

**MINUTES OF THE COUNCIL MEETING
OF THE CITY OF PAOLA, KANSAS
PAOLA JUSTICE CENTER 805 N PEARL
6:00 O'CLOCK P.M.
August 10, 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 Tettwiler, Brian McCauley with the Miami County Republic, Bala Pulliyempetta, owner of 401 E Kaskaskia, Luke DeGrande and others.

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.

Agenda Item 1 - CONSENT AGENDA

- a. Approval of minutes of the meeting of July 13, 2021
- b. Approval of Salary Ordinances 21-14 and 21-15
- c. Approval of Appropriation Ordinances 955 and 956.
- d. Approval of the Pledged Collateral Report for July 2021.
- e. Approval of the Journal Entries Reports for July 2021.
- f. Approve liquor license renewal for Applebee's, 1301 Kansas Drive, contingent upon receipt of application and approved safety inspection.

Council Member Smail 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 4 to 0.

Agenda Item 2 - COMMENTS FROM THE PUBLIC:

Bala Pulliyempetta - co-owner of 401 E Kaskaskia - addressed the Council to say he will do whatever he can to prevent the building from being demolished.

Agenda Item 3 – OLD BUSINESS

Agenda Item 3a - Set Public Hearing to exceed the Revenue Neutral Rate and 2022 Budget.

Manager Fleming explained that prior to formally adopting the 2022 Budget for the City of Paola, City Council must set and conduct a public hearing regarding the budget. He said additionally the budget must be published 10 days prior to the hearing.

Manager Fleming discussed the changes in the budget process resulting from Senate Bill 13 requiring a Revenue Neutral Rate hearing being conducted prior to the budget hearing. He reminded the Council that Resolution No 2021-011 was passed at the July 12, 2021 meeting setting the RNR hearing for September 14, 2021. Manager Fleming suggested setting the budget hearing at the next regular council meeting on September 14, 2021 following the RNR hearing.

Council Member Shields made a motion to set the Public Budget Hearing for the proposed 2022 Budget at the next regularly scheduled Council Meeting on Tuesday, September 14, 2020 at 6:00 PM at the Paola Justice Center. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0.

Agenda Item 4 - NEW BUSINESS

Agenda Item 4a - Acknowledge the submission to the Electronic Municipal Market Access (EMMA) system.

Clerk Marler informed the Council that the 2020 Financial Statement and 2020 Operating Data were filed on the Electronic Municipal Market Access (EMMA) system on August 5, 2021. She said the filing is pursuant to the City's Continuing Disclosure Policy that was adopted in 2014.

Clerk Marler said the memo received on August 6, 2021 served as the notice requirement of 5 days to the Council. She said the policy requires confirmation to be acknowledged at the next regular meeting of the Governing Body.

Council Member Upshaw made a motion to acknowledge that 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 that the 2020 Audit Report and 2020 Operating Data for the City of Paola were electronically filed on the Electronic Municipal Market Access (EMMA) system on August 5, 2021. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0.

Agenda Item 4b - Standard Traffic Ordinance - Ordinance No 3176

Clerk Marler presented Ordinance No. 3176 for Council to consider the adoption of the Standard Traffic Ordinance. She said annually the publication has been incorporated by reference into the City Code with certain omissions and amendments, noting that all-terrain vehicles, Golf Carts and work-site utility vehicles have separate ordinances and are omitted from the STO.

Council Member Smail made a motion to adopt Ordinance No 3176 incorporating by reference the 48th edition of the STO with certain omissions and amendments 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 4c -Uniform Public Offence Code - Ordinance No 3177

Clerk Marler presented Ordinance No. 3177 for Council to consider the adoption of the Uniform Public Offence Code with certain omissions and amendments. She noted sections 3.1.1 Domestic Battery, Section 6.16 Giving a Worthless Check and Section 6.19 Equity Skimming were omitted because the nature of these offences are such that they are more appropriately dealt with in District Court rather than Municipal Court. She said the previously adopted amendment relating to tobacco products will remain.

Council Member Shields made a motion to adopt Ordinance No 3177 incorporating by reference the 37th edition of the UPOC with certain omissions and amendments and authorize the necessary signatures. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

Agenda Item 4d - Recreation Commission - Joint Resolution 2021-014

Manager Fleming said in June 2021 the Recreation Commission Task Force was formed and included members of the City, USD 368 School District and the Paola community. The task force explored the pros and cons of a potential recreation commission and reviewed the Kansas Statutes connected to the development and operation of a recreation commission. He said based on its work, the task force identified that the best option would be the model where the School District and the City work together to develop a joint system.

Manager Fleming presented a joint resolution with USD 368 and the City of Paola to outline the intent of both parties to submit to their qualified electors a proposition to create a joint recreation system. He said the Paola Unified School District #368 Board of Education approved the resolution at their August 9, 2021 meeting.

Council Member Upshaw made a motion to approve Resolution 2021-014: Ballot Question to Create a Joint Recreation System 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 4e - Hazard Mitigation Plan - Resolution No 2021-015

Manager Fleming presented Resolution No. 2021-015 regarding the Kansas Homeland Security Region J Hazard Mitigation Plan. In 2019, Miami County and the Kansas Division of Emergency Management began reviewing and updating the Hazard Mitigation Plan that looks at long term risks to people and property from potential natural and man-made hazards. This plan, developed in cooperation with local, state, and federal agencies, ensures Miami County receives the resources needed to recover from an event. It also is required by organizations such as FEMA so that our residents have access to the long-term tangible benefits they may be eligible to receive after a disaster declaration is made. It also makes our residents eligible for special programs offered from time to time to help better prepare themselves in the event of a disaster. The plan was updated to show current demographics to include our population, income standards, and valuation of commercial land. The substance of the plan has not changed.

Manager Fleming said the plan was scheduled for adoption in early 2020, however due to the COVID-19 pandemic the resolution was put on hold. He said adopting the plan ensures that Paola residents are eligible for FEMA and KDEM programs and benefits.

Council Member House made a motion to approve Resolution 2021-015: Adopting the Kansas Homeland Security Region J Hazard Mitigation Plan 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 4f - Build Lot Size Changes in LDO - Ordinance No 3178

Assistant Manager Shannon said at its meeting on May 19, 2021, the Planning Commission discussed the current building lot size regulations. She said the general consensus was that there should be a way to modify the regulations in a way to help promote infill development, but not overcrowding, and help minimize the amount of variances.

Assistant Manager Shannon said on July 20, 2021 the Paola Planning Commission held a public hearing for the text amendment. There were no comments from the public, in person or written. The Commission reviewed Section 21.212 Standard for Ordinance Text Amendments, and came to the unanimous decision that the following recommended amendments would meet the standards.

SECTION 04.120 MINIMUM LOT SIZE – RESIDENTIAL USES

The minimum lot area requirements of 6,000 square feet, for lots platted prior to 1983 may be waived for single-family residential use if the following conditions are met per staff review and approval.

- A. Applicants must submit a certified plot plan for staff review before the permit application can be submitted and approved.
- B. Plot plan shall comply with the setback requirements stated in Article 4 of the Land Development Ordinance.
- C. The combined square footage of the principal structure, detached garage, and storage/utility shed shall not exceed the maximum building coverage in Table 04.110A Use and Lot Standards. Where no maximum building coverage is provided, the combined structures shall not cover more than 70% of the lot area.
- D. The primary residential dwelling shall comply with Section 15.525 SINGLE FAMILY RESIDENTIAL DESIGN STANDARDS.
- E. The primary residential dwelling shall comply with the building code requirements adopted by the Paola Municipal Code.

Council Member Smail made a motion to adopt Ordinance No 3178 adding Section 4.120 Minimum Lot Size, Residential Uses of Article 04 of the Paola Land Development Ordinance. The motion was seconded by Council member Upshaw and all voted aye. The motion passed 4 to 0.

Agenda Item 4g - Consider changes to the Traffic Control Device Schedule - Resolution No 2021-016

Manager Fleming said recently city staff conducted a survey of the traffic control devices throughout the City. He said at the May 11, 2021 meeting, Council approved Resolution 2021-003 to update the Traffic Control Device Schedule and staff set about ensuring proper signage was installed accordingly. Citizens' concerns were raised on the "No Parking" sign on Shawnee Street between Silver and Gold Streets. The schedule called for the sign to be on the north side of the road and this placement resulted in more citizen impact versus placing the sign on the south side. Council discussed this concern at the August 3rd Work-Study Session and requested a modification to the Traffic Control Device Schedule to alleviate the concern.

Council Member Upshaw made a motion to approve Resolution 2021-016: Amending the Traffic Control Device Schedule 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 4h - Donation of Police Equipment

Manager Fleming said the Police Department is seeking to donate decommissioned and incompatible emergency equipment to any local agencies in need. He said the department purchased new patrol units in 2021; several pieces of emergency equipment were replaced due to age of the equipment or being incompatible with the new model year of the vehicle. The equipment in question has no remaining value to the department and is in need of disposal if it is not utilized by other agencies. He said a release of liability for accepting agencies to sign has been reviewed and approved by the City Attorney.

Council Member House made a motion to approve the List of Decommissioned Equipment – 081021 and authorize staff to donate the listed equipment to requesting agencies utilizing the Agreement to Donate Property and Release of Claims. The motion was seconded by Council Member Shields and all voted aye. The motion passed 4 to 0.

Agenda Item 5 - COMMITTEE REPORTS

Council Member Upshaw gave an update on the Recreation Commission. He stated the ballot question has been approved and the next step will be discussion of how the commission will be formed and approve the by-laws.

Agenda Item 6 - STAFF REPORTS

Manager Fleming provided a report on 401 E. Kaskaskia. He said the engineer's report confirmed the deteriorated state of the property and suggested soliciting bids for demolition of the property. The Council consensus was to get the bids and move forward with the process.

Manager Fleming reminded the Council of the Carrothers Construction open house celebration for 100 years in business.

Manager Fleming noted the Union Pacific “Big Boy” steam engine will be in Paola on August 11th at the Peoria Railroad Crossing. He said they anticipate several people to attend.

Manager Fleming gave an update on several projects Public Works is involved with and wanted to commend Public Works Director Rees and his staff on the resolution of the problem with a water leak.

Clerk Marler announced the date for the Dog Swim on August 30th from 6:00 pm to 7:30pm at the Paola Family Pool.

Interim Police Chief Jenkins said they are working on two community events; Children's Fall Festival and TAKE Foundation self defense class.

Agenda Item 7 - MISCELLANEOUS MATTERS FROM THE COUNCIL: None

Agenda Item 8 - MISCELLANEOUS MATTERS FROM THE MAYOR: None

Agenda Item 9 - ADJOURNMENT

With no additional business to come before the Council, Council Member House made a motion to adjourn. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

Artie Stuteville, Mayor

ATTEST: [seal]

Stephanie Marler, City Clerk