

**MINUTES OF THE COUNCIL MEETING
OF THE CITY OF PAOLA, KANSAS
PAOLA JUSTICE CENTER 805 N PEARL
6:00 O'CLOCK P.M.
May 10, 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, Public Works Director Kirk Rees, City Planner Jessica Newton, City Attorney Lee Tetwiler, Brian McCauley with the Miami County Republic, Paul Luce, Rob Wyrick, James Stowe, Robotics Team 1108, Joe & Andrea Battista, Chris Shires with Confluence and Jay Aber with WSP, Nick Ewing, 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.

Mayor House presented a proclamation to Paul Luce with Miami County Medical Center proclaiming May as Healthcare Month. Miami County Medical Center is celebrating 25 years of service in Miami County.

Mayor House presented a proclamation to James Stowe with Mid America Regional Council proclaiming June 10th as "MARC 50- Forward Day" celebrating their 50th anniversary.

Robotics Team 1108 gave a demonstration of their robot S.A.M. to the City Council and a shared some information about their organization. They are currently working on a tetter totter project for the Paola Dog Park and hope to have it installed in July 2022.

Agenda Item 1 - CONSENT AGENDA

- a. Approval of minutes of the meeting of April 12, 2022.
- b. Approval of Salary Ordinances 22-8 & 22-9.
- c. Approval of Appropriation Ordinance 973 & 974.
- d. Approval of the Pledged Collateral Report for April 2022.
- e. Approval of Journal Entries report for April 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 Shields and all voted aye. The motion passed 4 to 0.

Agenda Item 2 - COMMENTS FROM THE PUBLIC:

Joe Battista, 3 W. 4th Street, Paola, expressed his frustrations with a notice he received from the Code Enforcement Officer regarding a nuisance violation for having a bus parked in front of his home.

Agenda Item 3 - OLD BUSINESS

Agenda Item 3a – Public Hearing

Council Member Upshaw made a motion to open the public hearing to discuss the proposed Comprehensive Plan. The motion was seconded by Council Member Peckman and all voted aye. The motion passed 4 to 0.

Chris Shires with Confluence and Jay Aber with WSP presented a proposed comprehensive plan for Paola. They touched on the various aspects of the document and were willing to address any questions or concerns. They had several public engagement events throughout the plan and worked with city staff and a Comprehensive Plan Advisory Committee.

Acting Manager Shannon noted the Planning Commission held a public hearing at their meeting on April 19, 2022 and no public comments were made. She said the Planning Commission adopted Resolution PPC 2022-001 adopting the new Comprehensive Plan for the City of Paola titled, “Planning Paola 2050”.

With no further comments Council Member Smail made a motion to close the public hearing. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

Agenda Item 3b – Consider the Comprehensive Plan adoption – Ordinance 3185

Council Member Shields made a motion to pass Ordinance No. 3185 adopting the Comprehensive Plan titled, Planning Paola 2050 for the City of Paola. The motion was seconded by Council Member Peckman and all voted aye. The motion passed 4 to 0.

Agenda Item 4 – NEW BUSINESS

Agenda Item 4a – Transient Guest Tax Funding Recommendations

Clerk Marler said the Paola Convention and Tourism Committee met on April 25, 2022 to review 8 grant applications for fiscal year 2022. She said the fund has typically kept a \$40,000 reserve and includes a budgeted \$15,000 commitment to the Chamber of Commerce. The council was presented with the following grant applications:

Grant No.	Requestor	Event	Requested Amount	Approved Amount
1	Paola Farmers Market	Music and the Market	\$500.00	\$500.00
2	Miami County Arts Coalition **	Music and the Market	\$2,900.00	\$2,900.00
		Insurance **	\$591.00	\$591.00
3	Heartland Art Guild	Annual Art Show	\$3,000.00	\$3,000.00
4	Li'l Red Hen	Ad Astra Quilt Shop Hop	\$750.00	\$750.00
5	Lee Mott	Roots Festival	\$10,000.00	\$10,000.00
6	Paola Chamber of Commerce	Fireworks	\$6,000.00	\$6,000.00
7		Car Show	\$5,000.00	\$5,000.00
8		Visitors Center	\$2,000.00	\$1,500.00
9	TGT Committee	Event Brochure		\$300.00
			\$30,741.00	\$31,041.00

Clerk Marler said the committee was able to approve all grant requests and supply the Chamber of Commerce with an additional \$300 to create an events brochure.

Council Member Peckman made a motion to approve the disbursements from the Transient Guest Tax fund as presented. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

Agenda Item 4b – Moon Over Miami Event

Clerk Marler said Olathe Health Charitable Foundation has requested to hold an event that will involve consumption of alcohol on the Paola Park Square. The event, called Moon Over Miami, benefits Miami County Medical Center and the Family Medicine Clinic and has been held in Paola for several years. This is a private event that has primarily been at Town Square with some extension of the event on Wea St in front of the building. Clerk Marler said in 2021 the event organizers requested the use of all of the park square and a resolution was approved to allow consumption of alcohol on public property.

Clerk Marler said the request is similar to the previous year and will involve alcohol consumption from 6:00 pm to 10:00 pm on Friday, June 10th and tickets must be purchased to attend. Per the Municipal Code, alcohol is not allowed on public property unless the Council approves a Temporary Entertainment District by a resolution. Town Square Events has requested an Extension of Premises for their liquor license from the State of Kansas.

Council Member Peckman made a motion to approve Resolution No. 2022-005 allowing alcohol consumption on Paola Park Square on June 10, 2022 during the hours of 6:00 pm to 10:00 pm. The motion was seconded by Council Member Shields and all voted aye. The motion passed 4 to 0.

Agenda Item 4c – Utility Policy Update

Clerk Marler explained when a utility account is delinquent for a month, the customer's water service is disconnected and the meter is locked off. In order for the customer to restore their service, the entire amount owed plus a \$25.00 restore charge must be paid. If the customer requests service restored after working hours, an additional \$45.00 is required (\$70.00 charge).

Clerk Marler said sometimes customers choose to damage the lock that was placed on their meter and turn the water back on themselves without payment. The customer is then charged an additional \$50.00 for the lock, the result is the customer paying \$75.00 for after-hours restore but the lock is now damaged and the utility department is not notified. She suggested an increase in the lock fee to \$250.00 and also requested the restore charges be included in the Municipal Code for clarity.

Council Member Smail made a motion to pass Ordinance No. 3186 amending Section 15-106: Late Payment and Reconnection Fees 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 4d – Personnel Policy Changes

Acting Manager Shannon said it has been difficult to hire employees recently and they have had to try and get creative. She said the Police Dispatch position is one that could benefit from the implementation of 12 hours shifts. Since this is not a shift offered, she said the personnel manual should be updated to reflect the possibility of offering this shift.

Acting Manager Shannon said while HR Director Belt was reviewing the personnel manual for these changes, she found some minor but necessary changes regarding pay at termination. Director Belt shared the suggested changes at the Work Study meeting on May 3, 2022.

Council Member Upshaw made a motion to adopt Resolution No. 2022-006 amending the Personnel Manual effective May 11, 2022. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0.

Agenda Item 4e – Special Events – Food Trucks

Clerk Marler said in 2019 the City Council passed Ordinance No. 3141 outlining requirements for mobile food vendors wanting to set up in the city. The ordinance allowed food trucks at only 3 specific events, Car Show, Roots Festival and Farmers Market.

Clerk Marler said with the increasing popularity of food trucks, more and more event organizers are requesting permission to allow these vendors. She said currently the only public place a food truck can set up is in the Municipal Parking Lot #1 or on the square for the 3 mentioned events. They are not allowed in any parks or on any other streets.

Clerk Marler said the City Manager must approve any event request, so removing the specified events would allow for flexibility but still regulate setting up on public property.

Acting Manager Shannon said the code could still allow for just one truck to set up on the park square, events with street closures could allow more.

Council Member Peckman made a motion to pass Ordinance No. 3187 amending the exceptions for mobile food vendors to set up on public property. The motion was seconded by Council Member Shields and all voted aye. The motion passed 4 to 0.

Agenda Item 4f – Special Event Banners

Acting Manager Shannon said City Code Chapter 12 Section 12-713 regarding special events signs, only allows for directional signs to be set up 2 hours prior to an event. Some events do have small banners that go on street lights but more requests are being made for larger banner type advertising. She said according to the Paola Land Development Ordinance (LDO) the larger banners promoting the events being placed on private property is considered off premise advertising, and is not permitted.

Acting Manager Shannon thought it would be appropriate to give event organizers a place to display an event banner on city property. She said the best location would be the northeast corner in Municipal Parking Lot #1, across from Paola Hardware. She said the banner could still follow the regulations in the LDO and could be set up 2 weeks prior and removed by 1 week after.

Council Member Shields made a motion to pass Ordinance No. 3188 to allow event banners to be placed in the municipal Parking Lot 1 for city-approved events. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0.

Agenda Item 4g – Final Site Plan, El Potro Mexican Café, LLC

Planner Newton said at its meeting on March 15, 2022 the Paola Planning Commission recommended approval El Potro's final site plan with the condition that the applicant submits on site drainage calculations for review and staff approval. She said the drainage calculations were submitted and approved by Wilson and Company.

Planner Newton said at the March 15, 2022 meeting the Board of Zoning Appeals approved the variance to the minimum street setback requirements for 602 N Pearl St., with the condition of the final site plan being approved by the Paola City Council.

Planner Newton said one parallel parking space located on the south side of the current patio will be lost but the parking requirements will still be met. The Land Development Ordinance requires 9 spaces per 1,000 square feet for a restaurant in the TA zoning district. El Potro requires 47 spaces, and will provide 53.

Council Member Smail made a motion to approve the final site plan for 602 N Pearl Street, El Potro Mexican Café, LLC. 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

Director Rees informed the Council the pool has been painted and new picnic tables have been delivered. He believes the main pool pump will be completed within the week with the feature pump to follow later.

Clerk Marler said Jay Hastert with Elliott Insurance delivered the dividend check from EMC insurance totaling \$20,625.49.

Planner Newton said the bright light in front of El Potro is being addressed and should no longer be a nuisance.

Agenda Item 6 - MISCELLANEOUS MATTERS FROM THE COUNCIL:

Council Member Smail asked if the pool will have enough lifeguards will open. Manager Shannon yes and there are several returning from last year.

Council Member Upshaw thanked Mayor House and Council Members Peckman and Shields for attending the League Governing Body Institute with him. He thought it was very informative.

Agenda Item 7 - MISCELLANEOUS MATTERS FROM THE MAYOR:

Mayor House said she continues to get compliments on the new highway sign.

Mayor House reminded the Council of the ceremony at Miami County Medical Center on Wednesday, May 11th at 9:00 AM celebrating 25 years of service.

Mayor House said there will be a ribbon cutting for the new Advent Health on June 9th.

Mayor House received an invitation inviting the Council to ride in the John Brown Jamboree parade June 16th.

Agenda Item 8 – EXECUTIVE SESSION

Council member Peckman made a motion that city council recess into Executive Session for 15 minutes to discuss the acquisition of real property pursuant to the preliminary discussion of the acquisition of real property exception K.S.A. 75-4319(b)(6) and shall include the Mayor, Council, City Attorney, Acting City Manager and City Clerk. The regular meeting shall reconvene in the Municipal Court Room at 7:32 PM. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

At 7:32 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 Smail and all voted aye. The motion passed 4 to 0.

Agenda Item 9 – EXECUTIVE SESSION

Council Member Upshaw made a motion that city council recess into Executive Session for 30 minutes to discuss an individual employee's performance and employment pursuant to personnel matters of non-elected personnel exception, K.S.A. 75-4319(b)(1) and shall include the Mayor, Council and City Attorney. The regular meeting shall reconvene in the Municipal Court Room at 8:02 PM. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0.

At 8:02 PM the Council came out of Executive Session and Council Member Peckman made a motion to reconvene the recessed meeting. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

Council Member Upshaw made a motion to name Randi Shannon as City Manager for the City of Paola. The motion was seconded by Council Member Peckman and all voted aye. The motion passed 4 to 0.

Agenda Item 10 – 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 Smail and all voted aye. The motion passed 4 to 0.

Leigh House, Mayor

ATTEST: [seal]

Stephanie Marler, City Clerk