

**MINUTES OF THE COUNCIL MEETING  
OF THE CITY OF PAOLA, KANSAS  
PAOLA JUSTICE CENTER 805 N PEARL  
6:00 O'CLOCK P.M.  
April 12, 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, HR Director Vicki Belt, City Planner Jessica Newton, Code Enforcement Officer Mitch Gabbert, Don Poore, Alan Hire, Rev. Jonathan Goff, Bill and Renee Hoover, Family and Friends of Promoted Officers 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.

Chief Jenkins introduced Lucas Millican as the newest officer to join Paola.

Chief Jenkins was honored to announce several promotions within the Police Department. The following officers received their new badges and pins applied to their uniform by their families.

Sergeant Andrew Gonzalez  
Sergeant Mike Bliss  
Lieutenant Marc Miller  
Lieutenant Ryan Razor  
Captain Chad Corbin

Acting City Manager Shannon introduced 2 new employees with the Community Development Department. Jessica Newton is the new City Planner and Mitch Gabbert is the new Code Enforcement Officer.

**Agenda Item 1 - CONSENT AGENDA**

- a. Approval of minutes of the meeting of March 8, 2022.
- b. Approval of Salary Ordinances 22-5,22-6 & 22-7.

- c. Approval of Appropriation Ordinance 971 & 972.
- d. Approval of the Pledged Collateral Report for March 2022.
- e. Approval of Journal Entries report for March 2022

Council Member Upshaw made a motion to approve the Consent Agenda as presented and authorize the mayor to sign. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0.

## **Agenda Item 2 - COMMENTS FROM THE PUBLIC:**

Rev. Jonathan Goff – 1212 Main St, Paola – asked that the cul-de-sac at the end of Main Street be paved due to the number of people that turn around in it.

Alan Hire – 15895 Lake Shore Dr, Paola – thanked the council for allowing him to present his ideas and plans for the recreation in Paola during the April 5<sup>th</sup> work study session.

Bill & Renee Hoover – 3 W Ottawa, Paola – would like if Paola could better inform people that there is a leash law for their dogs.

## **Agenda Item 3 - NEW BUSINESS**

### **Agenda Item 3a – Consider Juneteenth Day**

Acting Manager Shannon said June 19, 1865, Black Americans received word they were freed from slavery and were recognized for the first time as American citizens. She said on June 18, 2021 President Biden signed a bill into law that designates June 19<sup>th</sup> (Juneteenth) as a National Holiday.

Acting Manager Shannon said if the Council chooses to observe Juneteenth, an amendment will be made to the personnel manual by approval of a resolution.

Council Member Peckman made a motion to approve Resolution 2022-004 amending the personnel manual to include Juneteenth as an observed holiday. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0.

### **Agenda Item 3b – 2022 Street Improvement Plan**

Clerk Marler presented the 2022 street improvement plan that was discussed with Public Works Director Rees at the April 5<sup>th</sup> work study meeting. Director Rees was able to get three bids for projected asphalt work. Below are the bids received.

<b>McAnany Construction</b>	\$248,042.75	Additional Patching \$25,506.00
<b>Way &amp; Sons</b>	\$277,257.00	
<b>Killough</b>	\$304,987.71	

Clerk Marler noted the bid from McAnany Construction was low enough that Director Rees could add some additional locations for patching.

Council Member Shields made a motion to approve the bid from McAnany Construction with the additional patching in the amount of \$273,548.75 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 3c – Drinking Establishment License for Beethoven’s**

Clerk Marler said Beethoven’s Restaurant is a new restaurant opening up at 120 W Peoria. The owner, Carsten Bates, has requested a drinking establishment license and will be opening up at the end of April. She said this is an application for a new license so it is being presented for specific Council approval.

Clerk Marler said Mr. Bates has submitted the required application and fee for the city license. He has been informed that a fire safety inspection is required along with the approved state license. She said since the state regulates liquor licenses, it has been historically acceptable to approve the city license contingent upon approval of the state license.

Council Member Upshaw made a motion to approve the drinking establishment license for Beethoven’s Restaurant subject to receipt of the State Liquor License and passing the fire safety inspection. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0.

### **Agenda Item 3d – Temporary Purchasing Authority**

Acting Manager Shannon said the Public Works Department is in need of a water truck and a cemetery truck. She said due to the supply chain constraints, Public Works Director Rees is having a difficult time purchasing any of these vehicles. With the extremely high demand, and limited number of vehicles available, the car lots will not allow Director Rees to put a hold on an available truck, with the delta in waiting until it gets approved by the City Council.

Acting Manager Shannon said the City of Paola Purchasing Policy, Resolution #2011-013 states that all contracts, rental or lease agreements in amounts exceeding \$10,000 must be approved by the City Council and executed by the Mayor.

Acting Manager Shannon requested the authority to approve the Public Works Director to enter into lease purchase agreements to purchase a water truck and a cemetery truck exceeding \$10,000, but not exceeding the total budgeted amount of \$75,000. She said that would allow Director Rees to enter into a lease purchase agreement for the budgeted amount of \$50,000 for a water truck and \$25,000 for a cemetery truck. These amounts would be able to pay the initial payment in the lease.

Council Member Peckman made a motion to grant the Acting City Manager the authority to approve lease agreements for one water truck, and one cemetery truck with the initial payments not to exceed the total budgeted amount of \$75,000. The motion was seconded by Council member Shields and all voted aye. The motion passed 4 to 0.

### **Agenda Item 3e – Text Amendment to the Paola Municipal Code**

Acting Manager Shannon said Chapter 8, Article 1 of the Paola Municipal Code pertains to public nuisances. She said the current Paola Municipal Code references K.S.A. 12-1617e when referring to the requirements for notifying a property owner of a nuisance issue, but does not state the statute verbatim. In the Paola Municipal Code, the Code Enforcement Officer is required to send the Notice of a Public Nuisance by certified mailing. According to K.S.A 12-1617e “The order shall be served on the owner or agent of such property by certified mail, return receipt request or *by personal service.*”

Acting Manager Shannon said the City has issues with property owners purposefully not picking up their certified mail due to them knowing they are receiving a nuisance violation. Therefore, the Code Enforcement Officer receives the certified mail back, after three attempts to deliver from the post office, and then will post the nuisance letter to the property, which extends the initial 10-day abatement period.

Acting Manager Shannon said amending the current language of the Paola Municipal Code to reflect K.S.A 12-1617e, will allow for the Code Enforcement Officer to hand deliver nuisance letters and will cut down on the abatement timeline, as well as unnecessary certified mailing charges.

Council Member Smail made a motion approve Ordinance 3184 amending Chapter 8, Article 1, Section 8-107 of the Paola Municipal Code. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

### **Agenda Item 4 – COMMITTEE REPORTS – None**

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

Acting Manager Shannon mentioned the Planning Commission will hold a public hearing for the final draft of the comprehensive plan on April 19<sup>th</sup> at 5:00 at the Paola Justice Center.

Acting Manager Shannon will attend a Recreation Commission meeting as an adviser to review bylaws.

Clerk Marler said the ARPA Expenditure report for Covid funds is due to the US Treasury on April 30<sup>th</sup>. She said the final rule allows a city to claim revenue loss under \$10 million without a calculation to be spent on government services. The city will receive \$872,771.74 total.

Clark Marler said the Paola billboard sign by 169 Highway has been replaced with the new city logo.

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

Council Member Smail referenced Mr. Goff's public comment. He questioned if road work was denied at the Main Street cul-de-sac. He was informed it was not brought to Council for consideration.

Council Member Upshaw thanked Chief Jenkins and appreciated all the promotions. He said the officers are always very professional.

## **Agenda Item 7 - MISCELLANEOUS MATTERS FROM THE MAYOR:**

**Consider the reappointment of Rick Schoenberger, Barb Dillenbeck, Alan Hire, Mike Folsom and Michelle Kaiser to the Convention & Tourism Committee.**

Council Member Peckman made a motion to approve the reappointment of Rick Schoenberger, Barb Dillenbeck, Alan Hire, Mike Folsom and Michelle Kaiser to the Convention & Tourism Committee. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

**Consider the appointment of Jenna Kelsey to the Convention & Tourism Committee.**

Council Member Upshaw made a motion to approve the appointment of Jenna Kelsey to the Convention & Tourism Committee. The motion was seconded by Council Member Peckman and all voted aye. The motion passed 4 to 0.

**Consider terminating the appointment of Gabe Pfferkorn from the Planning Commission.**

Council Member Smail made a motion to terminate the appointment of Gabe Pfferkorn from the Planning Commission. The motion was seconded by Council Member Upshaw and all vote aye. The motion passed 4 to 0.

**Consider the appointment of Andy Parks to the Planning Commission.**

Council Member Peckman made a motion to approve the appointment of Andy Parks to the Planning Commission. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

**Consider the reappointment of Steve Cowman and Luke DeGrande to the Planning Commission.**

Council Member Upshaw made a motion to approve the reappointment of Steve Cowman and Luke DeGrande to the Planning Commission. The motion was seconded by Council Member Smail 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 Peckman made a motion to adjourn. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

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Leigh House, Mayor

ATTEST: [seal]

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Stephanie Marler, City Clerk