

A regular meeting of the City Council of the City of Iola was held on January 14, 2013, 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, French, Wicoff, Franklin, Toland, Ford, and Stewart were present. Also present were Administrator Slaugh, and City Clerk Roxanne Hutton.

REVIEW & APPROVAL OF AGENDA

Motion made by Council Member Kilby and seconded by Council Member Franklin to approve the agenda moving item C to executive session. All in favor. Motion carried.

PUBLIC COMMENTS

- None

CONSENT AGENDA

A. Minutes Approval – December 20, 2012

B. Appropriations Approval – 2013-01

C. Personnel Action Items –

- **David Ingle – Police Department – 12 Month Evaluation**
- **Brandon Andres – Police Department – 6 Month Evaluation**
- **David Shelby – Police Department – 6 Month Evaluation**
- **Sheila Sigg – Clerks Office – Promotion from Cashier to EMS Billing Clerk**
- **Jeremy Ellington – Fire Department – Promotion from Fire Fighter to Lieutenant**

Motion made by Council Member Toland to approve the consent agenda without item C. Motion seconded by Council Member Becker. All in favor. Motion carried.

UNFINISHED BUSINESS

A. Bicycle Ordinance - An amendment to the guidance on registering bicycles and where they may be ridden has been considered at the previous two city council meetings. The motivation for the changes came originally from cycling groups outside of the city that were utilizing the Prairie Spirit Trail, riding through the city or perhaps merely seeking to remove barriers to riding bicycles. THRIVE has also promoted riding bicycles to encourage healthy lifestyles and more physical activity. The requirement to have vehicles registered and licensed appeared adverse to out-of-town visitors. The revised ordinance was presented to the council for approval. Motion made by Council Member

Becker and seconded by Council Member Toland to approve the ordinance for bicycles. All in favor. Motion carried.

B. Entryway Signage – Shonda Jefferis – Prices were received for the city entrance signs from two companies, Tri Mark Sign works and Hawk Business Specialties. Tri Mark submitted prices for two options: Aluminum option - \$35,155 and aluminum sign utilizing existing stone pillars - \$7,999. Hawk Business Specialties submitted prices for three options: Aluminum option – price for each sign \$6,076.45, HDU option – price for each sign \$8,299 and Square Dibond utilizing existing stone pillars \$1,850.00. Council Member French asked which group initiated the project and, if they still meet, should they be a part of the final decisions. Council Member Toland informed the group that this was part of the Vision Iola project in 2010. The group received input from the public with different stations set up for the public to vote on which signs they were in favor of. Administrator Slauch noted that the plan estimated that the cost of all four signs would be approximately \$70,000, not including lighting and landscaping. Council Member Toland wondered if staff could rebuild the wood. Council Member Ford wondered if staff could get other bids via the internet on the HDU product. Staff was directed to obtain some more quotes and dollar figures on the cost of staff doing the wood and electrical work.

NEW BUSINESS

A. CMB License Renewal - At the December 10, 2012 council meeting a number of cereal malt beverage licenses were presented for approval and issued. However, Coronado's did not submit their application on time to ensure there would not be a delay or interruption in sales of cereal malt beverages at the establishment. They have made application for renewal. The Fire Department and the Police Department have performed necessary inspections of the establishment. Motion made by Council Member Franklin to approve the CMB License renewal for Coronado's. Motion seconded by Council Member Kilby seconded the motion. All in favor. Motion carried.

B. Purchasing Policy Committee Appointments- The city council adopted a new purchasing policy on April 9, 2012. At subsequent city council meetings changes to the policy were considered. Changes to the purchasing policy were approved by the city council on November 13, 2012 and a completely new policy was printed. Another change was approved at the December 20, 2012 city council meeting. Also included was a recommendation to form a purchasing policy committee to review the policies and provide some feedback on future changes. A committee has been formed and their first meeting is scheduled for January 22nd at 6:30 p.m. at City Hall. Formal notice has also been made to comply with the Kansas Open Meetings Act. The committee consists of the following individuals: Linda Sigg – Party Girls, Terry Sparks – State Farm, Ron Moore – Iola Office Supplies, Dana Nauertc – City of Iola, Daniel Mathew – Hampel Oil. With a mix of voices the committee can review the policy to see if it makes sense doing so in open public meetings bringing their ideas back to the city council. Motion made by Council Member Toland to appoint the purchasing policy committee limiting them to a 60 day timeline, giving them direction to review the policy for sensibility, reporting back to the council

following the 60 day time frame and disbanding following the report to the council. Motion seconded by Council Member Becker. Voting in favor of the motion were Council Members: Toland, Ford, Kilby, Stewart, Wicoff, Becker and French. Voting against the motion was Council Member Franklin. Motion carried by majority vote.

C. Economic Development Agreement –A proposal was approved at the October 8, 2012 council meeting to participate with Allen County and Iola Industries in an economic development effort. The City of Iola agreed to contribute \$15,000, Iola Industries agreed to contribute \$15,000 and Allen County Commission agreed to contribute \$10,000 per year. THRIVE Allen County has submitted a proposal for a part-time person to be added to their staff. Their charter includes a provision for economic development services to the county. The proposed initial budget for a part-time position is \$45,000 which includes salary, benefits and some overhead expenses. Funding would come from the city's Industrial Fund, which has revenues from property tax levy of one mill or about \$30,000 per year. An agreement has been prepared by Alan Weber, County Counselor, to put into action the support from various groups. The City of Iola also needs to designate two representatives to serve as members of the advisory board, to meet monthly to oversee and give direction to the economic development effort. Council Member Toland noted that due to the fact that THRIVE is his employer he would not be voting on this item. Council Member Toland stated that he did want to make it clear that contrary to the information enclosed in the packet THRIVE did not hire an extra employee. They are using current staff that have finished other tasks. Council Member French wanted to make sure that the Industrial Fund that is being used to fund this position does not get depleted so that if the city had an Industrial Development project in the future the money would be available. Motion made by Council Member French and seconded by Council Member Franklin to approve the Economic Development Service Agreement providing funding of \$15,000 to THRIVE Allen County annually for a joint effort on economic development. Voting in favor of the motion were Council Members: French, Franklin, Becker, Wicoff, Stewart, Kilby and Ford. Council Member Toland abstained from the vote. Motion carried by a majority vote. Discussion followed regarding the appointment of two members to the advisory board. Council Member Toland stated that it would be helpful to have a city employee on the board so that if questions arose concerning utilities the answer would be readily available. Mayor Shirley asked Administrator Slaugh to visit with Sheila Lampe and Barbara Chalker Anderson to see if they would be interested and report back to the council at the next meeting.

D. 2012 Audit Contract – The city council approved using the services of Jarred, Gilmore & Phillips at the November 26, 2012 city council meeting. After obtaining the clearances required from Swindoll, Janzen, Hawk & Loyd, a contract has been prepared to perform the 2012 audit. Motion made by Council Member Franklin and seconded by Council Member Toland to approve the audit contract with Jared, Gilmore and Phillips for the 2012 audit of the city. All in favor. Motion carried.

E. Prairie Spirit Rail Trail – Supplemental Agreement – At the December 10, 2012 city council meeting the council voted to accept the final project. Also at that meeting Assistant Administrator Schinstock discussed extra work that was performed by the city's

consultant during construction, engineering and inspection of the project. Following that meeting Kansas Department of Transportation agreed to accept their share or 80% of the total \$2,569.89 of overage for inspection services. Thus only costing the city 20% of the overages or \$513.98 which as you can see is less cost for the city than the \$1,500 in additional voted on previously. KDOT prepared a supplemental agreement for this and it was presented at the meeting for acceptance. Staff is also requesting to cut a manual check for the final pay estimate for the city's consultant, Schwab-Eaton. This payment will include the adjustment for the overage of inspection services as previously discussed. Upon your approval of these requests staff will formally request the closing out of this project from KDOT. Motion made by Council Member Becker and seconded by Council Member French to approve the supplemental agreement for engineering services on the project increasing the total contract from \$31,086.68 to \$33,656.57 with Schwab-Eaton. All in favor. Motion carried. Motion made by Council Member Becker and seconded by Council Member Franklin to approve a manual check cut to Schwab- Eaton for the final payment for construction engineering services in the amount of \$19,269.32 which includes the previous increase for inspection services. All in favor. Motion carried.

F. Solid Waste Collection – Ordinance - A request was made to amend the Municipal Code to add guidance on garbage cans, their placement and removal before and after a scheduled pickup. The intent is an effort to improve the beautification of the city. Administrator Slaugh noted that according to City Attorney Johnson the enforcement of this ordinance would be done by nuisance calls made to the Code Enforcement Office. Council Member Wicoff had concerns about the 12 hour time period. Motion made by Council Member French to approve the ordinance with a revision to state that the trash receptacles could be placed out the day before pick up and removed by 11:59 p.m. the day of pickup. Motion seconded by Council Member Franklin. All in favor. Motion carried.

G. Wastewater Collection Improvement Project – Bid Acceptance - On January 8, 2013 a formal bid opening was held at city hall for one of the upcoming sanitary sewer improvement projects. This particular project being bid is for the improvements to the wastewater collection pump station (main plant) located ½ mile south of Riverside Park on Nebraska Road. Four bids were received for this project: Crossland Contractors \$194,000, JJ Westhoff Construction \$202,000, CAS Constructors, LLC \$219,720, Larforge & Budd Construction \$264,000. There were also three add alternate bid items ranging from \$25,500 to \$60,000 with two of the contractors not submitting bids on these items. With an engineer's estimate from Ponzer-Youngquist of \$280,000 staff is recommending that the council accept the base bid of \$194,000 from Crossland Heavy Contractors of Columbus, Kansas. Council Member French inquired as to why staff is not recommending doing the alternates. Administrator Slaugh stated that the alternates were to implement safety training and the city currently contracts with KMU to provide safety training. Council Member Toland had some concerns about the difference in the engineers bid estimate and those bidding on the project. Administrator Slaugh noted that times are tough right now and contractor's bids are coming in low. Motion made by Council Member Franklin and seconded by Council Member Toland to approve acceptance of the base bid of \$194,000 from Crossland Heavy Contractors for the sanitary sewer main plant improvement project

and not move forward with the three add alternate project bids following approval of KDHE and EPA. All in favor. Motion carried.

H. EPA Water High Service Pump- Bids were solicited for the high service pump at the water plant. This project is to replace the 200 horse power high service pump at the water plant. This 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. The project was envisioned to be a total of \$40,000. During the first bidding only one bid was received on the project, Fluid Equipment, 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. At the bid opening that was held on January 8, 2013 two bids were received one from Fluid Equipment in the amount of \$118,500 and one for \$139,964. Staff is coordinating with the engineer to consider options in dealing with the bids. No action is requested at this time. Council Member Toland voiced his concerns about the difference in the estimated cost of the project and the actual bids. Administrator Slauch noted that the \$40,000 was a staff estimate based on the cost of the motor and the current electric that is already in place. Administrator Slauch noted that he had visited with the EPA about the possibility of negotiating with Crossland Contractors to see if this could be added to the Sewer project. Council Member Wicoff wondered if the VFD could be changed on the current 200 hp motor. Staff will continue to look into this project and return and report.

I. MuniGas Resolution – The city of Iola utilizes the services of MuniGas as an agent for purchasing gas supplies. MuniGas is requesting a change of the current Resolution 2009-7 changing the reserve amount from \$500,000 to \$600,000 for the city's reserve fund threshold. Motion made by Council Member Stewart and seconded by Council Member Kilby to approve resolution 2013-1 for continuation of services in acquiring natural gas for utility services in Iola. All in favor. Motion carried.

J. US Hwy 54 Project – Agreement – The Kansas Department of Transportation, City of Iola, City of Gas and City of LaHarpe agreement for full re-construction of the four lanes on US HWY 54 from the eastern city limits of Iola to the eastern city limits of LaHarpe. This project is a fully funded KDOT project that will begin in the spring or summer of 2013. With this project there will little or no actual work being performed within the city limits of Iola. Council Member Toland asked Assistant Administrator Schinstock if the city could attach a project with this project to make repairs to our connecting street. Mr. Schinstock stated that he would check into it more, however the project is being pushed through rather quickly so it may not be possible. Council Member Kilby wanted to assure that KDOT does not adjust the speed signs; staff will visit with them about this concern. Motion made by Council Member Stewart and seconded by Council Member Kilby to approve the agreement for the project. All in favor. Motion carried.

K. Pointe Royale Development – Resolution – At the November 11, 2012 council meeting a revised option to purchase the remaining twenty – nine (29) single family lots in

Cedarbrook Second Addition was approved. This option to purchase was exercised by the City of Iola and Thomas Carlson (Pointe Royale Development) beginning the process of building more tax credit rental homes in Iola. A number of documents are needed for the application process with Kansas Housing Resource Corporation (KHRC). In the past weeks staff was asked to provide the documents enclosed in the packet. Council Member French asked if all of the lots have electric and water hookups, assuring no hidden costs on the city's part. Assistant Administrator Schinstock noted that everything was put in when the city received a grant. Motion made by Council Member Toland and seconded by Council Member Ford to approve a resolution of support for the tax credit housing in Cedarbrook 2nd Addition for Pointe Royale Development with the correction of the date from 2012 to 2013. All in favor. Motion carried.

COUNCIL & ADMINISTRATOR REPORTS

A. Mayor Shirley –

- Asked City Clerk Hutton who had filed for office? City Clerk Hutton reported the candidates to date.
- Informed the group that the DARE graduation will be held this Wednesday at 6:00 p.m. at the Bowlus.
- Administrator Slauch and he attended the swearing in of the new county commissioners this morning.
- Wanted to thank Council Member French for putting together the employee end of year luncheon.
- This Thursday he will be filming a state of city address with the department heads to be viewed on channel 6 at a later date.

B. Council Member Stewart –

- Received a phone call from a citizen wanting to put in a restaurant in Iola. The other councilmembers stated they had been contacted also.

C. Council Member Ford –

- None

D. Council Member Wicoff –

- None

E. Council Member Franklin –

- Enjoyed the employee luncheon.
- Wants to continue with the tour of local manufacturing plants.

F. Council Member Kilby –

- None

G. Council Member Becker --

- Would like to put on next meeting agenda to consider an increase in the pay scales for employees .8% due to the fact that with the social security increase of 2% the employees COLA raise of 1.7% created a .5% decrease in their pay. With the .8% increase it will give employees a .5% net increase.

H. Council Member Toland –

- Informed the council that the economic development group will be meeting with the industries in town and their headquarter offices.
- Wants staff to meet with school officials to discuss the curb issues at the school. This is our responsibility to assure the children have safe walking paths around the schools.
- Inquired as to the status of the annexation. Administrator Slaugh informed him that the Planning Commission will be meeting later this month to discuss. Council Member Toland voiced his disapproval at the pace of this project and wants staff to move the process along. Administrator Slaugh noted that there will be a report at the first meeting in February.

I. Council Member French –

- Thanked everyone for their help and participation in the employee luncheon, leftovers were taken to Hope Unlimited Shelter.

J. Administrator Slaugh –

- Snow & Ice Removal Priority List – presented the current administrative policy to the council for their information.
- Wanted input from the council on the crosswalk signs noting that four have been run over and damaged completely, others are not looking very good. The signs cost right under \$300 for total replacement. Council Member Toland stated that in hindsight it might be better to move them back away from the intersection a little so that a wider arc by drivers might reduce the chance to be run over. Council wanted staff to look into possibly obtaining the decals from a local vendor instead of replacing the entire sign. All were in favor of reinstalling the signs in the spring.
- Council Member Wicoff had some concerns about the traffic light at Madison and Jefferson. Drivers are making a right hand turn into the pedestrian crossing.
- After discussion on the EMS billing options adjustments have been made in house and Administrator Slaugh would like to continue with billing in house.
- Southwind Energy Group will be ready to go by January 1, 2014.
- Reminded everyone that the city is still under a stage II drought warning.
- Project 17 is offering a leadership program. Looking at sending two individuals.

7:45 Mayor Shirley declared a five-minute break.

EXECUTIVE SESSION – Non- Elected Personnel 7: 50 p.m. K.S.A.75-4319

Motion was made by Council Member French and seconded by Council Member Toland to recess into "Executive Session" for the purpose of conducting a meeting to discuss Non-elected Personnel. All in favor. Motion carried. Present: Council Members and Administrator Slaugh. The open meeting to resume in the Council Room at 8:05 p.m.

EXECUTIVE SESSION – Attorney / Client 8:05 p.m. K.S.A.75-4319

Motion was made by Council Member Toland and seconded by Council Member Ford to recess into "Executive Session" for the purpose of conducting a meeting to discuss Attorney / Client Matters – Potential Litigation. Voting in favor of the motion were council members Ford, Becker, Kilby, Toland, French and Wicoff. Motion carried. Present: Council Members, Administrator Slaugh and Attorney Johnson. The open meeting to resume in the Council Room at 8:35 p.m.

EXECUTIVE SESSION – Attorney / Client 8:35 p.m. K.S.A.75-4319

Motion was made by Council Member Becker and seconded by Council Member Kilby to recess into "Executive Session" for the purpose of conducting a meeting to discuss Attorney / Client Matters – Potential Litigation. Voting in favor of the motion were council members Stewart, Becker, Kilby, Ford and Toland. Motion carried. Present: Council Members, Administrator Slaugh and Attorney Johnson. The open meeting to resume in the Council Room at 8:55 p.m.

EXECUTIVE SESSION – Attorney / Client 8:55 p.m. K.S.A.75-4319

Motion was made by Council Member Kilby and seconded by Council Member Ford to recess into "Executive Session" for the purpose of conducting a meeting to discuss Attorney / Client Matters – Potential Litigation. Voting in favor of the motion were council members Ford, Becker, Kilby, Toland and Wicoff. Motion carried. Present: Council Members, Administrator Slaugh and Attorney Johnson. The open meeting to resume in the Council Room at 9:05 p.m.

EXECUTIVE SESSION – Land Acquisition – Trade Secrets 9:05 p.m. K.S.A.75-4319

Motion was made by Council Member Ford and seconded by Council Member Toland to recess into "Executive Session" for the purpose of conducting a meeting to discuss Land Acquisition / Trade Secrets. Voting in favor of the motion were council members Ford, French, Kilby, Toland and Stewart. Motion carried. Present: Council Members, Administrator Slaugh and Attorney Johnson. The open meeting to resume in the Council Room at 9:15 p.m.

Motion made by Council Member French to approve the consent agenda item C as presented. Motion seconded by Council Member Kilby. All in favor. Motion carried.

Motion made by Council Member Becker to rescind the motion made at an earlier meeting that paid Judy Brigham \$56,000 due to the fact that the council did not have legal counsel at the time and the purpose for the money would not be a benefit to the city. Motion seconded by Council Member Wicoff. All in favor. Motion carried.

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Motion made by Council Member Toland and seconded by Council Member Kilby to approve the agreement as prepared by city's legal representation with Lisa Fox. All in favor. Motion carried.

DATE / TIME OF NEXT MEETING

Strategic Planning Session – 8:00 a.m. -12:00 noon, January 26th, 2013 (North Community Building)

City Council Meeting 6:00 p.m. Monday, January 28th, 2013

Joint City/County Meeting – 6:00 p.m., Monday, February 4th, 2013 (Creitz Recital Hall – Bowlus)

City Council Meeting 6:00 p.m. Monday, February 11th, 2013

ADJOURNMENT

9:21 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 28th day of January 2013.

Mayor, William A. Shirley

City Clerk, Roxanne Hutton