

CITY OF IOLA
2011-04 PAGE 1
06/13/2011

A regular meeting of the City Council of the City of Iola was held on June 13, 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 Becker to approve the agenda as presented. Motion seconded by Council Member Kilby. The vote was eight ayes.

PUBLIC COMMENTS

- None

CONSENT AGENDA

- A. Minutes Approval** –May 23, 2011
- B. Appropriations Approval** – 2011-11
- C. Personnel Actions** –
 - Ryan Sell – Fire Department – Annual Evaluation
 - Justin Turner- Fire Department – Annual Evaluation

City Clerk Hutton noted a change in the minutes that were presented to the Council for approval. Page 3 under item **C Dog Park Discussions** should read: A motion was made by Council Member Callahan to proceed with the dog park if donations of \$10,000 could be raised not exceeding \$20,000. Council Member Callahan did not designate a location in his motion.

Motion to approve the consent agenda was made by Council Member Stewart and was seconded by Council Member Wicoff. The vote was eight ayes.

Following the approval of the consent agenda Council Members Franklin, Callahan and Rowe inquired about several of the appropriations.

ROUNDTABLE

- A. Allen County Sheriff – Tom Williams** – Sheriff Williams was present to discuss the train derailment in the Moran area and show his appreciation to the fire department for their assistance with the situation. Sheriff Williams presented a framed picture and a certificate of appreciation to Fire Chief Leapheart. Sheriff Williams wanted to especially thank Tim Thyer, Trevor Shannon, and Corey Isbell for stopping at the scene on their way home from serving in Joplin following the tornado.
- B. Allen County Emergency Management – Pam Beasley** – Pam Beasley was present to discuss Allen County Emergency Management. Pam wanted to stress to the Council that they do have responsibilities whenever a disaster occurs. She also wanted to let the Council know that they have equipment at their disposal from the Allen County Emergency Management.
- C. Kansas Power Pool – Larry Holloway** – Larry Holloway gave a 30-minute presentation on the Kansas Power Pool.
- D. Street & Alley Update – Dan Leslie** – Street Superintendent, Dan Leslie was at the meeting to give a short update on his department's day-to-day operation as well as projects that will be commencing in the near future.
- Chip and Seal is done every year on ¼ of the town each year.
 - Mosquito spraying is done twice per week prior to the start of ball season and ending in October.
 - Concrete Work could be done internally, however not enough man power during the summer season.

7:17 p.m. Mayor Shirley declared a five-minute break.

NEW BUSINESS

A. Veterans Day Committee - Request – The Veterans Day Committee is requesting help in funding an expansion of the current Veterans Memorial Wall located on the southwest corner of the Allen county Courthouse lawn. The proposed expansion of the wall is estimated to cost \$15,000 - \$20,000. Mayor Shirley will visit with Wanda Lytle concerning the request.

B. Fence Permit Variance - Request – David Burke owner of 105 E Jackson Avenue also known as 5 O'clock Somewhere has requested to place a fence on city road right of way at the afore mentioned address. Mr. Burke had previously filed a fence permit application for this particular request. Code Enforcement Officer, Jeff Bauer denied due to the ordinance that states fences cannot be built upon the right of way. Mr. Burke wants to use this as a beer garden and smoking area for his clients. Fire Chief Donald Leapheart had some concerns with exit and entry availability for fire fighters. Attorney Apt noted that Mr. Burke would be building on city right of way. Council Member Callahan was concerned with setting a precedent. Staff will look at ways this request could be accomplished and bring back to the next meeting.

C. Transient Guest Tax – Funds Disbursements– City Clerk Hutton presented the recommendation from the committee.

- Veteran’s Day Parade Committee \$ 800.00
- Buster Keaton \$ 4,500.00
- Youth Basketball \$ 600.00
- Farm City Days \$ 1,500.00
- Chamber of Commerce \$20,000.00
- Iola Reads \$ 600.00
- Charley Melvin \$ 1,500.00
- Allen County Fair \$ 1,500.00

Council Member Stewart made a motion to approve the recommendations from the Committee for disbursements. Motion seconded by Council Member Wicoff. Motion carried.

D. Fireworks Ordinance - Discussions – Attorney Apt visited with Police Chief Warner and Fire Chief Leapheart prior to the meeting their recommendation is that the Council treats the use and the sale as two separate areas. To permit sales in the city limits would require implementation of a city permit and inspections of the site this process will take more than the two weeks to implement. The recommendation would be to research this process and make sure that all safety procedures are put into place. Council Member Rowe made a motion to approve the shooting of fireworks this season based on guidelines determined by the Council. Council Member Callahan seconded the motion. Council Member Wicoff stated that when he lived in Parsons residents were allowed to shoot fireworks in city limits and it was a real nuisance. Voting in favor of the motion were Council Members Callahan and Rowe. Voting against the motion were Council Members Stewart, Wicoff, Franklin, Kilby, Becker and French. The motion failed.

Chief Warner questioned enforcement of those that are shooting fireworks in the city limits currently it is a misdemeanor would like to see it as an infraction that way it would not show up on their record. Staff will look into this and report at next meeting.

Council Member Becker would like to see the city study possibility of selling fireworks in 2012. It is legal to sale firearms and ammunition within the city limits, however they cannot discharge them. Could be a way to generate sales tax money.

E. Dangerous and Unsafe Structure - Resolutions – Code Enforcement Officer, Jeff Bauer presented resolutions to the council to hold public hearings at the July 25th meeting on the following locations:

- 814 South Street
- 512 North Sycamore
- 411 West Campbell
- 624 South Chestnut
- 706 South Chestnut

Council member Stewart made a motion to hold public hearings on the properties on July 25th. Motion seconded by Council Member Franklin. Motion carried.

CITY OF IOLA
2011-04 PAGE 5
06/13/2011

- F. Iola Industries Proxy** – Mayor Shirley appointed Council Member Wicoff to represent the City and vote the 35 shares the city has. Motion made by Council Member Stewart to approve the appointment. Motion seconded by Council Member Kilby. Motion carried.

UNFINISHED BUSINESS

A. Dog Park Discussions-

EXECUTIVE SESSION – Attorney/Client Matters 8:16 p.m. K.S.A.75-4319a (1)

Motion was made by Council Member Rowe and seconded by Council Member Kilby to recess into “Executive Session” for the purpose of conducting a meeting to discuss Attorney / Client Matters. The vote was eight ayes. Motion passed. Present: Mayor Shirley, Council Members, and City Attorney Apt. The open meeting to resume in the Commission Room at 8:26 p.m.

Mayor Shirley asked Council Member French how much money had been raised to date. Council Member French stated that \$2,100 was in the bank with further donation opportunities in the works.

- B. Audio / Video Discussions** – Steve Prasko from Advantage Computers presented a bid sheet to the Council Members. Mr. Prasko indicated that in his initial assessment being able to have web access was quite costly, however if the Council was interested he would research this item in more detail. Council Member Becker indicated that he has heard from the public that the city doesn’t need to spend the money right now. Council Member Rowe encouraged the idea of providing the public with openness in the governing body. Other towns like it and it would bring the meetings to people who cannot get out. Council Member Callahan stated that he would really like to see the web access he did not think people would sit through 5 hours of meeting time, but would like to go to the web page and click on a certain item and see what happened at the meeting. Council Member Franklin agreed with that statement. Council Member Rowe made a motion to proceed with Advantage Computers proposal. Council Member Kilby seconded motion. Voting in favor of the motion was Council Members Stewart, Kilby, Rowe, Callahan, Franklin, and French. Voting against the motion was Council Members Becker and Wicoff. The motion passed by majority vote.

CITY OF IOLA
2011-04 PAGE 6
06/13/2011

C. Water Rate Ordinance – Administrator Brigham noted that the utility should support itself. Discussion followed concerning why the previous Commission did not take care of it. A motion was made by Council Member Kilby to proceed with staff recommendation. Council Member Becker seconded motion. Council Member Franklin stated that she would rather see more transfers from the electric department to support the water department than increase rates. Council Member Callahan questioned what the bare minimum increase would be to put us in the black and break even. Council Member Rowe wanted to see what would happen if only businesses and outside city rates were increased. Council Members Callahan and French wanted to see hard numbers on what is actually needed and possible places to cut. The vote was taken: Voting in favor of the motion was Council Members Kilby and Becker. Voting against the motion was Council Members Rowe, Stewart, Wicoff, French, Franklin and Callahan.

COUNCIL & ADMINISTRATOR REPORTS

A. Mayor Shirley –

- Will need some executive sessions.
- Noted that the band concerts and farmers market on Thursday going very well.
- Park activities are going strong.

B. Council Member Stewart – None

C. Council Member Callahan –

- Still needs justification on vehicles. Stated he would meet with Administrator Brigham in her office to go over them.
- Would like a briefing on projects.
- Appropriations – how do council members get questions answered on them? Administrator Brigham and City Clerk Hutton both stated that they were available anytime for questions.
- Inquired about the mayoral duties committee. Mayor Shirley noted that he would be appointing a committee at the next meeting to look at ordinances.
- Inquired about the budget process. Administrator Brigham reviewed the budget procedure with the Council Members.

D. Council Member Wicoff – None

CITY OF IOLA
2011-04 PAGE 7
06/13/2011

E. Council Member Franklin –

- None

F. Council Member Kilby – None

G. Council Member Becker –

- None

H. Council Member Rowe –

- Inquired about the city purchasing policy. Administrator Brigham noted that the city does not currently have a purchasing policy. The budget is approved by the Council every year at that time capital projects are approved.
- Questioned an appropriation to Van Scoyoc. Administrator Brigham noted that this group helps to guide the city through the federal system. They were instrumental in obtaining federal grants and earmarks for the city.

I. Council Member French –

- Wanted to be informed of big projects ahead of time.
- Inquired about the slide in Meadowbrook Park. Administrator Brigham noted that the city is waiting on an available dump truck to go pick up the fall material.

J. Administrator Brigham –

- Noted that the light on the front of the park community building is pointing more toward the parking lot.
- The agenda is posted on channel 6. If the council is interested could pay to publish it in the paper.

CITY OF IOLA
2011-04 PAGE 8
06/13/2011

EXECUTIVE SESSION – Non-Elected Personnel 10:15 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 Non-Elected Personnel. The vote was eight ayes. Motion passed. Present: Mayor Shirley, Council Members, Administrator Brigham, and City Attorney Apt. The open meeting to resume in the Commission Room at 10:20 p.m.

EXECUTIVE SESSION – Non-Elected Personnel 10:21 p.m. K.S.A.75-4319a (1)

Motion was made by Council Member Rowe 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 eight ayes. Motion passed. Present: Mayor Shirley, Council Members, Administrator Brigham, and City Attorney Apt. The open meeting to resume in the Commission Room at 10:26 p.m.

EXECUTIVE SESSION – Attorney / Client 10:26 p.m. K.S.A.75-4319a (1)

Motion was made by Council Member Becker and seconded by Council Member Kilby to recess into “Executive Session” for the purpose of conducting a meeting to discuss Non-Elected Personnel. The vote was five ayes. Motion passed. Present: Mayor Shirley, Council Members, Administrator Brigham, and City Attorney Apt. The open meeting to resume in the Commission Room at 10:31 p.m.

EXECUTIVE SESSION – Non Elected 10:31 p.m. K.S.A.75-4319a (1)

Motion was made by Council Member Becker and seconded by Council Member Rowe to recess into “Executive Session” for the purpose of conducting a meeting to discuss Non-Elected Personnel. The vote was five ayes. Motion passed. Present: Mayor Shirley, and Council Members. The open meeting to resume in the Commission Room at 10:36 p.m.

EXECUTIVE SESSION – Non Elected 10:36 p.m. K.S.A.75-4319a (1)

Motion was made by Council Member Becker and seconded by Council Member Rowe to recess into “Executive Session” for the purpose of conducting a meeting to discuss Non-Elected Personnel. The vote was five ayes. Motion passed. Present: Mayor Shirley, and Council Members. The open meeting to resume in the Commission Room at 10:41 p.m.

EXECUTIVE SESSION – Non-Elected Personnel 10:41 p.m. K.S.A.75-4319a (1)

Motion was made by Council Member Franklin 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 five ayes. Present Mayor Council Members, and Administrator Brigham. The open meeting to resume in the Commission Room at 10:44 p.m.

**CITY OF IOLA
2011-04 PAGE 9
06/13/2011**

EXECUTIVE SESSION – Non-Elected Personnel 10:44 p.m. K.S.A.75-4319a (1)

Motion was made by Council Member Rowe and seconded by Council Member Franklin to recess into “Executive Session” for the purpose of conducting a meeting to discuss Non-Elected Personnel. The vote was five ayes. Present Mayor Council Members, and Administrator Brigham. The open meeting to resume in the Commission Room at 10:54 p.m.

DATE / TIME OF NEXT MEETING

City Council Meeting 6:00 p.m. Monday, June 27th, 2011
City Council Meeting 6:00 p.m. Monday, July 11th, 2011

ADJOURNMENT

10:54 p.m. Motion made by Council Member Kilby and was seconded by Council Member Wicoff to adjourn the meeting to Thursday, May 26, 2011 at 3:00 p.m. 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 27TH day of June 2011.

Mayor, William A. Shirley

City Clerk, Roxanne Hutton