

**MINUTES OF THE COUNCIL MEETING
OF THE CITY OF PAOLA, KANSAS
PAOLA JUSTICE CENTER 805 N PEARL
6:00 O'CLOCK P.M.
October 10, 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 Members absent: Council Member Kathy Peckman

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, City Attorney Lee Tetwiler, Trent Upshaw, Henry Freeman, Kenneth Barley, Chris Rankin, Matt Kriesel 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, and Shields were all present.

Agenda Item 1 - CONSENT AGENDA

- a. Approval of minutes of the meeting on September 12, 2023.
- b. Approval of Salary Ordinances 23-19 & 23-20.
- c. Approval of Appropriation Ordinance 1008 & 1009.
- d. Approval of the Pledged Collateral Report for September 2023.
- e. Approval of the Journal Entries for September 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 3 to 0.

Agenda Item 2 - COMMENTS FROM THE PUBLIC:

Matt Kriesel with Kriesel Outdoor and Offroad, 302 N Silver, said he had asked some questions at the previous council meeting regarding the feather flag violation he received. He said he has still not received any answers. Mr. Kriesel referenced the 2050 Comprehensive Plan asking when the city will start to follow what was approved for future business success. He then showed the council a ticket he received for continuing to violate the city code. Mr. Kriesel also stated Council Member Smail acted unprofessionally at the October work study meeting.

Agenda Item 3 – NEW BUSINESS

Agenda Item 3a – Conditional Use Permit 716 S Gold St.

Planner Newton said over time the Paola Mobile Home Park at 716 S. Gold St. has brought in recreational vehicles to serve as long term rental options for residents. Park owners would be notified by staff that the legal option for the park to utilize recreational vehicles (RV) would be to apply for a conditional use permit (CUP) to operate as a “campground” as defined by the Land Development Ordinance (LDO). She said Kenneth Barley, current owner of the Paola Mobile Home Park, has applied for a CUP to utilize lots 3 and 7 for the use of RV’s.

Planner Newton presented an application for a CUP at 716 S Gold St. for “Campgrounds” in the Suburban zoning district. She said at the September 19, 2023 Planning Commission meeting, the commission voted 2-2, and according to the LDO, a tie vote is a recommendation to not approve. She did a review of the criteria to evaluate the merits of a conditions use application along with the allowed restrictions and conditions for approval.

Kenneth Barley addressed the council saying he believes under his ownership he has improved the looks of the park. He said he does not want to run a campground and is willing to stipulate to that. He plans to maintain ownership of the “park model” on lot 3 and do six month or longer rental terms.

Attorney Tetwiler said it would be appropriate to meet in Executive Session prior to the council vote. Council Member Smail moved city council recess into Executive Session to consult with the City Attorney regarding information deemed privileged in the attorney-client relationship, pursuant to exception, K.S.A. 75-4319(b)(2). The meeting shall include the Mayor and Council, City Attorney, City Manager, and City Clerk. The regular meeting shall reconvene in the Municipal Court Room at 6:22 PM. Mayor House asked that the City Planner also attend. The motion was seconded by Council Member Hayes and all voted aye. The motion passed 3 to 0.

The council came out of executive session at 6:22 PM. Council Member Smail made a motion to reconvene the recessed meeting. The motion was seconded by Council Member Hayes and all voted aye. The motion passed 3 to 0.

Council Member Smail made a motion to return the recommendation back to the Planning Commission for further consideration. The motion was seconded by Council Member Shields and all voted aye. The motion passed 3 to 0.

Agenda Item 3b – Payment Request from the City of Osawatomie.

Manager Shannon presented a payment request from City Manager Bret Glendening with the City of Osawatomie, dated October 5, 2023. Mr. Glendening stated the City of Osawatomie is expecting a deficit of \$25,500 from the sale of the Osawatomie Animal Pound. He would like the City of Paola and Miami County to each pay \$12,750 to cover Osawatomie’s loss.

Manager Shannon stated the City of Paola has paid all invoices issued while animals from Paola were being housed at the pound and since 2013 has paid over \$51,000.

Council Member Smail made a motion to deny the payment request from the City of Osawatomie for \$12,750. The motion was seconded by Council Member Shields and all voted aye. The motion passed 3 to 0.

Agenda Item 4 – COMMITTEE REPORTS

Agenda Item 4a – Paola Convention & Tourism Bylaws

Mayor House presented a revised version of the Paola Convention & Tourism bylaws for Council approval. She said the committee met and amended the bylaws to include changes to the appointed members process, remove committees that no longer exist, add duties of the Secretary and change the budget submission date.

Council Member Shields made a motion to approve the bylaws of the Paola Convention & Tourism Committee as presented. The motion was seconded by Council Member Smail and all voted aye. The motion passed 3 to 0.

Agenda Item 5 - STAFF REPORTS

Interim Chief Corbin said the department has an officer graduating from the academy.

Manager Shannon wanted to remind the Council of the invite from KwiKom.

Manager Shannon said she is hoping for a set of plans for 115 W Wea to be presented soon.

Agenda Item 6- MISCELLANEOUS MATTERS FROM THE COUNCIL: None

Agenda Item 7- MISCELLANEOUS MATTERS FROM THE MAYOR: None

Agenda Item 8 – EXECUTIVE SESSION: NON-ELECTED PERSONNEL

Council Member Smail made a motion to recess into Executive Session to discuss the evaluation and contract for the City Manager pursuant to the non-elected personnel matter exception K.S.A. 75-4319(b)(1). The meeting shall include the Mayor and Council, City Attorney and City Manager. The regular meeting shall reconvene in the Municipal Court Room at 6:47 PM. The motion was seconded by Council Member Hayes and all voted aye. The motion passed 3 to 0.

The council came out of executive session at 6:47 PM. Council Member Smail made a motion to reconvene the recessed meeting. The motion was seconded by Council member Hayes and all voted aye. The motion passed 3 to 0.


Agenda Item 9– ADJOURNMENT

With no additional business to come before the Council, Council Member Hayes made a motion to adjourn. The motion was seconded by Council Member Smail and all voted aye. The motion passed 3 to 0.



ATTEST: [seal]


Leigh House, Mayor


Stephanie Marler, City Clerk