

A regular meeting of the City Council of the City of Iola was held on February 11, 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, Ford, and Stewart were present. Also present were Administrator Slauch, and City Clerk Roxanne Hutton. Council Member Toland was absent.

## **REVIEW & APPROVAL OF AGENDA**

Motion made by Council Member Franklin and seconded by Council Member Becker to approve the agenda moving item 10 B under 7 C and adding 10 D KOMA Report. All in favor. Motion carried.

## **PUBLIC COMMENTS**

**A. Barbara Anderson- Community Building Names** - Barbara was not in attendance due to illness.

- Donna Houser encouraged the council to use caution before renaming the North Community Building and be sure to consult the African/American members of the community. Obtain community input first.
- Jennifer Bass McKenzie stated that the Bass family had not received any information on the proposal to name the building and would like more information before the naming takes place. Mayor Shirley informed the group that the council will take time and public input prior to naming the buildings.
- Becky Nilges made a comment about minutes of the January 26<sup>th</sup> meeting of the council stating that she did not recall the statement being made that Attorney Johnson had received a copy of the KOMA report it was just a draft copy.

## **CONSENT AGENDA**

**A. Minutes Approval** - January 26, 2013, January 28, 2013, February 4, 2013

**B. Appropriations Approval** – 2013-03

**C. Personnel Action Items** –

- **Tom Nevins – Parks & Cemetery – 12 Month Evaluation**
- **Patrick Wilson – Parks & Cemetery – Annual Evaluation**
- **Jason Bauer – Recreation – Six Month Evaluation**
- **Dennis Walden – Street & Alley – Annual Evaluation**
- **Sidney Robertson – Police – 12 Month Evaluation**
- **Brian Fees – Police Department – Six Month Evaluation**
- **Brian Plumlee – Police Department – Six Month Evaluation**

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

## NEW BUSINESS

**A. US 54 Hwy Project – Agreement** – At the previous council meeting staff presented an option of using \$75,000 of federal funding exchange program monies administered by Kansas Department of Transportation for the rebuilding of US 54 Highway on the eastern city limits of Iola. Following your last meeting staff sent the enclosed letter requesting the inclusion of approximately 800 feet of the aforementioned roadway in project 54-1 KA -2202-01. Confirmation has been received that the KDOT is willing to accept our offer of \$75,000 of the federal fund exchange dollars to include the 800 feet of roadway in their project.

Robert Storrer from Storrer Implement has concerns about getting his large equipment in and out of his business if there will be only one lane of traffic at a time.

Paul Sorenson was concerned with concrete being used with Highway 169 being concrete and it is the roughest highway in southeast Kansas.

Larry Macha has concerns about the economic impact on the businesses that the road construction will affect. He noted that there is not much wrong with the road and the minor things that need repaired he offered to fix for free.

Council Member French stated that he and Council Member Toland had been contacted by a KDOT employee that stated that asphalt could be an option for the project.

Council Member Becker stated that the project needs to be done and wondered if the asphalt was a feasible option to shorten the time driveways would be affected.

John McRae stated that about 20 years ago a full depth reconstruction on Hwy 54 through the square was done. Council Members need to understand that no matter what option is chosen business will be affected. He noted that concrete doesn't go without maintenance issues also. He told the council that with most of the decisions they will make during their tenure somebody might get hurt.

Ken Gilpin stated that he is affiliated with the bank in Chanute and had discussed the construction with them asking about their current road project. The project was supposed to last 90 days and actually lasted 100 days. All customers had access to the businesses, with three retailers closing due to the lack of business during this time. Council needs to look at possibly minimizing the impact on businesses.

Council Member Becker noted that another business owner had contacted him and stated that three months would devastate her business.

Administrator Slauch noted that it is a challenge to minimize the impact to adjoining property and business owners; however the road is going to be torn up right outside of town already. The question is do we do it now or wait. We will have the same challenges in the future. He would like to go ahead and get the go ahead from the council and then get the details worked out with KDOT.

Assistant Administrator Schinstock noted that in 1968 or 1969 nine inches of concrete was done on the road, in 1999 a four inch overlay was put in. KDOT is stating that the base is giving out, would get more bang for our buck with the concrete. In 2001 the city annexed the property and took over the problem. In 2008 hired SEKAN to mill and overlay to buy some time. The project is supposed to start in May with an August 1<sup>st</sup> deadline.

Council Member French asked how long the driveways would have to cure until traffic can drive on it. Assistant Administrator Schinstock replied three to ten days depending on break criteria.

Council Member Ford asked how we know they will be finished on August 1<sup>st</sup>. Assistant Administrator Schinstock stated that penalty days would be built into the project which would give the contractor an incentive to complete the project on time. She then asked what kind of access will be given to the business owners and when the information would be released. Assistant Administrator Schinstock stated that the access would more than likely be gravel. We will know more after the plans are released by KDOT.

Council Member French noted that if asphalt was done this would match what runs through the city. Assistant Administrator Schinstock noted that it is possible that it would cost more since it is such a small area.

Mayor Shirley noted that the council had three choices, they could do nothing, they could recommend asphalt or recommend concrete

Council Member Wicoff noted that even if the city chooses not to participate in the road it is still going to be torn up. Will have to fix the base eventually; need to take advantage of the state project at no cost to the city and get it done. Can we lean on the contractor to provide acceptable access to these businesses? Assistant Administrator Schinstock stated that in the preconstruction meeting we can stress the importance.

Council Member French stated that city staff needs to meet with business owners noting that face-to-face communication will go a long way.

Council Member Ford stated that there are no definite answers and when it affects this many people it is hard to make a decision.

Administrator Slauch asked Larry Macha what he would do if he was the contractor to expedite the process. Mr. Macha stated that with AB3, if it rains, it is impossible for semi-trucks to drive on. It would be better if they could put in a temporary hard service entrance such as asphalt.

Motion made by Council Member French to do a full depth restoration with asphalt with staff meeting face-to-face with all of the business owners, with the provision of scrapping the project if the businesses cannot be accommodated. Motion seconded by Council Member Franklin.

Mr. Macha stated that it would ideal to do a mill and overlay which would be a three to four day project. Motion withdrawn by Council Member French.

7:12 p.m. Attorney Johnson arrived at the meeting.

Motion made by Council Member Franklin to do a 1 ½" – 2" mill and overlay. Motion died for lack of a second. Council Member Stewart stated there just isn't enough information to move forward at this time.

The council would like to see the information on the borings, obtain some answers from KDOT and address business owners concerns. There was a consensus to have KDOT attend the February 25<sup>th</sup> meeting.

## **ROUNDTABLE**

**A. Personnel Manual Changes** – The employee task force (ETF) has worked over the last several months on revisions to the personnel policy handbook. Each representative was given a section of the handbook to review and recommend any changes they felt were appropriate. The proposed changes were then discussed by the entire group. Contact was

also made with the League of Kansas Municipalities to get a copy of their sample handbook. They are probably waiting until after the legislative session is complete, before they have a complete updated version. Mike Ford, ETF representative, and Carla Brown, Human Resources Manager, were present to discuss the purposed changes and receive feedback from the council. Council Member Franklin asked if there was a policy restricting cell phone use in city owned vehicles. Mike Ford stated that since it is not against the law there is not a policy currently forbidding it. Council Member French asked for some clarification on the meter reader position. The council will review the changes requested and revisit this item at a later meeting date.

**7:51 p.m. Mayor Shirley declared a five-minute break.**

**B. Mosquito Fogging Equipment** – The street and alley department projected the replacement of the mosquito fogging equipment in 2012 at a projected cost of \$13,000. The current unit is a 2003 model. The unit control head that controls the motor and pump pressure failed at the end of 2012 and the replacement unit was quoted as \$3,700. The street department superintendent thinks it is better to replace the entire unit, including the 18 HP engine, due to the age of the equipment. Previous years cost of running the machine spraying twice per week was \$21,216.25. City crews also place Altosid XR Briquettes, extended release mosquito growth regulator with 150 wet days of residual activity, at 22 water locations around the city to control larvae. Cost for the year for the briquettes is about \$500. Mosquito fogging is effective for the adult mosquitoes flying or resting in the location of the mist. It has no control once the spray has dispersed due to wind blowing in the area. It was the consensus of the council to continue with the spraying purchasing the new equipment. Council Member French wondered if the city couldn't flex the operator or possibly hire a part-time summer employee to spray to save overtime expenses.

**C. Credit Card Fees – Discussions** – Recently changes were made to visa cards to allow surcharges to customers. The city currently accepts about \$65,000 of credit card transactions per month. City Clerk Hutton does not recommend passing along the surcharge to customers at this time. The council would like to review this in August looking at the trend of additional credit card usage.

**D. Parking Lot Paving Requirements** – According to the Unified Development Code Section 106-94, M, all off-street parking and loading areas shall be graded and paved in accordance with city standards. In addition, Section 106-97, D, 2 states that all land areas which are to be unpaved or not covered by buildings shall be brought to finished grade, planted with grass or other ground cover and trees and shrubs in reasonable quantity and size. The city does not currently have set standards in place. Code Enforcement Officer Shonda Jefferis will work on this and report back.

**E. US 169 Highway Corridor Association** – After a discussion among city administrators and managers in the southeast Kansas area, a common desire to see improvements to US Highway 169 was expressed. There was enough interest to form a corridor association and Gary Bradley, City Manager in Coffeyville, agreed to draft the bylaws. Darrin Petrowsky, local KDOT engineer, said there are no projects under the

current T-Works program to widen Highway 169 to four lanes between Ottawa and points south. The desire is to encourage or lobby KDOT to put more priority on the widening of US Highway 169 to promote development, reduce congestion and improve safety. The proposed cost of membership in order to fund a lobbyist would be about \$570 annually. The council was in favor of supporting the effort, however they are not interested in paying for a lobbyist.

**F. Water Department Budget** – A request was made by Council Member Franklin to consider using the disbursement from Syngenta to pay down the water plant loan. The city received \$197,242.30 in the atrazine case settlement. There are some major expenditures or projects planned for 2013 that are not firmed up at this point. The replacement of the high service pump was not budgeted and the two bids being considered are between \$90,000 and \$130,000. Water line replacement projects for 2013 have not been finalized and are pending a more thorough review of projected revenues and expenditures. Council Member French asked if staff had checked into changing the gear on the high service pump. Administrator Slauch stated that the engineers said it would not be feasible. Staff is planning on bringing a bid acceptance on the pump to the next meeting. Motion made by Council Member Franklin to take the \$197,242.30 and put it on the current loan. Motion died for lack of second.

Council Member Ford stated that it would be best to hold onto the money to see if it was needed. Staff will revisit this item at the March 1<sup>st</sup> council meeting.

## UNFINISHED BUSINESS

**A. Entryway Signage** - New price quotes were received from Klein Lumber and Diebolt Lumber for both yellow pine and cedar. The bid from Klein for yellow pine was \$2,253.10 and for cedar \$2,949.50 the bid from Diebolt Lumber for yellow pine was \$1,817.08 and for cedar \$2,835.08. Motion made by Council Member Stewart to accept the bid from Hawk Business for the four entrance HDU signs and from Klein Lumber for the wood to rebuild the sign in cedar. Motion seconded by Council Member Kilby. All in favor. Motion carried

**B. A.C.A.R.F. Contract** – The city's 2012 contract with ACARF expired on January 9, 2013. The council requested that staff take the contract back to ACARF to remove item number four, the \$50.00 fee for puppies and kittens born at the center.

**C. Economic Development Committee – Appointments** – The City of Iola 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. The individuals selected are Shelia Lampe, Chamber of Commerce Director, and Corey Schinstock, Assistant City Administrator. Motion made by Council Member Stewart and seconded by Council Member Kilby to appoint Corey Schinstock and Shelia Lampe to the economic development advisory board. All in favor. Motion carried.

## **NEW BUSINESS**

**A. Southwind Energy - Contract** - The first draft of a Southwind Energy Group (SEG) Energy Management Agreement (EMA) was approved by the city council September 8, 2012. Additional changes were made and the document was presented October 8, 2012 for approval. Since that time some minor edits have been made and reviewed by the Westar Energy attorney and member cities. The revised final executable document is presented again for approval. Motion made by Council Member Franklin and seconded by Council Member Stewart to approve the agreement. All in favor. Motion carried.

**B. US 54 Highway Project - Agreement-** Discussed earlier in the meeting.

**C. Mo Pac Trail Project** – In November of 2012 the council approved staff to apply for a Kansas Department of Wildlife Parks and Tourism trail grant. This is to build a trail from the existing Prairie Spirit Rail Trail along the old Missouri Pacific Railroad east to the west side of Cottonwood Street. Council also approved staff to start the bidding or selection process for hiring an engineer to design the project. On January 9, 2013 requests for bids were sent out to various engineering firms to design the proposed trail, with the cutoff date to have bids back in for review on January 23, 2013. Only one bid was received for the project from Schwab-Eaton of Manhattan, Kansas. Staff is seeking approval of the enclosed contract for engineering services for the design of the MO-Pac recreational trail project with Schwab-Eaton. The trail will be extended to Elm Street. Motion made by Council Member French and seconded by Council Member Stewart to approve the contract with Schwab-Eaton. All in favor. Motion carried.

**D. KOMA Report from Wade Bowie** - Attorney Johnson noted that the final report had been distributed to all of the council members. Throughout the report Mr. Bowie states that technical violations were found which means that while they are substantial they are not intentional. Mr. Bowie's recommendation to the council is to have them attend two hours of KOMA training from the Attorney General's office within a reasonable amount of time. Administrator Slauch will take care of setting up this training.

## **COUNCIL & ADMINISTRATOR REPORTS**

### **Mayor Shirley –**

- Mayor Shirley asked Administrator Slaugh about the EMS case from 2008 that was brought up at the joint City/County Meeting. Administrator Slaugh noted that he had received a report from the EMS Board for this case. The investigation was done at the request of the prior EMS Director to determine if ACLS protocols were followed. When EMS crew arrived on scene the 17 year old patient was alert and walking around. His aunt stated she would take him to the hospital in Chanute. While crew was preparing to have patient sign refusal of treatment he collapsed and went into cardiac arrest. At that time EMS crew called the RN on staff at the city ambulance department. The RN called the physician and asked what he wanted them to do. The physician instructed the EMS crew to get the patient to the hospital ASAP. The investigation stated that the crew followed protocols. A second request was put in for the case to be investigated and the same conclusion was drawn. A third request was put in and the State Board denied doing another investigation. Council Member Franklin asked if the county was given a copy of the report. Administrator Slaugh stated that he had not yet given it to them, but he would do so. Council Member French apologized to the employee that was named in the investigation for not standing up for him at the city/county meeting, noting it was unprofessional of the county commissioner to call him out in a public meeting. We need to move forward and let the past be the past. The council members all agreed with Council Member French.
- Met this morning with the Chief of Police from Emporia and Lyon County 911 director at the 911 center.

### **A. Council Member Stewart –**

- None.

### **B. Council Member Ford –**

- Enjoyed the dog park last weekend. Encouraged staff to put in some play obstacles for the smaller dogs.

### **C. Council Member Wicoff –**

- None

### **D. Council Member Franklin –**

- None

### **E. Council Member Kilby –**

- None

### **F. Council Member Becker –**

- None

### **G. Council Member Toland –**

- Absent

**H. Council Member French –**

- None

**I. Administrator Slaugh –**

- The next meeting with the county commissioners has been scheduled for March 4<sup>th</sup> at 6:00 p.m. at the Bowlus.

**8:55 p.m. Mayor Shirley declared a five minute break.**

**EXECUTIVE SESSION – Attorney / Client 9:00 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 Attorney / Client Matters – Pending Litigation. All in favor. Motion carried. Present: Council Members, Administrator Slaugh and Attorney Johnson. The open meeting to resume in the Council Room at 9:10 p.m.

**DATE / TIME OF NEXT MEETING**

City Council Meeting 6:00 p.m. Monday, February 25<sup>th</sup>, 2013

City / County Meeting 6:00 p.m. Monday, March 4<sup>th</sup>, 2013

City Council Meeting 6:00 p.m. Monday, March 11<sup>th</sup>, 2013

**ADJOURNMENT**

**9:07 p.m.** Motion made by Council Member Ford 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 25<sup>th</sup> day of February 2013.

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Mayor, William A. Shirley

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City Clerk, Roxanne Hutton