

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

Council Member French was absent.

REVIEW & APPROVAL OF AGENDA

A motion was made by Council Member Stewart to approve the agenda as presented. Motion seconded by Council Member Becker. The vote was seven ayes.

PUBLIC COMMENTS

- Ray Houser – “I am here to defend Ken Hunt I have known him for 40 years. He has always been forthright and honest. If I needed a foxhole buddy I would trust him with my life. When you fire everybody? Who’s going to run the city?”
- Amanda Thompson – “I have lived in Iola for 23 years except for the time I attended college to become a teacher. Judy Brigham is my aunt; her termination is why I have gotten involved in the city’s government; however I realize I should have done it sooner. Council Members need to step down for immoral and illegal actions. I did vote for a larger council, however I did not vote for this, council members you are not representing me. I did write a letter to the council many months ago and never did receive a response. The council needs to stop current wrongdoings. If you cannot do this then step down. Thanks to Council members Becker and Wicoff for excellent job.”
- Holly Slawkoski – March 2011 Ken Rowe was quoted in the Iola Register saying more transparency in local government is good. This March Carl brought up forming formal committees. Ken Rowe stated it was better to handle things in small closed groups with no public meetings, no press, and no minutes. Council Member Rowe called Ken Hunt a liar in an open public meeting because he did not show you minutes of employee task force meetings. Mr. Rowe you need to show us documents of your closed meetings. Thanks to Mr. Becker for candid comments of what council does behind closed doors and why. Mr. Shirley was absent the meeting before Ken Hunt was fired; however he exercised his strong mayoral powers to fire him. “Mr. Shirley why don’t you use those same powers to rehire Judy Brigham since you voted for her to be reinstated last September.”

CONSENT AGENDA

A. Minutes Approval – March 26th & April 3rd

B. Appropriations Approval – 2012-07

C. Personnel Actions –

- Ken Hunt – Administration – Termination and Fill Position
- Brandon Westerman – Street & Alley – Annual
- Jared Warner – Police Department – Annual
- Benjamin Luke Bycroft – Recreation – Resignation and Fill Position

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

UNFINISHED BUSINESS

A. Municipal Pool Fees – Luke Bycroft—Luke was at the meeting to obtain council direction on this issue as the season is approaching and ticket books with prices will need to be put together soon. Council Member Franklin made a motion leave rates and hours the same so that as many people as possible could attend. Council Member Wicoff seconded the motion.

- Council Member Rowe state that some members of the community would be willing to put up some funds for kids that couldn't afford to attend. We need to find a way to make this work.
- Luke stated this is a possibility; however they don't currently have any guidelines for choosing kids that are in need. Two free admission days are held every summer for people to attend. The Recreation Committee is looking at possible sponsorship for these days.
- Council Member Rowe stated that citizens could donate and if the city makes it well known he thinks we would be surprised at how many you will get interested in coming that couldn't afford it otherwise.
- Council Member Callahan noted that Luke's information at the last meeting showed a savings of about \$7,700 by increasing the pool rates and closing earlier in the evening. This is a significant amount of money; the Recreation Advisory Committee recommended these changes maybe we need to discuss it before we continue to eat the costs.
- Council Member Wicoff noted that if we raise costs he thinks we will see decrease in pool usage need to keep the pool open for a community service. It would be better to have the public at the pool swimming and not at home sitting on the couch or the porch.
- The vote took place on the motion. All in favor. Motion carried.

B. Fireworks Discharge & Sale Ordinance – Presented in the packet for review was a revised ordinance. Administrator Slaugh noted that the ordinance contains a few minor changes including changing the hours to 9:00 a.m. -11:00 p.m. every day except the Fourth of July which will go to midnight. Another change is for the exclusion of shooting large flying items. Council Member

Franklin questioned allowing shooting till midnight on July 5th. Council Member Callahan was concerned about not allowing until midnight on the 5th if it rains on the fourth. Motion by Councilmember Callahan to pass the amended ordinance as written. Council Member Stewart seconded the motion. Council Member Becker stated he would not support the ordinance because no one in my ward is for it. Council Member Kilby his ward is not totally against it but against it in residential areas. Council Member Wicoff appreciates the work Don Leapheart and others have done to develop the policy, however the citizens in his ward are against it. Voting in favor of the motion were Council Members Rowe, Callahan, Stewart, and Franklin. Voting against were Council Members: Kilby, Wicoff, Becker. Motion passed by majority vote.

C. Purchasing Policy Ordinance – An ordinance to approve the purchasing policy by reference was presented to the council. Also included in the packet for review and approval is a list of sole source providers.

- Becky Nilges asked if it was common to make policies like this an ordinance. If someone makes a mistake now versus if it is an ordinance what happens to him or her?
- Administrator Slaugh stated that once it is adopted as an ordinance a penalty would apply. Having it as an ordinance makes it more formal of a policy not necessarily for the penalty process.
- Council Member Ken Rowe made a motion to accept the general ordinance and put it into the city code. Seconded by Council Member Kilby.
- Council Member Becker would like to see the official ordinance prior to voting on to study it in more detail.
- Council Member Rowe stated it is exactly the same as before with strikethroughs omitted.
- Council Member Wicoff thought it would be good to review the document prior to voting on it.
- Council Member Franklin would also like to review prior to voting on it.
- Council Member Callahan asked Attorney Apt if it is indeed the same policy.
- Attorney Apt stated that the ordinance only puts it into the municipal code by reference. It is the same policy that was approved at the last meeting.
- Voting in favor of the motion was Council Members Franklin, Kilby, Rowe, and Callahan. Voting against the motion was council member: Stewart Wicoff and Becker. Motion passed by a majority vote.
- Council Member Rowe noted that the policy reference for sole service providers is only for those products that are available only from one provider this is not to be used just because they like the ones that they are currently getting service from.
- Administrator Slaugh noted that the effective date for the policy is June 2012.
- Council Member Callahan noted that if we foresee any problems we will have an open mind he also noted that some of the items in the packet are not a sole source provider under the definition.

- Council Member Wicoff costs will increase with having to go out and find the cheapest cost and paper work provided in the policy. Need to be considerate of efficiencies that will come back to bite us if not careful.

NEW BUSINESS

- A. Housing Grant 310 S Fourth** – Enclosed in the packet for review and consideration for approval is the final request for payment regarding the housing rehabilitation grant for 310 S Fourth. Code Enforcement Officer Jeff Bauer was at the meeting to present the information and answer questions. A motion was made by Council Member Stewart to approve the Request for Payment of CDBG Funds to be signed by the Mayor for 310 S Fourth. Motion seconded by Council Member Wicoff. All in favor. Motion carried.
- B. Iola Municipal Band – Annual Disbursement** – Enclosed in the packet is a request from the Iola Municipal Band for funds in the amount of \$6,500. This is the same amount as last year. The funds come from the Convention and Tourism Funds. A motion to approve the Iola Municipal Band request for funds was made by Council Member Stewart and seconded by Council Member Franklin. All in favor. Motion carried.
- C. Relay for Life Request** – Enclosed in the packet was a request for consideration from the IOLA SISTERS OK 5A Relay for Life Team to hold a boot block on Saturday the 26th of May at Madison & Washington Avenues from 9:00 a.m. – 12:00 noon. This fund raising event is for the American Cancer Society of Allen County Relay for Life. A motion was made by Council Member Stewart to approve the request for the boot block. Council Member Kilby seconded motion. All in favor. Motion carried.
- D. EPA Proposal Discussions** – Enclosed in the packet was some information that will be discussed with the EPA as alternate projects that the city could implement in lieu of the fine. A motion was made by Council Member Stewart to approve the list of proposed supplemental environmental projects to be submitted to the EPA for the City of Iola. Council Member Wicoff seconded motion. All in favor. Motion carried.
- Council Member Stewart noted that repairing waterlines is a big priority for the city, however if would appease the EPA we could look their first.
 - Administrator Slaugh noted the city could apply for funding through the state on the two items not currently in the budget.
 - Council Member Wicoff asked if increasing the oxygen levels in the lagoons would this reduce BOD going into the river? Administrator Slaugh stated this is for our clean water going into the water plant not the sewer lagoon.
 - Mayor Shirley stated that it he had first thought that it seemed like they have overstepped their authority; however this seems to happen all of the time. As soon as the city and Russell Stover became aware of the situation they took action to correct it. Then we get a fine for it just because it happened.

Administrator Slaugh stated that the EPA expected the city to have a policy in place for this sort of thing to prevent it in the first place.

ROUNDTABLE

- A. Scott Street Traffic Discussions** – Enclosed in the packet for council review was information from the Heffernon's and also from Assistant Administrator Corey Schinstock concerning the truck traffic on Scott Street. Staff's recommendation is to leave the alleyways as they currently are. The problem seems to be that trucks are turning the corner and driving through the yard. Council Member Callahan recognized that there is an issue there; however shutting down the alley may not be the right thing to do. Motion made by Council Member Callahan to go with staff's recommendation to install bollards if a problem comes up report back to council and further action will be decided. Council Member Stewart seconded the motion. All in favor. Motion carried
- B. Form Of Government- Charter Ordinance-** Enclosed in the packet for review and consideration was a draft charter ordinance regarding powers of the Mayor, terms of office for the Council and the Mayor, the treasurer position being appointed. The draft charter ordinance was a result of the committee of council members, Callahan, Becker, Kilby and Stewart. Mayor Shirley would like to get input from the public before voting on it. Administrator Slaugh stated that the draft ordinance is available on request and is available on the website. A member of the audience asked how would the public respond. Mayor Shirley stated that their would be a time at the next council meeting to voice concerns. Administrator Slaugh noted that the public could also contact council members directly or contact staff with comments. Council Member Rowe explained the process of a charter ordinance explaining the process of publication and right to petition. Council Member Callahan noted that the intent of the committee was to present the draft ordinance and get comments and public input not to vote this evening. As council members we have a lot of things on our plate that need to be done in a short amount of time holding informal committee meetings is not an issue of hiding from the public it just helps with time constraints.
- C. Sale of Alcoholic Beverages - Discussions-** Council Member Rowe requested that this item be placed on the agenda for discussion. He is requesting that a change be made to the current wording in the code on sell of alcoholic beverage so the 200-foot restriction from an existing hospital, school, library or church apply to the structure and not the property line. Intent of the building not necessarily from property line. Does not guarantee that they will receive license from the State of Kansas. Motion made by Council Member Callahan to change the restriction from 200 feet to property line to 200 feet to the actual structure. Seconded by Council Member Stewart. All in favor. Motion carried.

COUNCIL & ADMINISTRATOR REPORTS

- A. Mayor Shirley** – Thank Luke Bycroft for outstanding job for the last three and half years. Thanked Kara Godfrey for getting sound on TV working. Thanked to Dan Leslie for clean up week great job.
- B. Council Member Stewart** – None.
- C. Council Member Callahan** – None
- D. Council Member Wicoff** –None
- 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** –
- Quarterly goals and reviews of progress and a review of the medical policy. Next Tuesday at 5:00 p.m.
 - Work sessions May and June budget. Provide material for first council meeting in May and then discuss it more at the second Monday meeting. Then decide if another meeting is needed in June
 - July two days to review budget 18th and 19th. Wednesday and Thursday 2-5 p.m.

Mayor Shirley declared a break until 7:30 p.m.

EXECUTIVE SESSION – Attorney Client Matters 7:30 p.m. K.S.A.75-4319

Motion was made by Council Member Franklin and seconded by Council Member Stewart 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, and Attorney Apt. The open meeting to resume in the Commission Room at 7:45 p.m.

It was discovered that in the “Code of Procedure for Kansas Cities” passage of an ordinary ordinance requires a majority vote of the members-elect of the council, which would require a favorable vote of five. The mayor may cast the deciding vote in favor of an ordinance at any time that the number of favorable votes is one less than required.

A motion was made by Council Member Franklin to adopt the purchasing policy ordinance. Motion was seconded by Council Member Kilby. Voting in favor of the motion were council members: Rowe, Callahan, Kilby, and French. Voting against the motion were council members: Stewart, Wicoff and Becker. Mayor Shirley cast the deciding vote; therefore the motion passed.

Administrator Slaugh stated that staff has not been able to contact the owner of the property where the dog park will be located. After checking with the county treasurer it was discovered that \$2,700 in assessments by the city for demolition costs and mowing cost is owed on the property. The city would like to contact the owner and inform her if she signs over the property the city will forgive the assessments. The city will have to pay the taxes and then they will be returned to the city with the normal distributions of property tax. Administrator Slaugh would like to work with Attorney Apt to draft a letter to the owner stating the above information and a quick claim deed. Dog Park Representative Ray Shannon has stated that he will hand deliver the letter and deed to the property owner. The council gave their blessing for Administrator Slaugh to continue with this process in order to obtain the property.

FOLLOW UP ACTION REVIEW

DATE / TIME OF NEXT MEETING

City Council Meeting 6:00 p.m. Monday, April 23rd, 2012
City Council Meeting 6:00 p.m. Monday, May 14th, 2012

ADJOURNMENT

7:54 p.m. Motion made by Council Member Stewart 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 23rd day of April
2012.

Mayor, William A. Shirley

City Clerk, Roxanne Hutton