

**MINUTES OF THE SPECIAL COUNCIL MEETING
OF THE CITY OF PAOLA, KANSAS
6:00 O’CLOCK P.M.
January 7, 2014**

**HELD AT THE PAOLA CITY HALL
19 E Peoria Street in Paola**

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

Council Members present: Mayor Artie Stuteville and Council Members Jim Pritchard, Gee Gee Wilhoite, and Leigh House.

Council Members absent: Aaron Nickelson.

Also present: City Manager Jay Wieland, City Clerk Dan Droste, City Planner Mike Gotfredson, Bryce Smith, Larry Smith, Kimberly Smith, and Brian McCauley with the Miami County Republic.

Agenda Item 1 - CALL TO ORDER: The special council meeting was called to order by Mayor Stuteville.

Agenda Item 2 - ROLL CALL: Mayor Stuteville and Council Members Pritchard, Wilhoite, and House were all present. Council Member Nickelson was absent.

Agenda Item 3 - Consider approval of a Conditional Use Permit for a pet grooming business at 23 W Wea Street.

City Planner Gotfredson reported that at their December 17th meeting, the Paola Planning Commission held a public hearing for a Conditional Use Permit for a new pet grooming business at 23 W Wea Street. No comment was given at the hearing and no protest petition has been received for this application. The Planning Commission unanimously recommended approval of this Conditional Use Permit with the following conditions:

- 1) Adequate ventilation shall be provided between adjoining structures.
- 2) Prior to receiving a permit, the applicant must submit copies of approvals from all regulatory agencies having jurisdiction over pet grooming services.
- 3) All pet waste shall be disposed of in an approved manner.
- 4) Noise levels shall be limited so as not to disturb surrounding properties.
- 5) All chemicals used in the grooming process shall be non-destructive to the public sanitary sewer system.
- 6) Overnight boarding of animals is prohibited.
- 7) 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.

Mayor Stuteville expressed concerns about the business walking dogs in the Park Square and not cleaning up any animal waste. She recommended that the Conditional Use Permit be reviewed in 6 months to make sure that the business is in compliance with the conditions set forth.

After additional discussion, Council Member Pritchard made a motion to approve AN ORDINANCE APPROVING CONDITIONAL USE PERMIT 13-CUP-02 with the additional condition of a Review by Planning Commission and City Council after 6 months. The motion was seconded by Council Member Wilhoite, and all voted aye. The motion passed 3 to 0 and the Ordinance was assigned number 3065.

Agenda Item 4 - Consider approval of an Assignment of the Contract with L&K Services for Solid Waste Collection Services.

Manager Wieland reported that he has been contacted by L&K Services, Inc. that the company has been purchased by an investment group by the name of L&K Group Holdings, LLC. The new owners have requested an assignment of the contract for solid waste and recycling collection between the City of Paola and L&K Services, Inc.

Larry Smith and Kimberly Smith, provided the Council with information concerning the sale, indicating that it was a good opportunity for them to sell the business and retire. Bryce Smith will be retained by the new ownership group to operate and manage the company in the same manner and fashion as in the past.

After additional discussion, Council Member House made a motion to approve the Consent to Assignment and Delegation of Duties to L&K Group Holdings, LLC for the Contract for Solid Waste Collection Services between the City of Paola and L&K Services, Inc. dated September 1, 2006. The motion was seconded by Council Member Pritchard and all voted aye. The motion passed 3 to 0.

Agenda Item 5 - Consider the approval of Payment Request No 4 for the Library Addition and Renovation Project.

Manager Wieland presented a Contractor's Application for Payment for the Library Addition and Renovation Project from Legacy Contractors, LLC in the amount of \$62,581.00. This request is primarily for expenditures related to the foundation and elevator shaft and some electrical work and stored materials for the new addition to the Library. He reported that this request brings the total amount paid out on the project to \$319,744.00.

After additional discussion, Council Member Pritchard made a motion to approve payment request #4 from Legacy Contractors, LLC in the net amount of \$62,581.00 for the Library addition and renovation project. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 3 to 0.

Council Member Nickelson arrived at the meeting and took his place with the Council.

Agenda Item 6 – Adjourn “Sine Die”

Council Member Wilhoite made a motion to adjourn sine die. The motion was seconded by Council Member Pritchard and all voted aye. The motion passed 3 to 0.

The City Council held its regular monthly Work Study Meeting.

At 7:30 pm, Council Member Pritchard made a motion to resume the adjourned special meeting. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 4 to 0.

Agenda Item 7 – Executive Session for the purpose of discussing personnel matters of non-elected personnel. K.S.A. 75-4319(B)(1) is the authority for this recess.

Council Member Pritchard made a motion to adjourn to Executive Session, to include the Mayor, Council, City Clerk, for 30 minutes for the purpose of personnel matters of non-elected personnel; the special meeting to reconvene at 8:00 p.m. The motion was seconded by Council Member House and all voted aye. The motion passed 4 to 0.

At 8:00 pm, Council Member Pritchard made a motion to reconvene the adjourned special meeting. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 4 to 0.

No action was taken pursuant to the executive session.

Agenda Item 8 – ADJOURNMENT

With no additional business to come before the Council, Council Member Wilhoite made a motion to adjourn. Council Member House seconded the motion and all voted aye. The motion passed 4 to 0.

Artie Stuteville, Mayor

ATTEST: [seal]

Daniel G. Droste, City Clerk