

CITY OF IOLA

Page 1

08/27/2012

A regular meeting of the City Council of the City of Iola was held on August 27, 2012, at 6:00 p.m., at the Riverside Park Community Building, 510 Park Avenue, 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, Stewart, French, Wicoff, Toland and Ford were present. Also present were Administrator Slaugh, Attorney Apt and City Clerk Hutton. Council Member Franklin was absent.

SWEARING IN

City Clerk Hutton swore in council members Nancy A. Ford and David C. Toland, selected at the August 22, 2012 special called meeting to fill the unexpired terms of council members Rowe and Callahan recalled in the August 7, 2012 election.

REVIEW & APPROVAL OF AGENDA

Motion made by Council Member Becker and seconded by Council Member Stewart to approve the agenda as presented. All in favor. Motion carried.

PUBLIC COMMENTS

- Mark Kauth and Larry Toney were present from the Iola High School Booster Club to request permission to shoot off fireworks for the Mustang home football games for the 2012 season, which would include August 31, September 21, October 12, and 19. The group has visited with Fire Chief Donald Leapheart. He stated that it was not a problem as long as the proper proof of insurance was obtained. Russell Beth, licensed shooter, would be the one that would be doing the firing. The council was in favor of allowing the fireworks as long as the county lifts the burn ban.
- Tom Wheat from Iola Boy Scout Troop 55 was present to request use of the Riverside Park on October 5, 6 and 7 to host the youth leaders and adult leaders in the Osage Nation District of the Boy Scouts for a youth leadership training program. The council had no objections to the group using the park for overnight camping Oct. 5 and 6.

CONSENT AGENDA

A. Minutes Approval – August 9, 2012 and August 13, 2012

B. Appropriations Approval – 2012-116

C. Personnel Action Items –

- Ron Knavel – Gas, Water & Sewer – Annual Evaluation
- Joe Bonczkowski – Gas, Water & Sewer – Annual Evaluation
- Jared Keagle – Code Services - Resignation

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

UNFINISHED BUSINESS

Prior to discussions from the Recreation Department, Recreation Director Brad Yoder introduced the new Assistant Recreation Director Jason Bauer. Jason gave a brief overview of his background as the Humboldt Recreation Director.

A. Recreation Department – Weather Policy – Enclosed in the packet was the policy that was brought up during the baseball and softball season of 2011. Staff made some minor changes to the policy such as implementation of the heat zone for games. The proposed change states that the Iola Recreation Department will check the heat index on the website (www.accuweather.com) at 5:00 p.m. before each practice or game. They will inform the coaches and umpires as to what zone the practices or games will be played at that current evening. They are seeking council's adoption of the proposed weather policy.

- Council Member Wicoff had concerns about the 105-heat index for the Red Zone. The high school athletes have had physicals. They know their limits and can listen to when their bodies tell them they need to stop, but younger children do not understand their limits. The weather policies need to protect them. He also noted that the National Weather Service issues heat warnings at 105.
- Council Member Toland asked for a background on the policy. Brad Yoder commented that the policy originated from the American College of Sports Medicine. Attorney Apt stated that the Recreation Board approved the policy to send on to the council for approval.
- Council Members French and Becker and Mayor Shirley agree with Council Member Wicoff.
- Council Member Ford stated that young children are not able to know the risk of the heat. It is not fun when it is so hot. The kids are supposed to be there for the fun and when it is so hot they don't enjoy it.
- Administrator Slauch stated that staff would look at changing the red zone to 105 and will bring back a revised policy for council for approval.

B. Recreation Department – City Facilities Policy – Staff received an email request from Allen Community College volleyball coach Jessica Peters to use the Recreation Community Building at no charge on September 21 and 22 to host a sanctioned tournament. They are also requesting that they be allowed to charge admission to this tournament, enabling them to pay the officials.

- Council Member French stated that the council should consider each request separately. Motion made by Council Member French to allow the college to use the facility free of charge the same as the school district. Motion seconded by Council Member Stewart. All in favor. Motion carried.

- Motion by Council Member French to allow the college to charge for this volleyball event so they can recoup some of their expenses. Motion seconded by Council Member Stewart. All in favor. Motion carried.

C. Volunteer Background Checks – At the request of the council, recreation staff have been looking into what other cities and recreation commission's procedures are for background checks of volunteers and coaches for youth programs. Staff is looking for council direction as to what additional information may be needed to bring a formal policy back for council approval. Brad Yoder, Recreation Director, noted that he is obtaining a policy from the City of Ft. Scott. For the flag football season volunteers will be checked on the KBI website prior to being allowed to work with the children. Council Member French encouraged Brad to check with the Boy Scouts to obtain their background check policy.

NEW BUSINESS

A. Iola Industries – National Guard Property – Administrator Slauch noted that staff is still looking into this matter and will report to the council at a future meeting.

B. Columbia Metal Lease Renewal - Columbia Metal has leased the property, formerly the National Guard Armory, since March 1961. Under the lease agreement for the period 2007-2012, the rental payment was \$435 per month. In addition to the lease amount, there have been additional payments for building repairs and improvements and insurance. The agreement has been revised to increase the rent to \$600 per month to include the annual property insurance in the amount of \$1,207. Motion made by Council Member Stewart to approve a revised lease agreement with Iola Industries for the Columbia Metal Property for the period 2012 to 2017 with a monthly payment of \$600.00. Motion seconded by Council Member Toland. All in favor. Motion carried.

C. EPA Penalty Project – Engineering Proposal – Staff solicited the services of Ponzer-Youngquist Engineers to provide the specifications and design work required to replace the 200 horsepower high service pump at the water plant. This project was proposed as a supplemental environmental project (SEP) in order to reduce the penalty imposed by the Environmental Protection Agency for violations of the wastewater treatment permit for the City of Iola. Motion made by Council Member Toland to approve the agreement with Ponzer-Youngquist, P.A., Consulting Engineers and Land Surveyors for work related to the replacement of the 200 hp high service pump in the approximate amount of \$4,100 and authorize the mayor to sign the necessary documents. Motion seconded by Council Member Stewart. All in favor. Motion carried.

- Council Member Wicoff asked how close the city is to working the agreement out with the EPA. Administrator Slaugh stated that the EPA has approved the project.
- Council Member Becker asked what the time limit was. Administrator Slaugh stated that the project must be completed by June 2013.

D. Electric Generation – RICE Upgrade – Discussions – Crews are working towards meeting the requirements of RICE-NESHAP, EPA National Emission Standards for Hazardous Air Pollutants (NESHAP) FOR stationary Reciprocating Internal Combustion Engines (RICE) as they apply to the electric generating capability for the City of Iola. Motion made by Council Member Toland to approve moving forward with scheduling the RICE upgrades for the Wartsila engines at an estimated material cost of \$55,000 plus installation. Motion seconded by Council Member Stewart. All in favor. Motion Carried.

E. Southwind Energy Group – Discussions - Administrator Slaugh noted that Scott Shreve will be in attendance at the next meeting to discuss the city entering into the Southwind energy group with five other cities for Westar to manage transmission of electric power. The City of Iola's current agreement with KPP expires in November of 2013. The other four cities have different contract end dates with KPP; therefore the beginning date of the Southwind Energy Group will be March of 2014. Administrator Slaugh asked that if any of the council members had any questions for Scott to email Administrator Slaugh prior to the meeting so Scott would be prepared to answer them.

F. Drought Policy - Discussions- Currently the City of Iola is under stage two water restrictions under a drought policy adopted by the City Commission in 1995. The stage two restriction was imposed under the authority of the Cottonwood and Neosho River Water Assurance District No. 3. A revised water drought plan has been prepared that corresponds to others used by the water assurance district. The municipal code needs to be updated to bring into harmony with the adopted drought policy. Administrator Slaugh noted that there have been questions on whether the restrictions included commercial car washes or just residential car washes. Administrator Slaugh stated that the car washes are not in the top 15 water users within the city.

- Council Member Toland asked if there is data that shows commercial car washes uses more or less than residential car washing.
- Council Member Stewart stated that he felt like if it is not detrimental to the city water availability we should allow commercial car washes.
- Toby Ross, Water Plant Superintendent, stated that the current levels will provide plenty of water for quite some time. He stated that benefit car washes would use quite a bit more water.

- Council Member Stewart made a motion to endorse the action to implement stage 2 water restrictions, allowing commercial car washes to continue with business, however restricting home car washing and fundraiser car washes and adopt a new water drought policy directing staff to prepare an ordinance with the updated policy information to update the Iola Municipal code. Motion seconded by Council Member Toland. Voting in favor of the motion were Council Members French, Wicoff, Stewart, Kilby, Ford and Toland. Council Member Becker was opposed to the motion. Motion carried by majority vote.
- Council member Wicoff asked Toby Ross when the assurance district would go to stage III. Toby said they talked about it at their last meeting and they decided that as long as there is water in John Redman they would stay at stage II.

G. Safer Grant - The city council gave approval February 13, 2012 for the fire department to apply for a SAFER grant. Notice was received August 17, 2012 that the City of Iola Fire Department was awarded the SAFER grant through the Department of Homeland Security in the amount of \$381,174. There are no matching fund requirements for this grant. The grant award provides for three firefighters for two years. There are no obligations for retention beyond the November 12, 2012 to November 11, 2014 period. The program funds salaries and benefits for the two-year period. The city must maintain the current personnel level of 16, plus the additional three positions during the period of the award. A commitment will be secured to reduce overtime in the Fire/EMS department with the hiring of the two additional personnel.

- Chief Leapheart and Fireman Mark Michael were in attendance to answer questions. They informed the group that this is the first grant where the city is not obligated to retain the three firemen following the two-year period.
- It was noted that the city would be responsible to train the employees at their expense.
- Motion made by Council Member Stewart to approve the acceptance of the SAFER grant in the amount of \$381,174 from the Department of Homeland Security which provides funding for three additional personnel for two years. Acceptance carries a commitment to maintain the current manning level of 16 during the two-year period. Motion seconded by Council Member French. All in favor. Motion carried.
- Administrator Slaugh noted that the budget for 2012 and 2013 would have to be amended since the SAFER grant was not included in either budget.
- Administrator Slaugh also noted that the department was awarded a grant for bunker gear in the amount of \$27,705. The city is responsible for 5% or \$1,409.45. The gear was purchased outside of the purchasing policy guidelines and the budget will have to be amended since it was not included in the 2012 budget.

ROUNDTABLE

- A. 2011 Audit Analysis - Discussions** – The 2011 audit performed by the firm Swindoll Janzen Hawk and Loyd, LLC, identified several areas that need

improvement. Administrator Slaugh addressed the Material Weakness and Significant Deficiencies with the council with staff's plans to correct them. Council Member French asked if privatizing the billing service could increase the percentage of collection rates. Administrator Slaugh noted that after speaking with cities that had tried private billing companies, percentages increased for about the first year and then they fell to the same rates as before.

COUNCIL & ADMINISTRATOR REPORTS

A. Mayor Shirley –

- Reminded the council members that this Friday at 10:00 a.m. the See, Hear, Iola would be held.
- Asked Administrator Slaugh to have hospital board members give an update at the next meeting. Administrator Slaugh noted that Harry Lee would be present at the next meeting to give an update.
- Asked Karen Gilpin to explain the tax credit grant the hospital foundation received. Ms. Gilpin stated that the grant would allow individuals that donate to the foundation to receive a 70% tax credit up to the \$190,000 limit on the grant.

B. Council Member Stewart –

- None

C. Council Member Ford –

- None

D. Council Member Wicoff –

- None

E. Council Member Franklin –

- Absent

F. Council Member Kilby –

- None

G. Council Member Becker –

- Stated the reason he voted against the water restriction motion was because he didn't feel like fundraisers should be restricted.
- He asked that staff prepare some recommended changes to the purchasing policy and that the council make revisions to the policy. He noted that it should be condensed from its lengthy state. As an agenda item it will allow local business owners and the public to comment on it.
- Stated that an individual's reputation is the most valuable thing that a person has. He then told Ken Hunt to stop him at any time if he said anything that he

didn't want said in an open meeting. He noted that Mr. Hunt's termination was incorrect and his personnel record should be expunged of the firing. The city should reimburse him for his legal fees and the difference between his unemployment insurance and his regular salary. The city should offer him his position back if he wants it. He encouraged the two new council members to obtain the documentation prepared by staff that showed that Ken Hunt was only doing his job and possibly reconsider hiring him back. The city does not need any more lawsuits.

H. Council Member Toland –

- Requested that the council receive options from staff concerning the purchasing policy and that it be reflected to make purchases within Iola as a first priority and within Allen County as the second priority. Promoting local commerce would have a positive affect on the city.

I. Council Member French –

- Noted that the purchasing policy might need to be tweaked. Noting that it would be beneficial to get the auditors input on the matter.
- Stated that this is his second request to have staff look at putting restroom facilities in the South Elm Park. Individuals might feel more inclined to ask permission to have overnight stays at the park if restroom facilities were available.

J. Administrator Slaugh –

- Received a request from the sponsor of the Iola High School Student Council to paint the street in front of the football stadium at the park with blue and gold paint. They are also requesting city police and fire department assistance and participation for the homecoming parade on Friday September 21. Council members wanted to assure that the road would be blocked for the safety of those painting on the streets, other wise they had no problem with the group doing it.
- The Community Foundation had shown an interest in using the city building at 2 E Jackson for office space. Code Services had also requested use of the building. Council Member Stewart stated that if city staff needed the space then they should be the ones to use it. Council Member Toland noted that it would be good for the city to support the community foundation by allowing them to occupy a storefront. He also noted that if the code services do use the building he wanted to encourage them to have a customer friendly atmosphere. An audience member stated that the foundation is no longer interested in using the building. Council was in agreement to allow code services to use the building.
- Will have a review of the goals and priorities at the September 10th meeting.
- Council Member Toland requested an update on the comprehensive plan goals.

Mayor Shirley declared a four-minute break.

EXECUTIVE SESSION – Non-Elected Personnel - EMS Billing 8:00 p.m.

K.S.A.75-4319

Motion was made by Council Member Stewart and seconded by Council Member Toland to recess into “Executive Session” for the purpose of conducting a meeting to discuss Non-Elected Personnel, ambulance billing. All in favor of the motion. Motion carried. Present: Mayor Shirley, Council Members, Administrator Slaugh and Attorney Apt. The open meeting to resume in the Council Room at 8:05 p.m.

EXECUTIVE SESSION – Attorney/Client Matters - Litigation 8:06 p.m.

K.S.A.75-4319

Motion was made by Council Member Toland and seconded by Council Member Kilby to recess into “Executive Session” for the purpose of conducting a meeting to discuss Attorney / Client Matters – litigation. Voting in favor of the motion were council members Toland, Becker, Kilby, French and Wicoff. Motion carried. Present: Mayor Shirley, Council Members, Administrator Slaugh and Attorney Apt. The open meeting to resume in the Council Room at 8:21 p.m.

EXECUTIVE SESSION – Attorney/Client Matters - Litigation 8:21 p.m.

K.S.A.75-4319

Motion was made by Council Member Toland and seconded by Council Member Kilby to recess into “Executive Session” for the purpose of conducting a meeting to discuss Attorney / Client Matters – litigation. Voting in favor of the motion were council members Toland, Becker, Kilby, French and Wicoff. Motion carried. Present: Mayor Shirley, Council Members, Administrator Slaugh and Attorney Apt. The open meeting to resume in the Council Room at 8:36 p.m.

DATE / TIME OF NEXT MEETING

City Council Meeting 6:00 p.m. Monday September 10th 2012

City Council Meeting 6:00 p.m. Monday, September 24th 2012

ADJOURNMENT

8:38 p.m. Motion made by Council Member Becker and 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 10th day of September 2012.

Mayor, William A. Shirley

City Clerk, Roxanne Hutton