

**MINUTES OF THE COUNCIL MEETING  
OF THE CITY OF PAOLA, KANSAS  
PAOLA JUSTICE CENTER 805 N PEARL  
6:00 O'CLOCK P.M.  
June 13, 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, Interim Chief of Police Chad Corbin, City Planner Jessica Newton, Carolyn Lasher, Steve Warger, Christopher Hines, Serra Ritchie, Trent Upshaw, Alan Hire, Deborah Crain, Amanda Cline 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 on May 9, 2023.
- b. Approval of Salary Ordinances 23-10, 23-11 & 23-12.
- c. Approval of Appropriation Ordinance 1000 & 1001.
- d. Approval of the Pledged Collateral Report for May 2023.
- e. Approval of the Journal Entries for May 2023.
- f. Approval of the Liquor License Renewal for El Potro Mexican Café at 602 N Pearl.
- g. Approval of minutes of the special meeting on June 6, 2023.

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

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

Christopher Hines, 309 W Piankishaw, ask the City Council to consider allowing residential chickens. As a teacher he said the chickens would be educational, he could share eggs with friends and it is widely accepted in other communities.

Deborah Crain, 906 N Hospital Dr. #41, introduced herself as the new Senior Center Director and said she would like to get to know the Council Members and offer her services.

Carolyn Lasher, 28310 Lone Star Rd, said 115 W Wea was deemed unsafe in the year 2015 and continues to deteriorate. She is concerned about what kind of damage the unsafe structure may be causing to her building at 111 W Wea and the other neighboring property. Mayor House assured Mrs. Lasher the city is working through the timeline that was set out in Resolution 2023-010.

### **Agenda Item 3 – NEW BUSINESS**

#### **Agenda Item 3a – 2023 Audit**

##### **Agenda Item 3ai – Presentation of the 2022 Audit Report by Harold Mayes of Agler & Gaeddert.**

Harold Mayes with Agler & Gaeddert completed the 2022 independent audit of the financial and accounting records for the City of Paola and presented it to the City Council. Mr. Mayes reviewed the auditor's opinion and believes the financial statements were fairly presented.

Mr. Mayes discussed the fluctuation of funds and explanations for it. He said the Pool Reserve Fund did end the year with a negative balance which could be a budget violation, but explained the sales tax will cover it. Most departments stayed under expenditures and funds look good. He said overall the city had a good year.

Council Member Smail made a motion to accept the 2022 Audit Report from Agler & Gaeddert. The motion was seconded by Council Member Peckman and all voted aye. The motion passed 4 to 0.

##### **Agenda Item 3aii- Consider a Letter of Engagement for the 2023 Audit.**

Mr. Mayes presented a Letter of Engagement from Agler & Gaeddert for the preparation of the 2023 audit. The audit firm proposed a fee of \$16,970.00 plus out of pocket expenses.

Council Member Peckman made a motion to accept the Letter of Engagement with Agler & Gaeddert to audit the City of Paola for calendar year 2023 in the amount of \$16,970.00. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0.

##### **Agenda Item 3aiii – Consider adopting Resolution 2023-012 waiving certain provisions of GAAP**

Clerk Marler presented a resolution requesting a waiver from conformance with Generally Accepted Accounting Principles for 2023. Pursuant to Kansas Statutes, the city has the option of preparing all audit reports on a cash basis rather than accounting for the fixed assets of the city.

Council Member Peckman made a motion to approve Resolution No 2023-012 waiving conformance with certain provisions of Generally Accepted Accounting Principles. The motion was seconded by Council Member Hayes and all voted aye. The motion passed 4 to 0.

### **Agenda Item 3b – LDO Text Amendment – Tiny Home Cluster Development**

Planner Newton said at the May 16, 2023 Planning Commission meeting, Commissioners voted to recommend approval of a Land Development Ordinance (LDO) text amendment regarding tiny home cluster developments. She said this was spurred due to the recent adoption of the 2018 International Residential Codes allowing for tiny homes in its Appendix Q.

Planner Newton said there are currently no regulations outlined in the LDO for tiny home residences so the Planning Commission, with staff input, composed text and table amendments to be considered for adoption by ordinance. She said along with the cluster development there are also regulations for tiny homes to be used as a guest house, she made note that guest houses are currently allowed. She said it is also important to note that any potential project would require an approved Conditional Use Permit (CUP) through Planning Commission and City Council.

Council Member Shields said she is in favor of the cluster tiny home developments but does not agree that the proposed one and a half (1.5) acres of land is enough. She would like to see regulations requiring four (4) acres so tiny homes cannot be built in the inner city near other people's homes. Council Member Shields also stated she is opposed to guest houses.

Council Member Hayes asked if any regulation protect from tiny home guest houses being used as a Vrbo or Air B&B and making a profit off it. Planner Newton said there are currently no regulations for Vrbo's but the text amendment says the structure is intended to provide living quarters for non-paying personal guests.

Council Member Hayes made a motion to adopt Ordinance 3205 amending the Land Development Ordinance for tiny home cluster developments. The motion was seconded by Council Member Smail and Council Members Smail, Hayes and Peckman voted aye and Council Member Shields voted nay. The motion passed 3 to 1.

### **Agenda Item 3c – Conditional Use Permit – E&K Diesel**

Planner Newton said at its May 16, 2023 meeting, the Planning Commission voted unanimously to recommend approval of an amendment to existing Conditional Use Permit 01-CUP-06 for 404 N East St. She said E&K Diesel recently purchased the property to relocate their diesel repair shop. This use is considered "Heavy Retail and Service" in the Land Development Ordinance which requires a CUP in the TA zoning district. The CUP for this property was originally approved in September 2001 and requires amendments to the conditions related to Ordinance 2813.

Council Member Shields made a motion to adopt Ordinance 3206 to amend Conditional Use Permit, 01-CUP-06 for E&K Diesel at 404 N East St. The motion was seconded by Council Member Peckman and all voted aye. The motion passed 4 to 0.

### **Agenda Item 3d – Heatherwood Replat**

Planner Newton said at the May 16, 2023 Planning Commission meeting, Commissioners heard the request for a replat of Heatherwood Block 11 that was originally platted and approved

in July 2004. She said this plat was for a “Planned” development which requires a mixture of dwelling unit types. The applicant is seeking to sell the vacant lots for single-family detached and this may only be achieved with a replat.

Planner Newton said recently Allenbrand-Drews Land Surveyors completed the newest plat for BCFS Real Estate, LLC. The lots along Cottonwood Ct were approved by Council previously for townhome style houses and interest in the lots has been stagnant. She said there is a 25 ft build line along the frontage of each lot as well as 10 ft utility easements that will remain on the newest plat.

Council Member Smail made a motion to approve the replat of Block 11, Heatherwood Estates to allow for single-family detached residences. The motion was seconded by Council Member Hayes and all voted aye. The motion passed 4 to 0.

#### **Agenda Item 3e – Paola Crossings 2<sup>nd</sup> Plat**

Planner Newton said at the May 16, 2023 Planning Commission meeting, Commissioners voted unanimously to recommend approval of the Paola Crossings 2nd Plat. She said the plat was completed by R.L. Buford & Associates, LLC. The original final plat for this development included Lot 1 (Casey’s) and Lot 2 (Scooter’s Coffee) of the development. The second plat for the development is adding Lot 3.

Planner Newton said the development is currently zoned as Thoroughfare Access (TA) which permits a wide range of commercial and residential uses. The proposed use for the new lot is “Commercial, Office.” The minimum site area for a commercial office lot in the TA zoning district is 10,000 square feet. Lot 3 is proposed at 49,285 square feet. There is a 25 ft building line that frontage along the frontage of each lot, as well as a 25 ft utility easement. The plat shows the existing 20 ft sanitary sewer easement running along the west side of the entire development.

Council Member Peckman made a motion to approve the Paola Crossings 2<sup>nd</sup> Plat. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0.

#### **Agenda Item 3f – VA Medical Clinic Site Plan**

Planner Newton said at the May 16, 2023 Planning Commission meeting, Commissioners voted unanimously to approve recommendation of the final site plan for a VA Medical Clinic on lot three of Paola Crossings. She said this parcel is approximately 1.13 acres and the proposed use is a single-story medical clinic. Wilson and Company reviewed the site plan that was completed by Warger Associates Consulting Engineers and on-site drainage calculations and final approval was received.

Council Member Shields made a motion to approve the site plan for VA Medical Clinic on Lot 3 of Paola Crossings. The motion was seconded by Council Member Hayes and all voted aye. The motion passed 4 to 0.

### **Agenda Item 3g – Traffic Control Device Schedule**

Clerk Marler presented a resolution to consider for amendments to the Traffic Control Device Schedule. She said the Paola Crossings district is lacking stop signs at the new intersections and Public Works Director Rees suggested 3 stop signs be installed and future signs be added to plans.

Clerk Marler also said there has been new handicapped parking added in Wallace Park near the new turf ballfields.

Council member Hayes made a motion to approve Resolution 2023-013 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 3h – Personnel Policy Update**

Manager Shannon said the purpose of the Employee Handbook is to provide City employees with an overview of the City of Paola's policies, goals, rules, and employment practices that apply to all employees. Therefore, as personnel policies are added, amended or deleted, the update is added to the Employee Handbook.

Manager Shannon presented a resolution to amend the Stand-By Status policy and add a Detective Mobile Phone On-Call Status.

After some discussion Council Member Smail made a motion to approve Resolution 2023-014 amending the City of Paola Personnel Policy. The motion was seconded by Council Member Peckman and all voted aye. The motion passed 4 to 0.

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

Manager Shannon gave an update on the dangerous structures located at 809 S. Silver and 115 W. Wea. She said the owner of 809 S Silver is currently in the building permit process. She said the owners of 115 W Wea have made no contact and have until June 16, 2023 to do so.

Manager Shannon reminded the Council of Recess at Work Day on Friday, June 16<sup>th</sup>. She said city offices will close at 11:00 am for a game of kickball, lunch and yard games.

Planner Newton said a new home permit has been approved

Planner Newton said the Planning Commission will have 2 public hearings for conditional use permits, one for an event space at 302 N Oak St. and the other for an amendment to 102 S Hospital Dr.

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

Council Member Smail asked if the fiber installation was put on hold. He said their lack of yard repairs is causing issues for residents. Director Rees said he would reach out to the company.

Council Member Smail asked for clarification on budget violations regarding the general fund.

Council Member Peckman said the financial statements look good and wanted to make sure that was passed on to the department heads.

**Agenda Item 6 - MISCELLANEOUS MATTERS FROM THE MAYOR:** None

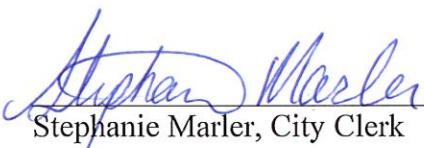
**Agenda Item 7– ADJOURNMENT**

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



ATTEST: [seal]

  
Leigh House

  
Stephanie Marler, City Clerk