

**MINUTES OF THE COUNCIL MEETING  
OF THE CITY OF PAOLA, KANSAS  
PAOLA JUSTICE CENTER 805 N PEARL  
6:00 O'CLOCK P.M.  
September 13, 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, Kathy Peckman and LeAnne Shields. Trent Upshaw joined virtually.

**Council Members absent:** None

**Also present:** City Manager Randi Shannon, City Clerk Stephanie Marler, Police Chief Eric Jenkins, Public Works Director Kirk Rees, City Planner Jessica Newton, Brian McCauley with the Miami County Republic, Renee Slinkard, Tracy Price, Jean Hoyt, Alan Hire, 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.

**Agenda Item 1 - CONSENT AGENDA**

- a. Approval of minutes of the meeting of August 9, 2022.
- b. Approval of Salary Ordinances 22-17 & 22-18.
- c. Approval of Appropriation Ordinance 9781 & 982.
- d. Approval of the Pledged Collateral Report for August 2022.
- e. Approval of Journal Entries report for August 2022
- f. Renewal of a drinking establishment license for Town Square, 15 W Wea, Park Plaza Liquor, 1403-B Baptiste Dr, and Paola Country Club, 29651 Old KC Rd., contingent upon receipt of required application, fee and inspection.

Council Member Shields 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:**

Tim Kelley -112 Waterworks Rd – He wanted to remind the council he owns the property by Public Works and had not heard from anyone regarding the issues he brought up at the July 12, 2022 council meeting.

## **Agenda Item 3 – UNFINISHED BUSINESS**

### **Agenda Item 3a – Public Hearing to exceed the Revenue Neutral Rate (RNR)**

Council Member Peckman made a motion to open the public hearing regarding the RNR. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0.

Mayor House asked if anyone would like to speak regarding the revenue neutral rate.

With no public comment Council Member Peckman made a motion to close the public hearing. The motion was seconded by Council Member Shields and all voted aye. The motion passed 4 to 0.

### **Agenda Item 3a.i - Consider Resolution No. 2022-008: Exceeding the Revenue Neutral Rate.**

Council Member Shields made a motion to approve Resolution 2022-008 to levy a property tax rate exceeding the Revenue Neutral Rate for the City of Paola 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 3b – Public Hearing for the proposed 2023 Paola City Budget.**

Council Member Smail made a motion to open the public hearing regarding the proposed 2023 Paola City Budget. The motion was seconded by Council Member Peckman and all voted aye. The motion passed 4 to 0.

Mayor House asked if anyone would like to speak regarding the 2023 budget.

With no public comment Council Member Peckman made a motion to close the public hearing. The motion was seconded by Council Member Shields and all voted aye. The motion passed 4 to 0.

### **Agenda Item 3b.i - Consider adoption of the 2023 Paola City Budget**

Council Member Peckman made a motion to adopt the 2023 Paola City Budget in the amount of \$14,386,667 pursuant to the Notice of Budget Hearing published in the Miami County Republic on August 17, 2022 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 4 – NEW BUSINESS**

### **Agenda Item 4a – Consider Resolution 2022-009: Water System Emergency Response Plan Review**

Annually the city council must review and adopt the Water System Emergency Response Plan. Council Member Peckman said there are many grant opportunities that could help with the

water and waste water and asked that someone look into them. Public Works Director Rees assured they have been looking into options.

With no further discussion Council Member Peckman made a motion to approve Resolution 2022-009 City of Paola Water System Emergency Response 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 4b – Standard Traffic Ordinance – Ordinance No 3190**

Clerk Marler presented Ordinance No. 3190 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 Shields made a motion to adopt Ordinance No 3190 incorporating by reference the 49th edition of the STO with certain omissions and amendments 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 4c – Uniform Public Offence Code – Ordinance No 3191**

Clerk Marler presented Ordinance No. 3191 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 Smail made a motion to adopt Ordinance No 3191 incorporating by reference the 38th 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 – Consider Ordinance No 3192 – Renewal of Housing Incentive Program.**

Manager Shannon said after a review of the housing incentive program a few changes are suggested. She said the expiring incentive gave a reduction in building permit, plan review, water connection and sewer connection on a sliding scale based on construction valuation. She also said, for the eligibility requirements, properties that were included in the Neighborhood Revitalization Plan were not eligible for the program.

Manager Shannon said the proposed renewal eliminates the utility connection fees reductions, but they are still eligible for the permit and plan review reduction on the sliding scale based on construction valuation. She said the renewal adds the ability for developers constructing new single-family homes constructed on infill lots to be eligible for the

reduction of permit, plan review, water and sewer connection fees. Lastly, the renewal eliminates the eligibility requirement for the property to reside outside of the Neighborhood Revitalization Program.

Council Member Shields made a motion to adopt Ordinance No 3192 adopting a new housing construction incentive program and repealing Ordinance #3179 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 4e – Consider changes to the animal code.**

Clerk Marler said after taking into consideration Patricia Guest's concerns regarding the leash law, the addition of the definition of "at large" to the municipal code would clear up the issue of dogs being able to access public thoroughfares. She said if a dog leaves the yard and is out of the owner's control (at large) it is in violation of the current ordinance. If the person filing the complaint refuses to sign the ticket, there is still nothing the PD can do if the dog is not observed out of the yard by the officer.

Council Member Peckman made a motion to adopt Ordinance No 3193 amending Section 2-101 and 2-208 under Chapter 2 Animal Control and Regulation of the municipal code to include the definition of "at large". The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

#### **Agenda Item 4f – Code Update**

Planner Newton said the City of Paola is currently under the 2006 International Building Codes and the 2006 International Fire Code. She said these codes were adopted by the City of Paola in 2009. She said updating the codes will help to increase the safety and efficiency of construction within our city, Paola is currently 5 cycles behind, being on the 2006 building code. At this time Miami County, Louisburg and Osawatomie have all made the transition to adopting the 2018 International Building and Fire Codes. She said continuity in the county is important for construction and development.

Planner Newton said staff has reviewed and presented a proposed draft of the 2018 Building Codes, and 2018 Fire Codes. She said the next step is to hold a public hearing by the Paola City Council for public comment in regards to the proposed draft adoption.

Council Member Smail made a motion to set the public hearing for October 11th, 2022 at 6:00 PM to receive feedback on the proposed 2018 Building and Fire Code update draft. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

#### **Agenda Item 5 – COMMITTEE REPORTS – None**

#### **Agenda Item 6 - STAFF REPORTS**

Planner Newton said the Planning Commission will hold a public hearing at their September 20th meeting regarding changes to the LDO.

Director Rees said the contractor is back to working on intersections again.

Director Rees said they are finishing up on some water leaks.

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

Council Member Upshaw apologized for not being able to attend the meeting in person. He said as mentioned in the September 5<sup>th</sup> Work Study meeting this will be his last City Council meeting because he is moving out of Ward 2 on September 20<sup>th</sup>. He said it has been a pleasure serving on the city council and working with great staff and intends to run for Ward 1 next year.

Mayor House asked Clerk Marler to review the procedure to fill a vacant seat on the city council. Clerk Marler said a notice has gone out in the newspaper, on the website and on Facebook asking for letters of interest from Ward 2 qualified electors. She said the letters need to be returned to the City Clerk's office by October 6, 2022 and they will be voted on by the governing body at the October 11<sup>th</sup> meeting. Letters can be turned in at 19 E. Peoria or emailed to [smarler@paolagov.org](mailto:smarler@paolagov.org). Anyone submitting a letter needs to attend the October meeting, if chosen they will take their place on the Council after taking the oath of office.

Council Member Smail said he has been attending council meetings for over 30 years and believes Council Member Upshaw has been a great member of the council.

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

Mayor House said thank you to Council Member Upshaw and he has been a great public servant.

Mayor House wanted to make a community announcement. She said at the Paola Panthers football game on Friday you can buy dinner for \$5 and help support after prom, the bleacher creatures are performing and its Band-o-Rama.

#### **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.

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Leigh House, Mayor

ATTEST: [seal]

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Stephanie Marler, City Clerk