

**MINUTES OF THE COUNCIL MEETING
OF THE CITY OF PAOLA, KANSAS
PAOLA JUSTICE CENTER 805 N PEARL
6:00 O'CLOCK P.M.
July 11, 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, Brian McCauley with the Miami County Republic, Gary Hink, Carolyn Lasher, JR McMahon, Danielle Seiler 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 June 13, 2023.
- b. Approval of Salary Ordinances 23-13 & 23-14.
- c. Approval of Appropriation Ordinance 1002 & 1003.
- d. Approval of the Pledged Collateral Report for June 2023.
- e. Approval of the Journal Entries for June 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 Peckman and all voted aye. The motion passed 4 to 0.

Agenda Item 2 - COMMENTS FROM THE PUBLIC:

Danielle Seiler, 1 Overhill Dr, told the council she was very upset that she was not notified that her street was going to be repaired. Had she known, she would have removed the flower garden she planted in the right of way before it was destroyed.

Agenda Item 3 – NEW BUSINESS

Agenda Item 3a – 2023 Miami County Fair Lease Agreement

Clerk Marler said annually the Miami County Fair is held at the fairgrounds, next to Wallace Park. She said the property owned by the Fair Association is not large enough to accommodate all the activities of the fair so they ask to lease the area south of the loop road across from the playground. This is the area the carnival traditionally sets up in.

Clerk Marler said in addition to the state inspections, the Paola Building Inspector will do a safety inspection and ensure each carnival ride has the current Kansas Department of Labor amusement ride operating permit.

Council Member Peckman made a motion approve the lease agreement with the Miami County Fair Association and authorize the necessary signatures. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0.

Agenda Item 3b – Asphalt bid for Municipal Parking Lot #2

Director Rees said due to the deteriorated state of the Municipal Parking Lot #2, it will require a mill & overlay to make it safer and easier to use for the public. He said Public Works is no longer able to paint the parking lines because of the lot surface.

Director Rees said he received three bids for a 2" mill and overlay, including striping. He said parking blocks will be replaced and new handicapped parking stalls will be added.

The following bids were received:

Way & Sons Construction	\$43,939.19
McAnany Construction	\$50,300.00
Killough Construction	\$53,387.00

Council Member Shields asked about the alley way next to the parking lot. She said there are several pot holes and thinks the alley should also be addressed. Director Rees said Public Works staff can do some concrete patching to take care of that.

Council Member Peckman made a motion to approve the bid from Way & Sons Construction in the amount of \$43,939.19. The motion was seconded by Council Member Hayes and all voted aye. The motion passed 4 to 0.

Agenda Item 3c – False Fire Alarm amendment

Clerk Marler presented a draft Ordinance No. 3207 to amend the False Fire Alarm Policy that was adopted on March 14, 2023. She said the Fire Department sent out their first invoice regarding false fire alarms in June. The code reads that a notice will be sent by registered mail, which is expensive and unnecessary. She said staff believes it would be sufficient to send the

notice to the owner by email with a confirmation or certified mail and a notice sent to the alarm company by regular mail.

Clerk Marler said the current code does not give a payment deadline, so the addition of the following language is suggested:

Demand for payment within thirty (30) days from the date of the notice shall be included.

Council Member Smail made a motion to adopt Ordinance No. 3207 to amend the False Fire Alarm Policy. The motion was seconded by Council Member Peckman and all voted aye. The motion passed 4 to 0.

Agenda Item 3d – Conditional Use Permit, Amendment

Planner Newton said at its June 20, 2023 meeting, the Planning Commission voted unanimously to recommend approval of an amendment to existing Conditional Use Permit 04-CUP-03 for Paola Auto Care. She said staff has received complaints, mostly regarding the line-of-sight issues at the intersection of Wea St. and Hospital Dr. Other complaints received have been the number of vehicles stored along the south side of the property in the alley right-of-way, number of inoperable vehicles behind the fence, and intent to repair inoperable vehicles behind the fence. Staff followed up with the applicant to work towards a solution that better serves the growing business along with citizens traveling and residing near the property.

Planner Newton addressed the Planning Commission's recommendation for number six of the *Conditions and Stipulations*:

Planning Commission Recommendation:

No parking is permitted along the alley right-of-way on the south side of the property except for employee parking only during business hours with approved signage.

Staff Recommendation:

No parking is permitted along the alley right-of-way on the south side of the property.

Planner Newton said the LDO states *No parked vehicle shall overhang any road, sidewalk, access driveway or public right-of-way*. She said draft Ordinance No. 3208 is presented with staff recommendation for no parking in the right-of-way.

Council Member Shields asked if the vehicles inside the fence are addressed because the business has a semi-truck bed that is not allowed in city limits and she would like to see it removed. Planner Newton said staff will follow up on it.

Council Member Hayes stated she noticed the cars on the south side of the property had been moved showing effort that he is trying to be compliant.

Council Member Hayes made a motion to adopt Ordinance No 3208 to amended Conditional Use Permit, 04-CUP-03 for Paola Auto Care at 102 S Hospital Dr. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0.

Agenda Item 3e – Intent to Exceed RNR & set Public Hearing

Clerk Marler said the notice to exceed the Revenue Neutral Rate (RNR) for the 2024 budget must be submitted to the County Clerk by July 20, 2023. She said although there have been many budget discussions and a final budget has not been decided, it is clear the city will need to exceed the RNR. Since the actual rate cannot be determined at this time, staff believes setting the rate at the 2023 mil levy of 42.255 will give some room to adjust.

Clerk Marler said the notice to the county clerk will need to include the date of the RNR public hearing, so it would be best to set the RNR public hearing and budget public hearing now and the notice can be published in the newspaper when the budget is decided.

Council Member Peckman made a motion to notify the County Clerk of the intent to exceed the revenue neutral rate and set the revenue neutral rate public hearing and budget public hearing for September 12, 2023 at 6:00 pm at the Paola Justice Center. The motion was seconded by Council Member Hayes and all voted aye. The motion passed 4 to 0.

Agenda Item 3f – Adoption of the 2018 International Swimming Pool and Spa Code

Planner Newton said in April 2023 Code Enforcement Officer Mitch Gabbert began receiving inquiries regarding the regulations surrounding pools. She said Mr. Gabbert found that Paola does not currently have any regulations for pools and spas due to the adoption of the 2018 Building Code. With the new 2018 code, a separate International Swimming Pool and Spa Code was created and not included in the code like the previously adopted 2006 Building Codes.

Planner Newton said adoption of the International Pool and Spa code will allow Paola to have set requirements for pools and spas, as well as the barriers that surround them.

Council Member Shields made a motion to adopt Ordinance No. 3209 incorporating by reference the 2018 Edition of the Swimming Pool and Spa Code. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0.

Agenda Item 4 - STAFF REPORTS

Clerk Marler said Reach Church has submitted an event application to have a public outreach event to provide a variety of free services such as eye clinic, haircuts and food pantry. They will have a block party atmosphere with face painting, balloon animals and yard games. The event will take place on the Park Square on July 29th.

Planner Newton said Reach Church has had their final inspection.

Planner Newton said the Community Development department is looking for a new building inspector.

Manager Shannon said city staff is moving forward with the dangerous structure at 115 W. Wea and will have more information at the August meeting.

Manager Shannon said the application has been submitted for the Safe Streets 4 All grant. She said notification should come by December if Paola is chosen.

Manager Shannon said the pool documents are 90% complete for bid. The goal is to get documents to contractors and aim for Council approval at the September meeting.

Manager Shannon reminded the Council of her vacation time and to contact Clerk Marler in her absence.

Agenda Item 5 - MISCELLANEOUS MATTERS FROM THE COUNCIL:

Council Member Smail asked about the absence of the monthly police reports. Manager Shannon said due to staffing changes it was missed.

Council Member Shields wanted to compliment Director Rees and Public Works staff on how nice the park square looks with the placement of the new planters.

Agenda Item 6 - MISCELLANEOUS MATTERS FROM THE MAYOR:

Consider the appointment of April Damron as ex Officio member of the Convention and Tourism Committee.

Council Member Peckman made a motion to appoint April Damron as ex Officio member of the Convention and Tourism Committee. 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 Shields 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
Leigh House, Mayor

Stephanie Marler
Stephanie Marler, City Clerk

