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A regular meeting of the City Council of the City of Iola was held on May 2, 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 adding under Unfinished Business Signatures for Housing Grant and Under New Business item F. Library Report. Motion seconded by Council Member Franklin. The vote was eight ayes.

PUBLIC COMMENTS

- None

CONSENT AGENDA

- A. Minutes Approval** –April 18, 2011
- B. Appropriations Approval** – 2011-09
- C. Personnel Actions** –
 - Brian Cochran – Gas, Water & Wastewater – Annual Evaluation
 - Jarrod Tedder – Street & Alley – Annual Evaluation
 - Dana Nauertc – Stores/Purchasing – Annual Evaluation
 - James Jerome – Police Department – Annual Evaluation
 - Douglas Campbell – Police Department – Annual Evaluation
- D. Board Appointments**
 - Fred Apt III – Library Board – Re-Appointment
 - Joan Willis – Library Board – Re – Appointment
 - Sharon Boan – Pride Committee – New Appointment

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

UNFINISHED BUSINESS

- A. Housing Grant Signatures** – Laura Moore from Southeast Kansas Regional Planning was present to request that the Council authorize the signature page for grant money requests for the library grant and the housing rehab grant be changed from Mayor Maness to Mayor Shirley. Ms. Moore also presented a pay request for two houses that have been completed. A motion was made by Council Member Callahan to approve the pay estimate. Motion seconded by Council Member Franklin. Council Members Callahan, Franklin, Stewart, Wicoff, Kilby, Becker and French voted in favor of the motion. Council Member Rowe voted opposed. The motion passed by a majority vote. Council Member Wicoff made a motion to approve the signature change from former Mayor Maness to current Mayor Shirley. Council Member Callahan seconded motion. Council Members Callahan, Wicoff, Kilby, Stewart, Franklin, Becker, and French voted in favor of the motion. Council Member Rowe voted opposed. The motion passed by majority vote.
- B. Playground Equipment - Discussions** – Administrator Brigham gave an update on the playground equipment, which is being partially donated by Thrive from donations from the Jingle Bell Jog and the Mad Bomber Run. The total cost for the first option including fall equipment would be approximately \$4,000 the second option would be approximately \$3,500 including fall equipment. The purchase would come out of the Councils budget. Administrator Brigham noted that the city is appreciative of the generosity of Thrive to help provide the equipment for the City Park. Council Member French made a motion to approve purchase of option 2. Council Member Stewart seconded the motion. Council Members French, Stewart, Callahan, Wicoff, Franklin and Kilby voted in favor of the motion. Council Members Becker and Rowe voted against the motion. The motion passed by majority vote.
- C. Dog Park Discussions – Ray Shannon** – Mr. Shannon gave a description of the dog park that he had presented to the commissioners earlier. The location he is requesting is on State Street. Administrator Brigham noted that the past Commission had directed staff to look at develop the area of the Elm Street Water Tower that will be removed soon. Council Member Callahan requested that staff look at cost of projects and funding availability prior to an item coming to the council for approval. The council was in favor of staff getting prices for the Elm Street site and reporting back to the Council.

NEW BUSINESS

- A. Cub Scout - Request** – Cub Scout Pack 55 of Iola is requesting use of Riverside Park for the 2011 Osage Nation Day Camp on June 10th & 11th in Riverside Park. John Sheehan and Debra Suchy were present to make the request. Over 100 scouts will be present with over 40 adults. Some of the scouts and those present to do reenactments will stay over night in the park. Motion to approve the event with overnight stays was made by Council Member Franklin and seconded by Council Member Rowe. The vote was eight ayes.
- B. Site Plan Approval – Cedarbrook Estates** – The Iola Planning Commission approved the site plan for the proposed senior housing development by Dean Development with some changes to the drainage. Matt Schlicht from the Engineering firm was present to answer questions. Council Member French made a motion to approve the recommendations of the Planning Commission motion seconded by Council Member Becker. The vote was eight ayes.
- C. Cereal Malt Beverage License** – 5 O'clock Somewhere located at 105 E Jackson is requesting a CMB for both on consumption and for sale in unopened containers. Council Member Kilby had some concerns with the carry out portion of the license. Motion made by Council Member Franklin to approve the CMB license for on the premises while not approving the CMB license for carryout. Council Member Kilby seconded the motion. The vote was eight ayes.
- D. Council Meeting Times & Location Discussions** – Administrator Brigham noted that if the council does not do something this evening to change locations the next meeting will be held at City Hall per the current ordinance. She noted that holidays that would interfere with the current schedule would be July 4th holiday and Labor Day Holiday on September 5th. Sharon Boan noted that she thought the meetings should be held at the Courthouse because it was centrally located and she did not feel safe in the park after dark. Council Member Stewart noted that he had spoken with constituents in his ward and they felt that city meetings should be held on city property. Council Member Kilby noted that if audio/visual equipment was purchased and installed at the courthouse this could create some problems with having city equipment housed at another entity location. Council Member Rowe noted that the courthouse had no scheduling conflicts for the next two years. He also had concerns about the Council having to get up and move to another room for executive session. The group then proceeded to get up and look at the fair board office to see if it was adequate for executive session. Linda Garrett voiced concerns about the general public having

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access to the fairboard office. Ms. Garrett was assured that the office would only be used for executive session and the general public would not be allowed access. Council Member Wicoff noted that this was a new council in a new building it would be a nice place to hold the meetings. Council Member French noted that if the audience is willing to come to the meetings the council should be more than happy to get up and go into another room for executive sessions. Council Member Rowe made a motion to hold the next meeting at the Allen County Courthouse. Council member Becker seconded the motion. Council Members Rowe, Becker, Wicoff and Franklin voted in favor of the motion. Council Members Stewart, Kilby, Callahan and French voted against the motion. The vote was 4 ayes and 4 nays. Mayor Shirley voted nay; therefore the motion was defeated by a majority vote. Council Member Stewart made a motion to amend the ordinance to reflect that the meetings be held at the Park Community building on the 2nd and 4th Mondays starting May 23rd. Council Member Kilby seconded the motion. The vote was eight ayes.

E. Audio/Video Discussion – Council Member Rowe presented to the Council a bid he had received from KCAV for video equipment. He has looked at Radio Shack and Advantage Computer also and requested that they bid the equipment if the council was interested in pursuing the possibility of videoing the meetings. Council Member Stewart made a motion to continue to look into the possibility of videoing the meetings for later broadcast. Council Member Callahan seconded the motion. The vote was eight ayes.

F. Library Report – Roger Carswell informed the Mayor and Council that two expected change orders were to replace small heaters and to perform pigeon control on the roof, however the general contractor is not interested in pursuing these projects so the library would like to go outside the scope of the project and do these projects separately using contingency money. Mr. Carswell presented a change order for \$115.00 for signage for approval. City Attorney Apt inquired about the continual roof issues and stated that the general contractor needs to be responsible for the issues until proven otherwise. Council Member Rowe noted that a possibility would be to file a liability claim with all of the involved contractors and let them determine who is liable. A motion was made to approve change order 13 for the signage of \$115.00 by Council Member Stewart. Motion seconded by Council Member Wicoff. The vote was eight ayes.

COUNCIL & ADMINISTRATOR REPORTS

- A. Council Member Stewart** – None
- B. Council Member Callahan** – Inquired about the prior discussion concerning the Administrator form of government. Attorney Apt stated that with the current ordinance in place allowing for the Administrator no changes were needed unless the Council wanted to eliminate the position or change it.
- C. Council Member Wicoff** – None
- D. Council Member Franklin** – Inquired about holidays for city employees. Administrator Brigham informed her that she had received a list in her orientation packet. Inquired about a list of rolling equipment that the city owns. Staff will get her and all of the Council Members a list.
- E. Council Member Kilby** – None
- F. Council Member Becker** – None
- G. Council Member Rowe** – None
- H. Council Member French** – None

8:56 p.m. Mayor Shirley declared a 7 minute break.

- I. Mayor Shirley** –
 - Appointed Council Members Rowe, French and Stewart to review audio/visual equipment and report back to the council.
 - Commended the discussion process that had taken place during the meeting tonight.
- J. Administrator Brigham** –
 - Informed the Mayor and Council that Thrive had organized a trail cleanup this weekend and city crews picked up several bags of trash.
 - A clean up was also done of the Funston Home.
 - May 4th will be a fun day at the Critical Law Enforcement Center for K-3 students in Allen County. Fire and Police employees will be participating.
 - Will be on vacation all of next week.

EXECUTIVE SESSION – Attorney/Client Matters 9:12 p.m. K.S.A.75-4319a (1)
Motion was made by Council Member Stewart and seconded by Council Member French to recess into “Executive Session” for the purpose of conducting a meeting to discuss Attorney/Client matters. The vote was eight ayes. Present: Mayor Shirley, Council Members, Attorney Apt, Administrator Brigham, and Assistant Administrator Schinstock
The open meeting to resume in the Commission Room at 9:22 p.m.

DATE / TIME OF NEXT MEETING

City Council Meeting 6:00 p.m. Monday, May 23rd, 2011
City Council Meeting 6:00 p.m. Monday, June 13th, 2011

ADJOURNMENT

9:23 p.m. Motion made by Council Member Stewart and was seconded by Council Member French 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 23rd day of May 2011.

Mayor, William A. Shirley

City Clerk, Roxanne Hutton