

**MINUTES OF THE COUNCIL MEETING  
OF THE CITY OF PAOLA, KANSAS  
PAOLA JUSTICE CENTER 805 N PEARL  
6:00 O'CLOCK P.M.  
May 09, 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 and LeAnne Shields. Council Member Kathy Peckman joined by Zoom.

**Council Members absent:** None

**Also present:** City Manager Randi Shannon, City Clerk Stephanie Marler, Public Works Director Kirk Rees, Interim Chief of Police Chad Corbin, City Planner Jessica Newton, Carolyn Lasher, Christine Kinney, Blake Harris, Melinda Myles, Rob George, Mark Fuchs, Amanda Cline, Alan Hire, Kerry Myles, Stuart & Stephanie Connell, Justin & Melanie Elliott, Marilyn Gray, Walt Bishop, Bridget McIntire, Pete Bell, Amanda Sitzman 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.

Manager Shannon introduced Interim Chief of Police Chad Corbin.

**Agenda Item 1 - CONSENT AGENDA**

- a. Approval of minutes of the meeting of April 11, 2023 with the addition of the following comment: *Council Member Shields suggested the Rec Director take bids from the vendors that are interested in setting up at the ballfield.*
- b. Approval of Salary Ordinances 23-8 & 23-9.
- c. Approval of Appropriation Ordinance 998 & 999.
- d. Approval of the Pledged Collateral Report for April 2023.
- e. Approval of the Journal Entries for April 2023.

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

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

Amanda Cline, 604 S Pearl, asked the City Council to choose to be revenue neutral when approving the budget for 2024.

Amanda Cline also asked the City Council to choose wisely when considering upgrades for Phase 2 of Wallace Park. She does not believe turf is a good option for the flood area and presented pictures of a flood in Wallace Park from 2017.

### **Agenda Item 3 – OLD BUSINESS**

#### **Agenda Item 3a – Public Hearing for 115 W Wea**

Council member Peckman made a motion to open the public hearing regarding 115 W Wea. The motion was seconded by Council Member Hayes and all voted aye. The motion passed 4 to 0.

Manager Shannon gave some background on 115 W Wea. She said Building Inspector Keith Myers conducted a preliminary investigation and formal report that was reviewed at the March 14, 2023 council meeting. After the review Resolution 2023-006 was approved setting the public hearing for May 9, 2023 at the Paola Justice Center to allow the property owner or lienholders of record to come discuss the property.

Planner Newton said Thomas and Jennifer Wright are listed as owners of the property with Kansas Department of Revenue as a Lienholder. She stated Inspector Myers did an inspection on May 9, 2023 and noted there were no updates since the previous inspection and no building permits have been pulled. She discussed the pictures taken by Inspector Myers showing the collapsed roof, broken windows and boarded up doors.

Alan Hire, 15895 Lake Shore Dr, Paola spoke saying this has been an ongoing issue causing damage to the neighboring buildings and needs to be taken care of quickly. He would like to see the building repaired so there is not a hole in the square.

Carolyn Lasher, 28310 Lone Star Rd, Paola, owns the neighboring buildings at 111 W Wea. She is concerned about water getting in the building and causing damage to her property. She also said they need a new roof on their building but the roofer will not do it until 115 W Wea is taken care of.

Council Member Shields made a motion to close the public hearing. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0.

#### **Agenda Item 3a-i – Consider a Resolution of Findings**

Clerk Marler said two drafts of a resolution have been presented. She said the Council would need to consider if the structure should be repaired or removed and give a reasonable time in which to commence the action and when it should be completed.

Manager Shannon explained the statute states a reasonable amount of time should be given but is not specific on what that is. She said considering the history of the property and the posting and notice requirements, a reasonable amount of time would be thirty days from publication to get the permit and 60 days from publication for completion.

Council Members discussed the building being repaired or demolished. No council member wanted to see an empty lot where the building was and agreed time to repair the building was appropriate. The owner of the structure will be given thirty (30) days from the resolution publication date to get a building permit and sixty (60) days from the resolution publication date to complete repairs.

Council Member Smail made a motion to approve Resolution No 2023-010 finding that the structure located at 115 W Wea is unsafe or dangerous and directing the structure be repaired and the premises made safe and secure. The motion was seconded by Council Member Hayes and all voted aye. The motion passed 4 to 0.

### **Agenda Item 3b- Public hearing for 809 S Silver**

Council Member Shields made a motion to open the public hearing regarding 809 S Silver. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0.

Manager Shannon gave some background on 809 S Silver. She said Building Inspector Keith Myers conducted a preliminary investigation and formal report of the property that was reviewed at the March 14, 2023 council meeting. After the review, Resolution 2023-007 was approved setting the public hearing for May 9, 2023 at the Paola Justice Center to allow the property owner to come discuss the property.

Planner Newton said the owner of the property is Tracy Petersen with no known lienholders. She said Inspector Myers did another inspection on May 9, 2023 and noted the electric service does not appear to meet code, brick is falling off the building, windows and garage doors have been removed allowing access, holes remain in the walls and roof and the structure is leaning toward the alley. Inspector Myers observed the building has been cleared out of most of the debris along with the exposed garage bays.

Council Member Shields asked if the owner had been given a list of items needed to be done to repair the building. Manager Shannon assured it was available to him and publications have been done regarding the dangerous structure process.

Alan Hire, 15895 Lake Shore Dr., spoke on behalf of the property owner. He said Mr. Petersen would like to bring the building up to code and has ideas of other repairs he would like to discuss with the Building Inspection department.

Council member Hayes made a motion to close the public hearing. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0.

### **Agenda Item 3a-i – Consider a Resolution of Findings**

Manager Shannon said as discussed at the May 2, 2023 Work Study meeting, a typical building permit allows one hundred eighty (180) days to complete the work. If work is not done but progress is being made more time can be allowed. She said since Mr. Petersen has shown interest and started clean up of the property, it would be acceptable to allow for him to follow this timeline.

Council Member Shields asked if someone would meet with Mr. Petersen to explain what needs to be done to the property. Manager Shannon said that would be done as part of the permitting process.

Manager Shannon said the council could allow the owner thirty (30) days from the resolution publication date to commence the repair of the property and one hundred eighty (180) days from the resolution publication date to complete repairs.

Council Member Shields made a motion to approve Resolution No 2023-011 finding that the structure located at 809 S Silver is unsafe or dangerous and directing the structure to be repaired and the premises made safe and secure. The motion was seconded by Council Member Hayes and all voted aye. The motion passed 4 to 0.

#### **AGENDA ITEM 4 – NEW BUSINESS**

##### **Agenda Item 4a – Consider a Zoning Map Amendment**

Mayor House thanked City Staff for all the hours spent researching and working on the zoning map amendment request. She then asked if anyone in the audience would like to make a comment on the agenda item.

Justin Elliott, 307 N Oak, spoke on behalf of himself and several neighbors. He said they want to see the building used but object to the change in zoning. He said his interpretation of the Land Development Ordinance (LDO) and Comprehensive Plan is that the area should only be used for residential use. Mr. Elliott's opinion is the request for change contradicts the comprehensive plan and asked the council to consider that.

Stuart Connell, 110 tower St., said he felt betrayed by the Planning Commission because they voted to approve the amendment so easily and did not consider what the neighborhood wanted. He said the City doesn't have any say in the building being torn down because the City does not own it.

Amanda Sitzman, realtor for 302 N Oak, wanted to clarify that no matter what zoning the building has, the City Council will have the opportunity to approve future use. She noted the school was built before the houses so the original intent was not for residential. She said if they City Council approves the zoning her client will bring a top-notch venue the town can be proud of.

Mark Fuchs, 9 Tower St., said this would be the time to determine the appropriate uses of the space. He believes a Conditional Use Permit (CUP) should be considered for the event center because Thoroughfare Access (TA) is not appropriate for the location.

Amanda Cline, 604 S Pearl, said she visited her friend at the top of the hill during the winter and the car could not make it up the hill.

Pete Bell, 209 N Castle, recommends to follow the LDO and use a CUP for the event center. Zoning change would open it up to too many other options.

Blake Harris, proposed buyer of 302 N Oak, thanked everyone for their comments. He stated he is not the applicant for rezoning but wants to purchase the property. He addressed the option of a CUP but said that would not be a good business choice. He intends to put seven figures into the property and cannot risk the CUP being pulled. He would like to invest long term in the Paola property to create a high-end event space.

Mark Fuchs spoke again saying as a neighborhood they do not want to have to address the uncertainty again in the future. He said leaving the zoning as is would be the appropriate move.

Planner Newton said the request from Brady Brothers, LLC for a Zoning Map Amendment from Neighborhood Conservation – Residential (NC-R1) to Thoroughfare Access (TA) is being considered. She said a public hearing was held March 21, 2023 at the Planning Commission meeting. The application for rezoning stated the desired use for the property as multi-family housing which is not a permitted use in the NC-R1 district. At the March meeting it was announced by the applicant the property was currently under contract with The Haven event center, a use permitted in the NC-R1 district by obtaining a Conditional Use Permit (CUP).

Planner Newton said since the application was to change the current zoning district, and was not based upon the current or future use, the decision was made to move forward with the Public Hearing. She said after taking public comment, Commissioners voted unanimously to defer a motion until the April meeting. The applicant was informed they had the opportunity to withdraw the application due to an event space being a use permitted by a CUP in the NC-R1 district. The applicant chose to move forward with the process and Commissioners voted 4-2 in favor of a Zoning Map Amendment at their April 18, 2023 meeting.

Council Member Shields thanked the public for their interest in the issue. She noted there are three streets that dead end on three sides of the building and do not connect to collector streets. She asked the Council to think about the fact the arterial and thoroughfare access streets in Paola are not located in the older residential area.

Council Member Smail said this location is in his Ward and he has listened to his constituents. He said it was unanimous they are against the TA district.

Council Member Hayes said she appreciates the respect from everyone that has contacted her knowing this was a sensitive subject.

Council Member Smail made a motion to deny a zoning map amendment, 23-RZ-01, for 302 N Oak to rezone from Neighborhood Conservation - Residential (NC-R1) to Thoroughfare Access (TA), Brady Brothers, LLC, applicant. The motion was seconded by Council Member Shields and all vote aye. The motion was passed 4 to 0.

#### **Agenda Item 4b – Consider a Conditional Use Permit**

Planner Newton presented a request for a Conditional Use Permit (CUP) for “Light Industry” in the Downtown (D) zoning district. She said at its meeting on April 18, 2023, the Planning Commission voted unanimously to recommend approval of the conditional use permit with

conditions for 118 S. Silver. The business, Herron Outdoors, produces, packages, and distributes a line of deer feed supplements to distributors and fulfillment centers nationwide with no local retail sales. Due to the nature of the product, an integrated pest management approach has been included as a condition to the CUP.

Council Member Hayes made a motion to approve Ordinance No 3204 for Conditional Use Permit 23-CUP\_02 for “light industry” in the Downtown zoning district at 118 S Silver, Legacy Properties & Development, LLC, applicant. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0.

#### **Agenda Item 4c – Sewer Plant Upgrade Bids**

Manager Shannon said in May of 2022 the City of Paola accepted the Water and Sewer Master Plan that was performed by McClure. The master plan gave a list of upgrades that need to be done to the sewer system. She said Kirk Rees, Public Works Director, and Brett Marler, Sewer Plant Operator, have developed a prioritized list of the sewer items that need to be addressed.

Manager Shannon said one of the high priority items is the replacement of the Aeration Basin Diffusers. She said the diffusers and connectors for this project have been previously purchased and the City has these on hand. Therefore, the bids that have been solicited are only for the labor for the installation of the diffusers. She said three bids were solicited and two responses were received.

Schrieber/Parkson \$22,545.00  
CAS Constructors \$12,970.00  
Crossland Heavy (No Response)

Council Member Shields made a motion to accept the bid from CAS Constructors, LLC in the amount of \$12,970.00 for the aeration basin diffuser replacement. The motion was seconded by Council Member Hayes and all voted aye. The motion passed 4 to 0.

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

Interim Chief Corbin said on April 21<sup>st</sup> Active Attack training was completed with 8 agencies and was very successful.

Director Rees said the handicapped parking and sidewalk have been poured at Wallace Park near the ballfields.

Planner Newton said Scooters has their permit to begin construction in Paola Crossings.

Planner Newton said the Planning Commission agenda for May 16th will include 2 Public Hearings and an assortment of plats.

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

Council Member Smail said he is glad to see the Police Department staying on top of the Active Shooter training.

Council Member Hayes thanked Planner Newton for all the work on 302 N Oak rezoning and thinks they made the right decision.

Council Member Peckman thanked Planner Newton for all her work regarding the rezoning.

***Council Member Peckman left the meeting***

Council Member Shields asked if the equipment was left for the care of the turf baseball fields. Manager Shannon assured her it was.

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

**Consider the reappointment of Kristi Maurer to the Planning Commission.**

Council Member Shields made a motion to approve the reappointment of Kristi Maurer to the Planning Commission. The motion was seconded by Council Member Smail and all voted aye. The motion passed 3 to 0.

**Consider the reappointment of Alan Hire and Michelle Kaiser to the Convention & Tourism board.**

Council Member Hayes made a motion to approve the reappointment of Alan Hire and Michelle Kaiser to the Convention & Tourism board. The motion was seconded by Council Member Shields and all voted aye. The motion passed 3 to 0.

**Consider the appointment of Leigh House as Ex Officio Member to the Convention & Tourism board.**

Council Member Shields made a motion to approve the appointment of Leigh House as Ex Officio Member to the Convention & Tourism board. The motion was seconded by Council Member Smail and all voted aye. The motion passed 3 to 0.

**Consider the appointment of Scott Shappell to the Convention & Tourism board.**

Council Member Hayes made a motion to approve the appointment of Scott Shappell to the Convention & Tourism board. The motion was seconded by Council Member Smail and all voted aye. The motion passed 3 to 0.

## **Agenda Item 7– ADJOURNMENT**

With no additional business to come before the Council, Council Member Shields 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