

A regular meeting of the City Council of the City of Iola was held on January 23, 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, Stewart, Callahan, French and Franklin were present. Also present were Administrator Slaugh, Attorney Apt and City Clerk Hutton.

REVIEW & APPROVAL OF AGENDA

A motion was made by Council Member Franklin to approve the agenda-removing item A under #8. Motion seconded by Council Member Stewart. The vote was eight ayes.

PUBLIC COMMENTS

- Ray Houser commented on the last council meeting stating that Council Member Rowe's actions towards Administrator Slaugh were rude and out of order and Mayor Shirley and the council members should not have allowed him to behave in such a manner. Mr. Houser started to comment on the dog park being at Cofachique Park when Mayor Shirley informed him that this topic was on the agenda, therefore he could not address it at this time. Mr. Houser stated that the council has taken another step in the witch-hunt with Judy Brigham and nothing was found. Council needs to stop. They look bad in the public's eyes and need to move on.
- Sharon Boan inquired if cutting back on the street projects would harm the city's chances to obtain KDOT money? Administrator Slaugh noted that this would not harm the city's chances.
- Paul Sorenson, referring to an article in the Iola Register; inquired if fracking for oil and gas were allowed in the city limits and under whose authority? It is allowed and is under the state's authority.

CONSENT AGENDA

A. Minutes Approval – January 9, 2012

B. Appropriations Approval – 2012-02

C. Personnel Actions –

- Sydney Robertson – Police Department –New Hire

C. Board Appointments

- Sharon Boan – Planning Commission Appointment

City Clerk Hutton stated that the January 9th minutes could not be approved with the consent agenda due to the fact that the meeting was adjourned until earlier this

evening and therefore would not be complete minutes until the next meeting. A motion was made by Council Member Stewart and seconded by Council Member Becker to approve the consent agenda removing the minutes. Council member French noted that he had some concerns that he would talk to Administrator Slaugh about later. All in favor. Motion carried.

ROUNDTABLE

- A. Mad Bomber Run / Walk**– This item was moved to the next council meeting.
- B. CITF Project Discussions – Donna Houser -** Donna Houser, Chairperson of the CITF/Pride committee was at the meeting to present a painting enhancement project for the recreation community building and the swimming pool bath house. CITF wants the council's permission to begin raising funds for the paint. The committee would also like to see signage for the new building at the park noting that it would be helpful in delineating between the two buildings. Motion made by Council Member Becker to approve the CITF group to move forward with fundraisers for the project. Motion seconded by Council Member Stewart. All in favor. Motion carried.
- C. Review of Previous Audits** – Staff presented a spreadsheet response to recommendations and findings from the auditors. City Clerk Hutton gave a brief overview of the goals to alleviate the findings from future audits. Council Member Callahan noted that he wanted a response to the management letters not just the letters enclosed. Staff will research and bring back more information. Administrator Slaugh noted that it is common practice to have a fund surplus of 5-15% for the general fund and 3-6 months of operating expenses for the enterprise funds this is something Administrator Slaugh will be seeking input from the council at Saturdays meeting.
- D. Fireworks Discharge & Sale – Discussions** – Police Chief Jared Warner and Fire Chief Donald Leapheart were present to discuss fireworks discharge and the sale of them within the city limits. Both Chief Warner and Chief Leapheart agreed that the enforcement of the current law is almost impossible. If fireworks were to be discharged within the city limits there would be a greater chance for fires, and the number of noise complaints would not stop. Both Chief's would like to see strict controls, set hours and a major ad campaign.
- Council Member Rowe stated that he would like to have both Chief Warner and Chief Leapheart come up with a plan stating that if the rules were not followed then they would not be allowed the following year. Noted that fireworks are allowed all around us so since they are not allowed within the city limits people are going out of town to discharge the fireworks. They are not buying food and drink in the city limits.

- Donna Houser asked who is liable if her house were to catch on fire from someone discharging fireworks?
- Attorney Apt noted that restrictions could be placed on types of fireworks.
- Council Member French noted that if you limit the type to be shot you would also need to restrict the sale of those same fireworks. Would like to see a space in town for larger displays.
- Fire Chief Leapheart noted that the city currently has an ordinance in place that allows for obtaining a permit to shoot large displays within the city limits.
- Council Member French noted that it would be helpful to have a brochure with the rules at all of the stands.
- Attorney Apt stated he would work with the chiefs to develop a policy and bring to the council at one of the February council meetings.
- Becky Nilges noted that requiring individuals to pick up trash should be part of the policy.
- Council Member Callahan stated that this is the first town he has lived in that he wasn't able to celebrate the 4th. Noted that if the city were allowed to sell fireworks sales tax dollars could be obtained.
- Council Member Wicoff noted that he is against allowing them to be discharged in the city limits due to the possibility of children getting burns.
- Becky Nilges noted that residents have never been denied celebrating Independence Day just the way they celebrate.
- Jeri Ornealas-Jones stated that kids will go out of town to shoot and could just as easily get hurt out of town also.

NEW BUSINESS

A. I.H.S. After Prom Committee Request – The After Prom Committee is requesting that the council approve extending the curfew for the park to allow for the festivities on April 21, 2012 until 3:30 a.m. Parents will supervise the event and students will not be allowed to leave the event until the parent/guardian is notified. Eugene Myrick representing the committee noted that the parents would probably stay until about 4:00 a.m. to clean up. Motion made by Council Member Franklin and seconded by Council Member Stewart to approve the extension of the curfew to 4:00 a.m. on April 21, 2012 for the after prom party. All in favor. Motion carried.

B. Electric Purchasing Discussions – Scott Shreve, energy consultant for the City of Iola, was present to discuss the letter of intent to be a part of the next aggregate study with the Southwest Power Pool.

- Scott noted that Chanute and Sabetha had already signed on for the study, which has a February 1st deadline.
- Council Member Callahan asked if we had to have the study no matter what way we went to purchase our power. Scott stated that, yes, that is the case.

- Council Member Rowe stated that it was an 18-month process that would cost up to \$35,000. Scott noted that only if Iola pulled out of the study early on would it be charged the \$35,000. Council Member Rowe noted that it does not have in the language of the dollar amount in the letter.
- Attorney Apt noted that the council could approve the letter after verbiage is added to show the cost of up to \$35,000.00. Motion made by Council Member Callahan to approve the letter adding an amendment showing the cost would not exceed \$35,000. Motion seconded by Council Member Franklin. All in favor. Motion carried.

- C. Recreational Dog Park Project** – Members of the Dog Park Committee were present to discuss continuing with construction of the dog park and location. Wilma Krokstrom from the dog park committee noted that in the Vision of Iola plan one of the areas residents noted Iola had a deficiency in lack of park areas and a dog park was a request by several citizens. The State Street and Irwin location was the area that was discussed when dog park committee members were asked to raise \$10,000 for a city match. The committee met with Administrator Slauch, Park Superintendent Berkley Kerr, Animal Control Officer Zach French and Code Enforcement Officer, Jeff Bauer to develop costs, budget and rules for the dog park.
- Ray Houser noted that Cofachique Park was not a good location for a dog park, especially when all of the green space from the FEMA buyout is available.
 - Donna Houser noted that Cofachique Park is the trail head and several people use this park daily, not a good location for the dog park.
 - Lisa Wicoff stated that it was not showing transparency when no one knew Cofachique was an option for the dog park. She put a notice on her face book site today and several people were against Cofachique for the dog park. She stated that the play equipment that is in the park for the kids is well used. She was disappointed that a study was not done prior to considering this site. Noted that the Council should take more time planning before spending money. Council should ask what site the park department would recommend since they are the most knowledgeable in that area.
 - Council Member Callahan noted that the dog park group was told that if they could raise \$10,000 the city would contribute up to \$10,000 more to build a dog park. Need to find a location that best fits the criteria involving staff to come up with the best site for the criteria.
 - Jeri Ornealas-Jones has been involved with the dog park committee since it started. She noted that Land works was hired by the city to do the Vision Iola study and that developing the green space into a park and not detracting from current parks was the best plan. City Government has to have transparency and would like to see a recommendation from the council to build a dog park on State and Irwin.
 - Council member Stewart doesn't like the idea of putting the park in Cofachique, noting that as far as he knew it was just tossed out as an idea. He has a concern that the homeowner located near State and Irwin has stated that he would file a lawsuit. Personally he would not want to get involved in a lawsuit when other sites are available. Chestnut and Vine would be a nice area with nice trees, flat

surface area and plenty of parking. Stated that a dog park wouldn't be a nuisance issue like people think. If the city placed the parking area closest to the neighboring homes this would put the actual park area away from any homes.

- Council Member Kilby noted that in other towns the dog parks are located within other city parks.
- Council Member French stated that none has shown up supporting valid reasoning against a dog park just threatening lawsuits. Would like to see the city move forward on the project. Noted that in Topeka the dog park is right next to residential areas and the homes have been bought and sold in the area without decreasing the value.
- Bud Jones stated that the city is allowing a county resident to deter them from building close to his house and asked Attorney Apt if he really had grounds for the lawsuit? Attorney Apt stated that the individual believes he has some one that will say it devalues his property. Bud noted that it was the same complaints as the hospital and yet it is being built in a residential area. He would like to see a vote tonight from the council for a site.
- Council Member Wicoff asked Park Superintendent Kerr which site he would recommend since he will be taking care of the park? Mr. Kerr noted that the site that Council Member Stewart spoke about would be the best site because the property is flat and there are trees that will remain for several years providing plenty of shade. The Irwin and State trees will need to be removed within 5 years. Motion made by Council Member Stewart and seconded by council Member French to proceed at the State and Irwin site. Voting in favor of the site was Council Member Becker and French. Voting against the motion were council members Rowe, Callahan, Kilby, Stewart, Wicoff and Franklin. Motion failed.
- Council Member Callahan made a motion to get feedback from the committee on the criteria they would like to have and work with staff to find a suitable site and bring back to the council. Motion seconded by Council Member Franklin. Voting in favor of the motion were council members Rowe, Callahan, Kilby, Stewart, Wicoff and Franklin. Voting against the motion were council members Becker and French. Motion passed.

D. Dangerous /Unsafe Structures Resolutions – Code Enforcement Assistant, Tony Godfrey was present at the meeting to recommend that a public hearing be set for March 12th to allow property owner, his or her agent, lien holders of record, occupants and other parties of interest to appear and show cause why the structures should not be condemned for the properties at 206 N 4th, 318 S Colborn and 408 S Third. Motion made by Council Member Franklin to set the hearing for the properties. Motion seconded by Council Member Stewart. Council Member French asked why it took so long to get back to the council. Tony Godfrey stated that worse properties came to their attention and budget restraints keep them from following through on properties. Council Member French would like to see better plan in place to address issues quicker when a safety issue arises especially when children could obtain access to a property. Donna Houser noted that in the 60's she was a part of the Planning Commission and they all rode around town finding 128 houses

that were unsafe at that time noting that it is a slow process and some of those houses are still standing and are in the same condition they were at that time. All voting in favor of the motion. Motion carried.

E. Charges for Services Discussions –Administrator Slaugh noted that the current fees charged for copies made are currently \$.20. \$10.00 is charged for police records this charge takes into consideration labor for city staff to retrieve information as noted in section 2-153 of the current municipal code of the city. If the information is readily available the \$.20 per page is charged, however if the information is not readily available staff time is considered part of the cost.

- Council Member Rowe referred to an exchange of emails between him and Administrator Slaugh on December 12th where Administrator Slaugh stated that staff would follow city code. Administrator Slaugh noted that staff is following city code. Council Member Rowe noted that the Administrative Policy Book is not appropriate because it has not been approved. Attorney Apt agrees with staff's interpretation of code and that previous commission has approved the administrative policy book and staff is following the policies.
- Administrator Slaugh noted it was his purpose to have the council formally decide appropriate fee for records that staff creates. If the majority want to change the current policy they can.
- Council Member Rowe asked if any of the other council members were interpreting the policies like he was.
- Council Member Kilby noted that having an employee cease their current duties, to look into a certain record, to make sure this is an appropriate record according to open records law, takes time, therefore just charging a copy cost does not cover these expenses.
- Police Chief Warner noted that the cost of the software to retain the data is costly and those costs should be considered in the equation.
- Administrator Slaugh noted that open records request per state law have to go to the designated records custodian which is the city clerk.
- Council Member Callahan made a motion to get access to all records for accidents on the city website and continue to charge \$10.00 for a hard copy. Motion seconded by Council Member Franklin.
- It was noted by Chief Warner that the investigative narrative is not a public record. The rest of the record is already on the website.
- Council Member Wicoff noted that since the individual did not have computer access they would have to pay the \$10.00? Stated that the actual costs should be evaluated.
- Donna Houser stated aren't we making a mountain out of a molehill? How many individuals have actually complained? She asked who needs these records? Council Member Stewart stated that insurance companies are the majority of the requests.
- Council Member French noted that he would like to know how long the county fee has been in affect, noting that if it has been a long time would it be wise to lower our fees now and then have to increase them again soon.

- Council Members Callahan and Franklin withdrew the motion and the second. No action taken.

UNFINISHED BUSINESS

- A. Cedarbrook 2nd Addition – Resolution** – At the January 9th council meeting a resolution of support for the Pointe Royale Development (Tom Carlson) in Cedarbrook Addition was presented, but changes were recommended to include details on construction. A new resolution of support was presented to the council for approval. Motion made by council Member Stewart and seconded by Council Member Wicoff to approve the resolution as presented. All in favor. Motion carried.

8:17 p.m. Mayor Shirley declared a five-minute break.

COUNCIL & ADMINISTRATOR REPORTS

- A. Mayor Shirley** – Attended DARE graduation. Commended Officer Ford for his participation in the program. David Toland from THRIVE inquired about unclaimed bicycles the city has. They have a brick building next to the trail they would like to loan bicycles out of.
- B. Council Member Stewart** – Nothing to report.
- C. Council Member Callahan** – Asked how the city could promote the park on Washington? Donna Houser noted that the trolley is getting ready to promote it when it greens up for the pictures.
- D. Council Member Wicoff** –None.
- E. Council Member Franklin** – None
- F. Council Member Kilby** – None
- G. Council Member Becker** – Noted that Burlington and Ft Scott were also issued a Standard and Pours BBB rating. It was previously noted that the City of Iola was the only city in Kansas to receive the BBB rating. Noting other cities had received a BBB also. Council Member Callahan stated that the information the council had received previously stated that Iola was the only one.
- H. Council Member Rowe** – None
- I. Council Member French** – None

- J. Administrator Slauch** – Reminded the council about the work session on Saturday at 8:00 a.m. The 2012 budget will be discussed. Natural gas information was provided in the packet. The video from council meetings is now being shown on Wednesday and Thursday. Asked council if they wanted to obtain a quote to put it on line? Council agreed they would like to obtain a quote.

FOLLOW UP ACTION REVIEW

- None

EXECUTIVE SESSION – Attorney Client Matters 8:31 p.m. K.S.A.75-4319

Motion was made by Council Member Stewart and seconded by Council Member Wicoff 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, Administrator Slauch and Attorney Apt. The open meeting to resume in the Commission Room at 8:47 p.m.

EXECUTIVE SESSION – Non – Elected Personnel 8:47 p.m. K.S.A.75-4319

Motion was made by Council Member Callahan and seconded by Council Member Kilby 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 Kilby, Callahan, French, Stewart and Wicoff. Motion carried. Present: Mayor Shirley and Council Members, The open meeting to resume in the Commission Room at 8:57 p.m.

DATE / TIME OF NEXT MEETING

Strategic Planning Meeting 8:00 a.m. Saturday, January 28th, 2012
City Council Meeting 6:00 p.m. Monday, February 13th, 2012

ADJOURNMENT

8:57p.m. Motion made by Council Member French and was seconded by Council Member Franklin to adjourn the meeting. 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