

**MINUTES OF THE COUNCIL MEETING
OF THE CITY OF PAOLA, KANSAS
PAOLA JUSTICE CENTER 805 N PEARL
6:00 O’CLOCK P.M.
September 12, 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, JR McMahon, Trent Upshaw, Rusty Gerken, Bryan House, Renee Slinkard with Daughters of the American Revolution, Alan Hire, Matt Kriesel, Sandra Kriesel, Bill Leach, Gary Hink, Paul Scruggs, Bobbie Debrick, Ray Minden, Ron Osborn, Tucker Klaasmeyer 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.

PROCLAMATION: Mayor House signed a proclamation recognizing September 17th through the 23rd as Constitution Week.

Agenda Item 1 - CONSENT AGENDA

- a. Approval of minutes of the meeting on August 8, 2023.
- b. Approval of Salary Ordinances 23-17 & 23-18.
- c. Approval of Appropriation Ordinance 1006 & 1007.
- d. Approval of the Pledged Collateral Report for August 2023.
- e. Approval of the Journal Entries for August 2023.

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:

Matt Kriesel with Kriesel Outdoor and Offroad, 302 N Silver, addressed the Council regarding a zoning violation he received for a feather flag. He believes the ordinance from 1998 no longer applies today and he would like the Planning Commission to review it. Mr. Kriesel also said he thinks verbiage in the letter he received is threatening and the violation could have been addressed differently.

Rusty Gerken with Paola Hardware, 104 W Piankishaw, addressed the Council regarding a zoning violation he received for a U-Haul business he started. He does not agree with the zoning regulation considering U-Haul a "heavy use retail" and thinks it should be removed from the ordinance. Mr. Gerken said he does not agree with conditional use permits and will not apply for one.

Sandra Kriesel with Kriesel Outdoor and Offroad, 302 N Silver, is concerned that the sign ordinance restrictions do not support small businesses.

Paul Scruggs, 31622 Oak Grove Rd, said he bought a building on the square then sold it less than a year later due to restrictions.

Agenda Item 3 – BUDGET

Agenda Item 3a – Public Hearing to exceed the Revenue Neutral Rate (RNR)

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

JR McMahon, 2 Crestview Dr, wanted to get some clarifications on the notice of public hearing that was published. He asked the Council to consider what the increase in property tax bills does to the citizens and hoped they would consider being revenue neutral every second or third year.

Bobbie Debrick, 20100 W. 335th, shop owner at 700 E Osage, said with the city not staying revenue neutral, she will be paying over \$1,000 in taxes just to the City of Paola. She said the City of Paola has the highest mill levy of any taxing entity on the Miami County tax notice..

With no further comments Council Member Peckman made a motion to close the public hearing regarding the RNR. The motion was seconded by Council Member Hayes and all voted aye. The motion passed 4 to 0.

Agenda Item 3a-i – Consider Resolution No 2023-017: Exceeding the Revenue Neutral Rate.

Council Member Smail made a motion to approve Resolution No 2023-017 to levy a property tax rate exceeding the Revenue Neutral Rate for the City of Paola. The motion was seconded by Council Member Shields and all voted aye. The motion passed 4 to 0.

Agenda Item 3b – Public Hearing for the proposed 2024 Paola City Budget.

Council Member Hayes made a motion to open the public hearing regarding the proposed 2024 budget. The motion was seconded by Council Member Peckman and all voted aye. The motion passed 4 to 0.

Clerk Marler said staff has prepared the budget with a mill levy of 41.858. She said the General Fund, Debt Service, Library and Employee Benefits funds are supported by the levy with a budget authority of \$15,864,48 spread over all city funds. She explained the water and wastewater funds are supported by the rate structure and not covered by a levy along with several other funds.

Council Member Smail discussed the cost of inflation also affects costs to the city as well as the public.

JR McMahon, 2 Crestview Dr, thought the Council and staff did a good job preparing the budget. He would like to reduce money to be able to reach revenue neutral. He said he was glad the council was able to support the Police Department with raises to officers but did not think the city should have made a payment to Miami County for dispatch services. Mr. McMahon discussed the state appraisal system and how the taxing and value system needs to change. He also applauded the public attendees for speaking.

Council Member Smail agreed with Mr. McMahon regarding state enforced spending with no avenue for money to support it.

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

Agenda Item 3 b-i – Consider adoption of the 2024 Paola City Budget

Mayor House said she realizes there are some wish lists from the department heads that cannot be granted, but she does appreciate everyone being mindful and staying within their budgets.

Council Member Peckman said services do not stop, public health and public safety need to be priority.

Council Member Peckman made a motion to adopt the 2024 Paola City budget in the amount of \$15,864,481 pursuant to the Notice of Budget Hearing published in the Miami County Republic on August 16, 2023 and authorize the necessary signatures. The motion was seconded by Council Member Shields and all voted aye. The motion passed 4 to 0.

Agenda Item 4 – NEW BUSINESS

Agenda Item 4a – Water System Emergency Response plan review - Resolution No 2023-018

Director Rees said this is an annual review of the emergency response plan. He said contacts have been updated and minor changes made.

Council Member Shields made a motion to approve Resolution 2023-018, City of Paola Water System Emergency Response Plan and authorize the necessary signatures. The motion was seconded by Council Member Hayes and all voted aye. The motion passed 4 to 0.

Agenda Item 4b – Standard Traffic Ordinance - Ordinance No 3212

Clerk Marler presented Ordinance 3212 for Council to consider the adoption of the Standard Traffic Ordinance. She said annually the publication has been incorporated by reference into the City Code with certain omissions and amendments. She discussed section 194 that is amended annually by the Council, stating new amendments reflect changes made in HB 2216.

Council Member Smail made a motion to adopt Ordinance No 3212 incorporating by reference the 50th edition of the STO with certain omissions and amendments and authorize the necessary signatures. The motion was seconded by Council Member Peckman and all voted aye. The motion passed 4 to 0.

Agenda Item 4c – Uniform Public Offense Code - Ordinance No 3213

Clerk Marler presented Ordinance No. 3213 for Council to consider the adoption of the Uniform Public Offence Code with certain omissions and amendments. She noted sections 3.1.1 Domestic Battery, Section 6.16 Giving a Worthless Check and Section 6.19 Equity Skimming were omitted because the nature of these offences are such, that they are more appropriately dealt with in District Court rather than Municipal Court.

Clerk Marler said the previously adopted amendment relating to tobacco products is no longer necessary due to the UPOC reflecting a minimum age of 21 for tobacco purchase and possession.

Council Member Shields made a motion to adopt Ordinance No 3213 incorporating by reference the 39th edition of the UPOC with certain omission and amendments and authorize the necessary signatures. The motion was seconded by Council Member Hayes and all voted aye. The motion passed 4 to 0.

Agenda Item 4e - Renewal of Housing Incentive Program - Ordinance No 3214.

Manager Shannon presented proposed Ordinance No 3214 renewing the most recent version of the Housing Construction Incentive program. She said the current version expires September 30, 2023 and suggests renewing with no amendments for another 12 months. She said 18 houses have benefited from the program so far.

Council Member Peckman made a motion to adopt Ordinance No 3214 renewing the new housing construction incentive program. The motion was seconded by Council Member Shields and all vote aye. The motion passed 4 to 0.

Agenda Item 4e - Paola Family Pool Renovations Bid Acceptance

Manager Shannon said the City of Paola approved the proposal from Landworks Studios in response to the Paola Family Pool Improvements Request for Qualification at the October 11, 2022 Council meeting. She said at its meeting on March 14, 2023 the City Council approved the bid from Westport Pools for \$68,695.00 for the mechanical room update phase of the pool projects. This work was completed before the 2023 pool season.

Manager Shannon said the City's budget was \$2,000,000 for pool renovations with \$63,983 spent in Phase I, leaving a remainder of \$1,936,017. She said a 15% contingency on the remaining amount for Phase 2 equals \$290,403 for an allowable commitment of up to \$1,645,614. The Phase 2 project includes site renovations such as a new retaining wall, and shade structure, pool enhancements such as a new slide and spray play elements in the zero-depth entry, as well as the bath house and pool staff room renovations.

Manager Shannon said Landworks Studio posted the Paola Family Pool Bid Documents to the Drexel Plan Room on July 31, 2023. The project was also on the City of Paola website, and in the Miami County Republic on August 16, 2023. She said bids were due on September 5, 2023 at 10:00 AM at Paola City Hall. One bid was received from Royal Construction LLC with the base bid \$1,526,000. There were two alternatives that staff and the consultants recommend utilizing which includes replacement of the lighting fixture throughout the bath house to LED and an electrical upgrade from 600 amps to 800 amps. The alternatives take the total bid to \$1,569,000.

After some discussion Council Member Smail made a motion to approve the bid from Royal Construction LLC., in the amount of \$1,859,403 for the Paola Family Pool renovations and authorize the necessary signatures. The motion was seconded by Council Member Peckman and all voted aye. The motion passed 4 to 0.

Agenda Item 4f - Final Site Plan, Klaasmeyer Storage

Planner Newton said at the August 15, 2023 Planning Commission meeting, Commissioners recommended approval of the final site plan for a new 8,000 square foot open air warehouse/storage facility. She said the site plan was completed by Aubry Enterprises engineering firm and meets all requirements. Tucker Klaasmeyer was present to answer any questions.

Planner Newton noted the LDO allows for a waiver of improving parking, loading, and storage areas by the Planning Commission. However, if at any time the City Council deems it must be improved to serve demands or deems it a nuisance, the parking area must be brought up to city standards of a hard surfaced parking area. She said staff recommends approving this waiver.

Council Member Shields made a motion to approve the final site plan for Klaasmeyer Storage at 119 W Baptiste Dr, Klaasmeyer, LLC, applicant. The motion was seconded by Council Member Hayes and all voted aye. The motion passed 4 to 0.

Agenda Item 4g - Old Water Treatment Plant, Waterworks Rd.

Manager Shannon said the water treatment plant located at 201 Waterworks Rd. was built in 1921 and was operated by the City of Paola. She said the plant ceased operation in 2009, after the development of the Public Utility Authority. Therefore, the plant has remained under ownership of the City of Paola, but has been inactive.

Manager Shannon said there are currently two parcels of land that make up the property, one that has the old treatment plant consisting of 7.58 acres, and another one directly across the railroad tracks with a pond consisting of 7.61 acres. The pond that was previously utilized as a settlement pond when the plant was in operation. She said the 2023 Miami County appraisals for each parcel are as follows:

Parcel ID: 1320902002006000 (Land and Treatment Plant)
Appraised Value 2023
Land: \$30,720
Building: \$5,040

Parcel ID: 1320902003003000 (Land with Pond)
Appraised Value 2023
Land: \$38,490

Manager Shannon said due to the age of the facility, the only deed on file was handwritten, outdated and difficult to read. Therefore, the City engaged with McClure to perform a boundary survey and a new legal description for the property. The City also needed easements recorded to access the public utilities located on the property. She said the final total for all the work and the recording cost is approximately \$18,000 and recommended setting a minimum bid to cover the incurred costs.

Council Member Shields asked about the \$70,000 minimum that was mentioned at the work study meeting on September 5th. Manager Shannon said that was part of the discussion and asked the Council to decide on a fair value to set. Mayor House also asked the council to consider the land with the pond will possibly not be utilized and some of the property is in the flood plain.

After some discussion Council Member Hayes made a motion to set the minimum sale value for 201 Waterworks Rd and adjoining pond property at \$35,000 and advertise the sale of the property. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0.

Agenda Item 5 - STAFF REPORTS

Interim Chief Corbin said the Police Department has hired a new Officer, Jacob Liles.

Director Rees said the traffic signal at Hedge Ln. and Baptiste Dr. was not operating correctly but has been fixed.

Director Rees said the old water tower is down for maintenance and will be back up soon.

Planner Newton said the Planning Commission will hold a CUP hearing for the Mobile Home Park on S. Gold St. to allow for recreational vehicles.

Manager Shannon has been working with Rick Zingre to get architect plans for 115 W Wea.

Clerk Marler informed the council the League of Kansas Municipalities is offering a lunch option along with their annual dinners. She said October 23rd would be a lunch in Olathe and asked if Council would like to attend.

Agenda Item 5 - MISCELLANEOUS MATTERS FROM THE COUNCIL:

Council Member Smail assured he was trying to make sure the public knew how frugal the city really was on the budget during the public hearing.

Council Member Shields said the Park Square looks wonderful.

Council Member Hayes said she spoke with Mr. Doolittle again about the Jefferson Highway signage. She said he wanted to get with Council on a sign location.

Agenda Item 6 - MISCELLANEOUS MATTERS FROM THE MAYOR:

Mayor House said thank you to Council and staff for the work on the budget.

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



ATTEST: [seal]

Leigh House
Leigh House, Mayor

Stephanie Marler
Stephanie Marler, City Clerk

