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A regular meeting of the City Council of the City of Iola was held on May 23, 2011 at 6:00 p.m., at the Riverside Park Community Building, 600 S State, Iola, and Kansas.

CALL MEETING TO ORDER

Mayor Shirley called the meeting to order at 6:00 p.m.

ROLL CALL

Mayor Shirley, Council Members Becker, Callahan, Franklin, French, Kilby, Rowe, Stewart, Wicoff were present. Also present was Administrator Brigham, Attorney Apt and City Clerk Hutton.

REVIEW & APPROVAL OF AGENDA

A motion was made by Council Member Stewart to approve the agenda as presented. Motion seconded by Council Member Franklin. The vote was eight ayes.

PUBLIC COMMENTS

- Don Snavelly, 802 S State addressed concerns for the dog park including:
 - Funding: Administrator Brigham noted that the dog park could be funded out of the Capital Improvement Fund.
 - Maintenance Cost: Administrator Brigham noted that a contractor was currently mowing the green space if it becomes a dog park it will be mowed by the Park Department, which would actually be less than it is costing currently.
 - Dog Waste: It was noted that owners would be responsible for picking up waste and then it dumping it into a sewer disposal area at the park.
 - Water Lines: already on the property.
 - Liability: Would have to be checked into.
 - Restrictions on breeds: Attorney Apt noted that certain breeds are already restricted per ordinance.
 - Don Becker wondered if people would be willing to invest money into the dog park.

- Christina Muntzert, 324 Briarwood Drive was present to complain about the property next door to her home. A foundation had been built and then construction stopped. The foundation area is holding water children are playing in it. Dead animals have been removed from the water and several frogs are in the area. The odor is getting to be so strong that they cannot be outside. Ms. Muntzert had spoken with Code Enforcement about this issue before. Code Enforcement Officer, Jeff Bauer stated that he was working on the property to declare it unsafe. Council Member Rowe asked what could be done to make the process quicker. Attorney Apt noted that the Council could declare the property an immediate threat and harm to individuals. Council Member Rowe made a motion to take immediate action on the property since it is an immediate threat to individuals. Council Member Stewart seconded motion. The vote was eight ayes.

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- Patty Gardner, 619 N Jefferson was complaining about the loud music coming from vehicles in her neighborhood. Chief Warner will look into the matter.

CONSENT AGENDA

- A. Minutes Approval** –May 2, 2011
- B. Appropriations Approval** – 2011-10
- C. Personnel Actions** –
 - Kenneth Powell – Fire Department – Annual Evaluation
 - Tony Hutton – Gas, Water & Wastewater – Annual Evaluation
 - Josh Gumfory – Gas, Water & Wastewater – 12 Month Evaluation
 - Mitch Phillips – Gas, Water & Wastewater – Annual Evaluation
 - Lyndon kern – Water Production – 12 Month Evaluation
 - Corey Isbell – Fire Department – Annual Evaluation
 - Andy Weide – Gas, Water & Wastewater – Annual Evaluation
- D. Board Appointments**
 - Jerod Kelley – Planning Commission – New Appointment

Council Member Franklin asked for clarification on a few of the appropriations. It was noted that swim team supplies were reimbursed by the swim team and ball shirts that are purchased are off set by the sponsors of the teams. Motion to approve the consent agenda was made by Council Member Becker and was seconded by Council Member Stewart. The vote was eight ayes.

PRESENTATION

- A. Safety Group Dividend – Debbie Taiclet** – Debbie Taiclet from Iola Insurance Associates was present to present a dividend check for \$15,384.42 for the cities participation in the Kansas Municipal Utilities Safety Program.

ROUNDTABLE

- A. COPS Hiring Grant – Jared Warner** – Chief Warner gave an overview of the COPS grant that he is applying for. The grant will provide funding directly to law enforcement agencies to impact their community policing capacity and problem solving efforts. The grant provides 100 percent funding for approved entry-level salaries and benefits for three years for newly hired full-time police officer positions. Council Member Rowe asked if this program also kept officers from being laid off. Chief Warner stated that the program could be used for that. Council Member Becker stated that he would like to see more concentration on child abuse if the grant was awarded.

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- B. Allen County Emergency Management – Pam Beasley** – Pam Beasley was unable to attend the meeting due to an emergency this item was not discussed.
- C. Energy Discussions – Scott Shreve** – City energy consultant Scott Shreve of EMG gave an overview of the electric usage and purchase. Topic of a Utility Board was brought up with no action taken.

UNFINISHED BUSINESS

- A. Library Project – Roger Carswell** – Roger stated that the contractor stated that there would be no change in the warranty in the roof for the pigeon control and the heater installation. Council Member Rowe indicated that the city's insurance should not be denying claims due to the policy. Attorney Apt will contact the insurance company, the architect and the contractor concerning the roof issues. Motion made by Council Member Kilby to approve the installation of the heater and the pigeon control. Council Member Stewart seconded the motion. The vote was eight ayes.
- B. Audio / Video Discussions** – Steve Prasko from Advantage Computers presented a cost sheet for microphones, speakers, video camera including the installation at a price of \$11,984.00. Discussion followed as to how the microphones would be adjusted for each individual. The video would be fed to a thumb drive, which could then be transferred to the power point presentation for the city's channel. It would also be possible to put on the city's website and mark for each agenda item with some extra time by staff. Council Members Becker and Franklin would like to get input from residents prior to making the commitment. Council Member Callahan would like to see a bid on the project prior to making a decision.
- C. Dog Park Discussions** – Wilma Krokstrom spoke on behalf of the dog park. Council Member French stated that a \$4,000 anonymous donation has been made with the stipulation that the dog park is built on the South State Street location. THRIVE has also stated they would donate an unspecified amount. A motion was made by Council Member Callahan to proceed with the dog park in the South State Street location if donations of \$10,000 could be raised not exceeding \$20,000. Motion seconded by Council Member Stewart. Voting in favor of the motion was Council Members: Becker, Stewart, Callahan, Franklin, and French. Voting against the motion was Council Members: Rowe, Kilby and Wicoff. The motion passed with a majority vote.

NEW BUSINESS

- A. N&B Natural Gas Contract** – Richard Burris, President of N&B presented the contract for review and approval. Discussion about making the contract a five-year contract as opposed to a one-year contract in affect now. Attorney Apt recommended a five-year contract with an automatic five-year renewal with a 90-day cancellation for each party. Motive made by Council Member French to approve the five-year contract with a five-year renewal. Motion seconded by Council Member Callahan. Voting in favor of the motion was Council Members: Becker, Callahan, Franklin, French, Kilby, Stewart, and Wicoff. Council Member Rowe had stepped out of the meeting and therefore did not cast a vote. The motion passed by a majority vote.
- B. Cub Scout - Request** – Cub Scout Pack 55 is requesting to add June 9th to the approval of use of the park and staying overnight there also. Motion made by Council Member Kilby to approve the request. Motion seconded by Council Member Stewart. The vote was eight ayes.
- C. Iola Amateur Radio Club Request** – The club is requesting use of Riverside Park from 8:00 a.m. on June 25th until noon on June 26th. They will not be staying over night this year therefore no permission was needed from the Council.
- D. 206 N Kentucky -Rezoning** – At the request of Allen County and the Hospital Committee staff presented a zoning change to the planning Commission for lots 3,4,5,6 & 7 Block 20 Highland Place Addition to the City of Iola also known as 206 & 214 N Kentucky from R-2 to C-2. Motion to approve the request was made by Council Member Stewart. Motion seconded by Council Member French. The vote was eight ayes.
- E. Housing Demolition – Contract** – At various pas City Commission meeting staff was authorized to begin the process of demolishing the following houses 511 N Chestnut, 410 N Jefferson, 517 S Jefferson and 216 N Third. Approval is requested to accept the bid from TLZ Construction of Erie, Kansas to demolish the properties. The owner of 410 N Jefferson has begun to demolish the property, there fore TLZ Construction may not be hired to remove the structure. Motion made by Council Member Callahan to approve the contract with TLZ. Motion seconded by Council Member Wicoff. The vote was eight ayes.

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F. City Administrator Position – Discussions – Mayor Shirley moved this item to executive session due to the Kansas Open Records Act concerning applications.

G. Water Rate Ordinance – Discussions - Administrator Brigham presented several different scenarios to the council. Staff is recommending Scenario 4. This scenario will put the water fund back in the black and will allow the transfers to support the billing costs in the general fund. The Council would like to see ways that expenses have been cut in the past and if any thing could be done to cut expenses now. Discussion came up about a possible increase to users outside of the city limits. Staff will look into these areas and report back to the council.

H. Womack Property 705 S Walnut – Evelyn Thohoff came to the city and offered the lot to the city for free. The city is currently mowing the green spaces on both sides of the property. Council Member Callahan made a motion to proceed with the deed transfer for the property. Motion seconded by Council Member Stewart. The vote was eight ayes.

COUNCIL & ADMINISTRATOR REPORTS

A. Council Member Stewart – None

B. Council Member Callahan –

- Inquired about the need for all of the passenger vehicles the city has possession of.
- Requested that the council be briefed on projects prior to them occurring. For example Lincoln Street Mill and Overlay.
- After consulting with Sandy Jacquot from the LKM feels like the Council needs to review the ordinances as they apply to current form of government. Need to change commission to council in all of the ordinances.
- Would like to purchase from the League the Code of Procedures of Kansas and adopt this as the way to conduct Council Meetings for the city.
- Would like staff to check into customers paying their utility bills online.
- Inquired about the status of the FEMA properties. Code Enforcement Officer, Jeff Bauer was not present, however Administrator Brigham noted that paper work was completed today for the grant.

C. Council Member Wicoff – Inquired about city storm shelters. Was told that the current shelters were the Bowlus, Lincoln and McKinley Schools and City Hall. The Police Department has to man each shelter so the city is limited to the number they can open.

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- D. Council Member Franklin** – Stressed the desire to have the council briefed about projects prior to them occurring.
- E. Council Member Kilby** – Inquired about the Scott Street status. Assistant Administrator Schinstock noted the project is complete, however there are some issues with delivery trucks driving on the new curbing and breaking it. Council Member Kilby made a motion to install concrete barricades to prevent truck traffic on the new curbing. Council member Stewart seconded the motion. The vote was Council Members Becker, Callahan, French, Kilby, Rowe, Stewart and Wicoff in favor of the motion. Council Member Franklin had stepped out of the meeting and therefore did not vote. The vote passed by a majority vote.
- F. Council Member Becker** –
- Inquired about the sale of fireworks in the city limits. Discussion followed. Council Members would like to have this item on the June 13th agenda with the Police and Fire Chiefs present and classes of fireworks shown.
 - Has been asked if this building was going to be the permanent meeting place for council minutes. No other building was mentioned, therefore unless changed by the Council meetings will continue to be held there.
 - Inquired about cable channels from Kansas City, Topeka and Wichita. The cable company controls this, however staff will look into it.
- G. Council Member Rowe** – Inquired about procedure for calling a special called meeting to discuss the duties of the Mayor, Council and Administrator. City Attorney Apt noted that a special called meeting would not have to be called this meeting could be adjourned to another date and time.
- H. Council Member French** – Inquired about the Lincoln Street mill and overlay project. What is the road plan for the city why were other streets not chosen. Staff will have Dan Leslie, Street Superintendent at the next meeting to follow up with this topic.
- I. Mayor Shirley** –
- Inquired about the opening of the swimming pool. Administrator Brigham noted that the pool opens on Memorial Day.
 - Thanked the Fire Department for sending the six employees to Joplin to help with the tornado search and recovery.
- J. Administrator Brigham** –
- Gave an overview of the Employee Task force duties, which include but are not limited to the employee health fair, and the employee picnic.
 - Inquired if the Council would be interested in meeting with Van Scyoc the group from DC that has helped the city obtain earmarks. Council interested in meeting with them.

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Jim Heffernon, 21 W Scott, inquired about the lights at the ball field not being turned off in the evenings. Staff will check into this.

EXECUTIVE SESSION – Non-Elected Personnel 10:47 p.m. K.S.A.75-4319a (1)

Motion was made by Council Member Rowe and seconded by Council Member Becker to recess into “Executive Session” for the purpose of conducting a meeting to discuss Non-Elected Personnel. The vote was seven ayes. Council Member Stewart was absent from the vote. Motion passed by a majority vote. Present: Mayor Shirley, Council Members, Administrator Brigham, and Assistant Administrator Schinstock The open meeting to resume in the Commission Room at 11:03 p.m.

EXECUTIVE SESSION – Non-Elected Personnel 11:04 p.m. K.S.A.75-4319a (1)

Motion was made by Council Member Kilby and seconded by Council Member Callahan to recess into “Executive Session” for the purpose of conducting a meeting to discuss Non-Elected Personnel. The vote was seven ayes. Council Member Stewart was absent from the vote. Motion passed by a majority vote. Present: Mayor Shirley, Council Members, Administrator Brigham, and Assistant Administrator Schinstock The open meeting to resume in the Commission Room at 11:19 p.m.

DATE / TIME OF NEXT MEETING

City Council Meeting 6:00 p.m. Monday, June 13th, 2011
City Council Meeting 6:00 p.m. Monday, June 27th, 2011

ADJOURNMENT

11:21 p.m. Motion made by Council Member Wicoff and was seconded by Council Member Franklin to adjourn the meeting to Thursday, May 26, 2011 at 3:00 p.m. The vote was seven ayes. Council Member Stewart was not present for the vote. With a majority vote, the meeting was declared adjourned.

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CALL MEETING TO ORDER

Mayor Shirley called the adjourned meeting to order at 3:00 p.m.

ROLL CALL

Mayor Shirley, Council Members Becker, Callahan, Franklin, French, Kilby, Rowe, Stewart, Wicoff were present. Also present was Administrator Brigham, Attorney Apt and City Clerk Hutton.

EXECUTIVE SESSION – Non-Elected Personnel 3:00 p.m. K.S.A.75-4319a (1)

Motion was made by Council Member Kilby and seconded by Council Member Wicoff to recess into “Executive Session” for the purpose of conducting a meeting to discuss Non-Elected Personnel. The vote was eight ayes. Motion carried. Present: Mayor Shirley, Council Members, and Administrator Brigham. The open meeting to resume in the Commission Room at 4:00 p.m.

EXECUTIVE SESSION – Non-Elected Personnel 4:00 p.m. K.S.A.75-4319a (1)

Motion was made by Council Member Kilby and seconded by Council Member Wicoff to recess into “Executive Session” for the purpose of conducting a meeting to discuss Non-Elected Personnel. The vote was eight ayes. Motion carried. Present: Mayor Shirley, Council Members, and Administrator Brigham. The open meeting to resume in the Commission Room at 4:30 p.m.

EXECUTIVE SESSION – Non-Elected Personnel 4:30 p.m. K.S.A.75-4319a (1)

Motion was made by Council Member Kilby and seconded by Council Member Wicoff to recess into “Executive Session” for the purpose of conducting a meeting to discuss Non-Elected Personnel. The vote was eight ayes. Motion carried. Present: Mayor Shirley, Council Members, and Administrator Brigham. The open meeting to resume in the Commission Room at 4:45 p.m.

EXECUTIVE SESSION – Non-Elected Personnel 4:45 p.m. K.S.A.75-4319a (1)

Motion was made by Council Member Kilby and seconded by Council Member Wicoff to recess into “Executive Session” for the purpose of conducting a meeting to discuss Non-Elected Personnel. The vote was eight ayes. Motion carried. Present: Mayor Shirley, Council Members, and Administrator Brigham. The open meeting to resume in the Commission Room at 5:00 p.m.

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5:00 P.M. Mayor Shirley called a five-minute break.

Administrator Brigham inquired if the entire council wanted to be in on the interviews. The consensus was yes. Possible outside attendees were brought up: John McRae, Jim Gilpin and David Toland. Administrator Brigham will check with everyone as to times and dates.

Attorney Apt brought up ordinances that will need substantial changes for example elected treasurer vs. appointed treasurer, term of the council members does the council want staggering elections and how the council wants to go about that. Attorney Apt suggested member bring changes in writing and discuss it at the Council Meeting.

Council Member Rowe noted that a strong Mayor form of government causes some confusion with the administrator role.

Council Member Callahan noted that he would like to see the current ordinances that give powers to governing body and the statutes that the form of government goes by now and see how the council wants to change that.

Attorney Apt noted that staff can contact our municipal code company and see if they could show us the changes that need to be made from commission to council and what other help they could offer to the city plus the cost for changes.

Council Member Rowe asked which council members would be interested in sitting on a committee to look at the ordinances. Mayor Shirley stated that he would look at appointing a committee at the next meeting.

EXECUTIVE SESSION – Attorney/Client Matters 5:46 p.m. K.S.A.75-4319a (1)

Motion was made by Council Member Kilby and seconded by Council Member Stewart to recess into “Executive Session” for the purpose of conducting a meeting to discuss Attorney/Client matters. The vote was eight ayes. Motion carried. Present: Mayor Shirley, Council Members, Administrator Brigham, Assistant Administrator Schinstock and Attorney Apt. The open meeting to resume in the Commission Room at 5:56 p.m.

EXECUTIVE SESSION – Attorney/Client Matters 5:56 p.m. K.S.A.75-4319a (1)

Motion was made by Council Member Wicoff and seconded by Council Member Becker to recess into “Executive Session” for the purpose of conducting a meeting to discuss Attorney/Client matters. The vote was eight ayes. Motion carried. Present: Mayor Shirley, Council Members, Administrator Brigham, Assistant Administrator Schinstock and Attorney Apt. The open meeting to resume in the Commission Room at 6:01 p.m.

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Council Member Rowe made a motion to allow the hospital board to use city sales tax funds specified in the ordinance. Motion seconded by Council Member Franklin. Council Member Rowe withdrew his motion. The Council would like to have a representative from the hospital board attend the next meeting of the Council.

ADJOURNMENT

6:14 p.m. Motion made by Council Member Kilby and was seconded by Council Member Stewart to adjourn the meeting. The vote was eight ayes. As the vote was unanimous, the meeting was declared adjourned.

Approved by the City Council of the City of Iola, Kansas this 13TH day of June 2011.

Mayor, William A. Shirley

City Clerk, Roxanne Hutton