

A regular meeting of the City Council of the City of Iola was held on May 14, 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 Stewart to approve the agenda as presented. Motion seconded by Council Member Becker. The vote was eight ayes.

PUBLIC COMMENTS

- Tonya Shaugnessy – Read two letters and then presented them to the council concerning her father’s arrest on April 14, 2012. She was requesting that the council perform a review of the personnel decisions by Police Chief Warner for the two officers involved in the incident with her father. She was also requesting reimbursement for herself of added expenses she incurred due to the incident including costs incurred for being away from work and travel expenses for a total of \$1,168.62.
- Donna Houser – Several businessmen called her concerning the purchasing policy. They are concerned that if the city is not buying locally this will put people out of business. Steven Leonard of Allen County Chiropractic spoke with the owner of the Shirt shop to let her know what he wanted on the shirts for the ball teams he sponsors. The Shirt Shop owner informed him that she might not get the bid for the shirts. He told Donna Houser that he gives \$2,000 to the recreation department every year and he does not want that money going out of town. Scott Stewart noted that the Shirt Shop did get the bid for the shirts.
- Lisa Fox – Former Police Officer with the City of Iola stated she had received the letter from the council stating that they were holding to the decision of the Iola Police Chief’s termination of her. She stated that she had no write ups in her file and she was terminated on possible future actions.
- Katherine Hawk – Noted that the officer that is in question of the earlier incident is one she has had several run ins with. Noted that Lisa Fox is the only officer that helped her. In December a call was made about minors drinking at a house. Eula Hutton called officers and this officer told her that she had falsified a claim prior to even checking on the report. There were thirteen kids at the party under the age of 18 and none of them were fined.
- Eula Hutton – Stated that the officer stating she had made a false call threatened her. Officer Fox came to her and apologized the next day. She

wasn't the officer that made the threatening call, however she was the one that came and apologized.

- Don Hillbrant – Police force is great. Several years ago he received a threatening letter that he was going to be hurt because he was allowing Mexicans to live at his home. He was stopped by Highway Patrol whom stated someone had called and said he was driving erratically. This was indeed a false call probably by the same individual that wrote the letter. Police drove by several times to assure he was ok.
- Bill Farmer – Officer drove by his house several times, sat out in front of his house for a while, went to house across the street and to the house where the accident happened. Residents shouldn't be afraid of our policemen.
- Tonya Shaugnassy – Iola police are not bad, not every employee, just one person. Said that Police Chief Warner stated he has tried to change the culture of the police department for three years, but hasn't been able to.

CONSENT AGENDA

A. Minutes Approval – April 23, 2012

B. Appropriations Approval – 2012-09

C. Personnel Actions –

- Jeffery Bauer – Code Enforcement – Resignation
- Justin Turner – Fire Department – Promotion – Paramedic
- Kenneth Powell – Fire Department – Annual Evaluation
- Josh Gumfory – Gas, Water & Wastewater – Annual Evaluation
- Brian Cochran – Gas, Water & Wastewater – Annual Evaluation
- Zachary French – Code enforcement – Resignation
- Anthony Godfrey – Code Enforcement – Promotion to Interim

Beverly talked to Bill King who stated he was able to provide us rock now. Mayor Shirley asked Administrator Slauch to look into. A motion was made by Council Member Kilby and seconded by Council Member Stewart to approve the consent agenda, except for moving the personnel actions to later in the meeting. All in favor. Motion carried.

NEW BUSINESS

A. CITF / Pride – Donna Houser– CITF/Pride representative Donna Houser was present to give an update on the Elm Creek South Park project as well as request the approval to install a donated bridge over the ditch south of Elm Creek. A review of survey results from the annual chamber expo that was conducted by the group was presented. CITF/Pride did the survey so that they could apply for grants. The survey results showed that the residents love the park Those who go to “Barbara Anderson’s Big Dream for Iola” web page and check the face book “like this” will help obtain a grant for \$500 for the Elm Creek Park.

<http://www.gatherings.info/BigDreamDetail.aspx?BigDreamID=61>. Need trashcans out at the park by the picnic tables and grills for use. The bridge would be made of steel and put in there to stay. No objections for the council go ahead and put it in.

- B. Homes for Iola** – Nich Lohman representing Homes for Iola was at the meeting to request three items regarding the property located at 202 E Garfield (a.k.a. 1201 n Sycamore). 1. Grant an extension of the city’s administrative policy regarding demolition of structures with an incentive for re-development of the lot. 2. New sidewalk installation with the use of sidewalk replacement monies. (This program was not funded in the 2012 budget.) 3. Property tax abatement incentives for this property. Motion made by Council Member Franklin to reimburse Homes for Iola after the home is built. Motion seconded by Council Member Stewart. Council Members Callahan and French wanted to look at the policy to see if it was possible to extend the time if the reason is a good reason. Attorney Apt noted that Code Enforcement Officer Jeff Bauer had noted the reason why the rebate was not given in the attached letter. No application given for a building permit or a lot split at this time. Council Member Callahan noted that this council has worked very hard to make sure we have policies in place that address these issues. Need to look at this policy and make sure it works for everyone so we are not making decisions like this whenever someone comes to them wanting an exception. Council Member Franklin withdrew her motion. Council Member Wicoff noted that since Nich came here tonight he thinks we can accommodate them to encourage individuals to build homes. Council Member Rowe questioned how do we justify making exceptions when we have a policy in place. When an exception is made it makes it difficult for the council to abide by the policy. Motion to grant extension to homes for Iola made by Council Member Wicoff until June 1, 2013. Seconded by Council Member Becker. In favor of the motion French, Franklin, Becker, Wicoff, Stewart and Kilby Voting opposed to the motion were Council Members Rowe and Callahan. There is no funding in the sidewalk fund in this year’s budget, but hope to include funding for next year. The property in question is outside of the neighborhood revitalization area.
- C. CDBG Housing Grant – Jeff Bauer** – Enclosed in the packet for review and approval of the mayor’s signature are documents regarding 405 S Fourth which is a grantee of the community development block grant for housing rehabilitation. Motion made by Council Member French to approve Mayor Shirley signing the documents to approve the closeout of the property at 405 S Fourth and to draw down the funds from the State. Motion seconded by Council Member Callahan. All in favor. Motion carried.
- D. Neighborhood Revitalization Plan – Jeff Bauer** – Enclosed in the packet for council review and possible adoption was the Neighborhood Revitalization Interlocal Agreement between the City of Iola, Allen County, USD 257 and Allen Community College. Donna Houser asked the council to look at the boundaries with the possibility of expanding the area to clean up more of the town. Council Member French wondered about the entire town using some of the figures that are used for

demolition. Jeff Bauer noted that all areas of the community are not considered dilapidated and if the entire town were included it would not be in the spirit of the state statute. Council Member Callahan would like to look at opening it up to the entire city. Motion by Council Member Callahan to include the entire city. Motion seconded by Council Member Franklin. Administrator Slaugh noted that it sounds like the council is looking at an incentive to spur development and not necessarily neighborhood revitalization. All parties involved before it can be put into place must approve policy. City Clerk Hutton noted that if you make it citywide and a disaster occurs you would lose that tax base. In favor of the motion were Council Members Callahan, Kilby, Stewart, Franklin and French. Opposed to the motion were Becker, Rowe, and Wicoff. Motion passed by a majority vote.

E. Cub Scout – Request – Cub Scout Pack 55 of Iola is requesting the use of the park and other facilities located in Riverside Park on June 7, 8 and 9 for the hosting of the Osage Nation Day Camp 2012. The group has reserved the recreation building for the event. No one from the council objected to the request.

7:23 p.m. Mayor Shirley declared a five-minute break.

ROUNDTABLE

A. Form of Government - Discussions –

- Gene Myrick stated that the founding fathers of this country in 1776 formed the first government did not know what they were doing but they gave it a try. Nothing is perfect in government and we are always reshaping government. People voted to have this form of government. Will it work? Only time will tell. Stuck by what the people wanted. They didn't give up so you guys don't give up. With two council members in each ward gives everyone more representation and a bigger picture of what is out there in the entire ward.
- Jackie Chase – I respect Mr. Myrick's opinion, however I don't agree. Forty people agreed with my letter to the editor, numerous people stopped me when I was out and about and told me they agree. Several cities even larger have a five-member council. Adequate representation with a five-member council. Golden opportunity to design the charter ordinance as most beneficial to the city of Iola. Several models available to have good representation from the city at large. Strong support of going to a five-member council should consider it. Administrator Slaugh proposed holding a town hall meeting to come together to work to get a consensus. June 21st at 7:00 p.m., set up tables to divide people up into small groups.
- Jackie Chase noted that it would be better to appoint a citizen task force than hold town hall meetings.
- Council Member Stewart asked for this to be put on the agenda because we are a government for the people. I understand that twice the people selected a larger representation, however if the right people were elected there would still be total representation of each ward. If the citizens

started a petition to have an election that would be doable. We are in transition to get things set up for the next elected officials. The people that came to the town hall meeting voiced their desires for a five-member council.

- Council Member Kilby stated several people for five and eight both have contacted him. The election was confusing to the public.
- Numerous people afterward stated they had voted no because they were afraid of what they were voting for.
- Council Member French noted that Mr. Talkington clarified the vote before the election. Did not come to light until other issues came up with the council members.
- Ms. Chase noted that people have had a chance to express their opinion and have expressed they want a five-member council.
- Mr. Rowe stated the first vote was in favor of the eight-member council. Then the commission made a charter ordinance. That was petitioned and put on the ballot and it was voted to stay with eight.
- Council Member Callahan stated he wanted what the people want. A vote not to long ago indicated that they overwhelmingly wanted the eight members. If you can get a petition that shows over 50% that want five-member council, then they may vote on that option.
- Eugene Myrick doesn't want to sound negative. Only been in place for a year now. Let the form of government play itself out for two years then have another election.

A. Reserves & Transfers – Policy Discussions- Reserve for general fund 5-15% of annual expenditures. Enterprise fund 3-6 months of operating capital. Council Member Callahan supports it; get it moving forward as soon as possible. Council Member Rowe questioned what the recommendation from the auditors was? Administrator Slaugh noted that different recommendations come from different auditors. If the general fund reserve is too high it is an indication that the mill levy should be lowered the next year. If enterprise fund reserves are too high it is an indication that the utility rates are too high. There should be a designation what the reserves are there for and enough operating capital to cover checks. Council Member Wicoff asked if reserves might be used for the projects on the lists? Only for future projects or designated equipment.

B. Wastewater Rates – Discussions – Administrator Slaugh stated he wouldn't have put this item on the agenda if he didn't feel that it was necessary. We cannot make the repairs proposed with current revenues and need a long-term ability to maintain our system utility. Council Member French noted that this is like the water fund he sat on. He asked about the FEMA money that the city may have to return. Administrator Slaugh noted that the original FEMA flood reimbursement was for the engineer's recommendations to replace two pumps. Later review by FEMA determined to refurbish instead of replacement. Administrator Slaugh noted that he is working with FEMA on this and will report at a later time.

- Council Member Callahan noted that it would be helpful to see the last five years of revenue and expenses off of the Incode system.
- Council Member Rowe noted that the infrastructure of the city is the most important part of the city we need to repair it and keep it up. Need to look at how we come up with the money to do this? We can indeed raise rates, however we also need to look at ways to cut costs on spending.
- Council Member French wondered if we are limiting amounts for the increase we should look at what we actually need to run the fund properly instead of raising rates now and then raising them in the near future to make up the shortfall.
- Council Member Wicoff noted that moving forward is important to the community. Must be careful with cutting costs if it means cutting services this will distract from the community.
- Administrator Slaugh noted that he would put this item back on the agenda in June.

UNFINISHED BUSINESS

- A. FEMA Flood Insurance Discussions** - Administrator Slaugh noted that the properties have to be insured because the city received FEMA money. Administrator Slaugh is recommending going with the higher deductible choice since the price difference is so slight. Council Member Rowe recommended the lower deductible. The rates are regulated by FEMA. Motion made by Council Member Stewart to give staff authority to obtain the flood insurance using the lower deductible. Motion seconded by Council Member French. All in favor. Motion carried.

COUNCIL & ADMINISTRATOR REPORTS

A. Mayor Shirley –

- Encouraged council members to attend the See/Hear Iola meetings on the last Friday of each month at 10:00 a.m..
- Noted that the community gardens in the south end of town are really looking nice.
- The hospital groundbreaking went well.
- Noted that long time Iola Municipal Band director Julie Tidd passed away on Sunday. She will be missed.

B. Council Member Stewart –

- Noted that if the council is truly violating open meeting policies by not specifying executive session rules will try to do better in the future.

- Addressed Ms. Shaugnessy issues with the police department and stated that he continues to support the police department as well as the other departments of the city.

C. Council Member Callahan –

- Noted that the past commissions before them have all gone into executive session the same way as it is currently being done. Asked Attorney Apt if it is being done correctly? Attorney Apt stated that it is in accordance with the law.
- Commented that there are statements out there that the council spent \$30,000 on a private investigator when actually the council sought outside legal council for a situation that fell into our lap and it was only for \$4,087.23.

D. Council Member Wicoff –Attended an open house for the SEKAP's new playground equipment they received for 54 children that are pre K.

E. Council Member Franklin – Asked about the request in the packet from the city of Mildred requesting the used playground equipment the city has in storage. Administrator Slaugh will address this later in the meeting.

- Wants annexation put on the next agenda.

F. Council Member Kilby – None

G. Council Member Becker – None.

H. Council Member Rowe – Noted that this last year for the council has been one of difficult decisions that some people are not happy with. Noted that every member of this council has served on a four-member committee and there have been no violations of KOMA.

I. Council Member French – Noted it was nice that Bill King commented in a county commission meeting that his crew would be willing to assist with clearing Cottonwood Street during the winter months.

J. Administrator Slaugh –

- 2013-budget reviews have entered information into the Incode system will send out an electronic copy to the council. June 5th from 3-5 p.m. will review the budget priorities in general and have a first look at the revenues.
- Noted that in the packet is the dividend check from EMC in the amount of \$19,431.11.
- In the packet was a thank you letter from the Department of Wildlife in Parks for the city's donation to the Rail Trail brochures.

- Governor Brownback asked that the superfund site be put on the national priority list
- The city of Mildred is asking that the city donate the old playground equipment that includes a merry go round, slipper slide and a jungle gym to them.
- Council Member French asked why the equipment was removed if it is still good enough to donate? Administrator Slaugh noted that the new requirements for fall height on the equipment for these particular items are more extensive than the city would be able to provide.
- An agreement would be drawn up to show that the City of Mildred is accepting the equipment as is with no warranty.
- Motion made by Council Member Callahan to give the equipment to the City of Mildred with the agreement showing they accept the equipment as is with no warranty. Motion seconded by Council Member Stewart. All in favor. Motion carried.

EXECUTIVE SESSION – Non-Elected Personnel 8:27 p.m. K.S.A.75-4319

Motion was made by Council Member Stewart and seconded by Council Member Franklin to recess into “Executive Session” for the purpose of conducting a meeting to discuss Non-Elected Personnel concerning the police and code enforcement departments. All in Favor. Motion carried. Present: Mayor Shirley, Council Members, Administrator Slaugh, Police Chief Warner and Attorney Apt. The open meeting to resume in the Commission Room at 8:52 p.m.

EXECUTIVE SESSION – Non-Elected Personnel 8:54 p.m. K.S.A.75-4319

Motion was made by Council Member Kilby and seconded by Council Member Becker to recess into “Executive Session” for the purpose of conducting a meeting to discuss Non-Elected Personnel concerning the police and code enforcement departments. Voting in favor of the motion were council members Becker, French, Kilby, Callahan, and Rowe. Motion carried. Present: Mayor Shirley, Council Members, Administrator Slaugh, Police Chief Warner and Attorney Apt. The open meeting to resume in the Commission Room at 9:24 p.m.

EXECUTIVE SESSION – Non-Elected Personnel 9:25 p.m. K.S.A.75-4319

Motion was made by Council Member Kilby and seconded by Council Member Rowe to recess into “Executive Session” for the purpose of conducting a meeting to discuss Non-Elected Personnel concerning the police and code enforcement departments. Voting in favor of the motion were council members Stewart, Wicoff, Kilby, Callahan, and Rowe. Motion carried. Present: Mayor Shirley, Council Members, Administrator Slaugh, Police Chief Warner and Attorney Apt. The open meeting to resume in the Commission Room at 9:55 p.m.

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

DATE / TIME OF NEXT MEETING

City Council Meeting 6:00 p.m. Tuesday, May 29th, 2012
City Council Meeting 6:00 p.m. Monday, June 11th, 2012

ADJOURNMENT

9:57 p.m. Motion made by Council Member Becker and was seconded by Council Member Stewart 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 29th day of May 2012.

Mayor, William A. Shirley

City Clerk, Roxanne Hutton