

A regular meeting of the City Council of the City of Iola was held on November 26, 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, Ford, and Toland were present. Also present were Administrator Slaugh, City Clerk Hutton and City Attorney Robert Johnson II.

REVIEW & APPROVAL OF AGENDA

Administrator Slaugh asked that item 7B be moved to after 8B for the agenda. Motion made by Council Member Stewart and seconded by Council Member Toland to approve the agenda with this change. All in favor. Motion carried.

PUBLIC COMMENTS

- Becky Nilges wanted to clarify the public comments section of the November 13, 2012 minutes. The Iola Reads and The Iola Family Reading Festival are two separate events. The Reading Festival has to rely on funding from requested donations and has in fact received funds from the Convention and Tourism fund through the city. Becky wanted to clarify this so that if funding is requested in the future all those involved understand that they are two different distinct events and do not share funding.

CONSENT AGENDA

A. Minutes Approval – November 13, 2012

B. Appropriations Approval – 2012-22

C. Personnel Action Items –

- **Chad Beasley – Street & Alley – Annual Evaluation**
- **Roxanne Hutton – Clerks Office – Annual Evaluation**

Motion made by Council Member Stewart to approve items A and C of the consent agenda. Motion seconded by Council Member Franklin. All in favor. Motion carried.

NEW BUSINESS

A. City Attorney Contract – Administrator Slaugh presented to the council a letter of appointment for Robert E Johnson II. The city council agreed to divide the responsibilities of city attorney and city prosecutor with a separate contract for each. Mr. Johnson will be paid \$135.00 per hour for all work performed. He will only attend council meetings at the request of the city council or as needed to discuss issues of a legal nature. The city prosecutor position is still vacant.

Attorney Chuck Apt is taking care of city prosecutor responsibilities until a replacement is selected. Discussion centered on the enclosed job description for the city prosecutor. Administrator Slaugh noted that it was copied from another city and changes could be made prior to hiring a city prosecutor. Motion made by Council Member French to approve the letter of appointment for City Attorney Robert E Johnson II. Motion seconded by Council Member Toland. All in favor. Motion carried.

EXECUTIVE SESSION – Attorney Client Discussions - 6:12 p.m. K.S.A.75-4319

Motion was made by Council Member Toland and seconded by Council Member Becker to recess into “Executive Session” for the purpose of conducting a meeting to discuss Attorney Client Discussions. All in favor. Motion carried. Present: Mayor Shirley, Administrator Slaugh, Council Members and City Attorney Johnson. The open meeting to resume in the Council Room at 6:42 p.m.

EXECUTIVE SESSION – Attorney Client Discussions - 6:42 p.m. K.S.A.75-4319

Motion was made by Council Member Toland and seconded by Council Member Wicoff to recess into “Executive Session” for the purpose of conducting a meeting to discuss Attorney Client Discussions. Voting in favor of the motion were Council Members: Toland, Ford, Wicoff, Becker and French. Motion carried. Present: Mayor Shirley, Administrator Slaugh, Council Members and City Attorney Johnson. The open meeting to resume in the Council Room at 6:57 p.m.

Following the executive session a motion was made by Council Member Toland to approve the appropriations section of the consent agenda withholding payment for Judy Brigham until further legal review can be done. Motion seconded by Council Member Franklin. Voting in favor of the motion were council members: Toland, Ford, Kilby, Stewart, Wicoff, Franklin and French. Voting against the motion was Council Member Becker. Motion carried by a majority vote.

- B. 2012 Audit Proposal-** In December of 2011 bids were received from three auditing firms, the bids were for audit of the year 2011 and also the year 2012. The bids for the 2012 audit were as follows: Swindoll, Janzen, Hawk and Loyd \$18,000 with a single audit rate of \$7,500, Lownthal, Webb and Oderman \$10,450 with a single audit rate of \$200, Jared, Gilmore & Phillips \$8,650 with a single audit rate of \$1,900. Administrator Slaugh noted that it was not likely a single audit would need to be performed. Council Member Toland asked why there was so much difference in the fees. Administrator Slaugh noted that part of the reason is travel and part of it is the different firms value their work differently. Motion made by Council Member Franklin to approve the bid from Jared, Gilmore and Phillips to perform the 2012 audit for the city at a cost of \$8,650 with a single audit rate of \$1,900 if necessary. Motion seconded by Council Member Becker. All in favor. Motion carried. Council Member French asked for an update on the previous audit discrepancies and how the city is addressing those.

Attorney Johnson left the meeting at the request of the council since his services were not needed any longer.

C. High Service Pump Project – Water Plant – Bids were solicited for a high service pump at the water plant. The project was proposed as a supplemental environmental project in order to reduce the penalty imposed by the Environmental Protection Agency for violations of the wastewater treatment permit for the City of Iola. The project was envisioned to be a total of \$40,000. There was only one bid received on the project and the amount was \$90,000 for the pump and installation. The amount is much higher than anticipated. A request was made to have the project rebid with more effort in getting competing companies to submit on the project. If the second bid comes in over the anticipated \$40,000 the city will renegotiate with the EPA on the penalty.

D. KDWP&T Trail Grant – Assistant Administrator Corey Schinstock presented to the council for approval:

Resolution of Support

Local Funding Statement

Civil Rights Compliance Form

Affirmative Action Policy

Equal Employment Opportunity Policy

The meeting was open to public comments from the citizens present. None was given. Assistant Administrator Schinstock stated that he will send 10 to 12 letters of support from members of the community and he has visited with some of the landowners about obtaining some property for the trail. Motion made by Council Member French to approve the aforementioned documents and authorize the mayor and staff to execute and submit them to KDWP&T for consideration of funding. Motion seconded by Council Member Becker. All in favor. Motion carried. Becky Nilges commented that the trail runs directly behind her house and she has never had any problems with individuals on the trail. She would like to see the trail promoted more. Council Member French asked if there were trash receptacles on the trail. Assistant Administrator Schinstock stated that they were placed on the new part but not on the old part. He will have staff look into this matter.

UNFINISHED BUSINESS

A. FEMA Projects Closeout- Administrator Slauch noted that all of the cases have been closed for the 2007 flood disaster #1711. Concerning the PW 847 dealing with reimbursements for the auxiliary lift station that pumps wastewater to the lagoons, two appeals to FEMA have been denied and a request for return of the funds has been made. An opportunity to appeal for funding after the lift station repairs are completed may be available. Total funding received from FEMA for the 2007 flood was \$4,509,924.54. Motion made by Council Member Stewart to authorize the city administrator to sign as applicant's authorized representative to certify that all work and costs claimed are eligible

with the grant conditions. Motion Seconded by Council Member Franklin. All in favor. Motion carried.

ROUNDTABLE

- A. 2012 Budget Amendments** - City Clerk/Finance Director Roxanne Hutton presented an overview of the funds that will need budget amendments. Noting that this is the first year in her tenure that the Recreation Fund did not need to be amended. City Clerk Hutton stated that she will prepare the amendment document for publication; this has to be published ten days prior to the hearing and distribute it to the council members. A motion was made by Council Member French to set the public hearing for the 2012 budget amendments on December 20th at 6:00 p.m. Motion seconded by Council Member Stewart. All in favor. Motion carried.

Mayor Shirley requested funding from the city Convention and Tourism fund to pay for a lunch for the Project 17 meeting to be held in Iola on December 17th. Motion made by Council Member Franklin to approve funding the lunch for the Project 17 up to \$300. Motion seconded by Council Member Stewart. All in favor. Motion carried.

COUNCIL & ADMINISTRATOR REPORTS

A. Mayor Shirley –

- Noted that the November 19th meeting with the County Commissioners went well. Another meeting will be set in the future. He encouraged all of the council to attend.
- Stated that last year the council hosted a luncheon for all of the city employees. A date has been set for December 28th from 11:00 – 1:00 p.m. to hold a luncheon this year.
- This Friday is See Hear, Iola at 10:00 a.m. Judge Creitz will be discussing the drug court.
- Commended David Toland for the successful Thrive Banquet that was held recently.

B. Council Member Stewart –

- None

C. Council Member Ford –

- Commended staff on the Christmas decorations around the city.
- Noted that the new paint on the Santa house looks great.

D. Council Member Wicoff –

- None

E. Council Member Franklin –

- Noted that the craft fair this past Saturday that was held as a fundraiser went well. Encouraged the council to allow these kind of projects in the future.

F. Council Member Kilby –

- None

G. Council Member Becker –

- None

H. Council Member Toland –

- Inquired about the pedestrian signals on State Street. Assistant Administrator Schinstock stated that if they are not flashing they are working. Council Member Toland stated that he had seen a disabled individual crossing at this intersection and it was nice to see the signal working the way it should.

I. Council Member French –

- Inquired about the status of the Neighborhood Revitalization Program. Administrator Slaugh noted that Code Enforcement Officer Jefferis is at the school board meeting this evening presenting it for approval.
- Would like a copy of the boundaries of the program.
- Requested a map of the green space the city mows and also what properties we have assessed taxes to for mowing.
- Noted that the new crosswalk signs are really getting chewed up. Will the city have to replace these? Administrator Slaugh stated that staff had discussed this and is in hopes that the initial struggles of vehicles running into and over the signs is about over. The city will have to replace the signs.

J. Administrator Slaugh –

- Noted that the allowed uses of flood buyout properties is limited to be used as a natural green space area without any paved areas.
- Council Member Toland asked if a trail to the recreation fields in the Davis Addition would be allowable. Assistant Administrator Schinstock stated that as long as the trail stayed on city right of way and did not cross flood buyout properties it would be possible.
- Inquired about the strategic planning session that was tentatively set for January 25th and 26th. Council Members Franklin and Toland stated that would like to see it all in one day. It was decided that it would be held on January 26th only.

CITY OF IOLA

Page 6

11/26/2012

Motion was made by Council Member Stewart and seconded by Council Member Kilby to recess into "Executive Session" for the purpose of conducting a meeting to discuss Non-Elected Personnel/Employee Issues. All in favor. Motion carried. Present: Mayor Shirley, Administrator Slauch and Council Members, The open meeting to resume in the Commission Room at 7:50 p.m.

Motion made by Council Member Franklin to pay the City Clerk \$50.00 per week for carrying the extra duties as the HR Director while that position was open. Motion seconded by Council Member Toland. All in favor. Motion carried.

DATE / TIME OF NEXT MEETING

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

City Council Meeting 6:00 p.m. Monday, December 20th, 2012

ADJOURNMENT

7:54 p.m. Motion made by Council Member Stewart and seconded by Council Member Kilby 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 December 2012.

Mayor, William A. Shirley

City Clerk, Roxanne Hutton