 11<sup>th</sup> Council Meeting.

City Attorney Tetwiler informed the Council that court will be back in person starting April 15<sup>th</sup>. He wanted to thank all the court staff for their adjustments to the COVID-19 restrictions.

Interim Police Chief Jenkins also wanted to thank the Police Department staff.

**Agenda Item 6 - MISCELLANEOUS MATTERS FROM THE COUNCIL:**

Council Members Upshaw and House thanked all city staff for adjusting to the COVID -19 restrictions.

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

**Agenda Item 8— EXECUTIVE SESSION: The justification being for the preliminary discussion of the acquisition of real property pursuant to K.S.A. 75-4319(b)(6) is the authority for this recess.**

Council Member Smail made a motion recess into Executive Session for 15 minutes pursuant to the preliminary discussion of the acquisition of real property, K.S.A. 75-4319(b)(6). The purpose of the executive session is to discuss the possible acquisition of real property and shall include the Mayor, Council, City Attorney, City Manager, and Assistant City Manager. The regular meeting shall reconvene in the Municipal Court Room at 6:40 p.m. The Motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

At 6:40 p.m. the Council came out of Executive Session and Council Member Upshaw made a motion to reconvene the recessed meeting. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0.

**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 House 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