

**MINUTES OF THE COUNCIL MEETING  
OF THE CITY OF PAOLA, KANSAS  
PAOLA JUSTICE CENTER 805 N PEARL  
6:00 O'CLOCK P.M.  
October 11, 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.

**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, City Attorney Lee Tetwiler, Brian McCauley with the Miami County Republic, Trent Upshaw, Sandy Schultz, Harley Davidson, Doug Hensley, Roy Miller, Rich Chancellor, Kristi Maurer and John McLean.

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

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

**Agenda Item 1 - CONSENT AGENDA**

- a. Approval of minutes of the meeting of September 13, 2022.
- b. Approval of Salary Ordinances 22-19 & 22-20.
- c. Approval of Appropriation Ordinance 983 & 984.
- d. Approval of the Pledged Collateral Report for September 2022.
- e. Approval of Journal Entries report for September 2022
- f. Renewal of a drinking establishment license for Third Base Liquor, 701 S Silver

Council Member Smail made a motion to approve the Consent Agenda as presented and authorize the mayor to sign. The motion was seconded by Council Member Peckman and all voted aye. The motion passed 3 to 0.

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

Doug Hensley, American Legion Post 156 Commander, said Manager Shannon has been very gracious in working with him on the American Legion property. Although they have not come to an agreement on where the property lines should be, he wanted to remind the Council of all the land that has been donated to the City asked for the "original intent" of the agreement to be considered that was agreed on by the membership.

### **Agenda Item 3 – COUNCIL ELECTION**

#### **Agenda Item 3a – Council Election to fill Ward 2 Council Seat**

Ward 2 Council Member Trent Upshaw announced at the September 13, 2022 meeting he is no longer eligible for his council seat. Qualified electors in Ward 2 were notified by newspaper, city website, and Facebook of the open seat. Interested residents in that ward were asked to submit a letter of interest to the City Clerk's office by 4:00pm on October 6th if they would like to fill the seat for the remainder of the term. Deborah Hayes, 408 S Silver, was the only resident to submit a letter.

Council Member Peckman made a motion to nominate Deborah Hayes to fill the position of Ward 2 City Council Member. The motion was seconded by Council Member Shields and all voted aye. The motion passed 3 to 0. Mrs. Hayes took the oath of office and joined the Council for the remainder of the meeting.

### **Agenda Item 4 – OLD BUSINESS**

#### **Agenda Item 4a - 2018 Building & Fire Code Adoption Public Hearing**

Council Member Peckman made a motion to open the public hearing regarding the code adoption of the 2018 Building and Fire Codes. 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 code adoption.

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

### **Agenda Item 5 - NEW BUSINESS**

#### **Agenda Item 5a – Cemetery Truck Financing - Resolution No. 2022-010**

Clerk Marler said April 12, 2022 the council voted to give the City Manager temporary purchasing authority above the purchasing policy limit. She said the Public Works department was trying to acquire a new cemetery truck and due to demand, approval at a regular meeting was not quick enough.

Clerk Marler said authority was given for Public Works Director Kirk Rees to enter into a lease purchase agreement for the budgeted amount of \$25,000 annually. Mr. Rees was able to purchase a truck for \$72,679.00 with a \$25,000 down payment. A bid request was sent on September 26, 2022 to the local banks for a lease purchase agreement for 2 annual payments starting in 2023. The bids were due October 6, 2022 at noon, the following are the results of the request:

|                     |  |
|---------------------|--|
| <b>Bank Rate:</b>   | <b>APR:</b>                                      |
| First Option Bank   | 4.95% fixed                                      |
| Great Southern Bank | 5.24% fixed                                      |
| Security Bank of KC | 5.75% with \$100 loan fee resulting in 5.96% APR |
|                     | 6.00% fixed                                      |

With no further discussion Council Member Shields made a motion to accept the lease financing bid from First Option Bank and approve Resolution 2022-010 authorizing the execution of a lease purchase agreement. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0.

#### **Agenda Item 5b – LDO Text Amendment – Ordinance No. 3194**

Planner Newton said at its meeting on September 20, 2022, the Planning Commission held a Public Hearing in regards to modifying the LDO language. She said there was no public in attendance to speak at the Public Hearing, as well as no written comments submitted. The Planning Commission voted unanimously to recommend approval of the text change.

Planner Newton said the current LDO language allows for storage of items in Section 03.210 to adhere to accessory structure setbacks which would require storage to be restricted in the rear of the property only and have property line setbacks. In researching the allowed storage of boats, recreational vehicles, and commercial vehicles on residential property in surrounding municipalities it was discovered that more inclusive language was necessary due to the fact there are interior lots where the rear yard is not accessible for storage.

With no further discussion Council Member Peckman made a motion to adopt Ordinance No 3194 amending Section 03.210 Accessory Use, Residential of the Land Development Ordinance. The motion was seconded by Council Member Shields and all voted aye. The motion passed 4 to 0.

#### **Agenda Item 5c – Consider Paola Family Pool RFQ Submittals**

Manager Shannon said in the fall of 2019, Paola citizens approved a one-half cent retailer sales tax, with a portion of the revenues dedicated specifically to improve, maintain and operate the Paola Family Pool. She said the City of Paola announced a Request For Qualifications (“RFQ”) from qualified teams to provide design and engineering services for the repair, renovation, and enhancements to the Paola Family Pool. The RFQ was posted on the City of Paola website, the City of Paola Facebook, published in the Miami County Republic newspaper and website, and posted to the Drexel Technologies Planroom.

Manager Shannon said the following two firms submitted their interest and qualifications for the Paola Family Pool Enhancement project by the September 30th deadline.

Landworks Studio  
Anderson Knight Architects

A Selection Committee was composed of the City Planner Jessica Newton, Pool Manager Sherry Ball, Utilities Superintendent John Shefcyk, and City Manager Randi Shannon. Each member of the selection committee was given the same decision matrix to evaluate each RFQ. The combined scores reflect that Landworks Studio would be the best fit for the project.

Council Member Smail made a motion select Landwoks Studios as the design professional for the Paola Family Pool Enhancement Project based on their submitted RFQ 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 5d – Scooters Site Plan**

Planner Newton said at its meeting on September 20, 2022, the Planning Commission recommended approval for the final site plan of Scooter's Coffee at 324 Hedge Circle with the condition that the applicant satisfies Wilson and Company comments. She said staff has since received final approval from Wilson and Company.

Council Member Shields made a motion approve the Site Plan for Scooter's Coffee, submitted by Holy Grounds, LLC. The motion was seconded by Council Member Peckman and all voted aye. The motion passed 4 to 0.

#### **Agenda Item 6 – COMMITTEE REPORTS – None**

#### **Agenda Item 7 - STAFF REPORTS**

Manager Shannon said she will contact both applicants that submitted a RFQ and get a kickoff meeting scheduled with Landworks Studio.

Manager Shannon said Kwikom has started with utility locates and plan to start construction next week. All residents affected will receive a mailer with a contact number for project issues.

Clerk Marler reminded the Council of the Chamber Dinner on October 25<sup>th</sup>.

Director Rees said he attended a meeting on the Lead and Copper Rule and staff has already started the inventory process. He said the FDA has mandated this process and there could be funding opportunities.

Attorney Tetwiler said the City Court is seeing more repeat offences and it could affect the City Budget due to the amount of people sentenced to jail time.

#### **Agenda Item 8 - MISCELLANEOUS MATTERS FROM THE COUNCIL: None**

## **Agenda Item 9 - MISCELLANEOUS MATTERS FROM THE MAYOR:**

### **Consider the appointment of Kristi Maurer to the Paola Planning Commission.**

Council Member Peckman made a motion to approve the appointment of Kristi Maurer to the Paola Planning Commission. The motion was seconded by Council Member Shields and all voted aye. The motion passed 4 to 0.

### **Consider the appointment of Trent Upshaw to the Paola Planning Commission.**

Council Member Smail made a motion to approve the appointment of Trent Upshaw to the Paola Planning Commission. The motion was seconded by Council Member Hayes and all voted aye. The motion passed 4 to 0.

## **Agenda Item 10 – EXECUTIVE SESSION**

Council Member Peckman moved city council recess into executive session for twenty minutes to consult with the City Attorney regarding information deemed privileged in the attorney-client relationship, pursuant to exception, K.S.A. 75-4319(b)(2). The meeting shall include the Mayor and Council, City Manager, and City Clerk. The regular meeting shall reconvene in the Municipal Court Room at 6:40 PM. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0.

At 6:40 PM Council came out of executive session. Council Member Smail made a motion to reconvene the recessed meeting. The motion was seconded by Council Member Hayes and all voted aye. The motion passed 4 to 0.

## **Agenda Item 11– 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.

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Leigh House, Mayor

ATTEST: [seal]

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Stephanie Marler, City Clerk