

A special called meeting of the City Council of the City of Iola was held on November 1, 2012 at 6:00 p.m., at City Hall 2 W Jackson Iola Kansas. The purpose of the meeting was Personnel Actions – Fire Department and Interviews Non-Elected Personnel.

CALL MEETING TO ORDER

Mayor Shirley called the meeting to order at 6:00 p.m.

ROLL CALL

Mayor Shirley, Council Members Becker, Toland, French, Ford, Kilby and Franklin were present. Also present was, Administrator Slaugh, and City Clerk Hutton. Absent were Council Members Stewart and Wicoff.

REVIEW & APPROVAL OF THE AGENDA

Motion made by Council Member Franklin and seconded by Council Member Toland to approve the agenda as presented. All in favor. Motion Carried.

NEW BUSINESS

A. Personnel Actions

- a. Ryan Chapman – Fire Department – New Hire**
- b. Kenneth Thompson – Fire Department – New Hire**
- c. Lance Barnes – Fire Department – New Hire**

Motion made by Council Member Kilby to approve the personnel actions pending completion of physical and drug screen evaluations. Motion seconded by Council Member Ford. All in favor. Motion carried.

Administrator Slaugh briefed the council on the parameters of the interviews. Council Member Toland inquired about the charter ordinance detailing the city attorney position. Administrator Slaugh noted that the charter ordinance specifies that the position will exist. State statute states that the attorney has to have residency from the county or adjoining county. Council Member French asked that Attorney Apt's time be split out by his time as prosecutor and his time as city attorney so that the council could make a decision on pay rates if they chose to appoint separate attorneys.

EXECUTIVE SESSION – Non Elected Personnel

A. City Attorney Interviews

EXECUTIVE SESSION – Non – Elected 6:10 p.m. K.S.A.75-4319

Motion was made by Council Member Ford and seconded by Council Member Franklin to recess into "Executive Session" for the purpose of conducting a meeting to discuss Non-Elected Personnel – City Attorney Interviews. All in favor. Motion carried. Present: Mayor Shirley, Administrator Slaugh, Council Members, Attorneys Bret A. Heim and Frederick J. Works. The open meeting to resume in the Commission Room at 7:00 p.m.

EXECUTIVE SESSION – Non – Elected 7:05 p.m. K.S.A.75-4319

Motion was made by Council Member Franklin and seconded by Council Member Kilby to recess into “Executive Session” for the purpose of conducting a meeting to discuss Non-Elected Personnel – City Attorney Interviews. All in favor. Motion carried. Present: Mayor Shirley, Administrator Slaugh, Council Members, Attorneys Robert E. Johnson II and Daniel J. Schowengerdt. The open meeting to resume in the Commission Room at 7:55 p.m.

Mayor Shirley inquired about going into executive session to discuss the ongoing case with County Attorney Wade and the City Council regarding the Kansas Open Meetings Act (KOMA). City Clerk Hutton and Administrator Slaugh advised the council could not go into executive session for attorney/client matters without a city attorney present.

Council Member French had some concerns of public perception if Mr. Bowie were to be interviewed for the job and possibly be given the job while this case is still outstanding.

Council Member Toland stated he would like the council to obtain a legal opinion prior to interviewing Mr. Bowie.

8:00 p.m. Mayor Shirley declared a ten-minute break.

Council Members noted that they were surprised to learn that the separation of city attorney duties and city prosecutor duties is becoming the norm.

Council Members would like to see what the caseload is for municipal court.

Council Member Kilby inquired as to when the alcohol and domestic cases moved to county court. This has caused a drop in revenue for the city.

Council Member Toland noted that the council needs to decide what the position is going to be. Do we as a council want to separate the duties?

Council Member Ford noted that the council needs to decide if the city attorney is an employee or not as this could free up some funds if they are not considered an employee.

Administrator Slaugh reported that he had spoken to Chief Warner the decision to move the DUI and domestic cases to the county was made by Judge Saxton and Attorney Apt in July of 2011, due to new requirements in the law. Council Members would like to hear from Chief Warner about what he thinks about the cases moving to the county.

Council Member Toland requested that City Clerk Hutton review the 2011 minutes of the governing body to see if the decision to move these cases over to the county was approved by the governing body.

ADJOURNMENT

8:25p.m. Motion made by Council Member Franklin and was seconded by Council Member Kilby to adjourn the. As the vote was unanimous, the meeting was declared adjourned.

Approved by the City Council of the City of Iola, Kansas this 13th day of November 2012.

Mayor, William A. Shirley

City Clerk, Roxanne Hutton