

**MINUTES OF THE COUNCIL MEETING
OF THE CITY OF PAOLA, KANSAS
PAOLA JUSTICE CENTER 805 N PEARL
6:00 O'CLOCK P.M.
November 9, 2021**

The Governing Body of the City of Paola, Kansas, met with Mayor Stuteville presiding.

Council Members present: Mayor Artie Stuteville and Council Members Dave Smail, Trent Upshaw, Leigh House and LeAnne Shields.

Council Members absent: None

Also present: Assistant City Manager Randi Shannon, City Clerk Stephanie Marler, Interim Police Chief Eric Jenkins, HR Director Vicki Belt, City Attorney Lee Tetwiler, Attorney Mike Seck, Sheena Simon and Justin Mietchen.

CALL TO ORDER: The regular council meeting was called to order by Mayor Stuteville.

ROLL CALL: Mayor Stuteville and Council Members Smail, Upshaw, House and Shields were all present.

Agenda Item 1 - CONSENT AGENDA

- a. Approval of minutes of the meeting of October 12, 2021
- b. Approval of Salary Ordinances 21-21 & 21-22.
- c. Approval of Appropriation Ordinances 961 and 962.
- d. Approval of the Pledged Collateral Report for October 2021.
- e. Approval of the Journal Entries Reports for October 2021.
- f. Approve liquor license renewal for VFW. 202 Delaware St. contingent upon receipt of application

Council Member Ushaw made a motion to approve the Consent Agenda as presented and authorize the mayor to sign it. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0.

Agenda Item 2 - COMMENTS FROM THE PUBLIC: None

* Agenda Items 8a and 8b were moved to the beginning of the meeting*

Agenda Item 8 - EXECUTIVE SESSION:

Agenda Item 8a - Discuss Matters Under Attorney Client Relationship.

Council Member House moved city council recess into Executive Session for 30 Minutes to consult with the attorney to receive and advise on confidential personnel matters, pursuant to K.S.A. 75-4319(b)(2), attorney-client relationship; and shall include the Mayor, Council, City Attorney Tetwiler and Attorney Mike Seck. The regular meeting shall reconvene in the Municipal Court Room at 6:32 pm. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

At 6:32 pm the Council came out of Executive Session and Council Member Smail made a motion to reconvene the recessed meeting. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0.

Agenda Item 8b - Discuss Matters Under Attorney Client Relationship.

Council Member Smail moved city council recess into Executive Session for 15 minutes pursuant to attorney-client relationship, K.S.A. 75-4319(b)(2). The purpose of the executive session is to discuss legal matters considered privileged under the attorney-client relationship and shall include the Mayor, Council, City Attorney, and Assistant City Manager. The regular meeting shall reconvene in the Municipal Court Room at 6:50 pm. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

At 6:50 pm the Council came out of Executive Session and Council Member House made a motion to reconvene the recessed meeting. The motion was seconded by Council Member Shields and all voted aye. The motion passed 4 to 0.

Council Member Upshaw made a motion to grant an extension to demo the property at 401 E. Kaskaskia through January 15, 2022 and direct the City Attorney to notify the clients attorney of such decisions. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0.

Agenda Item 3 – NEW BUSINESS

Agenda Item 3a - Renewal of Group Health Insurance

HR Director Vicki Belt addressed the Council to discuss the proposal for the health insurance renewal in January 2022. She noted there was a 10% reduction in the Blue Cross and Blue Shield health plan, and a less than 2% increase in the Delta Dental plan. The vision plan with Surency and life insurance with MetLife proposals showed no change in rate or plan.

Council Member Shields made a motion to approve the renewal of the current City's Group Health Insurance Plans with Blue Cross and Blue Shield, Delta Dental, Surency and MetLife as

presented. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

Agenda Item 3b - Consider Employee Christmas Gifts

Clerk Marler said the Council has annually approved Christmas gift for the employees. Typically, a gift card is provided but the process to gift a card and run the mount through payroll made it seem like the employees were losing money. She said as discussed in the Work Study on November 2nd, processing a separate payroll just for Christmas gifts is the correct way to go.

Council Member Smail made a motion to approve the processing of \$200 payroll checks as a Christmas gift to City Employees. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

Agenda Item 3c – Consider Resolution 2021-019: Authorization to Issue Temporary Notes

Assistant Manager Shannon reminded the Council at the October 12th meeting Ordinance 3181 was passed to establish the funding mechanism for the projects set to utilize the half cent sales tax. She said there will be upfront costs associated with these projects that will need to be financed before the general obligation bonds are issued.

Assistant Manager Shannon said in order to bridge the gap between the initial start of the projects and the bond issuance, \$3,000,000 in General Obligation Temporary Notes will be issued to cover the costs. The actual amount of bonds needed will be determined at a later date once the projects get underway.

Assistant Manager Shannon said approving Resolution No 2021-019 authorizes the Firm Raymond James & Associates, Inc to underwrite the temporary notes to be designated General Obligation Temporary Notes, Series 2021. This is the first step in the two-step process and only allows for the research and legal documents to be prepared. She said the second step will be approving the Note Resolution to finalize the interest rates and the note amount.

Council Member Upshaw made a motion to approve Resolution #2021-019 - Authorizing Resolution for Temporary Notes and authorize the necessary signatures. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0.

Agenda Item 3d - Consider a Franchise Agreement with Kansas Gas Service.

Clerk Marler said a new franchise agreement, presented as Ordinance 3182, with Kansas Gas Service (KGS) has been drafted to replace the previous agreement that expires in December 2021. The agreement mirrors the previous agreement to provide for a franchise fee of 5% of gross receipts for a period of 10 years from the effective date. KGS will be allowed to construct, maintain, extend and operate its distribution facilities in the public right-of-way. The franchise fee is paid in lieu of permit and license fees but notice and proper permits are still required for work

expected to take place. KGS has also included an indemnity and hold harmless section to protect the City from claims caused by their negligence.

Council Member Shields made a motion to adopt Ordinance No 3182 granting a Franchise Agreement with KGS and authorize the necessary signatures. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0.

Agenda Item 3e - Tract 5 Paola Industrial Park Acceptance

Assistant Manager Shannon said in July of 2021 the City Council approved the Land Purchase Agreement with Paola Vet Clinic to deed Tract 5 of the Paola Industrial Park to them for \$1.00 and other considerations. She said the owners engaged with a general contractor and architect to develop preliminary plans and construction cost estimates for this project, which totaled over \$1.2 million. The decision was made by the owners to deed the land back to the City so that they can free up their assets to pursue other avenues for finding a permanent home in Paola.

Assistant Manager Shannon said although Paola Vet Clinic has deeded the land back to the City of Paola, the Council needed to formally accept the deeded land.

Council Member House made a motion to accept Tract 5 of the Paola Industrial Park to be deeded to the City of Paola by PVC Properties, LLC. The motion was seconded by Council Member Upshaw and all voted aye. The motion passed 4 to 0.

Agenda Item 4 - COMMITTEE REPORTS

Council Member Upshaw reported that voters passed the Recreation Commission. He said USD 368 will include this in their 2023 budget.

Agenda Item 5 - STAFF REPORTS

Assistant Manager Shannon reminded the Council there is an employee luncheon for Mayor Stuteville on November 10th from 12:00 – 2:00 pm. She said a public open house reception will take place from 4:30-6:30 pm that same evening.

Assistant Manager Shannon noted that City Offices will be closed on November 11th in observance of Veteran's Day.

Clerk Marler asked the Council if they would like to attend the League of Kansas annual dinner. She provided 2 dates and said she would follow up with an email with more details.

Clerk Marler asked Mayor Stuteville to reach out to the Chamber of Commerce to provide the information on who would be doing the Mayor's Tree Lighting on November 26th.

Clerk Marler reported on the November 2nd election results.

Mayor:

Leigh House	555 votes
Write In	28

Ward 1:

Dave Smail	94 votes
Luke DeGrande	80
Write In	1

Ward 3:

Kathy Peckman	85 votes
Kim Boehm	64
Write In	1

Agenda Item 6 - MISCELLANEOUS MATTERS FROM THE COUNCIL

Council Member Upshaw said Thank You to all veterans, he knows there are several on staff and appreciates their service.

Agenda Item 7 - MISCELLANEOUS MATTERS FROM THE MAYOR: None

Agenda Item 8 – EXECUTIVE SESSION

Agenda Item 8c - Discuss Matters Related to Non-Elected personnel.

Council Member Upshaw moved city council recess into Executive Session for 10 minutes to discuss individual personnel matters, pursuant to K.S.A. 75-4319(b)(1), personnel matters of non-elected personnel; and shall include the Mayor, Council and Assistant City Manager. The regular meeting shall reconvene in the Municipal Court Room at 7:20 pm. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0.

At 7:20 pm the Council came out of Executive Session and Council Member Upshaw made a motion to reconvene the recessed meeting. The motion was seconded by Council Member Smail and all voted aye. The motion passed 4 to 0.

Agenda Item 9 - 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 Upshaw and all voted aye. The motion passed 4 to 0.

Artie Stuteville, Mayor

ATTEST: [seal]

Stephanie Marler, City Clerk