

A regular meeting of the City Council of the City of Iola was held on March 26, 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, Franklin and French were present. Also present were Administrator Slaugh, Attorney Apt and City Clerk Hutton.

REVIEW & APPROVAL OF AGENDA

Council Member Callahan asked that item 9C be moved to the end of the meeting. A motion was made by Council Member Callahan to approve the agenda with the change requested. Motion seconded by Council Member Franklin. The vote was eight ayes.

PUBLIC COMMENTS

- Lisa Fox spoke about the appeal of her termination. She has requested records from the city and county. She has been notified that the records she requested from the city were available for pickup, however the county informed her that the requested records from the county would cost her an excess of \$30,000. Stated she has hired an attorney and will be meeting with her at 10:00 a.m. in the morning, therefore is not sure she can meet with the council at 5:00 p.m. tomorrow evening for her grievance hearing as requested by City Administrator Slaugh. She also stated that she had a witness to one of the council members talking about the executive session information concerning her out in the public. She does want to move forward with her grievance hearing.
- Judy Brigham read from a prepared statement (see attached) concerning the employee task force and their participation in the health insurance for the city. She stated that all recommendations from the task force were taken to the former commission and voted on by them. She also noted that the Task Force serves as the Safety Committee and they have worked hard to lower the mod factor for the work comp insurance. The Task Force is also responsible for planning and executing the city health fair and the city picnic. Minutes from all of the Task Force meetings were taken and are available.
- Vivian Michael spoke about having a water leak at her home over the weekend. When she called the dispatch center to get a city employee to come to her house and shut her water off she was told there is an afterhours call out charge of \$50.00. She requested that they come out and turn her water off. She then called City Hall today and asked about the charge. She was told this is an ordinance. Her question was if this is truly an ordinance? Seems like a charge that shouldn't be there.

CONSENT AGENDA

A. Minutes Approval – March 12, 2012

B. Appropriations Approval – 2012-06

C. Personnel Actions –

- Eric Lawrence – Fire Department – Transfer
- Ronald Ballard – Fire Department – 12 Month Evaluation
- John Lord – Gas, Water & Wastewater – Retirement
- Aaron Wight – Gas, Water & Wastewater – New Hire
- Dakota Hufferd – Gas, Water & Wastewater – New Hire

D. Appointments

- Kansas Municipal Energy Agency – Director #2 – Mike Phillips
- Kansas Municipal Energy Agency – Alternate – Chuck Heffern

A motion was made by Council Member Stewart and seconded by Council Member Wicoff to approve the consent agenda. All in favor. Motion carried.

PROCLAMATION

Mayor Shirley read the attached proclamation and declared Wednesday, March 28th Clara Wicoff Day. Clara was present to accept the framed proclamation from Mayor Shirley.

UNFINISHED BUSINESS

A. Annual Chip Seal Project – Dan Leslie– Enclosed in the packet for review and consideration were two quotes for chip material and for oil material. Street and Alley Superintendent Dan Leslie reviewed with the council that the bids for oil from Ergon in the amount of \$2.77/gallon and from Vance Brother for \$2.64 / gallon. The bids from Buildex for the chips in the amount of \$47.90/ton and from Lite Waive in the amount of \$59.45/ton. Dan noted that the city has used both of the companies that have the lower bids and recommends using them. Motion made by Council Member Rowe to accept staff's recommendation to accept the low bids from Vance Brothers Oil and Buildex for the chip and seal project. Motion seconded by Council Member Stewart. All in favor. Motion Carried.

B. Fireworks Discharge & Sale Ordinance – Presented in the packet for review was a revised ordinance. Administrator Slauch noted that some changes had been made after the packets were distributed. One of them being only allowing the sale of the fireworks in the C2 district along State Street and Highway 54. Changing the hours allowed for firing of the fireworks between the hours of 9:00 a.m. and midnight as to not confuse 12:00 with the noon time.

- Council Member French noted that he would like to see a ban of shooting fireworks around a hospital and/or a nursing home. He would like to see public comments concerning this ordinance prior to approving it.
- Council Member Wicoff would like to see the time of discharge changed to 11:00 p.m. on all days other than the Fourth of July. Questioned the type of fireworks allowed, do we really want large fireworks shot off in the residential areas? Council Member Franklin agreed with Council Member Wicoff's concerns.
- Administrator Slauch noted that the times could be changed to 11:00 p.m. on all nights other than the Fourth.
- Council Member Callahan noted he wanted the council to be careful on restrictions. Will the city be able to enforce all of the restrictions?
- Becky Nilges asked about allowing fireworks that have no intention of staying within the individual's yard; the ones that are designed to shoot high and far from the initial area.
- Donna Houser noted that she has individuals that shoot fireworks in her neighborhood every year and leave the debris for her to pick up. Questioned whether or not if there is a dry season like last year will the shooting be banned for that year?
- Fire Chief Donald Leapheart stated that for the individuals that are requesting a permit to sell within the city limits his department will inspect and assure that those stands will not be selling the fireworks that are not allowed in the ordinance.

C. Personnel Policy Revision - Resolution- A resolution was presented to the council for approval. The language "whichever comes first" was approved at the last meeting and now approval of a resolution is necessary to make the corrections within the personnel policy manual on page 15 under dependents. Current Wording: The spouse or dependents, or a retiree who attains age 65, may elect to remain on the City's health insurance plan for a period of no more than 48 additional months or until the spouse or any of the dependents turn 65. Revised Wording: The spouse or dependents, or a retiree who attains age 65, may elect to remain on the City's health insurance plan for a period of no more than 48 additional months or until the spouse or any of the dependents turn 65, whichever occurs first. Council Member Rowe stated that this resolution is the change that was approved at the last meeting; however he noted that several other changes need to be made to the personnel policy manual. Motion made by Council Member Rowe to approve the resolution as presented. Motion seconded by Council Member Callahan. All in favor. Motion carried.

NEW BUSINESS

- A. CITF/Pride Request** – Chairperson of the CITF/Pride Committee Donna Houser was at the meeting to discuss the park located south of Elm Creek on South Washington Avenue. The group is seeking approval from the council to install a sign noting the history of the park as well as some additional park benches all of which is being donated by Iolan Jim Smith. The group would like to name the two

parcs South Elm Creek Park and North Elm Creek Park. Motion made by Council Member Franklin to allow the requests from the CITF group naming the parks, putting up the sign and the benches. Motion seconded by Council Member French. All in favor. Motion carried. Mayor Shirley wanted Donna Houser to let the group know that the council appreciates all of the work they have done for the city.

B. City / County EMS Discussions – Enclosed in the packet for review and approval was a letter to the Kansas Board of Emergency Medical Services. This letter is at the recommendation of the Allen County EMS review committee, and was put together by both the City of Iola and Allen County for the state board of EMS to evaluate the city and county ambulance services providing feedback on both services. Staff is seeking the approval of the council authorizing Mayor Shirley's signature on the document. There is no cost to either entity for the study. Motion made by Council Member Stewart to approve the mayor signing the letter for the state board of EMS to evaluate the city and county ambulance services. Motion seconded by Council Member Wicoff.

- Council Member Callahan questioned why the committee members appointed by the city have not reported back to the council? Mayor Shirley noted that the group was advised to not report back until they have come up with a recommendation.
- Paul Zirjacks asked if this report from the State would be binding. He was advised that it would not be a binding decision.
- The spreadsheet handed out prior to the meeting by City Clerk Hutton shows that a large portion of the bad debt the city has from the EMS department was inherited from the county when the city took over billing from the county. Administrator Slauch noted that our ambulance billing is going well; with a one week turn around in current billing.
- Motion was voted on. All in favor. Motion carried.

C. Hospital Project – Indemnity Agreement – Enclosed in the packet for review is a utility indemnity agreement for the installation of utilities for the new Allen County Hospital. Attorney Apt stated that he would advise the council to approve the indemnity agreement contingent on the approval of the agreement by the trustees and receipt of the easements from the adjoining landowners. Motion made by Council Member Rowe to approve the agreement contingent on the approval by the trustees and receipt of easements from landowners. Motion seconded by Council Member Stewart. All in favor. Motion carried.

D. Council Meeting – May 28, 2012 – Staff is seeking council approval to reschedule the regular council meeting on Monday May 28th to Tuesday May 29th due to this day being observed for the Memorial Day Holiday. The meeting ordinance states that the date could be changed by the governing body if the original meeting date falls on a holiday. Motion made by Council Member Rowe made a motion to change the May 28th meeting to May 29th to accommodate for the holiday. Motion seconded by Council Member Kilby. All in favor. Motion carried.

ROUNDTABLE

A. Municipal Pool Fee – Luke Bycroft – Enclosed in the packet is a copy of the minutes from the recreation advisory board meeting for your review.

- Donna Houser stated that for our area we have very cheap pool rates.
- Recreation Director Luke Bycroft noted that the Recreation Committee met and proposed closing the pool one hour early due to the lack of participation for the last hour. The labor law that does not allow employees fifteen years of age to work past 9:00 p.m. The committee also recommended increasing pool rates to \$2.00 for students and \$3.00 for adults. Luke noted that Humboldt currently charges \$1.75 for admission to their pool; he is not sure if that is the student rate or the rate for all attendees. Chanute currently charges \$2.00 for children and \$3.00 for adults; however they stated they were planning a 20% increase for the 2012 season.
- Council Member French is against raising fees, due to the fact that some families just can't afford to allow their children to go to the pool.
- Council Member Kilby is also against raising rates.
- Luke Bycroft stated that they put in place a rule last year that if the swimmers leave the pool during the same day and want to reenter they must pay another \$1.00 admission fee. This did not stop those individuals from leaving and returning several times during the day. Some of the individuals leave to go smoke in the park. Therefore he doesn't feel like the extra charge would keep these individuals from coming to the pool.
- Mayor Shirley would like to get input from the public concerning the increased rates.
- Council Member Rowe wondered if a "fund" could be set up with voluntary donations for swimmers that could not attend due to cost noting that some of the council members would probably be willing to donate some money for this cause.
- Council Member Callahan would like to see a grant program for this purpose prior to increasing rates.
- Council Member French is not in favor of changing the hours.
- The council is in agreement to table this agenda item until the April 9th meeting.
- Council Member Kilby wanted to thank Luke Bycroft for promptly removing the graffiti that was on the dugout at the ball field.

B. Mosquito Fogging – Discussions – Staff is seeking council's input on the mosquito-fogging program. Administrator Slauch's recommendation is to continue spraying with the existing equipment until failure and then discontinue the fogging operation and continue placement of Altosid briquettes for control of larvae. Mosquito fogging is effective for the adult mosquitoes flying or resting in the location of the mist. It has no control once the spray has dispersed due to wind blowing in the area. Recreation Superintendent Luke Bycroft noted that spraying in the park is helpful. Motion made by Council Member Callahan to continue fogging entire city. Motion seconded by Council Member Franklin. All in favor. Motion carried.

C. Archery Shooting – Discussions - Council Member Callahan would like to see this approached like the dog park; if there is enough public interest with those interested willing to form a group and look for funding and a suitable site then the council can consider their recommendations. Council Member Kilby has some concerns about accidents by bow and arrow; he does not feel it should be allowed anywhere in the city unless it can be contained within a building.

D. Purchasing Policy Discussions- Council Member Rowe made a motion to adopt the policy. Council Member Kilby seconded the motion.

- Council Member Becker noted that it was not a good policy and it would drive up operating costs. The policy is more complex than necessary.
- Administrator Slaugh noted that it is a thorough policy and in general the city is already following good practices. He did point out some concerns within the document.
- Council Member Callahan noted that it is a workable policy; if problems are discovered they can be worked through.
- Council Member Wicoff thanked the committee for their extensive work on the policy and thought it was written nicely. Thought that it would be confusing to individuals using it. Wondered what problem would be alleviated by approving this document? What savings are there going to be?
- Council Member Kilby noted that if the city were to enter into a “contract” each year on paper, allowing every department to purchase paper for one price that would be cheaper than the practice today of each department just ordering paper from their regular source.
- Council Member French wanted to express that the word “contract” doesn’t mean a several page document but could be just a one page agreement, stating at what price the vendor will sell the product to the city for the year.
- Voting in favor of the motion were council members: French, Franklin, Wicoff, Kilby, Callahan and Rowe. Voting against the motion were council members: Stewart and Becker. Motion passed by majority vote.

7:55 p.m. Mayor Shirley declared a five-minute break.

EXECUTIVE SESSION – Attorney Client Matters 8:02 p.m. K.S.A.75-4319

Motion was made by Council Member Wicoff and seconded by Council Member Kilby 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: Stewart, Kilby, Callahan, Becker and Wicoff. Voting against the motion were council members: Becker and Wicoff. Motion carried by majority vote. Present: Mayor Shirley, Council Members, Administrator Slaugh, and Attorney Apt. The open meeting to resume in the Commission Room at 8:07 p.m.

Motion made by Council Member Stewart to hold a grievance hearing to be held for Lisa Fox on Tuesday, April 3rd at 5:00 p.m.. Motion seconded by Council Member French. All in favor. Motion carried.

COUNCIL & ADMINISTRATOR REPORTS

A. Mayor Shirley – Thanked Council Member Kilby for calling him concerning the graffiti at the ball diamond. Council Member Kilby noted that he had received several calls concerning the graffiti, knowing he could not request a city employee to take care of the matter he called Mayor Shirley and had him speak with Recreation Director Luke Bycroft. Mayor Shirley asked Luke to take care of the matter. Luke did so on his own without calling out the on-call person. Mayor Shirley noted that the “new” government has been in office for one year and would like feedback from the council and the public on how they think the “new” government is working.

B. Council Member Stewart – None.

C. Council Member Callahan – Asked about the status on the ordinances for the changes on duties of the mayor and administrator. Attorney Apt stated that he will have a draft charter ordinance at the next meeting.

- Council Member Callahan then asked when the council was going to address the issues with the insurance.
- Council Member Rowe stated that this insurance debacle needs to be addressed and additional money is needed to fund the insurance mess. Need to address as much of this issue as possible in open session to make the public aware of what exactly is going on.
- Council Member Kilby noted that the council needs to meet with the task force in open session and find out why the minutes just don't jive with the insurance costs in place.
- Council Member Rowe stated that we need to get it out how we ended up in this situation. Council Member Rowe has put together some information that might help the council see where we are and what steps need to be taken to get where we need to be.
- Council Member Callahan made a motion that all changes in the personnel handbook be made only by resolution. Motion seconded by Council Member Franklin. All in favor. Motion carried.
- Council Member Rowe noted that the city should be operating according to policy. The question is how do we go about that and how do we involve the employee task force?
- Council Member Callahan shared a spreadsheet (see attached) showing actual employee, employer and retiree contributions over several years. Expenses were shown on the spreadsheet. Also part of

the spreadsheet showed what would have been put into the fund if the actual 125% BCBS suggested premium costs were collected along with the 110% retiree suggested premiums. Discussion centered on what these premiums would have done for the fund and how they would affect those employees that would have to come up with the actual increase in premium.

- City Clerk Hutton noted that the line item on the spreadsheet showing the yearly total estimated subsidies is not an actual cost to the city. The plan is one pool of money created by employer's share of all employees health insurance, employees that participate in the family health insurance plan and money paid by retirees to participate in the health insurance plan, as long as they are eligible.
- Council Member Callahan made a motion that the city get to the BCBS 125% figure specified in the Personnel Manual regarding payment for the family plan that "Employees pay the family portion of the premium." by April 1, 2013. Working with the Employee Task Force. Motion seconded by Council Member Rowe.
- Council Member Wicoff noted that the policy needs to be addressed and clarified, however this large increase in premiums would be hard on the young people that we need to keep in our plan to keep costs down.
- Council Member Rowe noted that the average employee should not have known that what they were actually paying was not what was proposed by BCBS.
- Administrator Slaugh asked if the task force would be able to come up with a plan on what the employees should be paying and how they need to come up to this changing the actual policy within the handbook.
- Council Member Callahan stated that bad news is just that bad news. The 125% is where we should be according to BCBS to keep the fund soluble and also will be in line with the Personnel Policy Handbook
- Council Member Kilby stated that the motion should be amended to include a combination of the two.
- Voting in favor of the motion were council members: Stewart, Rowe, Callahan, and French. Voting against the motion were council members: Wicoff and Becker. Abstaining from the vote were council members: Franklin and Kilby. Motion carried.
- Council Member Callahan made a motion to address the retiree issue rate by the April 1, 2013 date also. Motion seconded by Council Member Rowe.
- Attorney Apt noted that the motion should state that the retiree cost should be consistent with the personnel manual. Council member Callahan noted that the current policy states 110% of the cost of the employee rate and currently the employee rate is not consistent with the handbook.

- Voting in favor of the motion were council members: Rowe, Callahan, Stewart, Franklin and French. Voting against the motion were council members: Wicoff and Becker. Abstaining from the vote was council member Kilby.
- Council Member Callahan made a motion to suspend the current practice of using sick and vacation payout to buy up insurance until we assure the legality of the policy having the individual to prepay the dollars and not a length of time. Motion died for lack of a second.

D. Council Member Wicoff – Thanked the Mayor for the Proclamation for his daughter Clara.

E. Council Member Franklin – None

F. Council Member Kilby – Would like to put on the agenda for the next meeting the Scott Street traffic flow.

G. Council Member Becker – None.

H. Council Member Rowe – None.

I. Council Member French – Would like to have a city committee to study the potential effects if the ambulance goes to a county wide service. The committee would consist of planning commission member, a member of council and staff. This would allow the city council to make an informed decision. Mayor Shirley stated he would take care of it.

J. Administrator Slauch –

- Senator Moran will be in Iola on April 4th at 1:30 p.m. at the Windsor Preschool. CITF members will be present to welcome Senator Moran.
- Sent out an email about possible dates for work sessions, haven't received much feedback, will put dates on next agenda.
- Sonic Equipment is offering incentives for those attending an opening ceremony of the dog park and would like to participate in the naming of the park. Council Members suggested that Sonic Equipment and the Dog Park Committee get together on these offers.
- Has a folder on the EPA sewer issue; he will send out via email to all council members or they can look at it at City Hall.
- Reducing follow up action items if the information has been provided it will be removed from the list.
- Mayor Shirley noted that on April 13th the Project 17 group will meet at the Catholic Church in Iola again. The Governor or the Lieutenant Governor will be present.

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. Voting in favor of the motion were council members: French, Franklin, Stewart, Kilby, Callahan and Rowe. Voting against the motion were council members: Becker and Wicoff. Motion carried by majority vote. Present: Mayor Shirley, Council Members, Administrator Slaugh, City Clerk Hutton and Attorney Apt. The open meeting to resume in the Commission Room at 9:42 p.m.

EXECUTIVE SESSION – Attorney Client Matters 9:45 p.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. Voting in favor of the motion were council members: French, Franklin, Kilby, Callahan and Rowe. Motion carried by majority vote. Present: Mayor Shirley, Council Members, Administrator Slaugh, City Clerk Hutton and Attorney Apt. The open meeting to resume in the Commission Room at 10:00 p.m.

EXECUTIVE SESSION – Non-Elected Personnel 10:04 p.m. K.S.A.75-4319

Motion was made by Council Member Callahan and seconded by Council Member Stewart 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: Franklin, Stewart, Kilby, Callahan and Rowe. Motion carried by majority vote. Present: Mayor Shirley, Council Members, Administrator Slaugh, and Attorney Apt. The open meeting to resume in the Commission Room at 10:30 p.m.

10:07 p.m. Administrator Slaugh left the executive session.

EXECUTIVE SESSION – Non-Elected Personnel 10:30 p.m. K.S.A.75-4319

Motion was made by Council Member Callahan and seconded by Council Member Rowe 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: French, Stewart, Kilby, Callahan and Rowe. Motion carried by majority vote. Present: Mayor Shirley, Council Members, and Attorney Apt. The open meeting to resume in the Commission Room at 10:50 p.m.

FOLLOW UP ACTION REVIEW

DATE / TIME OF NEXT MEETING

City Council Meeting 6:00 p.m. Monday, April 9th, 2012
City Council Meeting 6:00 p.m. Monday, April 23rd, 2012

ADJOURNMENT

10:50 p.m. Motion made by Council Member Rowe 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 9th day of April 2012.

Mayor, William A. Shirley

City Clerk, Roxanne Hutton