

**MINUTES OF THE COUNCIL MEETING  
OF THE CITY OF PAOLA, KANSAS  
PAOLA JUSTICE CENTER 805 N PEARL  
6:00 O'CLOCK P.M.  
December 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, Interim Chief of Police Chad Corbin, City Planner Jessica Newton, HR Director Vicki Belt, JR McMahon, Brian House, Andy Parks, Donna McMahon, Chris Rankin, Henry Freeman, Friends and Family of officers.

**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.

**OFFICER INTRODUCTIONS/PROMOTIONS:**

Interim Chief Corbin introduced 3 new officers to the department, Officers Jonathan Rolf, Ben Rakoski, and Conner Haugland. Officer Jacob Liles is currently at the academy. He said the department is now fully staffed.

Interim Chief Corbin introduce the newest Sergeant to the department, Sergeant Jonathan Legg. He said Sergeant Legg has been part of the department since 2021 and one of the most active officers. Sergeant Legg's parents pinned his collar brass and his grandfather, Retired Missouri State Highway Patrol Sergeant Robert Legg, pinned his badge.

**Agenda Item 1 - CONSENT AGENDA**

- a. Approval of minutes of the meeting on November 14, 2023.
  - a. *Mayor House noted a typo to be corrected. Change "Fund" to "Fun."*
- b. Approval of Salary Ordinances 23-24, 23-25 & 23-26.
- c. Approval of Appropriation Ordinance 1012 & 1013.
- d. Approval of the Pledged Collateral Report for November 2023.
- e. Approval of the Journal Entries for November 2023.
- f. Liquor license renewal for Papa C's, 807 S Silver.
- g. CMB license renewal for 2024 contingent upon return of application and fee and complete safety inspection:

Casey's General Store	119 N Hospital Dr	\$75.00
Casey's General Store	404 S Silver	\$75.00
Casey's General Store	333 Hedge Cir.	\$75.00

Fuel Expresso	1005 N Pearl	\$75.00
Wal-Mart	310 Hedge Ln	\$75.00
Price Chopper	309 N Hospital Dr	\$75.00
Milo's Steakhouse	15 W Peoria	\$125.00

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:** None

**Agenda Item 9a – UNFINISHED BUSINESS** (Item 9a is considered Unfinished Business)

**Agenda Item 9a – Consider a CUP for 716 S Gold - Ordinance No. 3216**

Planner Newton said this is a request for a Conditional Use Permit (CUP) for “Campgrounds” in the Suburban (S) zoning district as defined in the LDO. She said Kenneth Barley, owner of MHP 1, LLC, has applied for a CUP to utilize two lots within the mobile home park, lots 3 and 7, for the use of recreational vehicles (RV). This is primarily due to the size of the lots in relation to the size of modern-day mobile/trailer homes. Lots 3 and 7 are smaller than the other lots in the park and would accommodate a park model RV.

Planner Newton said at the Planning Commission meeting on September 19, 2023, Commissioners voted 2-2 for the conditional use permit with the condition of an RV on lots 3 and 7 only for 716 S Gold. She said this vote was forwarded to Council in October where Councilmembers made a motion to return the request to Planning Commission for further stipulations. During the November 15, 2023 Planning Commission meeting, Commissioners voted 6-0 to recommend approval of the CUP with additional conditions. The additional conditions include the following:

1. Recreational vehicles are restricted to Lot 3 and Lot 7 only.
2. Recreational vehicles must be connected to all available public utilities.
3. Recreational vehicles must have self-contained restroom facilities, no composting toilets.
4. No motorhomes or fifth wheel trailers permitted.
5. Lots 3 and 7 must each have one dedicated off-street parking spot
6. Each recreational vehicle moved onto Lot 3 or Lot 7 must be inspected by the city of Paola Building Inspector to obtain a Certificate of Occupancy.
7. In compliance with the LDO definition of “Campgrounds”, property owner(s) shall not own any recreational vehicles, shall only rent lots.
8. Recreational vehicles must have skirting.
9. Lot numbers must be posted in compliance with city code.
10. At any time, the City may institute revocation of the conditional use permit for violations of the conditions of approval, expiration, or the reasons specified in Section 21.225 of the Land Development Ordinance. The City shall provide notice to the landowner and public in the same manner as was provided for the establishment of the Conditional Use Permit.

Council Member Shields made a motion to adopt Ordinance 3216 approving Conditional Use Permit #23-CUP-04 for “campgrounds” at 716 S Gold, Paola MHP, LLC applicant. The motion was seconded by Council Member Peckman. Council Members Smail, Peckman and Shields voted aye. Council Member Hayes voted Nay. The motion passed 3 to 1.

### **Agenda Item 3 – ELECTION RESULTS**

#### **Agenda Item 3a – Consider Certificate of Election Results**

Clerk Marler said the general election held on November 7<sup>th</sup> showed Leigh House with most votes as Mayor, JR McMahon with most votes for Ward 1 and Kathy Peckman with most votes for Ward 3. She said the votes were canvassed on November 17<sup>th</sup> and the council should consider accepting the certificate of election results.

Council Member Smail made a motion to accept the Certificate of Election Results naming Leigh House Mayor, J.R. McMahon City Council Ward 1 and Kathy Peckman City Council Ward 3 as the candidates receiving the most votes. The motion was seconded by Council Member Peckman and all voted aye. The motion passed 4 to 0.

### **Agenda Item 4 – RECESS SINE DIE – Installation of newly elected City Council.**

Council Member Peckman made a motion to recess sine die. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0.

Mayor House presented a plaque to exiting Council Member Smail to thank him for his service to the City Council, Paola citizens and the Police Department.

### **Agenda Item 5 – ADMINISTRATION OF OATH OF OFFICE**

Clerk Marler administered the Oath of Office to Council Members JR McMahon and Kathy Peckman and Mayor Leigh House.

### **Agenda Item 6 – INVOCATION**

Pastor Andy Parks presented an invocation for the new City Council.

### **Agenda Item 7 – RESUME COUNCIL MEETING**

Council Member Peckman made a motion to resume the recessed meeting. The motion was seconded by Council Member Shields and all voted aye. The motion passed 4 to 0. Mayor House called the new City Council to order and resumed the recessed meeting.

### **Agenda Item 8 –ELECTION OF COUNCIL OFFICERS**

Council Member Shields made a motion to nominate Council Member McMahon as President of the Paola City Council. The motion was seconded by Council Member Peckman and all voted aye. The motion passed 4 to 0.

Council Member McMahon made a motion to nominate Council Member Hayes as Vice President of the Paola City Council. The motion was seconded by Council Member Shields and all voted aye. The motion passed 4 to 0.

#### **Agenda Item 9b – YouTube and KORA**

Clerk Marler said as discussed at the December work study meeting, any recorded information regardless of form, that is made, maintained or kept by or is in the possession of any public agency is considered a public record and subject to the Kansas Open Records Act (KORA). She said by creating videos, the recordings fall under KORA. Electronic records have brought new issues under the KORA in general regarding record storage, how long records should be kept, and how to provide the record to requesters.

Clerk Marler said according to state statute the permanent record of a meeting is the minutes. She said recording a meeting is not a requirement now that the public is able to attend in person. She suggested the City Council consider either archiving all videos and make them available or stop recording public meetings.

Council Member Shields said she likes the recordings and would like to continue. She said more people watch recordings rather than come to a meeting.

Council Member Hayes said she enjoys when people attend meetings in person and she feels more supported.

After some discussion Council Member Shields made a motion to continue to record public meetings and archive all past and future videos. The motion was seconded by Council Member McMahon and all voted aye. The motion passed 4 to 0.

#### **Agenda Item 9c – Paola Crossings Public Improvement Cost Share Reimbursement**

Manager Shannon said in late 2019, Paola City Council approved the creation of a Tax Incremental Financing (TIF) district, as well as a Community Improvement District (CID) for the redevelopment area of Paola Crossings. She said as part of the planning process for the redevelopment of this property, the developer also requested for the City to “cost share” some of the public improvements that will be made to the property. On July 14, 2020, Paola City Council approved the Public Improvements Cost Share Agreement with Highlands Development LLC.

Manager Shannon said the agreement has a cap for the City to contribute \$300,000 for a “Right turn in - Right turn out” access to the property and improvements associated with the public water and sewer lines. She said Highlands Development LLC. has submitted the required invoices and paperwork to request reimbursement from the City of Paola for \$300,000 for the public improvements to be paid out of the CIP Fund.

Council Member McMahon made a motion to approve the submitted Public Improvement Cost Share reimbursement to Highlands Development LLC. in the amount of \$300,000. The motion was seconded by Council Member Hayes and all voted aye. The motion passed 4 to 0.

## Agenda Item 9d – American Tower Lease Agreement Amendment

Manager Shannon said American Tower owns the communications tower located at 21731 W 299th St, near Lake Miola, and lease the ground from the City of Paola. She said Based on current market conditions; American Tower would like an amendment to the current lease they have with the City of Paola. The last agreement between the City of Paola and American Tower LLC. was executed in 2013. The options are as follows:

### **Current Agreement:**

- \$2,000 per month
- 3% annual escalation
- Final expiration date July 31, 2055

### **Proposed Option 1:**

- A one-time signing bonus of \$4,000
- \$1,800 per month
- 3% annual escalation
- Adding Non-compete & Tax Language
- Final expiration date of July 31, 2075

### **Proposed Option 2:**

- One-time payment of \$387,236.00

Manager Shannon said as discussed at the December work study, the third option would be to do nothing to amend the lease. This would allow for the company to look at other site locations. She said if council determines which option to move forward with, the City Attorney will review the final draft of the agreement and any necessary adjustments will be made.

Council Member Peckman made a motion to approve presented Option 1 from American Tower LLC. 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 10 – COMMITTEE REPORTS

### **Consider an appointment to the Paola Recreation Commission Board.**

*Two interested applicants submitted the proper paperwork by the deadline, Logan Schieber and Amanda Martell.*

Council Member Shields made a motion to appoint Logan Schieber to the Paola Recreation Commission Board. The motion was seconded by Council Member Hayes and all voted aye. The motion passed 4 to 0.

## Agenda Item 11 - STAFF REPORTS

Planner Newton said the Lakemary dorm project is coming to an end.

Manager Shannon said the City of Paola was accepted to receive the Safe Streets 4 All grant of \$120,000. She said this will allow the city to pay for an engineer to develop a plan and work for the next grant.

**Agenda Item 12- MISCELLANEOUS MATTERS FROM THE COUNCIL:**

Council Member McMahon said great job on getting the Safe Streets 4 All grant.

Council Member Peckman congratulated the city staff on how good the financials are looking.

**Agenda Item 13- MISCELLANEOUS MATTERS FROM THE MAYOR:**

Mayor House said KTWU is doing a Kansas Day story and will be visiting the museum to do some filming.

Mayor House reminded the Council that the City Manager has asked them to come to the January work study meeting with vision goals.

**Agenda Item 14- 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 Hayes and all voted aye. The motion passed 3 to 0.

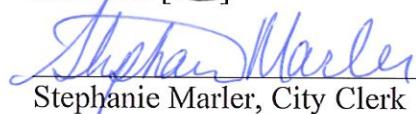


ATTEST: [REDACTED]



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Leigh House, Mayor



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Stephanie Marler, City Clerk