

A regular meeting of the City Council of the City of Iola was held on January 9, 2012 at 6:00 p.m., at the Riverside Park Community Building, 600 S State, Iola, Kansas.

CALL MEETING TO ORDER

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

ROLL CALL

Mayor Shirley, Council Members Becker, Kilby, Wicoff, Rowe, Callahan, French and Franklin were present. Also present were Administrator Slaugh, Attorney Apt and City Clerk Hutton. Council Member Stewart was absent due to illness.

REVIEW & APPROVAL OF AGENDA

A motion was made by Council Member Franklin to approve the agenda-postponing item B Dog Park under new business until the January 23rd meeting. Motion seconded by Council Member Wicoff. The vote was seven ayes.

PUBLIC COMMENTS

- Donna Houser gave an update on the trolley for the year. Noting that it is a very successful part of tourism in the Iola area, adding that they even had riders from Australia. The Santa rides were partially funded by Loren Korte Insurance with 135 people riding. All but three of the tickets were sold for the Christmas light tours with refreshments being provided by Nazarene Church and Square B 4-H group. Asked the council why they asked for bids and then asked for Administrator Slaugh's recommendation for an auditor but then disregarded it. That doesn't seem to be a very respectful way to treat the staff.

CONSENT AGENDA

A. Minutes Approval – December 27, 2011 & January 3, 2012

B. Appropriations Approval – 2012-01

C. Personnel Actions –

- Zach French – Code Enforcement – Six Month Evaluation
- Kevin Appling – Electric Generation – Six Month Evaluation
- David Ingle – Police Department –New Hire

C. Board Appointments

- Becky Nilges – Board of Zoning Appeals – Reappointment
- William Newman – Board of Zoning Appeals – Reappointment

Motion made by Council Member Becker to approve the Consent Agenda.

Motion seconded by Council Member Callahan. All in favor. Motion carried.

EXECUTIVE SESSION – Attorney / Client 6:09p.m. K.S.A.75-4319

Motion was made by Council Member Callahan and seconded by Council Member Franklin to recess into "Executive Session" for the purpose of conducting a meeting to

discuss Attorney/ Client Matters. All in favor. Motion carried. Present: Mayor Shirley, Council Members, Attorney Apt Administrator Slaugh and Mr. Francis. The open meeting to resume in the Commission Room at 6:29 p.m.

EXECUTIVE SESSION – Attorney / Client 6:30p.m. K.S.A.75-4319

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 Attorney/ Client Matters. Voting in favor of the motion were Council Members Rowe, Franklin, Kilby, Callahan, and French. Motion carried. Present: Mayor Shirley, Council Members, Attorney Apt Administrator Slaugh and Mr. Francis. The open meeting to resume in the Commission Room at 7:00 p.m.

Council Member Rowe made a motion to recess into Executive Session for non-elected personnel for fifteen minutes. Mayor Shirley stated that he would like to hold off until later in the meeting.

ROUNDTABLE

A. 5-Year Capital Improvement Discussions– The Capital Improvement Plan was presented to the council for discussion. Street Superintendent Dan Leslie and his crew measured the streets on the list and obtained costs of the projects. Council Member French asked why the priorities were established the way they were. Street Superintendent, Dan Leslie noted that funding for these collector and arterial streets could be obtained from KDOT in the past as long as they are on the list. Council Member Callahan asked about projects 10-14 why the work was substandard and wondered if there was a policy in place that will prevent that from happening in the future. Administrator Slaugh noted that these were streets constructed by developers and then turned over to the city following completion of the projects. In order to encourage development past commissioners had allowed the work to be done substandard. Administrator Slaugh noted the major projects for 2012 were outlined on the report. Projects will be limited due to the sales tax commitment to the hospital project, cutting the cities project money in half. Council Member French noted that he would like to see the city move forward on the projects, not just talk about getting them done. Administrator Slaugh stated that KDOT workshops would be attended to see what kind of funding is obtainable by the city. Council Member French noted that he trusted Dan’s priority list.

B. Natural Gas – Discussions - Information gathered by Administrator Slaugh and Scott Shreve on the purchase and storage of natural gas for the city was presented to council. Council Member Callahan requested information on how much is pulled from storage and how much is sold monthly giving us a running total of the storage gas. Council Member Franklin asked how much is purchased from Constellation versus Southern Star. Administrator Slaugh will obtain this information and report back to the council.

C. Charges for Service – Discussions – Staff are reviewing section 34 of the Municipal Code Book. This section addresses miscellaneous charges throughout the city. Administrator Slaugh noted that fees charged for police accident reports currently is \$10.00 after acquiring the sheriff department's charges the city will propose changing the charges to \$3.00 for walk-in customers and \$5.00 to mail the report. Administrator Slaugh has asked all of the departments to look at the staff time it takes to research the open records request to more align their fees.

- Council Member Franklin inquired about the fees associated with building a home and connecting to all of the utilities. Code Enforcement Officer, Jeff Bauer noted that the approximate cost to build a new home is \$650.00. There is a program available that would waive these fees for blight areas. Council Member Franklin inquired about the fee to tear down a house, wondering why city employees cannot do this. Code Enforcement Officer, Jeff Bauer stated that the street & alley crew have done this in the past, however costs associated with it were about the same and sometimes cheaper by hiring outside contractors that have the right equipment.
- Council Member French wondered if some of the fees could be increased slightly to go towards potential funding, for example the dog license fee could be increased and the extra money could go to maintaining the dog park.
- Council Member Callahan asked if records could be put on the web site, therefore deleting certain fees. Administrator Slaugh noted that as much as possible documents are placed on the website.
- Council Member Rowe asked what the purpose of the fees is? Administrator Slaugh stated that the cost of maintaining the records, researching them and providing the material.
- Council Member Rowe stated that he has spoken with local contractors and they have said that Iola is the hardest place to do business with the fees and all of the hoops they have to jump through. Code Enforcement Officer, Jeff Bauer noted that Iola doesn't do anything different from other communities. Council Member Wicoff noted that Iola has adopted the 2000 version of the IBC of which different versions are used across the nation. He wondered if in fact some of these contractors are just not up to the IBC standards?
- Council Member Rowe questioned Administrator Slaugh about an email correspondence in December concerning all employees charging for open records in accordance with the Municipal Code Book and not the Administrative Policy which has not been approved by past commissions. Administrator Slaugh noted that Kansas Open Records allows for reasonable charges for records based on staff time used in obtaining the records, noting he is having all department heads review the entire Chapter 34 concerning fees and then the proposals will be brought back to the entire council for approval.

NEW BUSINESS

A. EPA Cleanup Discussions – Don Bahnke, Environmental Engineer, Superfund Division and Michelle Quick, EPA Environmental Specialist were at the meeting to discuss the possibility of listing the City of Iola as a superfund site for cleanup. Administrator Slaugh noted that the prior effort to cleanup by the EPA resulted in properties that tested above the level that were not cleaned up due to funding depletion.

- Mayor Shirley noted that some people think that the superfund listing scares prospective jobs and new residents away. Don Bahnke responded to the concern noting that the city would be removed from the National Priority List (NPL) at the completion of the project.
- Mr. Bahnke noted that the city must go on the NPL before funding can be obtained. Four hundred of the 700 homes that have been sampled show levels above what is considered safe with a potential of identifying four to five hundred more sites that are in the unsafe level.
- Administrator Slaugh asked about the stigma attached to being on the NPL list. Mr. Bahnke noted that it would be far worse to not be on the list and not take care of the cleanup that has already been identified. He has not seen being on the list as a problem in the past with other cities. Administrator Slaugh inquired where a person could go to find out the risks of the contamination of lead versus other contaminants. Mr. Bahnke informed him that cdc.gov would be the best site.
- Council Member Wicoff asked what the levels were in the properties tested. Mr. Bahnke stated the levels have been between 400-to over 1000 ppm, stating that anything above 400 is too high.
- Council Member French wondered about the local garden spots that are so popular today. Are these stirring up contaminated soil?
- Mr. Bahnke stated that for the city to proceed they would need to send a letter to the EPA supporting the NPL listing and then the governor would be asked to give his approval showing support of the listing. Once it is put on the NPL cleanup and testing would commence. No funding is required by the city the EPA pays 90% and the state pays 10%. Administrator Slaugh asked if a smaller area could be targeted in order for the city to be kept off of the NPL? Mr. Bahnke noted that in order to obtain funding it has to be on the NPL due to the fact that the project cost has previously exceeded the \$2 million cap designated for a cleanup site.
- Lisa Wicoff noted that in their business they are seeing more and more requirements for soil testing prior to building taking place. Information on contamination in the area is easily found on the website so individuals and businesses are already seeing the potential risk. She asked if the funding runs out would the project just drag on or just be stopped in the middle? Mr. Bahnke stated that putting the city on the NPL commits the funding from the EPA. A two-year time frame is the target for the project.
- Donna Houser asked what happens when a landowner refuses to allow access to have their property tested? Mr. Bahnke stated that it is in the best interest of the owner to have their property tested and then taken care of if necessary,

noting that the EPA would have ways to go on the property with the potential health risk.

- A motion was made by Council Member French to move forward with the project authorizing the mayor to sign a letter requesting the city be put on the NPL. Motion seconded by Council Member Kilby. All in favor motion carried.

B. Recreation Dog Park Project – This agenda item was tabled until the next meeting.

C. ACARF Contract – Following Attorney Apt's approval the annual contract was presented to the council for review and approval. There is a \$5.00 increase in the fee per animal from \$75.00 to \$80.00. Council Member French asked about item 6 on the contract charging for extra confinement. Code Enforcement Officer, Jeff Bauer responded that this item is for when an animal is court ordered to remain in confinement and is ordered paid by the owner. Motion made by Council Member Franklin to approve the contract with ACARF. Motion seconded by Council Member Becker. All in favor. Motion carried.

8:32 p.m. Mayor Shirley declared a five-minute break.

D. 2011 Annual Audit Engagement Letter – The contract from Swindoll, Janzen, Hawk & Loyd, LLC was presented to the council for approval. Council approved using the firm for the 2011 audit at the December 27th meeting. Motion made by Council member French to approve the contract with Swindoll, Janzen, Hawk & Loyd, LLC for the 2011 audit at a cost of \$24,500. Motion seconded by Council Member Kilby. Voting in favor of the motion were council members: French, Franklin, Kilby, Callahan and Rowe. Voting against the motion were council members: Wicoff and Becker. Motion passed by a majority vote.

E. Cedarbrook 2nd Addition – Resolution – Resolution 2012-1 supporting Pointe Royale Development, Inc to build affordable rental housing located at Cedarbrook Second Addition in order to obtain their tax credits. Attorney Apt had some questions about the requirements that were put on the property by the city that are not listed in the resolution. This item will be placed on the agenda for the next meeting following contact with Tom Carlson requesting additions to the resolution.

UNFINISHED BUSINESS

A. Water Plant Loan Refinance – Discussions – Kevin Cowan from Gilmore and Bell was present to inform the council that bids were opened this morning. The lowest bid came in at 2.3% the current loan rate is 4.01%. Gilmore and Bell considers it a good deal if the city can have a 3% savings, this bid will show a 9% savings for the city with a dollar amount of \$748,256. Council Member Rowe questioned the savings without the bond insurance. Mr. Cowan noted that the higher bid seemed to show that they didn't take the bond insurance into consideration and their bid was a \$600,000 difference, however there is no way to tell for sure. Council Member Callahan moved that said bid from Stifel, Nicolaus &

Company, Inc., St. Louis, Missouri be accepted and that the Mayor and Clerk be authorized and directed to execute the bid form selling the Bonds to the best bidder on the basis of said bid and the terms specified in the Notice of Bond Sale. Councilmember Kilby seconded the motion. All in favor. Motion carried.

Motion made by Council member Callahan and seconded by Council Member French to approve an ordinance authorizing and providing for the issuance of general obligation bonds, series 2012, of the City of Iola, Kansas; providing for the levy and collection of an annual tax for the purpose of paying the principal of and interest on said bonds as they become due; authorizing certain other documents and actions in connection therewith; and making certain covenants with respect thereto. All in favor. Motion carried.

Motion made by Council Member Callahan and seconded by Council Member Becker approving a resolution prescribing the form and details of and delivery of general obligation bonds, series 2012, of the City of Iola, Kansas, previously authorized by Ordinance 3402 of the issuer; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and actions connected therewith.

COUNCIL & ADMINISTRATOR REPORTS

A. Mayor Shirley – Took a tour with Code Enforcement Officer, Jeff Bauer of the new Senior Housing encouraging others to do so. Thought the end of year lunch went well wanted to thank Council Member French for getting the food and his daughter for the delicious cookies. Would like to make this an annual event scheduling December 28th for this year's luncheon.

- He has spoken with John McRae, Bill Maness and Mike Russell about serving on the ambulance committee and they have agreed to serve.
- At the Iola Industries meeting earlier today discussed Project 17 using the city's office space at 2 E Jackson with them paying the utility bills.

B. Council Member Stewart – Absent

C. Council Member Callahan – Council Member Callahan inquired about the status of checking on the sound issue for the council meetings and showing the meetings more often. Administrator Slauch noted that Luke Bycroft has been on funeral leave, will get with him on these issues.

- Commented on the year-end figures having no negative funds. Hope this will continue throughout the year and city will be able to stay within budget.
- Asked Attorney Apt if the mayor had the authority to appoint the members to the ambulance committee since the agreement states that the city commission will appoint the members? Attorney Apt stated that with the change in government the mayor does have the authority to appoint

members to committees, however he will have to do some research on the matter. Council Member Rowe noted that he had spoken with a county commissioner and they thought that having Mr. Maness and Mr. McRae on the committee would not be a good thing since they were part of the conflict with the ambulance issue. Council Member Rowe made a motion to table the appointment until further research can be done on the mayor's authority on this appointment. Motion seconded by Council Member Callahan. Council Member Kilby noted that possibly the motion should have been that the council give Attorney Apt authority to investigate the powers of the mayor with the new form of government. Voting in favor of the motion were Council Members Rowe and Callahan. Voting against the motion were Council Members Wicoff, Kilby, Becker, French and Franklin. Motion did not pass.

- D. Council Member Wicoff** –None.
- E. Council Member Franklin** – Missed the cookies at the luncheon since she was out of town and could not attend.
- F. Council Member Kilby** – None
- G. Council Member Becker** – None
- H. Council Member Rowe** – Has been approached by a citizen about the possibility of having a professional boxing match at the community building. Becky Nilges noted that there have been professional wrestling matches at the college in the past. This could be a possible venue. Council Member Kilby noted that the council denied auctions for profit at the building at the last meeting because of the abuse to the floor, noting that this would be as bad if not worse than that.
- I. Council Member French** – Everyone deserves accolades for their support for the employee luncheon.
- J. Administrator Slauch** – On behalf of all of the city employees, thank you for the luncheon.

FOLLOW UP ACTION REVIEW

- Review of building permits fees.
- Amount of purchase of natural gas from different providers.
- Volume of the gas storage.
- Dog Park on next agenda.
- Tax credit applications.
- Continue review of fees.

- Sound of video and addition viewing days.
- Reminder January 28th will be the Work Session.

EXECUTIVE SESSION – Non-Elected Personnel 9:28 p.m. K.S.A.75-4319

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. Voting in favor of the motion were council members: Rowe, Callahan, Kilby, Franklin and French. Voting against the motion were council members Wicoff and Becker. Motion carried with a majority vote. Present: Mayor Shirley, Council Members, and Attorney Apt. The open meeting to resume in the Commission Room at 9:38 p.m.

EXECUTIVE SESSION – Attorney Client Matters 9:40 p.m. K.S.A.75-4319

Motion was made by Council Member French and seconded by Council Member Franklin to recess into “Executive Session” for the purpose of conducting a meeting to discuss Attorney Client Matters. Voting in favor of the motion were council members: Franklin, French, Wicoff, Kilby and Callahan. Motion carried with a majority vote. Present: Mayor Shirley, Council Members, Corey Schinstock and Attorney Apt. The open meeting to resume in the Commission Room at 9:50 p.m.

9:47 p.m. Corey Schinstock left the meeting.

DATE / TIME OF NEXT MEETING

City Council Meeting 6:00 p.m. Monday, January 23rd, 2012
Strategic Planning Meeting 8:00 a.m. Saturday, January 28th, 2012

ADJOURNMENT

9:54 p.m. Motion made by Council Member French and was seconded by Council Member Becker to adjourn the meeting to 5:30 p.m. on January 23rd. The vote was six ayes with Council Member Franklin being out of the room at the time of the vote. As the vote was unanimous, the meeting was declared adjourned.

Adjourned Meeting

5:30 p.m. Mayor Shirley called the meeting to order

ROLL CALL

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

EXECUTIVE SESSION – Non-Elected Personnel 5:30 p.m. K.S.A.75-4319

Motion was made by Council Member Stewart and seconded by Council Member Kilby to recess into “Executive Session” for the purpose of conducting a meeting to discuss Non-Elected Personnel. All in favor. Motion carried. Present: Mayor Shirley, Council

Members, and Administrator Slaugh. The open meeting to resume in the Commission Room at 5:55 p.m.

ADJOURNMENT

5:57 p.m. Motion made by Council Member Stewart and was seconded by Council Member Callahan 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 February 2012.

Mayor, William A. Shirley

City Clerk, Roxanne Hutton