

**MINUTES OF THE COUNCIL MEETING
OF THE CITY OF PAOLA, KANSAS
PAOLA JUSTICE CENTER 805 N PEARL
6:00 O’CLOCK P.M.
February 8, 2022**

The Governing Body of the City of Paola, Kansas, met with Mayor House presiding.

Council Members present: Mayor Leigh House and Council Members Dave Smail, Trent Upshaw, Kathy Peckman and LeAnne Shields.

Council Members absent: None

Also present: Acting City Manager Randi Shannon, City Clerk Stephanie Marler, Police Chief Eric Jenkins, City Attorney Lee Tetwiler, Brian McCauley with Miami County Republic, Sheena Simon, Arthur Dean Inscore, Carol Williams, Steven Warger, Blake Heid, Alyssa Jeffries, and others.

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

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

INTRODUCTION – Chief Jenkins introduced Melissa Fisher as the new Court Clerk and Officer Jonathan Legg as the newest patrol officer.

Agenda Item 1 - CONSENT AGENDA

- a. Approval of minutes of the meeting of January 11, 2022.
- b. Approval of Salary Ordinances 22-1, 22-2 & 22-3.
- c. Approval of Appropriation Ordinance 966, 967, & 968.
- d. Approval of the Pledged Collateral Report for January 2022.
- e. Approval of Journal Entries report for December 2021 & January 2022
- f. Approval of Special Meeting Minutes of December 14, 2021
- g. Approval of Special Meeting Minutes of January 20, 2022

Council Member Peckman 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:

Carol Williams, 28924 Chinkapin Ln, Paola, expressed her concerns about artificial turf causing injuries to children and concerns of baseball fields flooding.

Arthur Dean Inscore, 210 Industrial Dr, Osawatomie, spoke on behalf of Sheena Simon who is the owner of 401 E. Kaskaskia, he believes Ms. Simon wants to finish the original part of her house and have him tear off the “bad part”.

Alyssa Jeffries, 307 N Agate, said the city is trying to see if anything can be done in Wallace Park so it doesn't flood and wanted to know if that has ever been done before.

Agenda Item 3 - NEW BUSINESS

Agenda Item 3a - Final Plat for Paola Crossings

Acting Manager Shannon presented the final plat for Lot 1 and Lot 2 of the Paola Crossings Development. She said the development is currently zoned as Thoroughfare Access (TA) which permits a wide range of commercial and residential uses, with the two proposed uses for these lots being commercial developments.

Acting Manager Shannon said the macro drainage plan has been submitted and reviewed by Wilson and Company. She noted there are still review comments that the developer and engineer are working through. Steve Warger, representing the applicant, addressed the Council to confirm they are willing to work toward any solutions.

Acting Manager Shannon said at its meeting on January 18, 2022 the Paola Planning Commission recommended approval of the final plat for Paola Crossings.

Council Member Peckman moved to approve the final plat of Paola Crossings with the condition that the applicant satisfy the engineer comments in reference to the macro drainage plan. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

Agenda Item 3b – Final Site Plan, Casey’s Retail Company

Acting Manager Shannon said at its meeting on January 18, 2022 the Paola Planning Commission recommended approval of the final site plan for Casey’s General Store, a convenience store with fuel sales. She said the Lot 1 parcel in the Paola Crossings Development is approximately 2.08 acres. The proposed building will be single story with a gross square footage of 4,206 square feet. She said all dumpsters will be enclosed as indicated on the site plan, the sidewalk will be put in by the developer as part of the road construction, signage and landscaping will be reviewed by staff and drainage calculations were submitted to Wilson and Company.

After some discussion Council Member Smail made a motion to approve the final site plan for Lot 1 of Paola Crossings Plat, Casey’s Retail Company, applicant. The motion was seconded by Council Member Shields and all voted aye. The motion passed 4 to 0.

Agenda Item 3c – CUP for Casey’s General Store – Ordinance #3183

Acting Manager Shannon said a public hearing was held by the Paola Planning Commission at the January 18, 2022 meeting for a Conditional Use Permit (CUP) application submitted by

Casey's General Store. She said there was no public comment at the hearing. After reviewing the Land Development Ordinance the Planning Commission voted to recommend approval of the CUP with the following conditions.

1. Lighting shall be all cut-off fixtures located to minimize impact on adjoining properties consistent with the regulations in the Paola Land Development Ordinance
2. At any time, the City may institute revocation of the conditional use permit for violations of the conditions of approval, expiration, or the reasons specified in Section 21.225 of the Land Development Ordinance. The City shall provide notice to the landowner and public in the same manner as was provided for the establishment of the conditional use permit.

Council Member Shields made a motion to adopt Ordinance #3183, approving the Conditional Use Permit for Lot 1 of Paola Crossings for Casey's Retail Company and authorize the necessary signatures. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0.

Agenda Item 3d – Lake Miola Dam Repairs

Acting Manager Shannon said many inspections have been completed on the Lake Miola dam which emphasize issues with embankment instability on the downstream slope. She said multiple repairs and modifications have been made but the slides continue to develop. Braun Intertec Corporation was hired to perform a geotechnical study on the dam to give information about the work that needs to be done to fix the problems.

Acting Manager Shannon said four companies were solicited and two submitted proposals to include a hydrologic analysis, survey, and design of improvements. The following proposals were received.

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|--------------------------------|--------------|
| BG Consultants, INC. | \$110,000 |
| Kaw Valley Engineering, INC | \$56,250 |
| Allenbrand-Drews & Associates: | No Submittal |
| Baldrige Engineering, LLC: | No Submittal |

Council Member Upshaw questioned the inspection costs and how to proceed. Acting Manager Shannon said once the scope of the work is known the inspection frequency and costs could be addressed at future meetings.

Council Member Upshaw made a motion to approve the proposal for the Lake Miola Dam repairs with Kaw Valley Engineering in the amount of \$56,250 and authorize the necessary signatures. The motion was seconded by Council Member Peckman and all voted aye. The motion passed 4 to 0.

Agenda Item 3e – Pool Maintenance and Repairs

Acting Manager Shannon presented a bid from Carrothers Construction Company, LLC to do some repairs at the Paola Family Pool. She said the pool was constructed by Carrothers approximately 25 years ago and although the pool is still in good shape it is in need of some routine maintenance and repairs.

Acting Manager Shannon said the bid from Carrothers has two sections. The first section includes the repainting and minor pool vessel repairs at \$87,000. The second section includes the recirculation and features pump replacement at \$65,600. She said with discussions of future pool improvements and supply constraints for pumps right now, it is best to hold off on pumps and move forward with necessary repairs for this season. Once the Council has a firm plan on the future pool improvements the appropriate type, number and size of pumps will be ordered.

Council Member Smail made a motion to approve the Municipal Pool Maintenance and Repairs bid from Carrothers Construction Company in the amount of \$87,000 and authorize the necessary signatures. The motion was seconded by Council Member Shields. Council Members Smail, Peckman and Shields voted aye and Council Member Upshaw abstained due to his wife's employment with Carrothers. The abstention counts toward the prevailing vote. The motion passed 4 to 0.

Agenda Item 3f – Incentive Request, 20 S Silver St.

Acting Manager Shannon discussed a request from the owner of 20 S Silver for an incentive to ease the water connection cost burden to put in 6 new apartments. She said the owner is installing a fire suppression system for the apartments that will require a 4-inch water line to be brought in through the foundation. She said a 2-inch line dedicated for the domestic services for the second-floor apartments will also be installed.

Acting Manager Shannon said the owner's payment responsibility to the city is \$1,500 for the 4-inch and \$4,000 for the 2-inch, totaling \$5,500 solely in connection costs. She said as discussed at the February 1, 2022 work study meeting, the Council realizes the need for alternative housing options and importance of supporting rehabilitation projects such as this. Therefore, the option to consider a 50% reduction of connection fees was discussed with a total savings to the owner of \$2,750.

Council Member Upshaw asked that future incentives of this type should be considered for a 50% reduction not to exceed the amount of \$2,750.

Council Member Peckman made a motion to approve a 50% cost reduction of the water connection fees totaling \$2,750 for construction of residential apartments at 20 S Silver. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

Agenda Item 3g – New Mower Purchase for Public Works

Clerk Marler presented a request to purchase two new mowers for the Public Works department. She said Public Works Director Rees requested pricing from Grasshopper for a 61” cut rear discharge and a 72” cut rear discharge. She said Morige Mfg, Inc. supplied a bid for the mowers and the dealer, Norris Equipment Co, LLC is able to give government pricing. Norris Equipment has agreed to take 2 mowers in for trade totaling \$5,500 for both. The following pricing for the new mowers was received:

| | |
|-------------------------|--------------------|
| Grasshopper 725DT | \$17,566.00 |
| <u>Grasshopper 900D</u> | <u>\$19,966.50</u> |
| Total | \$35,741.50 |

Council Member Peckman made a motion to approve the bid from Morige Mfg. Inc in the amount of \$32,032.50 after trade in for the Grasshopper Lawn Mowers. The motion was seconded by Council Member Shields and all voted aye. The motion passed 4 to 0.

Agenda Item 3h – Statement of Financial Support: Broadband Acceleration Grant

Acting Manager Shannon said KwiKom Communications has identified Paola as an ideal community for grant project funding for the Kansas Office of Broadband Development Acceleration Grant. She said KwiKom’s fiber to the premises proposal will deliver scalable, 10 Gigabit capable fiber to over 500 homes and businesses withing the northern city limits and around Lake Miola. In addition to solving the part of Paola’s present internet needs, the project will provide the necessary infrastructure to complete the entire city and address future growth and demand.

Acting Manager Shannon said this particular grant is a 50/50 matching grant, the state of Kansas allows for up to a 50% co-investment of the matching funding, which is 25% of the total project cost. Therefore, KwiKom is requesting a co-investment commitment of \$250,000 from the City of Paola for this project. She said if the Paola project is selected then ARPA funds will be used to fund the co-investment for this broadband expansion.

After some discussion Council Member Shields made a motion to authorize the necessary signatures for the Statement of Financial Support to submit with the Kansas Office of Broadband Development Acceleration Grant. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0.

Agenda Item 4 – COMMITTEE REPORTS - None

Agenda Item 5 - STAFF REPORTS

City Attorney Tetwiler said he wanted to give a basic legal refresher course since there are several new members on the Council. He reminded the Council his position as Attorney is to defend the City, the Council position is to make policies and the City Manager’s job is to run

the administrative affairs of the city. He also reminded the Council the importance of not discussing executive session matters in public.

Clerk Marler informed the Council of the Legislative Breakfast on February 26th, 7:00 am to 9:00 am, held at Holy Trinity School.

Clerk Marler said the Council has been invited by Team 1108 Panther Robotics of Paola High School to watch them build a robot and see the facility at 1705 Industrial Park Drive. The event to be held after the Legislative Breakfast on February 26th, 9:00 am to 11:00 am.

Acting Manager Shannon gave an update on the Comprehensive Plan. They have tentative dates to present a draft of the plan with final adoption at the May 10th City Council meeting.

Acting Manager Shannon said she will be out of the office Thursday, 2/10 and Friday, 2/11 for a City Manager's conference.

Acting Manager Shannon respectfully asked the Council to come to her for issues or questions with vendors instead of going to the vendor directly.

Agenda Item 6 - MISCELLANEOUS MATTERS FROM THE COUNCIL:

Council Member Smail complimented Public Works on the snow removal.

Council Member Upshaw thanked Attorney Tetwiler for his clarification. He also addressed the concerns of legality from the January 20, 2022 special meeting stating the League of Kansas Municipalities assured him other cities conduct meetings as Paola does with a signed form before the meeting. He said as long as 3 members sign the meeting is legal and all members present get a vote.

Council Member Peckman said all members of the Council are attending the virtual KOMA training put on by the League of Kansas.

Council Member Shields questioned what WEX Bank was on the appropriation ordinance. Clerk Marler informed her it was the card company used by the gas station where fuel is purchased.

Council Member Shields questioned the purchase of chemicals from Reindeer's for turf and wanted to know where the city had turf. Mayor House informed her that real grass is also called turf and the city purchased chemicals to spray the grass.

Agenda Item 7 - MISCELLANEOUS MATTERS FROM THE MAYOR:

Consider the appointment of Leigh House to the MDCPUA Board

Council Member Peckman made a motion to approve the appointment of Leigh House to the Marais Des Cygne Public Utility Authority Board. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

Consider the appointment of Jay Wieland to the MDCPUA Board.

Council Member Smail made a motion to approve the appointment of Jay Wieland to the Marais Des Cygne Public Utility Authority Board. The motion was seconded by Council Member Peckman and all voted aye. The motion passed 4 to 0.

Consider the appointment of Randi Shannon to the MDCPUA Board

Council Member Shields made a motion to approve the appointment of Randi Shannon to the Marais Des Cygne Public Utility Authority Board. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

Consider the reappointment of Trish Osborn, Angela Frizzell, Jana Pfefferkorn and Stan Plummer to the Community Center Board.

Council Member Upshaw made a motion to approve the reappointment of Trish Osborn, Angela Frizzell, Jana Pfefferkorn and Stan Plummer to the Community Center Board. The motion was seconded by Council Member Peckman and all voted aye. The motion passed 4 to 0.

Consider the appointment of Lacy Draznik to the Community Center Board.

Council Member Upshaw made a motion to approve the appointment of Lacy Draznik to the Community Center Board. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0.

Consider the appointment of Casey Crum to the Community Center Board.

Council Member Peckman made a motion to approve the appointment of Casey Crum to the Community Center Board. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

Agenda Item 8 – 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 Smail and all voted aye. The motion passed 4 to 0.

Leigh House, Mayor

ATTEST: [seal]

Stephanie Marler, City Clerk