

**MINUTES OF THE COUNCIL MEETING
OF THE CITY OF PAOLA, KANSAS
PAOLA JUSTICE CENTER 805 N PEARL
6:00 O'CLOCK P.M.
November 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, Deborah Hayes, 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, HR Director Vicki Belt, City Attorney Lee Tettwiler, Brian McCauley with the Miami County Republic, Trent Upshaw, Steve Cowman, Pete Bell, Nathan Lippert, John McLean, Timothy Kitchens, Gary Hink, Kirk Davis, Jay Wieland, Scott Golubski and others.

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

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

Agenda Item 1 - CONSENT AGENDA

- a. Approval of minutes of the meeting of October 11, 2022.
- b. Approval of Salary Ordinances 22-21 & 22-22.
- c. Approval of Appropriation Ordinance 985 & 986.
- d. Approval of the Pledged Collateral Report for October 2022.
- e. Approval of Journal Entries report for October 2022
- f. Renewal of a private club license for VFW, 202 Delaware, contingent on receipt of application.

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 4 to 0.

Agenda Item 2 - COMMENTS FROM THE PUBLIC:

No comments for non-agenda items.

Agenda Item 3 – OLD BUSINESS

Agenda Item 3a – 2018 Fire Code Adoption

Council Member Peckman made a motion to adopt Ordinance No 3195 incorporating by reference the 2018 Edition of the International Fire Code. The motion was seconded by Council Member Hayes and all voted aye. The motion passed 4 to 0.

Agenda Item 3b – 2018 Building Code Adoption

Council Member Shields made a motion to adopt Ordinance No 3196 incorporating by reference the 2018 Edition of the International Building Code. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0.

Agenda Item 4 – NEW BUSINESS

Agenda Item 4e was moved to the beginning of the agenda due to public comment on the item.

Agenda Item 4e – Consideration of Wallace Park Ballfield Final Site Plan

Mayor House reminded the audience this discussion is for the ballfield final site plan since the project has already been approved. She asked if anyone in the audience would like to make a comment.

Jay Wieland, 221 Brookside Dr, wanted to address a letter to the editor regarding the Legion transfer of land for the ballfields. He stated there were some items in the letter that needed to be clarified. Mr. Wieland said the City did not approach the Legion on the transfer of the property but rather the Legion and Paola Baseball and Softball Association approached the City. Mr. Wieland also said he spent time with Legion members Mr. Pete Bell and Mr. John McLean to discuss how an agreement could be made due to concerns with the Russell Quit Claim deed, noting the issue with the deed is why it took so long to complete. He also said there was never intention for the City to own the land under the Legion building and when the agreement was written that was the understanding for both parties.

Pete Bell, 209 N Castle, introduced himself as the Finance Officer for the Legion and author of the letter to the editor. He said the Legion and Baseball Association did approach the City because the Legion could no longer afford Legion ball. He agreed the City would have never intended to take the ground under the building, the problem is they have. Mr. Bell believes the City has acknowledged they took the land by offering a new deed to give it back. His concern is the site plan for the new fields will not fit on the land that was intended to be given. Mr. Bell said the commander, who was falsely convinced to sign the agreement, has passed away and the members were unaware of what was written until 2 months ago. He said he is upset because he was assured the land issue would be taken care of before a contract (with Mammoth) was signed and that was not the case. He then said he was told if the Legion has a problem to get a lawyer. He then thanked Mr. Wieland for coming forward about this issue.

Scott Golubski, 33105 Harmony Rd, said during the timeline of the land transfer he was the president of Paola Youth Baseball and on the Legion Youth Baseball board. He said he was

involved in the request to the City to accept the donated land from the Legion. His conversations were with Mr. Mike Welter and Mr. John McLean and he had also attended a meeting with the Legion members regarding the land transfer. He then said he knows everyone will not be happy but appreciates everything that has been done for the benefit of the youth and the businesses in the City.

Planner Newton said the Planning Commission voted 4 to 2 at their October 18, 2022 meeting to recommend approval of the final site plan submitted by Mammoth Sports Construction for the construction of two new synthetic turf fields in Wallace Park with the following conditions:

1. Resolution of gas line issues
2. Satisfy any concerns with the public parking coordination between the Legion and recreational activities.

She said the total area for this project is 4.06 acres, which includes the extension of the existing gravel parking lot on the north side of the fields. She said the Planning Commission asked about hard surface handicap parking and Mammoth supplied 3 options to provide that.

Planner Newton said the site plan was completed by CEI Engineering Associates, Inc. and reviewed by Wilson & Co. Mammoth has submitted the required Notice of Intent and Storm Water Pollution Prevention Plan to the State of Kansas. She noted the City has been in contact with Kansas Gas Company regarding the gas line that runs under the west field. With the existing Franchise Agreement, should the line need to be rerouted that will be at the expense of the gas company. She said the gas line lies four feet underground and the excavation is only eighteen inches.

Council Member Peckman asked Mr. Steve Cowman, Chairman of the Planning Commission, if he would like to reiterate anything that was discussed. He said Planner Newton covered it.

Council Member Shields said she went to the Planning Commission meeting and believed the intent for the recommendation by the commission was to make sure the finalization of the Legion Legal Agreement was done before moving forward with the project. Manager Shannon said the parking issue in the current agreement was the concern and directed any legal concerns about an agreement to Attorney Tetwiler.

Attorney Tetwiler said there is an agreement dated December 2, 2019 and a deed that are already in place. He did admonish the Council stating they should be cautious about breeching a two-million-dollar contract that has already been approved. He suggested to call the question and vote to discourage legal matters being discussed in the public meeting.

Council Member Smail made a motion to approve the site plan submitted by Mammoth Sports Construction for the construction of two new synthetic turf fields in Wallace Park. The motion was seconded by Council Member Hayes. Council Members Smail, Hayes and Peckman all voted aye. Council Member Shields voted nay.

Agenda Item 4a – 2023 Group Health Insurance Renewal

HR Director Belt addressed the Council stating an increase of 75% for health insurance was expected due to three large claims over \$25,000. The broker suggested bidding out the insurance but when two companies saw the City's numbers they declined and another came in at 40%. Blue Cross and Blue Shield reevaluated and offered an increase of 19%. Delta Dental has an increase of less than 2% and Surency and Met Life were minimal.

HR Director Belt noted there were no changes in the plan and this is the same plan employees have had for several years.

With no further comment Council Member Smail made a motion to approve the renewal of the City's current group insurance plans with Blue Cross and Blue Shield, Delta Dental, Surency and MetLife as presented. The motion was seconded by Council Member Peckman and all voted aye. The motion passed 4 to 0.

Agenda Item 4b – Consider Employee Christmas Gifts

HR Director Belt explained she spoke with the City's auditor about running the Christmas gift amount through payroll without taking State or Federal tax out of the gift amount. She said eventually the taxes will be paid by the employee at tax time but they will receive more of the gift before Christmas.

Council Member Peckman made a motion to approve the processing of \$200 through payroll as a Christmas gift to City Employees. The motion was seconded by Council Member Hayes and all voted aye. The motion passed 4 to 0.

Agenda Item 4c – New CMB license for One Stop Convenience.

Clerk Marler said a convenience store is opening at 604 N Silver called One Stop Convenience. The owner, Mr. Jawaad Arif, has submitted the proper applications and fee. She said Mr. Arif believes the store will be open before January 1 so he is applying for a license that will expire December 31, 2022.

Clerk Marler said the location is still under construction so it is not possible to complete the safety inspection. Mr. Arif would not receive his license until the inspection is passed.

Council Member Shields made a motion to approve a new Cereal Malt Beverage license for One Stop Convenience, LLC at 604 N Silver contingent upon a passed safety inspection. The motion was seconded by Council Member Peckman and all voted aye. The motion passed 4 to 0.

Agenda Item 4d – Consideration of Lakemary Campus Final Site Plan

Planner Newton said at the August 16, 2022 Planning Commission meeting they reviewed the request for site plan approval for a new dormitory and existing building renovation on the Lakemary campus. She said the new 17,000 square foot dormitory will house forty residents, combining two existing residential units onsite. She said access to the new dormitory building

will be through a newly installed sidewalk system. There will be a fire access lane installed along the eastern edge of the property.

She said the Planning Commission voted unanimously to recommend approval of the plan with the following conditions:

1. Applicant satisfies engineering comments in reference to the drainage plan.
*a. Final review with approval from Wilson & Company was received by Staff
09/25/2022*
2. Applicant performs a drainage plan/study for the west portion.
*a. West side drainage study was submitted to Wilson & Company. Initial comments
were received and forwarded to Hoefer-Welker on 10/27/2022*

Council Member Peckman made a motion to approve the site plan for Lakemary campus with the condition that the applicant satisfies Wilson & Co. engineering comments from August 10, 2022 and satisfy the Planning Commission condition to complete a drainage study of the west side of Lakemary campus. The motion was seconded by Council Member Shields and all voted aye. The motion passed 4 to 0.

Agenda Item 5 – COMMITTEE REPORTS – None

Agenda Item 6 - STAFF REPORTS

Chief Jenkins said the Police Department is working on planning for Shop with a Cop which is a grant provided through Walmart.

Clerk Marler said since it is Election Day there is no report on election results. She did note should Trent Upshaw win the election, being the only name for Ward 2 on the ballot, the seat will be open and the public will be asked to submit letters if they are interested in filling it.

Planner Newton said the Planning Commission will meet next week and the site plan for Taylor Forge will be on the agenda.

Agenda Item 8 - MISCELLANEOUS MATTERS FROM THE COUNCIL:

Council Member Peckman said she had some concerns about the budget numbers. She said the administration fund should be watched closely.

Agenda Item 9 - MISCELLANEOUS MATTERS FROM THE MAYOR:

Mayor House thanked Council and Staff for working through the challenges lately.

Agenda Item 10 – EXECUTIVE SESSION

Council Member Smail moved city council recess into executive session to discuss the evaluation and contract for the City Manager pursuant to the non-elected personnel matter exception, K.S.A. 75-4319(b)(1). The meeting shall include the Mayor and Council, City Attorney and City Manager. The regular meeting shall reconvene in the Municipal Court Room at 7:10 PM. The motion was seconded by Council Member Hayes and all voted aye. The motion passed 4 to 0.

At 7:10 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 Smail made a motion to adjourn. The motion was seconded by Council Member Hayes and all voted aye. The motion passed 4 to 0.

Leigh House, Mayor

ATTEST: [seal]

Stephanie Marler, City Clerk