

**MINUTES OF THE COUNCIL MEETING  
OF THE CITY OF PAOLA, KANSAS  
PAOLA JUSTICE CENTER 805 N PEARL  
6:00 O'CLOCK P.M.  
March 14, 2023**

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, Public Works Director Kirk Rees, City Planner Jessica Newton, City Attorney Lee Tetwiler, Wes Gerken, Alan Hire, Gary & Carolyn Lasher.

**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 February 14, 2023.
- b. Approval of Salary Ordinances 23-4 & 23-5.
- c. Approval of Appropriation Ordinance 994 & 995.
- d. Approval of the Pledged Collateral Report for February 2023.
- e. Approval of the Journal Entries for February 2023.
- f. Approval of the Liquor License Renewal for In Good Spirits, 1001 N Pearl.

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 Hayes and all voted aye. The motion passed 4 to 0.

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

Wes Gerken residing at 903 Edgewood, Paola, mentioned the property valuation increases from Miami County and wants to make sure the City Council understands they control the mil levy and questioned if the budget had been discussed.

## **Agenda Item 3 – NEW BUSINESS**

### **Agenda Item 3a – Dangerous Structure**

#### **i. 115 W. Wea**

Mayor House asked if anyone would like to speak regarding the dangerous structure located at 115 W. Wea.

Carolyn Lasher, residing at 28310 Lone Star Rd, owner of 111 W. Wea, questioned the timeline for 115 W. Wea.

Alan Hire, residing at 15895 Lake Shore Dr, says 115 W Wea has been a disaster for years. He believes procedures were not followed during the previous building permit process and the city should have done something sooner. He continued to tell the Council his thoughts on the structure and what he believes should be done with it.

Manager Shannon said the process for a municipality requiring the repair or removal of structures which are no longer fit for human life or constitute a hazard to public health is established under K.S.A 12-1750 et seq. She said the initial step of the procedure is for the governing body to review a written report by the enforcing officer. After review, the governing body may set, by resolution, a date, time and place at which time all parties in interest may appear and present evidence why the structure should not be condemned and ordered repaired or demolished.

Planner Newton said in compliance with K.S.A 12-1752 Keith Myers, Paola Building Inspector, inspected 115 W Wea on March 10, 2023, and found it to be unsafe and dangerous due to a collapsed roof, unstable walls shared with neighboring buildings, unstable floors and open entry points such as missing doors and windows. She said a title search shows Thomas and Jennifer Wright as owners with the Kansas Department of Revenue as a lien holder.

Council and staff discussed possibilities of making the structure weather proof until the next steps in the process can be followed. Manager Shannon said the structure is just too unsafe to send anyone inside.

After further discussion Council Member Hayes made a motion approve Resolution No 2023-006 setting the public hearing to be held on May 9, 2023 at 6:00 pm at the Paola Justice Center, 805 N Pearl St, Paola, KS 66071. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0.

#### **ii. 809 S. Silver**

Manager Shannon said the process for a municipality requiring the repair or removal of structures which are no longer fit for human life or constitute a hazard to public health is established under K.S.A 12-1750 et seq. She said the initial step of the procedure is for the governing body to review a written report by the enforcing officer. After review the

governing body may set, by resolution, a date, time and place at which time all parties in interest may appear and present evidence why the structure should not be condemned and ordered repaired or demolished.

Planner Newton said in compliance with K.S.A 12-1752 Keith Myers, Paola Building Inspector, inspected two buildings at 809 S Silver on March 10, 2023 and found them to be unsafe and dangerous due to the following:

Building on north side of property

1. Electric service does not appear to meet code
2. Brick is falling off the building
3. Windows have sharp edges due to them being broken
4. Windows are broken allowing access to the building
5. Doors are broken allowing access to the building
6. Hole in the exterior wall on the north side
7. Holes in the roof allowing weather entrance, deteriorating the garage bay and structure
8. Gutters are falling off
9. The east side of the building is leaning toward the alley

Building on south side of property

1. Electric service does not appear to meet code
2. Brick is falling off the building
3. Windows are broken

She said a title search shows Tracy Petersen as owner of the property.

Council Member Smail made a motion to approve Resolution No 2023-007 setting the public hearing to be held on May 9<sup>th</sup>, 2023 at 6:00 pm at the Paola Justice Center, 805 N. Pearl St, Paola, KS 66071. The motion was seconded by Council Member Peckman and all voted aye. The motion passed 4 to 0.

### **Agenda Item 3b- Dispatch Service Agreement for MICO**

Manager Shannon said in 2021 the City of Paola had four full time dispatchers, one part-time dispatcher, as well as one full-time administrative assistant certified to fill in for dispatch as needed. She said as of 2023, the city currently operates with three full-time dispatchers, with one of these dispatchers being the dispatch supervisor.

Manager Shannon said in January 2022 the dispatcher position was advertised in several places and presented at two job fairs. Twelve applications were received and all were offered an interview, only 6 showed up, 4 were offered a job and ultimately all turned the job offer down or quit responding. She said unfortunately, due to the inability to hire qualified applicants for the open dispatch position, the decision has been made to make a reduction in force (RIF) and transition to Miami County Sheriff's office to dispatch for the City of Paola.

Manager Shannon said she and Chief Jenkins have been working with County Administrator, Shane Krull and Sheriff Frank Kelly on the transition. She said since the transition

will be taking place in the middle of a budget cycle, the city offered to pay Miami County the amount for one dispatching position for the remainder of the 2023 fiscal year in the amount of \$66,671.47.

Council Member Shields made a motion to execute the Dispatch Services Agreement with Miami County in the form substantially presented and authorize the mayor to sign. The motion was seconded by Council Member Peckman. Council Members Hayes, Peckman and Shields voted aye and Council Member Smail abstained. Since an abstention counts toward the majority vote the motion passed 4 to 0.

#### **Agenda Item 3c – Consider a Conditional Use Permit – Ordinance No 3201**

Planner Newton said at its meeting on February 21, 2023, the Planning Commission voted unanimously to recommend approval of the conditional use permit submitted for 508 W Shawnee by Daniel Mukuku and Juliana Mbevi. The request is to construct a single-family attached residence.

Planner Newton said in reviewing the application, the applicant meets the standards for a conditional use permit and does not see a need to require any additional conditions for approval.

Council Member Peckman made a motion to approve Conditional Use Permit 23-CUP-01 for a single-family attached residence in the NC-R2 district at 508 W Shawnee, Daniel Mukuku and Juliana Mbevi, applicants. The motion was seconded by Council Member Hayes and all voted aye. The motion passed 4 to 0.

#### **Agenda Item 3d – Casey's #4240 CMB License**

Clerk Marler presented a request for a new Cereal Malt Beverage (CMB) license for Casey's Retail Company located at 333 Hedge Circle. She said Casey's has submitted all the required paperwork along with the \$75 fee. She said since the location is still under construction, the license can be approved contingent on the passing of a fire safety inspection.

Council Member Shields made a motion to approve a CMB license for Casey's Retail Company located at 333 Hedge Circle contingent on passing the fire safety inspection. The motion was seconded by Council Member Hayes and all voted aye. The motion passed 4 to 0.

#### **Agenda Item 3e – 2023 Property, Liability & Auto Insurance Renewal**

Clerk Marler said the City's property, liability & auto insurance package through EMC Insurance Companies renews annually on April 1<sup>st</sup>. She said during the budgeting process, a ten percent increase is accounted for that typically covers the expected increase. Elliott Ins. Presented the renewal with EMC Insurance at an eighteen percent increase. She said this was significantly due to the increased property values and building supply costs.

Clerk Marler said the budgeted amount is \$176,300 and the renewal was presented at a cost of \$197,294. She said the Council could consider an increase to the deductible for wind/hail

damage to \$25,000 instead of the current \$5,000. This amount would be per occurrence and reduce the premium to \$179,299.

Council Member Hayes made a motion to approve the insurance renewal provided by EMC Insurance Companies through Elliott Insurance Group in the amount of \$179,299 for the coverage year of April 1, 2023 to March 31, 2024. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0.

#### **Agenda Item 3f – ½ Cent Sales Tax Allocation**

Clerk Marler presented a resolution to allocate the special ½ cent sales tax for recreation and streets to separate funds for accounting purposes. She said approximately \$85,000 in sales and compensating use tax is collected monthly from the tax. She suggested an allocation of \$12,500 monthly go to the Pool Reserve Fund for future operating and maintenance costs. An allocation of \$60,000 to the Project Fund CIP would be adequate to cover the payments for the bond issuance. She suggested any money collected above the \$72,500 to go toward the Street CIP Fund.

Council Member Smail made a motion to approve Resolution No 2023-008 to allocate the sales tax money to the appropriate fund for future accounting purposes. The motion was seconded by Council Member Peckman and all voted aye. The motion passed 4 to 0.

#### **Agenda Item 3g – Numbering Correction- Ordinance 3199-Water Rates**

Clerk Marler said Ordinance 3198 was adopted January 10, 2023 to adjust the water rates. She said Ordinance 3198 was also adopted February 14, 2023 to issue the sales tax bond. The League of Kansas Municipalities suggested re-adopting the water rate ordinance to clear up the numbering.

Council Member Peckman made a motion to adopt Ordinance No 3199 replacing the Water Rate Ordinance No 3198 that became effective January 31, 2023. The motion was seconded by Council Member Shields and all voted aye. The motion passed 4 to 0.

#### **Agenda Item 3h – Wicks Sports**

Manager Shannon said on December 8, 2020 the governing body approved a land purchase agreement with Wicks Sports, LLC for Tract 3 in the Industrial Park. She said the company realized they were not going to be able to move forward with their plan and wished to deed the land back to the City of Paola.

Manager Shannon said the property was deeded back to the City on August 18, 2022. A request for tax exempt status was submitted by the city to Miami County on August 23, 2022 and sent to the Board of Tax Appeals. She said in the meantime, property tax notices were sent out showing the City of Paola as property owner owing property tax for all of year 2022. The city received notice the exempt request was accepted and the amount was adjusted showing the amount owed by Wicks Sports. She said all taxes have been paid and the Council should accept the deeded land.

Council Member Shields made a motion to accept Tract 3 of the Paola industrial Park to be deeded to the City of Paola by Wicks Sports, LLC. The motion was seconded by Council Member Peckman and all voted aye. The motion passed 4 to 0.

#### **Agenda Item 3i – Traffic Control Device Schedule Update**

Public Works Director Rees said staff discovered a faded loading zone sign and designated handicap spaces that were not documented in the Traffic Control Device Schedule. He suggested adding these signs to the schedule and removing a loading zone that is no longer used.

Council Member Hayes made a motion to approve Resolution 2023-009 amending the Traffic Control Device Schedule 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 3j – False Fire Alarm – Ordinance No 3200**

Manager Shannon said the City of Paola does not currently have a false fire alarm policy in place. Therefore, there is no limit to the number of false alarms that one business or organization can make without any repercussions. She said the Paola Fire Department is a volunteer department with the firefighters getting paid per call and the city pays each firefighter \$35.00 per call, even if it is a false alarm. She said in 2022 two commercial properties alone had numerous repeated false fire alarm calls that have cost the city a total of \$17,745 combined.

Manager Shannon said the proposed policy gives the Paola Fire Department the authority to implement steps to help alleviate repetitive false alarm calls. These steps included ordering a fire watch, or charging a false alarm fee to the property owner. She said the proposed policy also allows for a false alarm fee to be charged to the property owner of a business or organization when the Paola Fire Department responds more than three times in any six-month period to a false alarm. The fees increase after the fifth and sixth false alarm call. The business or organization would need to not have a false alarm for six-months in order to restart the false alarm period.

The proposed fees are as follows:

- \$125.00 will be charged for the fourth false alarm in any six-month period.
- \$175.00 will be charged for the fifth false alarm in any six-month period.
- \$225.00 will be charged for the sixth and each successive false alarm in any six-month period.

The policy also gives the property owner an option to appeal the fee with the fire chief for any of the following reasons.

- Evidence that an act of God caused the alarm;
- Evidence that an action of the telephone company caused the alarm;
- Evidence that the alarm was caused by a power outage lasting longer than twenty-four (24) hours;
- Evidence that the alarm was not a false fire alarm.

Council Member Peckman made a motion to adopt Ordinance No 3200 establishing a False Fire Alarm policy for the City of Paola. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0.

### **Agenda Item 3k – Paola Family Pool Mechanical Bid Summary – WTI**

Manager Shannon said after meeting with both Landworks Studio and Water Technologies Inc. (WTI) to work on finalizing the priorities of the Paola Family Pool project scope, it was decided that there were a few updates that could be done prior to the 2023 swim season. These updates would be mostly mechanical room upgrades to make the room safer and to replace the sand media in the filtration system to improve efficiency.

Manager Shannon said Douglass Whiteaker with WTI put together an outline of the scope of work and requested three bids, the two company bids received are below:

- Westport Pools - \$63,695
- Continental Pool - \$63,983

Manager Shannon said during discussions the estimated cost was \$65,000 and the bids came in just under that. She said WTI recommends selecting Westport Pools bid for the proposed scope of work.

Council Member Shields made a motion to accept the bid from Westport Pools in the amount of \$63,695 for the Paola Family Pool mechanical room upgrades. The motion was seconded by Council Member Hayes and all voted aye. The motion passed 4 to 0.

### **Agenda Item 3l -2023 Street Program**

Public Works Director Rees proposed a street program for 2023 that includes concrete patching, curb replacement, crack sealing and mill & overlay of various streets. He developed the street plan to fit within the 2023 budgeted amount. Director Rees sent out solicitations for work to get the best price available. He said although prices came back higher than anticipated there is still enough budget to cover the costs. The bid amounts received are below:

#### **Crack Sealing**

Complete Pavement Maintenance \$28,800.00

#### **Mill & Overlay**

Killough Construction \$391,938.49

Way & Sons Construction \$399,393.50

McAnany Construction \$425,413.80

Barkley Asphalt \$429,350.00

Council Member Peckman made a motion to approve the quote from Complete Pavement Maintenance Inc in the amount of \$28,800 for crack sealing and the quote from Killough Construction in the amount of \$391,938.49 for asphalt mill & overlay. The motion was seconded by Council Member Shields and all voted aye. The motion passed 4 to 0.

#### **Agenda Item 4 - STAFF REPORTS**

Attorney Tetwiler did a review of the responsibilities of the council regarding policies, the City Manager and City Staff. He also reviewed executive session protocol.

Director Rees said Paola Crossings is working to get asphalt soon.

Director Rees said there are several signs needing replaced so they are on order.

Planner Newton said the Planning Commission will meet Tuesday, March 21<sup>st</sup>.

Manager Shannon said staff met with Landworks Studio to review items for Phase 2 of the pool project.

Manager Shannon said there are still several open employment positions within the City of Paola.

#### **Agenda Item 5 - MISCELLANEOUS MATTERS FROM THE COUNCIL:**

Council Member Hayes said a student from Paola Middle School will present an idea to mark the Jefferson Highway that ran through Paola.

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

**Consider the appointment of Jenna Dees to the Paola Planning Commission.**

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

#### **Agenda Item 7 – ADJOURNMENT**

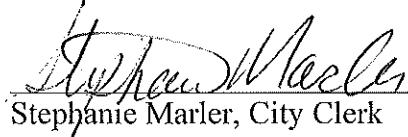
With no additional business to come before the Council, Council Member Peckman made a motion to adjourn. The motion was seconded by Council Member Hayes and all voted aye. The motion passed 4 to 0.



ATTEST: [seal]

  
Leigh House

Leigh House, Mayor

  
Stephanie Marler, City Clerk