

A regular meeting of the City Council of the City of Iola was held on September 24, 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, Franklin, Toland and Ford were present. Also present were Administrator Slaugh, Attorney Apt and City Clerk Hutton.

### **REVIEW & APPROVAL OF AGENDA**

Motion made by Council Member Franklin and seconded by Council Member Toland to approve the agenda adding item 8 F Scott Street Settlement Action Desired. All in favor. Motion carried.

### **PUBLIC COMMENTS**

- Donna Houser reminded the group that Buster Keaton Festival is this Friday and Saturday with over 600 people attending. Thanked the city for donating tourism money for the event. Reminded council members that this Friday at 10:00 a.m. the See Hear, Iola will be held at the Park Community Building. Mentioned that the painting on the WPA buildings was finished.
- Jim Gilpin representing Iola Industries informed the council that Iola Industries is looking at possibly allowing an individual to use the water from Elm Creek. They will report back to the city council before allowing the individual to withdraw the water per state regulations. Iola Industries is also trying to come to an arrangement with the National Guard concerning the old IGA property to the north of the Armory. Iola Industries is in the process of combining their efforts with the city and the county to employ a part-time economic development position.

### **CONSENT AGENDA**

**A. Minutes Approval** – September 10, 2012

**B. Appropriations Approval** – 2012-18

**C. Personnel Action Items** –

- James Boeken – Street & Alley – 6 Month Evaluation
- Eric Lawrence – Fire Department – 6 Month Evaluation
- Denise Schomaker – Municipal Court- Promotion to Full Time Court Clerk

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

**NEW BUSINESS**

**A. Cedarbrook Lots – Option to Purchase –** Tom Carlson of Pointe Royale Development has expressed interest in putting in an option to purchase the remaining 29 lots in Cedarbrook. He will put down \$10,000 earnest money to option the lots through the end of December 2013. The option to purchase will depend upon his ability to obtain the State of Kansas tax credits for the project. Administrator Slaugh visited with local realtor John Brocker concerning the likelihood of selling the lots individually. Mr. Brocker indicated that if the city has an opportunity like the one from Mr. Carlson they should go with it. Council Member French inquired about Mr. Carlson's letter indicating that if he is interested in one or more of the lots does this mean he will not want all of them? Assistant Administrator Schinstock stated that Mr. Carlson would want all of the lots if he obtains his tax credits. Council Member Wicoff asked if the new homes would have the same income level requirements for the tenants? It seems like individuals with a slightly higher income level are missing out. Council Member Toland agreed with Council Member Wicoff that the guidelines are low, however we are stuck with the standards as they are. We have a developer willing to build 29 homes for some of our residents. Mayor Shirley informed the council that he had visited with Representative Jenkins as well as Senator Moran concerning the low guidelines. Motion made by Council Member Stewart to accept Mr. Carlson's offer of \$10,000 in earnest money to option the remaining twenty-nine (29) lots in Cedarbrook 2<sup>nd</sup> Addition and authorize the Mayor to sign the necessary documents as they are prepared and signed by Mr. Carlson. Motion seconded by Council Member Wicoff. All in favor. Motion carried.

**B. Natural Gas Transportation - Discussion-** The City of Iola currently has agreements with Southern Star Central Gas Pipeline for transportation of natural gas. The current agreement from 2008-2013 utilizes a TSS tariff. Scott Shreve, the city's utility consultant for the city has determined that the STS tariff would be more advantageous to the city and achieve a substantial cost savings. The city has to give Southern Star a one-year notice to get out of our current contract in order to enter into the lower tariff contract. Administrator Slaugh indicated that the city would see a \$200,000 per year cost savings by switching agreements. Motion was made by Council Member Franklin to approve giving a one-year notice to Southern Star to terminate the existing agreement with a TSS tariff and authorize the mayor to sign the document. Motion seconded by Council Member Becker. Council Member Toland asked how long the city has been paying the higher rate and could this have been caught earlier. Administrator Slaugh indicated that normally it is something that we just get into the habit of and don't recognize it. With the City's consultant looking over items like this he was able to catch it and notify us. Attorney Apt informed the council that when the city entered into the agreement the gas market was not very stable. This was the best deal the city could obtain at the time. All in favor of the motion. Motion carried.

**C. City Officials Appointments** – Council Member Becker requested that each appointment be voted on separately. Council Member Toland made a motion to go into executive session for non-elected personnel. Motion seconded by Council Member Ford. All in favor. Motion carried. Present: Mayor Shirley and Council Members. The open meeting to resume in the Council Room at 6:41 p.m. Motion to move the appointments to the end of the meeting was made by council Member Stewart and seconded by Council Member Becker. All in favor. Motion carried.

**D. Alzheimer's Boot Block - Request** – Mary Lacrone is requesting to hold a fundraising boot block at the intersection of Madison and Washington Avenue from 8:00 a.m. until 12:00 noon on Saturday, October 6<sup>th</sup>. The event is done to raise awareness of Alzheimer's as well as raise funds for their annual walk to end Alzheimer's that will be held on the square on October 13, 2012. Motion made by Council Member Wicoff and seconded by Council Member Franklin to approve the request. Attorney Apt noted the requester would need to get with the police chief to assure all safety procedures are in place prior to starting the boot block. All in favor of the motion. Motion carried.

**E. Standard Traffic & Uniform Public Offense Code- Ordinances** – Attorney Apt informed the council that these ordinances have to be approved every year to implement the new codes. Motion made by Council Member Kilby and seconded by Council Member Stewart to approve the ordinances. All in favor. Motion carried.

**F. Scott Street Drainage Settlement Action Desired-** Motion made by Council Member Wicoff and seconded by Council Member Franklin to recess into "Executive Session" for the purpose of conducting a meeting to discuss Attorney / Client Matters – litigation. All in favor of the motion. Present: Mayor Shirley, Council Members, Administrator Slauch and Attorney Apt. The open meeting to resume in the Council Room at 6:50 p.m. Motion made by Council Member French to accept the settlement offer from Shafer, Kline and Warren Inc. and authorize the Mayor to sign and execute the documents. Motion seconded by Council Member Ford. All in favor. Motion carried.

## UNFINISHED BUSINESS

**A. Drought Policy** – The city has been under stage two water restrictions since August 13. The restriction was imposed under the authority of the Cottonwood and Neosho River Water Assurance District No. 3 in coordination with the Kansas Water Office. 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. Motion made by Council Member Franklin and seconded by Council Member Franklin to approve the revised Water Drought Response plan and ordinance amending the Iola Municipal Code to agree with the Water Drought Response Plan. Motion seconded by Council Member Stewart. All in favor. Motion carried.

- B. Columbia Metal Lease – Resolution** – Columbia Metal has leased facilities at Riverside Park since March 1961. The property served previously as a National Guard Armory building and sheep shed. A lease agreement with Columbia Metal was approved at the August 27, 2012 city council meeting. The lease arrangement has continued over the years as an economic development project. Authority to lease the city-owned facility is pursuant to K.S.A. 12-1738. The statute states that the city declares that the building is no longer required for city purposes; and may lease for any period of years desired. At City Attorney Apt's advice an accompanying resolution stating that the city no longer needs the facility for city purposes needs to be approved. Motion made by Council Member Stewart to approve the resolution stating the facilities in Riverside Park utilized by Columbia Metal are no longer needed for city purposes pursuant to K.S.A. 12-1738. Motion seconded by Council Member Toland. All in favor. Motion carried.
- C. Future Meeting Dates** – At the previous council meeting staff asked council members to review their calendars for two meeting dates that are in conflict with city observed holidays. The dates in question are November 12<sup>th</sup>, which is Veterans Day, and December 24, which is observed for the Christmas Holiday. Staff is looking for council approval to move the November meeting to November 13<sup>th</sup> and the December meeting to December 20<sup>th</sup>. Council Member Franklin voiced her concerns about city offices being closed for the four day Christmas holiday that includes a weekend. Motion made by Council Member Franklin to have an employee work four hours on Monday December 24<sup>th</sup> to assist customers. Motion seconded by Council Member Stewart. Voting in favor of the motion were council members Franklin and Stewart. Voting against the motion were council members Ford, Wicoff, Kilby, Becker, Toland and French. Motion did not pass. Motion made by Council Member Stewart to approve rescheduling the November 12<sup>th</sup> meeting to November 13<sup>th</sup> and the December 24<sup>th</sup> meeting to December 20<sup>th</sup>. Motion seconded by Council Member Kilby. All in favor. Motion carried.

## ROUNDTABLE

- A. Collective Bargaining F. D. - Discussion** – Council Member French requested an opportunity to have a collective bargaining proposal for the Fire Department from Robert S. Wing, President, IAFF Local 64 and Kansas State Council of Fire Fighters from Kansas City, Kansas. Mr. Wing read word for word the attached testimony. Council Member French asked Administrator Slaugh why he enclosed a recommendation in the packet to listen to the presentation but not to endorse or continue with discussions regarding collective bargaining. Administrator Slaugh noted that collective bargaining is a way to enforce rights, rules and benefits with employees. The city currently has the personnel manual, the municipal code and state statutes to enforce rights, rules and benefits with employees. Pay studies are done periodically to assure that the city is in line with other municipalities. The city also has an employee task force, which has a representative from each department. The task force is currently reviewing the personnel manual to present to the city council for review. At this time every department has the same amount of

representation. If the city were to accept the union it would give special privileges and the possibility of increasing pay to one department setting it aside from the other departments. Council Member French noted that it would not give up rights; it would extend a voice of reason. The city and county are in the middle of the ambulance issue. What are we going to do about this issue? It would be nice to have an outside voice to speak up about the issues. A clause could be added to the agreement that would give either party an out. Would like to hear from other members at the table. Council Member Wicoff noted that his experience with the Iola Fire Department has always been good. He feels that they all do a good job for the city. In his work experience with his business unionization drives up the cost of a project, it hurts efficiency, and requires more paperwork. The city has an employee task force; he has always listened to the employees. Feels like the union would only cloud things and would act as another stumbling block on the EMS issue. Mayor Shirley commended the fire department. His recommendation is to leave things as they are and move on.

**B. Iola Housing Authority Request** – Carol Ross, Executive Director of the Housing Authority for the City of Iola, has submitted a request to help come up with \$2,000 to help with litigation to recover reserve funding of \$151,000 taken away by the U.S. Department of Housing and Urban Development (HUD). Ms. Ross was at the meeting to answer questions. Administrator Slaugh noted that he did not think it was acceptable to use city funds to help with litigation efforts. Attorney Apt agreed with this statement. Council Member Toland stated he was sympathetic with what happened because the Iola Housing Authority tried to be fiscally responsible. No action was taken by the council.

**C. Purchasing Policy Revisions** – Administrator Slaugh presented some changes to the policy to make it a little more user friendly, reduce staff time and still achieve the goal of making wise purchases.

- Council Member Stewart wondered if the council doesn't need a work session to look at the changes side by side with the current policy to make it a more logical policy.
- Council Member Toland would like to give more of an opportunity for staff to purchase from local vendors. Administrator Slaugh cautioned that if a provision is made to give favor to local vendors this could eliminate competition for the local vendor, driving up costs and eventually outside vendors will stop bidding because they know the city will take the local bid.
- Council Member French noted that a provision is provided for in the policy for council to approve a higher bid if it is from a local vendor.
- Council Member Toland would like to see policies from cities comparable in size to Iola and how they handle local vendors.
- Council Member Becker noted that the city needs a policy; however it needs to be a common sense policy.

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- Council Member Ford stated that the limits for bids and council approval need to be raised. She feels that the City Administrator should be given more authority to approve purchases. The current policy is complex and confusing; need to have a comfort level with the staff in their ability to make purchases necessary to run the city.
- Council Member Toland asked what the previous policy was. Administrator Slauch noted that staff purchased everyday items that were previously approved in the budget and the administrator approved higher priced items. Vehicle and equipment purchases that were approved in the budget would come back to the council for approval.
- Council Member French reminded council members that they represent every citizen of Iola and they have to spend the money fiscally. Previously tires and asphalt were brought to the council for approval as sole source providers these are not sole source items.
- Administrator Slauch noted that with large contracts the city has to obtain bids.
- Council Member Toland stated that he would like the policy to be more specific to go with local vendors. We should give staff a policy they can use to operate the city. If staff runs amuck with the policy then replace the staff.

**D. Fire/EMS Discussions-** EMS Director Ron Conaway noted that he is willing to consider any ideas the county EMS Director Jason Nelson has. He is hoping in the near future he will be able to present a plan that is beneficial to all parties concerned.

- Council Member Stewart asked Mr. Conaway if the reason that the county took over the ambulance was because of poor and or dangerous activities by the Iola EMS department as he has heard from many sources. Ron Conaway informed the group that there is no evidence that this has ever occurred.
- Council Member Stewart asked if there was an agreement presented to previous city commissioners that one commissioner threw out of the window stating he would never sign an agreement with the county. Mr. Conaway stated that as far as he knew this never occurred.
- Council Member Stewart stated that since he works in both Humboldt and Moran he has heard from citizens of both towns that Iola is looking to remove ambulance coverage from both of these cities. Mr. Conaway stated that both of these ambulance locations were necessary and he has never indicated that he would be in favor of removing those services. He stated that it is a disservice to all the members of the Iola EMS to claim they provide substandard service.
- Council Member Becker noted that his wife used the Iola EMS for transfers to KU Medical Center. Representatives at KU Med told him that 95% of patients that arrive via ambulance have problems with service. Iola has always been 100% with their service of the patient.
- Mayor Shirley noted that the city is not in a hurry, reminding the group that there is still three years left on the agreement between the city and the county unless both parties agree to dissolve that agreement.

- Council Member Toland stated that he is not interested in the history that got us to this point. He would like the city to try to extend an olive branch and have productive negotiation with the county. Would like to focus on the future of the service and try to solve it by the end of the year.

## **COUNCIL & ADMINISTRATOR REPORTS**

### **A. Mayor Shirley –**

- Reminded the council members that this Friday at 10:00 a.m. the See Hear, Iola.
- The Buster Keaton Festival is this weekend, encourages all to attend.
- Noted that staff is making progress on the dog park. Administrator Slaugh noted that the goal is have the fence up in a week or so.
- Noted that a squirrel getting into the substation on Oak Street causing quite a bit of damage caused the electrical outage earlier.
- Susie Call, the court clerk, is retiring and her party is Monday.
- Wished Council Member Stewart happy birthday.

### **B. Council Member Stewart –**

- None

### **C. Council Member Ford –**

- Noted with Buster Keaton being this weekend maybe should have scheduled clean up week on a different week. A lot of residents are putting trash on their curbs doesn't look good for those visiting.

### **D. Council Member Wicoff –**

- None

### **E. Council Member Franklin –**

- Absent

### **F. Council Member Kilby –**

- None

### **G. Council Member Becker –**

- Would like a 10 minute non-elected personnel executive session.

### **H. Council Member Toland –**

- Noted that the dog park looks great.
- Asked if staff could spruce up around the Welcome to Iola signs for the upcoming Buster Keaton festival.

**I. Council Member French –**

- Acknowledged the city on their quick response to the electrical outage.
- Would like the IAFF to draw up an agreement to present before the council for an official vote at the next meeting.

**J. Administrator Slauch –**

- Bids received to purchase flow meters were \$45,000. This was more than staff wanted to spend. Two meters have been installed.
- A drive thru flu clinic will be held at the Iola Fire Department September 28<sup>th</sup> from 10-3.
- After visiting with staff, would not recommend allowing camping at Elm Creek Park South. There are concerns involving cleanup of the park and patrolling of the area. Staff would like to continue to have groups come to the council for prior approval for camping in city parks.
- The EPA cleanup of smelter sites is currently in the public comment stage.
- FEMA denied the extension concerning the \$40,000 that was paid in advance for lift stations, therefore the city will have to pay the money back. Will bring to next council meeting for approval.
- Fall cleanup is next week.
- City Health Fair will be held on October 8<sup>th</sup> from 7:30 a.m. – 11:30 a.m.
- Reviewed city policies on fuel purchases.

**EXECUTIVE SESSION – Non-Elected Personnel - 8:25 p.m. K.S.A.75-4319**

Motion was made by Council Member Becker and seconded by Council Member Wicoff to recess into “Executive Session” for the purpose of conducting a meeting to discuss Non-Elected Personnel. All in favor of the motion. Motion carried. Present: Mayor Shirley and Council Members. The open meeting to resume in the Council Room at 8:35 p.m.

**EXECUTIVE SESSION – Non-Elected Personnel - 8:35 p.m. K.S.A.75-4319**

Motion was made by Council Member Becker and seconded by Council Member Toland 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 Toland, Becker, French, Wicoff and Kilby. Motion carried. Present: Mayor Shirley, Attorney Apt and Council Members. The open meeting to resume in the Council Room at 8:50 p.m.

**8:37 p.m. Attorney Apt left the executive session.**

Motion made by Council Member Becker to approve appointment of Roxanne Hutton to the City Clerk position for a two-year term beginning October 1, 2012 – September 30, 2014. Motion seconded by Council Member Ford. All in favor. Motion carried.

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Motion made by Council Member Wicoff to approve appointment of Jared Warner to the Police Chief position for a two-year term beginning October 1, 2012 – September 30, 2014. Motion seconded by Council Member Stewart. All in favor. Motion carried.

Motion made by Council Member Wicoff to approve appointment of Donald Leapheart to the Fire Chief position for a two-year term beginning October 1, 2012 – September 30, 2014. Motion seconded by Council Member Ford. All in favor. Motion carried.

Motion made by Council Member Stewart to approve appointment of Chuck Apt to the City Attorney position for a two-year term beginning October 1, 2012 – September 30, 2014. Motion seconded by Council Member Franklin. Voting in favor of the motion were Council Members Franklin, Stewart and French. Voting against the motion were Council Members Ford, Toland, Kilby, Becker and Wicoff. Motion failed.

Motion made by Council Member Stewart to approve appointment of Debra Troxel to the City Treasurer position for a term following the election in April 2013 – September 30, 2014. Motion seconded by Council Member Becker. All in favor. Motion carried.

Motion made by council Member Becker to approve appointment of Thomas Saxton to the Municipal Judge position for a two-year term beginning October 1, 2012 – September 30, 2014. Motion seconded by Council Member Toland. All in favor. Motion carried.

**DATE / TIME OF NEXT MEETING**

City Council Meeting 6:00 p.m. Monday October 8<sup>th</sup> 2012  
City Council Meeting 6:00 p.m. Monday, October 22<sup>nd</sup> 2012

**ADJOURNMENT**

**8:50 p.m.** Motion made by Council Member Toland and 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 8<sup>th</sup> day of October 2012.

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Mayor, William A. Shirley

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City Clerk, Roxanne Hutton