

A regular meeting of the City Council of the City of Iola was held on March 12, 2012, at 6:00 p.m., at the Riverside Park Community Building, 600 S State, Iola, Kansas.

CALL MEETING TO ORDER

Council President Joel Wicoff called the meeting to order at 6:00 p.m.

ROLL CALL

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

REVIEW & APPROVAL OF AGENDA

A motion was made by Council Member Franklin to approve the agenda as presented. Motion seconded by Council Member Kilby. The vote was eight ayes.

PUBLIC COMMENTS

- A citizen inquired about the last meeting when Kentucky Road was mentioned. She stated that the council would receive more community support if they were up front about the costs. Encouraged the council to take a closer look and come up with a plan not wait until the road needs repaired. She then commented about firing people on the police department. The council should encourage people to be better officers, stand behind them; officers should be encouraged to be a part of the community and to help the citizens.
- Barbara Wood an RN from Moran Manor stated that the council chose to fire a good person that is community oriented, acts out of the kindness and understanding towards the community. She is one of the most good-at-heart dedicated people and just because she was not trained correctly this is how the council chooses to treat her. The council should look closely at how new officers are trained.
- A citizen asked, "What is your definition for executive session?" I thought it was supposed to be confidential and you must respect the individual's privacy. When I read in the paper the day after the meeting that Lisa Fox was fired was that respecting her privacy. She is not the liability; she has never patrolled the streets prior to this job she gave more tickets than any other officer on the force after she was told to give more tickets.
- Jeff Kluever, from the Historical Society informed the council that with their generous \$5,000 donation from the Tourism and Convention Fund which helped secure a grant in the amount of \$28,800. He wanted to thank the council for seeing the old jail museum as an important part of the community and supporting it. The bidding will take place within the next few months.
- Sharon Boan thanked the council for appointing her to the Planning Commission, stating she will do a good job.

CONSENT AGENDA

A. Minutes Approval – February 27,2012

B. Appropriations Approval – 2012-05

C. Personnel Actions –

- Jeremy Ellington – Fire Department – Annual Evaluation
- Trevor Shannon – Fire Department – Annual Evaluation
- Todd Rowe- Parks & Cemetery – Annual Evaluation
- Dustin Stone – Solid Waste – 12 Month Evaluation
- James Snavely – Electric Distribution – Annual Evaluation
- Jim Boeken – Sanitation to Street and Alley – Transfer
- Authorization to Advertise for Part-Time Municipal Court Clerk

Council member French asked about the appropriation for Disney on Ice. Administrator Slaugh stated that the Recreation Committee takes a group of citizens on a bus trip to see the Disney on Ice. Those citizens pay a fee for the ticket and bus ride and in turn the city remits payment to Disney on Ice. A motion was made by Council Member Stewart and seconded by Council Member Becker to approve the consent agenda. All in favor. Motion carried.

UNFINISHED BUSINESS

A. Property and Casualty Insurance – Representatives from Iola Insurance were present to present the savings on property and inland marine with the higher deductible amounts. Administrator Slaugh noted that the property would be reviewed to assess values as is done every year. Council Member Rowe made a motion to approve the EMC quote for property and casualty and workman's compensation increasing the inland marine deductible to \$5,000. Motion seconded by Council Member Stewart. All in favor. Motion carried.

B. Fireworks Discharge & Sale Discussions – Presented in the packet for council review was an ordinance allowing restricted sale and use of fireworks within the city limits.

- Council Member French noted that he would like to get public input on the proposed ordinance.
- Council Member Callahan noted that the purposed ordinance is too restrictive because it would not allow individuals to shoot fireworks on their property.
- Council Member Kilby would like to see limitations around gas stations, schools, city and county governmental buildings and the square.
- Council Member Wicoff wanted to see something in the ordinance for cleanup of debris.
- Code Enforcement Officer, Jeff Bauer noted that he would like for the ordinance to state sale of fireworks in the C2 zoning area along 54 & State

Street due to the fact that C2 is located elsewhere in the city close to residential areas.

C. Personnel Policy / Benefits – Discussions - Administrator Slauch is requesting a clear motion that includes the detail desired for length of time retirees may remain on the city health insurance plan and the premium that retirees, spouses and or dependents will pay. Council Member Rowe made a motion to add the language “whichever occurs first” under the current medical policy section of the personnel manual for spouse or dependents, of 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*. Motion seconded by Council Member Stewart. Voting in favor of the motion were Council Members Rowe, Callahan, Stewart, Wicoff, Becker, Franklin and French. Abstaining from the vote was Council Member Kilby. Motion carried by majority vote.

- Administrator Slauch stated that employees pay for family coverage at a rate of \$250.00 per month. Council Member Stewart noted that the previous commission approved the \$250.00 rate in 2006.
- Human Resource Manager Ken Hunt stated that in the past the members of the Employee Task Force have worked together with the Blue Cross Representative to bring a proposal to the Governing Body on a yearly basis. Changes are then made to the policy according to decision made by the governing body.
- Councilman Rowe asking about authority of making rate changes stated “When I asked you about this once before, you showed me one document one day that said that this was the authority that you had to change that in the personnel policy, and it didn’t state that at all,” “Two days later, you gave me another document.” “What I’d like you to do is show us documents that show where you have the authority to make those changes in the personnel manual,” Rowe pressed further. “What we have found out — what several of us council people have found out through some investigation — is that it appears you have made some changes to the personnel policy without any authority to do so.
“That is absolutely not true,” Hunt replied.

EXECUTIVE SESSION – Non – Elected Personnel 7:10 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 Rowe, Callahan, Kilby, Stewart, Franklin, and French. Voting against the motion were council members Wicoff and Becker. Motion carried by majority vote. Present: Council Members, and Attorney Apt. The open meeting to resume in the Commission Room at 7:30 p.m.

EXECUTIVE SESSION – Non – Elected Personnel 7:30 p.m. K.S.A.75-4319

Motion was made by Council Member French 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 Callahan, Becker, Franklin, Wicoff and French. Motion carried by majority vote. Present: Council Members, Attorney Apt, and Administrator Slaugh. The open meeting to resume in the Commission Room at 7:45 p.m.

EXECUTIVE SESSION – Non – Elected Personnel 7:50 p.m. K.S.A.75-4319

Motion was made by Council Member French 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, Rowe, Stewart, Wicoff and French. Motion carried by majority vote. Present: Council Members, Attorney Apt, and Administrator Slaugh. The open meeting to resume in the Commission Room at 8:20 p.m. 8:16 p.m. Human Resources Manager Ken Hunt was invited into the session.

EXECUTIVE SESSION – Non – Elected Personnel 8:20 p.m. K.S.A.75-4319

Motion was made by Council Member Franklin 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 Kilby, Rowe, Franklin, Wicoff and Callahan. Motion carried by majority vote. Present: Council Members, Attorney Apt, Ken Hunt and Administrator Slaugh. The open meeting to resume in the Commission Room at 8:40 p.m.

EXECUTIVE SESSION – Non – Elected Personnel 8:40 p.m. K.S.A.75-4319

Motion was made by Council Member Franklin 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 Kilby, Rowe, Franklin, Wicoff and Callahan. Motion carried by majority vote. Present: Council Members, Attorney Apt, Ken Hunt and Administrator Slaugh. The open meeting to resume in the Commission Room at 8:45 p.m.

Following executive session Council President Wicoff announced that concerning the insurance issue. Currently the employees are not paying as much as the city is contributing for health insurance. Council and the Employee Task Force will work together to come up with a plan so as not to put a large burden on employees all at one time. The prior commission has subsidized the cost in the past. Most of the council feels that the city can't just raise rates severely. Council Member Stewart stated that no one on the council is trying to obtain HIPPA protected information so the employees can quit worrying about that. City Clerk Hutton asked for direction if she receives requests from a council member for HIPPA protected information or requests for information that is not considered an open record. Council President Wicoff stated that all information would be requested through Administrator Slaugh and would not be HIPPA protected information or information that is not considered an open record.

NEW BUSINESS

- A. Wildlife & Parks Request** – Wildlife and Parks representative Jim Manning was at the last meeting of the council to request funding in the amount of \$500 for help with the cost of printing a colored brochure about the Prairie Spirit Rail Trail. Motion made by Council Member Franklin to approve the \$500 donation for the colored brochure. Motion seconded by Council Member Stewart. Voting in favor of the motion were council members: Callahan, Kilby, Stewart, Wicoff, Becker, Franklin and French. Abstaining from the vote was council member Rowe. Motion carried by a majority vote.
- B. Farmers Market Request** – The Farmer’s Market representatives are requesting closure of Washington Avenue to vehicle traffic from Madison Avenue to West Street each Thursday from 5:05 p.m. to 7:40 p.m. from April 19th to October 11th. Motion made by Council Member Callahan to approve the request making sure that the signage for no left turn is posted at appropriate spot to prevent drivers from swerving back into the right lane. Motion seconded by Council Member French. All in favor. Motion carried.
- C. Bassett Electric Revisions** – Mike Phillips, Electric Plant Superintendent was present to discuss having PAR Electrical Contractors, Inc to install a feed into the new bay of the Bassett substation for the lump sum price of \$21,000. This was not part of the initial request for the project. This will need to be done live and the city does not have the equipment needed. Motion made by Council Member Franklin to approve the \$21,000 bid from PAR electric for the Bassett Electric Revisions. Motion seconded by Council Member Stewart. All in favor. Motion carried.
- D. Dangerous and Unfit Structures** – Tony Godfrey, Assistant Code Enforcement Officer was present to request that the structures at 408 S Third, 206 N Fourth and 318 S Colborn be found unsafe or dangerous and direct that the structure be removed and the premises made safe and secure. Tony explained the procedures for unsafe and dangerous structures.
- President of the Council Wicoff opened up the public hearing for the property at 408 S Third at 8:58 p.m. The public made no comments. Public Hearing was closed at 9:00 p.m. Motion made by Council Member Franklin to proceed with condemnation proceedings. Motion seconded by Council Member Stewart. All in favor. Motion carried.
 - President of the Council Wicoff opened up the public hearing for the property at 206 N Fourth at 9:01p.m. The public made no comments. Public Hearing was closed at 9:02 p.m. Motion made by Council Member Stewart to proceed with condemnation proceedings. Motion seconded by Council Member Kilby. All in favor. Motion carried.
 - President of the Council Wicoff opened up the public hearing for the property at 318 S Colborn at 9:03p.m.

- Assistant Code Enforcement Officer Tony Godfrey stated that in order to consider the property for condemnation the repairs must be 50% or greater of the appraised value.
- Owner of the property Mike Layne stated that he has been trying to sale the property since the flood. Asked the council for a repair option to give him 30 days to obtain bids on the property. He received the notice from the city on December 7th, during the winter unable to do work on the property. The renters he has in the property now are supposed to be taking care of the property in lieu of rent.
- Brett Heim, 316 S Colborn, stated that the condition of the property has been like this for a long time. Where has he been all of this time? No effort from the owner or the renters all of this time. How can we attract people into this town when we allow properties like this? There is a horrible smell coming from the property.
- Bill Fritsche, 309 S Cottonwood stated that the property has been like this for a long time. Why has he not made an effort to take care of the property all of this time?
- Don Hillbrant, 302 S Colborn stated that he has his house on the market but with a house like that in the neighborhood he is concerned whether or not he would be able to sale? Police have been at the property on several occasions and have taken people out on drug charges.
- Jack and Ruth Vincent, 324 S Colborn stated that they agree with the others statements.
- Council Member Rowe asked if owner was aware of the issues. Mr. Layne stated he was not aware until he received the notice on December 7th. His renters have been asked to leave the house.
- Council Member Kilby stated that he should take immediate action against the smell and condition of the fence and have to comply with all city ordinances.
- Council Member French noted that he received the letter December 7th why hasn't he gotten bids before now. The owner is responsible for the property regardless if he lives there or not.
- Council Member Wicoff asked Mr. Godfrey about the electrical and plumbing issues. Assistant Code Enforcement Officer Tony Godfrey noted that he did not get to see all of the electrical and plumbing, however some issues were noticed. Code Enforcement Officer, Jeff Bauer stated that if the electrical is not exposed during repairs then would be considered an existing non-compliance according to the code at time of the build and would not have to be brought up to current code. There are noted problems with the sewer these issues would have to be brought up to current code.
- Council Member Rowe noted that to bring it up to code would not be cost effective.
- Brett Heim stated that too much time has passed since this property was in good condition.
- Bill Fritsche stated he has had time to show good will and has not done so. There is a house down the street that has made major improvements in the same time frame.

- Jack and Ruth Vincent noted that a simple drive by would have shown the owner the state of the property.
- Code Enforcement Officer, Jeff Bauer noted that the bids would have to be based on fair market value of labor and materials.
- Public Hearing was closed at 9:32 p.m.
- Council Member Becker stated he was not in favor of giving him more time on the property.
- Council Member Callahan noted that according to the pictures the property does not seem to be in that much disrepair. The owner should have made a good faith effort following his notice in December.
- Council Member French pointed out some of the issues including the front porch needing total replacement, sillplate of the foundation compromised, roof caving in, integrity of the foundation with all of the weight of the house.
- Council Member Callahan stated what is 30 more days if it has been 10 years for him to obtain bids.
- Council Member French made a motion to proceed with condemnation proceedings. Motion seconded by Council Member Becker
- Council Member Rowe noted that he didn't think the property could be brought up to code for the cost of less than ½ of the assessed value of the property. Noting that the condemnation procedure allows for 30 days for him to get bids.
- Council Member Callahan asked Mr. Layne if he is willing to put the dollars into the property to repair it? Why have you not done anything to date? Mr. Layne stated that if he would have gotten bids in December they would not have been good for this length of time.
- Council Member Wicoff asked Tony if the walls were leaning due to the foundation issues. Tony Godfrey stated that the walls were beginning to shift and bow.
- Motion was voted on all voting in favor of the motion to proceed with condemnation. Motion carried.

E. Annual Mowing Contract – Two bids were received for the annual mowing of nuisance violations and the green space. The bid from O'Mara Trucking was for \$60.00 per hour and the bid from John Lord was for \$45.00 per hour. Staff is recommending that the lowest bid from John Lord be accepted and a contract entered into with Mr. Lord. Mr. Bauer was asked if the property would eventually be moved to the parks department to maintain? Code Enforcement Officer, Jeff Bauer stated that he inherited the property since he took care of the buy out program. Motion made by Council Member Callahan to accept staff's recommendation to enter into a contract with John Lord. Motion seconded by Council Member Stewart. Council Member French stated that as part of disclosure John Lord was a city employee. Code Enforcement Officer, Jeff Bauer noted that Mr. Lord followed the same bidding procedure as all other bidders. Council Member Rowe asked if the \$45.00 rate was the same as last year. Mr. Bauer stated that it is the same rate as last year. Voting in favor of the motion were Council Members Rowe, Callahan, Kilby, Stewart, Wicoff, Becker and Franklin. Voting against the motion was Council Member French. Motion carried by a majority vote.

F. Sanitation Truck Purchase – Dan Leslie – Dan Leslie presented bids for replacement of unit #46 sanitation truck. The money will come from reserves within the Solid Waste Fund. This will be used as the backup for cleanup week and during holiday pickup and rotating with the other truck for service. Dan has put back \$33,750 back each year for four years. Currently he has \$118,000 in reserve funds. Looking at a 150-180 day lead-time for delivery. Council Member Callahan asked about putting the trade-in vehicle on purple wave instead of trading it in. Dan stated that his concern is that there is no guarantee on purple wave and the trade in is a good price and would keep it below reserve cash value. Council Member Callahan stated that he didn't want Dan to not put it on purple wave just to avoid going over the dollar amount. Motion made by Council Member Stewart to move ahead with staff's recommendation to go with the lowest bid from Downing at a price of \$80,476.40 with a \$40,000 trade in for the old vehicle. Motion seconded by Council Member French. All in favor. Motion carried.

G. Cottonwood Street Project 1U-1837-01 – Enclosed in the packet for discussion and review was a close out statement for the Cottonwood Street Project from the Kansas Department of Transportation. The statement indicates that the city owes KDOT \$25,728.30 that was not paid as part of the up front costs for the project. Dan Leslie, Street Superintendent noted that the overage was due to the fact that the city asked that some leveling be done outside of the original contract. Motion made by Council Member Stewart to approve the payment to the State of Kansas on overage on the project in the amount of \$25,728.30. Motion seconded by Council Member Franklin. All in favor. Motion carried.

H. Wastewater Improvement Project – Contract – Approved at the February 13th council meeting a contract with Ponzer-Youngquist to design the wastewater collection system project. An additional \$8,000 is needed for additional design work.

- Council Member French asked about the strength and durability of pipe that already has issues when it is relined with recommended material. What is the life expectancy of the product? The current rating is 50 years. Administrator Slaugh noted that the city would make the determination following the viewing of the video. Staff is measuring depth of work areas, this will determine whether or not the line will be replaced or just relined.
- Motion made by Council Member Callahan to approve the engineering service agreement with Ponzer-Yonquist in the amount of \$81,000 for the design of wastewater system improvements. Motion seconded by Council Member Franklin. All in favor. Motion carried.

ROUNDTABLE

A. Annual Chip Seal Project – Dan Leslie – Street & Alley Superintendent Dan Leslie was present to discuss the annual chip seal project. This year the northeast quarter of town is scheduled to be chip sealed. An estimated cost for this

project of \$294,910 was presented to the council for approval by the council. The town is divided into four sections. \$180,000 was budgeted for this year staff is looking at taking the overage out of the mill and overlay budget, holding off on mill and overlay until next year with the cash balance remaining. Council Member Rowe asked about mill and overlaying N Elm and N Colborn Streets that carry a lot of school traffic. Dan Leslie noted that would like to have core samples taken in order to look at the base of those streets. Council asked Mr. Leslie to obtain bids on the chip seal project.

B. Purchasing Policy Discussions- Tabled until the March 26th meeting.

COUNCIL & ADMINISTRATOR REPORTS

A. Mayor Shirley – Absent

B. Council Member Stewart – None.

C. Council Member Callahan – Asked about the status on the sound system. Administrator Slaugh noted that they are waiting on a response from Cox. Asked about the timetable for the EPA sewer issue that Toby Ross was to have drawn up for the council. Administrator Slaugh noted that he would email it out to the council. Asked about the ambulance billing numbers that had been requested by the council in the past. Administrator Slaugh will email out the information to the council. Administrator Slaugh noted that the EMS committee would like input on what he would propose on the EMS issue. Asked about the Briarwood foundation issue. Administrator Slaugh noted that it is currently not holding water staff is continuing to monitor the site.

D. Council Member Wicoff – He has been approached about an archery permit in town. Council Member Kilby stated that would need to be inside of an enclosed building where bow cannot escape. This item will be put on the agenda for the March 26th meeting.

E. Council Member Franklin – None

F. Council Member Kilby – None

G. Council Member Becker – None.

H. Council Member Rowe – None.

I. Council Member French – None

J. Administrator Slaugh –

- Wartsila computer upgrades were started last Monday and should be finished by end of week.

EXECUTIVE SESSION – Attorney Client Matters 10:58 p.m. K.S.A.75-4319

Motion was made by Council Member Kilby 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, Administrator Slaugh, Assistant Administrator Schinstock and Attorney Apt. The open meeting to resume in the Commission Room at 11:08 p.m.

FOLLOW UP ACTION REVIEW

- Administrator Slaugh is working on requests.

Council Member Callahan made a motion in light of insurance debacle to pay the Heffernon’s \$875.00 the difference in cost of insurance compared to the cost of COBRA. Motion seconded by Council Member French. All in favor. Motion carried.

Jim Heffernon asked about the trucks driving over their property. Council Member Callahan stated that he would rather put this on the agenda for the March 26th meeting instead of addressing now since the audience members had already left the meeting.

DATE / TIME OF NEXT MEETING

City Council Meeting 6:00 p.m. Monday, March 26th, 2012

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

ADJOURNMENT

11:14 p.m. Motion made by Council Member Kilby and was seconded by Council Member Becker 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 26th day of March 2012.

Mayor, William A. Shirley

City Clerk, Roxanne Hutton