

**MINUTES OF THE COUNCIL MEETING
OF THE CITY OF PAOLA, KANSAS
PAOLA JUSTICE CENTER 805 N PEARL
6:00 O'CLOCK P.M.
July 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 Trent Upshaw, Leigh House and LeAnne Shields.

Council Members absent: Dave Smail

Also present: City Manager Sid Fleming, Assistant City Manager Randi Shannon, City Clerk Stephanie Marler, Interim Police Chief Eric Jenkins, City Attorney Lee Tetwiler, Brenda Kilbey & Shelby Barrett with the Police Department, Brian McCauley with the Miami County Republic, Aaron, Kelly & Addy Stohs with Paola Vet Clinic, Dave Miller, Linda VanRheen, Rena Smith, Ron Smith, William & Melissa Gatlin, Mark & Barb Foster, Jim Shore and others.

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

ROLL CALL: Mayor Stuteville and Council Members Upshaw, House and Shields were all present.

INTRODUCTION – Interim Police Chief Jenkins introduced two new employees to the Police Department, Brenda Kilbey - Municipal Court Clerk & Shelby Barrett - Dispatch.

Agenda Item 1 - CONSENT AGENDA

- a. Approval of minutes of the meeting of June 8, 2021
- b. Approval of Salary Ordinances 21-12 and 21-13
- c. Approval of Appropriation Ordinances 953 and 954.
- d. Approval of the Pledged Collateral Report for June 2021.
- e. Approval of the Journal Entries Reports for June 2021.
- f. Approve liquor license renewal for Casa Grande Paola, 120 W Peoria, contingent upon receipt of application, fee and approved safety inspection.

Council Member House made a motion to approve the Consent Agenda as presented and authorize the mayor to sign it. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 3 to 0.

Agenda Item 2 - COMMENTS FROM THE PUBLIC:

Ron Smith - 327 N East St. - addressed the Council regarding his concerns about the amount of cars parking on the street near 306 N East St. Mr. Smith also asked if the Council would consider having a drop-off location for limbs instead of just the once a month pick-up.

Linda VanRheen - 407 E. Kaskaskia - told the Council that there are several cats in her neighborhood that are a nuisance. She asked that traps be provided to control them.

Agenda Item 3 – OLD BUSINESS

Agenda Item 3a - Public hearing to discuss the repair or removal of the structure located at 401 E Kaskaskia.

Council Member Upshaw made a motion to open the public hearing to discuss the structure located at 401 E Kaskaskia. The motion was seconded by Council Member House and all voted aye. The motion passed 3 to 0.

Assistant Manager Shannon began by providing some background on the structure located at 401 E Kaskaskia. She said in 2016 the structure was deemed dangerous and the Paola City Council began the legal process to condemn it. The property sold and the new owners were given an opportunity to fix the property and bring it out of its dangerous state.

Assistant Manager Shannon said upon review of the submitted plans the new owners were issued a permit on March 11, 2021. She said the owner was notified in writing that they had until June 15, 2021 to have a final inspection scheduled. Due to the slow progress at the property, staff advised the condemnation process should begin and on May 11, 2021 the Council passed Resolution No 2021-007 setting the public hearing for the condemnation of 401 E Kaskaskia for July 13, 2021.

Mayor Stuteville asked if any members of the audience would like to speak regarding the property:

Barbara Foster - 310 E Kaskaskia - Said people are living at the property and bathing in the yard with a garden hose. She said the house is in disrepair and would like to see it be demolished.

Will Gatlin - 402 E Kaskaskia - Wants action taken. He said the construction crews are working late into the night.

Pete Belle - 209 N Castle - Says the house is disgraceful and all the owner is doing is “putting lipstick on a pig” Mr. Bell was appreciative of Inspector Trout for all he has done to this point.

Linda VanRheen - 407 E Kaskaskia - Said this house is an eyesore and looks like a cardboard shack.

Dave Miller - Crew organizer for 401 E Kaskaskia - Said as of “last week” no one is living in the house. He said the process is slow but the electrical work is almost done and work has been done on the basement. He stated the architect walked away from the project because the recommendations he gave were not being followed.

With no further comments, Council Member House made a motion to close the public hearing. The motion was seconded by Council Member Shields and all voted aye. The motion passed 3 to 0.

Agenda Item 3b – Consider a Resolution finding the structure located at 401 E Kaskaskia to be unsafe and dangerous.

After review of Inspector Trout’s report, background information provided by Assistant Manager Shannon, and comments from the public, the Council agreed the property located at 401 E Kaskaskia was a dangerous structure. The owner was granted until August 10, 2021 to make the premises safe and secure.

Council Member Upshaw made a motion to approve Resolution 2021-013: A RESOLUTION FINDING THAT THE STRUCTURE LOCATED AT LOT FIVE (5), BLOCK ONE HUNDRED TWO (102), CITY OF PAOLA, MIAMI COUNTY, KANSAS; COMMONLY KNOWN AS 401 E KASKASKIA STREET, PAOLA, KANSAS 66071 IS UNSAFE OR DANGEROUS AND DIRECTING THAT THE STRUCTURE BE REMOVED AND THE PREMISES MADE SAFE AND SECURE. The motion was seconded by Council Member Shields and all voted aye. The motion passed 3 to 0.

Agenda Item 4 - NEW BUSINESS

Agenda Item 4a - Lease Agreement with the Miami County Fair Board.

Clerk Marler presented a request from the Miami County Fair Board to use the property located just south of the playground in Wallace Park for the annual Miami County Fair Carnival. She stated that due to the location of the fair grounds, there is not enough space for the carnival to set up as well. She said the fair board leases the property every year for \$.50.

Council Member Shields made a motion to approve the lease agreement with the Miami County Fair Association and authorize the necessary signatures. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 3 to 0.

Agenda Item 4b - Industrial Park Drive Land Sale - Vet Clinic

Assistant Manager Shannon presented a request for the purchase of a lot in the Industrial Park. She said the owner of the Paola Vet Clinic is looking for a location to build a new clinic due to business growth. The owner, Dr. Aaron Stohs, currently has three locations, Drexel, Louisburg, and Paola.

Assistant Manager Shannon said the clinic has outgrown its current location and is looking to expand their facility. She said they want to increase their scope of practice and recruit more clients from outside of Paola as well as provide more employment opportunities.

Assistant Manager Shannon said the Land Purchase Agreement allows for the purchase of the property for \$1.00 and other considerations, which include the following:

- a. Legal survey and preparation of any necessary easements for utilities and or drainage;
- b. Title Insurance for Tract 5, at Buyer's option;
- c. Preparation and recording of Deeds;
- d. Buyer agrees to install curb and gutters on the subject property along Industrial Park Drive.

She said the Buyer will have twenty-four (24) months from the date of closing to start substantial construction or the land shall be deeded back to the City. If the lot is sold by the Buyer to a third party before a commercial building is built, or within twenty-four (24) months from the date of closing, then any profit made from the sale shall be split equally between the Buyer and the City.

After further discussion Council Member Upshaw made a motion to authorize the Mayor to execute the Land Purchase Agreement on behalf of the City with Drexel Veterinary Clinic, P.C., on Tract 5 in the Industrial Park, in substantially the form presented, and authorize the necessary signatures. The motion was seconded by Council Member House and all voted aye. The motion passed 3-0.

Agenda Item 4c -Final Replat for Burr Oak Estates, Lot 1

Assistant Manager Shannon said she received an application from Nick Hart, owner of lot 1 of Burr Oak Estates, to split his 15.27 acre lot into three tracts to allow for two additional single-family homes. She said at its meeting on June 15, 2021 the Paola Planning Commission recommended approval of the final plat with the condition that the access drive be platted as a private access and not dedicated to the City as a public street due to no adequate emergency turn-around available to meet the City standards.

Assistant Manager Shannon said each of the proposed new lots will exceed the 12,500 sq. ft. requirement for the Suburban subdivision.

After some discussion, Council Member Shields made a motion to approve the Final Replat for Burr Oak Estates, Lot 1. The motion was seconded by Council Member House and all voted aye. The motion passed 3-0.

Agenda Item 4d - Roadway Repairs

Manager Fleming said the Public Works department requested bids at the end of May for proposed road patch work on 295th Street between Old KC Road and the city limits and 2"mill and overlay on West Piankishaw between Silver and Iron. He said three quotes were received and reviewed. The quotes are summarized below.

CONTRACTOR TOTAL BID

Way & Sons Construction	\$68,619.00
Killough Construction, Inc.	\$73,567.00
McAnany Construction	\$88,876.00

Manager Fleming said after reviewing the quotes, Way and Sons Construction was the low bidder. Although Ways & Sons has not performed work for the City, they have paved some parking lots in town. After discussing the quality of work with Chief Building Inspector Trout, Public Works staff felt comfortable with recommending Way & Sons Construction for the 2021 Asphalt Road Repairs.

Council Member Upshaw made a motion to approve Way & Sons Construction to perform the 2021 Asphalt Road Repairs for the amount of \$68,619.00 and authorize the necessary signatures. The motion was seconded by Council Member House and all voted aye. The motion passed 3-0.

Agenda Item 4e - Fund Consolidation

Manager Fleming said during the 2021 Budget process, staff discussed making adjustments to the Water Utility and Wastewater Utility funds. He said this included consolidating the savings for capital projects into a single fund for the Water Utility. Additionally, the operational funds for the Wastewater Utility would be consolidated and a single fund would be established for capital projects in the Wastewater Utility.

Manager Fleming said historically, wastewater operational spending was spread across the Sewer Service Fund (04) and the Wastewater Treatment Plant Fund (16). Traditionally, money was saved into the Bull Creek Interceptor Fund (11) and Wastewater Treatment Plant Construction Fund (32), which served as potential funding sources for larger sewer-related projects. He said

all sewer or wastewater treatment related operational and maintenance costs will be consolidated into the renamed Fund-04, which becomes the Wastewater Utility Fund (04). Fund-16 was renamed and repurposed as the Wastewater Utility CIP Fund (16). This fund will become the single repository savings for future capital projects.

i. - Water Fund Consolidation - Resolution No 2021-009

Council Member Shields made a motion to approve *Resolution 2021-009: Water Utility Fund Consolidation* and authorize the necessary signatures. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 3 to 0.

ii. - Sewer Fund Consolidation - Resolution No 2021-010

Council Member House made a motion to approve *Resolution 2021-010: Wastewater Utility Fund Consolidation* and authorize the necessary signatures. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 3 to 0.

Agenda Item 4f - Consider Resolution No 2021-011 to exceed the Revenue Neutral Rate.

Manager Fleming explained that legislation passed earlier this year has changed the budget process. The tax lid has been removed and in its place, new notice and public hearing requirements have been established. These requirements became effective this year and guide the 2022 Budget process.

Manager Fleming said the legislation found in Senate Bill 13 and House Bill 2104 require special notice and a separate public hearing if the “proposed budget will exceed the property tax levy’s Revenue Neutral Rate (RNR).” He said at the Council Work-Study Session on July 6, 2021, staff presented the preliminary draft of the 2022 Budget and discussed the requirements and impacts of SB 13. The preliminary draft budget indicated that a levy of a property tax exceeding the RNR will be required.

Council Member Upshaw made a motion to approve Resolution 2021-011: 2022 Budget – Intent to Exceed RNR and authorize the necessary signatures. The motion was seconded by Council Member House and all voted aye. The motion passed 3 to 0.

Agenda Item 4g - Consider Resolution No 2021-012 to accept the ARPA Funds.

Clerk Marler said as previously discussed, Paola is eligible to receive \$867,610.08 from the American Rescue Plan Act that was passed in March of 2021. She said as a condition of the

receipt of federal financial assistance, the City must sign the Assurances of Compliance with Civil Rights Requirements along with the Terms and Conditions set by the US Treasury.

Clerk Marler said the process for the ARPA funds is similar to the acceptance of the COVID relief funds from Miami County through the CARES Act in 2020. She said an application will be submitted and funds will be disbursed, half in 2021 and the remaining amount approximately 12 months later.

Council Member House made a motion to approve Resolution 2021-012: Accepting ARPA Funds to accept funds allocated to the City of Paola by the State of Kansas through the State's American Rescue Plan Act Fund and agree to the Terms and Conditions and the Assurances of Compliance with Civil Rights Requirements and authorize the necessary signatures. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 3 to 0.

Agenda Item 5 - COMMITTEE REPORTS

Council Member Upshaw gave a report on the Recreation Commission task force. He said the task force is made up of himself and City Manager Fleming representing the City, Matt Meek and Scott Golubski representing USD 368 along with Jodie Garrison, Lisa Collier and Lacy Kane. Council Member Upshaw said the group believes there is a lot of interest in a Rec. Commission and plans to have a resolution prepared for Council consideration to place a question on the ballot in November.

Agenda Item 6 - STAFF REPORTS

Manager Fleming gave an update on the Comprehensive Plan progress.

Manager Fleming informed the Council that the League of Kansas Municipalities will hold their annual conference October 9th - 11th in Topeka.

Agenda Item 7 - MISCELLANEOUS MATTERS FROM THE COUNCIL: None

Agenda Item 8 - MISCELLANEOUS MATTERS FROM THE MAYOR: None

Agenda Item 9 – EXECUTIVE SESSION:

- a. The discussion of legal matters considered privileged pursuant to K.S.A. 75-4319(b)(2) provides the authority for this recess.**

Council Member Upshaw made a motion to recess the city council into Executive Session for 30 minutes pursuant to attorney-client privilege, K.S.A. 75-4319(b)(2). The

purpose of the executive session is to discuss legal matters considered privileged under the attorney-client relationship 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 7:26 pm. The motion was seconded by Council Member House and all voted aye. The motion passed 3 to 0.

At 7:26 pm 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 House and all voted aye. The motion passed 3 to 0.

b. The preliminary discussion of the acquisition of real property pursuant to K.S.A. 75-4319(b)(6) provides the authority for this recess.

Council Member Upshaw motion to recess the city council into Executive Session for 20 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 7:46 pm. The motion was seconded by Council Member House and all voted aye. The motion passed 3 to 0.

At 7:46 pm the Council came out of Executive Session and Council Member House made a motion to reconvene the recessed meeting. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 3 to 0.

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 Shields and all voted aye. The motion passed 3 to 0.

Artie Stuteville, Mayor

ATTEST: [seal]

Stephanie Marler, City Clerk