

**MINUTES OF THE COUNCIL MEETING
OF THE CITY OF PAOLA, KANSAS
6:00 O’CLOCK P.M.
July 12, 2016**

**Held in the Municipal Court Room at the Paola Justice Center
805 North Pearl 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, Leigh House, and Aaron Nickelson.

Council Members absent: None.

Also present: City Manager Jay Wieland, City Clerk Dan Droste, City Planner Mike Gotfredson, Public works Director Craig Browning, Chief of Police Paul Jokerst, City Attorney Lee Tetwiler, Richard Lentz, Diane Burnett, Eric Schaberg, David Baldrige, Nancy Seaman, Gianna Gariglietti, Andre Dight, Carolyn Jacobs, Jaymee Dunn with the Paola Chamber of Commerce, Brian McCauley with the Miami County Republic, and others.

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

ROLL CALL: Mayor Stuteville and Council Members Pritchard, Wilhoite, House, and Nickelson were present. No one was absent.

Agenda Item 1 - CONSENT AGENDA

- a. **Approval of minutes of the meeting of June 28, 2016**
- b. **Approval of Salary Ordinance 16-14.**
- c. **Approval of Appropriation Ordinance No 831.**
- d. **Approval of the Pledged Security Report for June, 2016**
- e. **Approval of the Journal Entries Report for June, 2016**

Council Member Pritchard made a motion to approve the Consent Agenda as presented and authorize the Mayor to sign. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 4 to 0.

Agenda Item 2 - COMMENTS FROM THE PUBLIC

Mayor Stuteville asked the audience if anyone desired to address the Council about any issue that is not an agenda item. No one addressed the Council.

Agenda Item 3 - UNFINISHED BUSINESS

Agenda Item 3a - Consider a Conditional Use Permit (CUP) for Lakemary Center for a garden and animal therapy center.

Prior to any discussion, Council Member Nickelson announced that he would abstain from voting on this agenda item as he is employed at Lakemary Center.

City Planner Gotfredson reported that this request for a conditional use permit is for a garden and animal therapy center. Lakemary is proposing to construct several buildings in relation to this request to house the animals and grow the plants. Fifteen to 20 chickens, 2 to 4 dairy goats, 6 rabbits, 2 pigs and 2 small horses are proposed. He noted that a chicken coop was constructed previously as an accessory use for the school with sufficient area to minimize potential impacts. As the proposed plans are much more substantial, a conditional use permit is required before any additional development of the therapy center occurs.

City Planner Gotfredson stated that at its meeting on May 17, 2016, the Planning Commission held a public hearing. At that meeting comment was received from several persons associated with Lakemary Center and one resident at Paola Senior Townhomes. These comments were supportive of the proposed plan. The Planning Commission unanimously recommended approval of this Conditional Use Permit with certain conditions as set forth in their recommendation. He went on to explain that the main concerns related to this proposal are the smell produced by animals and animal waste and the potential runoff of such into Bull Creek. Because of this, it is appropriate to consider the types and numbers of animals proposed and place conditions on this permit that limit that impacts these create.

Manager Wieland stated that under the Land Development Ordinance the Council can only take action to 1) approve the CUP as recommended by the Planning Commission, 2) deny the CUP, or 3) return the issue back to the Planning Commission with specific concerns as to why the CUP was not approved. No other action can be taken.

Mr. David Baldrige with Baldrige Engineering explained the layout of the proposed therapy center and described the process used to determine the impact to the environment and the neighboring properties. Mr. Andre Dight with Lakemary Center explained the educational, vocational, and therapeutic benefits of this type of center for the students.

Council Member Pritchard expressed concerns about the number of animals that will be housed at the therapy center, specifically as it relates to odors and the disposal of manure. Mr. Dight went on to explain the process for composting manure and the daily cleaning of the pens which will control odors.

Mayor Stuteville praised Lakemary Center for the excellent work that they do and she indicated that she believes that the project will be very beneficial for the students, however she expressed concerns with the location of the proposed therapy center and the number of animals that will be housed at it. Mr. Dight and others addressed the concerns about the manure and the odors by explaining the amount of manure that would be produced by the animals, the disposal methods proposed for the manure, and the daily cleaning of the facilities to control odors. He went on to state that the specific breeds of animals were being selected because of their small size, docile nature and therapeutic value and that in total they would produce no more than the a large trash can of manure in a week. Several other individuals addressed the Council in support of the project.

Mayor Stuteville inquired if the Conditional Use Permit had an expiration date or a review date to insure compliance with the stipulations about the number of animals and odor control. Clerk Droste noted that Section 4 of the CUP states as follows:

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.

After additional discussion, Council Member Wilhoite made a motion to approve AN ORDINANCE APPROVING CONDITIONAL USE PERMIT 16-CUP-02. The motion was seconded by Council Member House. Council Members Pritchard, Wilhoite, and House voted aye and Council Member Nickelson abstained from voting. As an abstention is counted toward the majority, the motion passed 4 to 0 and the Ordinance was assigned number 3098.

Agenda Item 4 - NEW BUSINESS

Agenda Item 4a - Consider participation in the *First Impressions* program through Kansas State University Research and Extension.

Diane Burnett with the Marais Des Cygnes District Extension Office addressed the City Council about participating in the First Impressions program through the Kansas State University Research and Extension office. She explained that the program is an exchange of a group of 3 to 5 persons from one community that visit another similar community and report their first impression of that city. The City of Mulvane has already joined the program and has requested to be paired with the City of Paola due to their similar population and their similar proximity to a large metropolitan area. Mrs. Burnett has agreed to be the Primary Contact for the program and will be soliciting volunteers to serve on the visitation team.

After additional discussion, Council Member Pritchard made a motion to authorize participation in the First Impressions program and appoint Diane Burnett as the primary contact for the program. The motion was seconded by Council Member Nickelson and all voted aye. The motion passed 4 to 0.

Agenda Item 4b - Consider bids for rip-rap for the sewer lagoons.

Public Works Director Browning presented the following bids for 990 tons of rip-rap to make repairs to the banks of the lagoons at the sewer treatment plant:

Wade Quarries: \$18.50/ton = \$18,315.00
R&J Trucking: \$18.00/ton = \$17,985.00
SKX Construction: \$17.75/ton = \$17,710.00

Council Member House made a motion to accept the bid from LSX Construction for 55 tandem truck-loads of rip-rap in the amount of \$17,710.00 for the sewer lagoons. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 4 to 0.

Agenda Item 4c - Consider a request for a street closure for 1st Lutheran Church for their annual Vacation Bible School.

Clerk Droste presented a request from the First Lutheran Church for the temporary closure of the 400 Block of East Piankishaw Street to accommodate their Vacation Bible School.

Council Member Pritchard made a motion to approve a temporary street closure of the 400 Block of East Piankishaw Street from July 11 through July 15 from 8:00 am to Noon. The motion was seconded by Council Member Wilhoite and all voted aye. The motion passed 4 to 0.

Agenda Item 5 - COMMITTEE REPORTS

There were no Committee Reports presented.

Agenda Item 6 - STAFF REPORTS

City Attorney Tetwiler reminded the City Council that any time during the presentation of an agenda item, the question can be called to bring the issue to a close.

City Attorney Tetwiler reported that law students from the Country of Moldova of the former Soviet Union will be in Paola to learn about the US legal system.

City Planner Gotfredson recognized the efforts of Jaymee Dunn at the Chamber of Commerce as they search for a new Director.

Chief of Police Jokerst requested thoughts and prayers for the Dallas Police Department as they deal with the loss of five of their Officers.

Public Works Director Browning reported that vandals damaged the slide of the playground equipment at Wallace Park. He stated that he was exploring options for its repair or replacement. Browning also noted that due to a problem with a pump, the water slides and water features at the swimming pool were inoperable and that a new pump has been ordered.

Agenda Item 7 - MISCELLANEOUS MATTERS FROM THE COUNCIL

Council Member Pritchard reported that he would not be in attendance at the next City Council meeting.

Agenda Item 8 - MISCELLANEOUS MATTERS FROM THE MAYOR

Mayor Stuteville had nothing additional to discuss.

Agenda Item 9 - ADJOURNMENT

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

Artie Stuteville, Mayor

ATTEST: [seal]

Daniel G. Droste, City Clerk