

A regular meeting of the City Council of the City of Iola was held on May 13, 2013, at 6:00 p.m., at the Riverside Park Community Building, 510 Park Avenue, Iola, Kansas.

CALL MEETING TO ORDER

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

ROLL CALL

Mayor Wicoff, Council Members Becker, Zornes, Ford, Shaughnessy, French and Franklin were present. Also present were Administrator Slaugh, and City Clerk Roxanne Hutton.

REVIEW & APPROVAL OF AGENDA

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

RECOGNITION

A. CITF/Pride – Community of Excellence & Community Partner Award – Craig VanWey

Craig VanWey, Kansas Department of Commerce, presented a Partner in Community Pride award to Jim Smith, stating he is only one of five within the state to receive this award for the volunteerism and financial support he has given to the efforts of the CITF/PRIDE group. Mr. VanWey then presented the Natural Star Capital Award to the group for the park improvements within the City of Iola. The group then received the Kansas Partners and Pride for 2013-2015 and was presented a street sign stating they were a Community of Excellence for 2013-2015. Donna Houser, President of the CITF/PRIDE group, thanked the businesses, the city employees, the council and the PRIDE group.

PUBLIC COMMENTS

None

CONSENT AGENDA

A. Minutes Approval - April 22nd, 2013 & May 6, 2013

B. Appropriations Approval – 2013-09

C. Personnel Action Items –

- **Brian Cochran – Gas, Water & Sewer – Annual Evaluation**
- **Josh Gumfory – Gas, Water & Sewer – Annual Evaluation**
- **Ben Womelsdorf – Code Services – Six Month Evaluation**
- **Carla Brown – Clerk’s Office – Six Month Evaluation**
- **Kenny Thompson – Fire Department – Six Month Evaluation**
- **Kenneth Powell – Fire Department – Annual Evaluation**

D. Board Appointments –

- **Brian Shaughnessy – Planning Commission**

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

NEW BUSINESS

A. Iola Medical Developers – Resolution of Support – Iola Medical Developers is requesting a resolution of support to lower their interest rate on the 2008 Industrial Revenue Bonds. The refinance will lower the interest rates from 6.0% to 4.35% for series A & D and 3.95% for series B&C. They will continue to make the same monthly payments, however it will shorten the length of the notes. Motion made by Council Member Becker and seconded by Council Member Franklin to approve the resolution of support to approve a bond refinance for Iola Medical Developers and authorize the mayor to sign the required documents. All in favor. Motion carried.

B. Patrol Vehicle Bids – Jared Warner – Bids were taken for the vehicle that was budgeted in the 2013 budget in the amount of \$26,500. Three bids were received Twin Motors Ford \$26,700, Shawnee Mission Ford (State Contract) \$25,385, and Beckman Ford \$26,668.70. Motion made by Council Member French and seconded by Council Member Ford to approve purchasing the vehicle through Twin Motors Ford since it is such a small difference in cost and they are the local vendor. All in favor. Motion carried.

C. Annual Chip Seal Project – Bid Acceptance – Sealed bids were solicited for rock material and oil for the annual chip seal project. Two sealed bids were received for providing of the oil for the project, one from Vance Brothers \$2.35 per gallon plus demurrage charge per hour after first 1.5 hour free, \$70.00 with no environmental fee. The bid from Ergon Asphalt was \$2.29 per gallon plus demurrage charge per hour after first 2 hours free, \$80.00 with a .00133 per gallon environmental fee. One bid was received for rock from Buildex in the amount of \$35.00 per cubic yard plus a \$12.90 per cubic yard for freight. Staff's recommendation is to accept the low bid for road oil from Ergon Asphalt and Emulsions of Kansas City, Kansas and accept the bid from Buildex, Inc. of Ottawa, Kansas. Motion made by Council Member Franklin and seconded by Council Member Zornes to approve staff's recommendation for the bids from Ergon and Buildex. All in favor. Motion carried.

D. Petition for Annexation - The City has received a petition for annexation from A.C.B., Inc. for a tract of land located adjacent to the existing west limits south of West Lincoln Street. According to Kansas Statue 12-520, a city may annex land when the land adjoins the city and a written petition for annexation is filed with the city by the owner. The petitioner intends to have this parcel, along with the adjoining parcel that is within the city limits, platted as a new addition. The proposed plat will be reviewed by the City of Iola Planning Commission and submitted to the City of Iola for its approval. Council Members were concerned with possible contamination for the sewer lines. Assistant Administrator Schinstock stated; that they are an oil trucking company; however the only oil on site is contained within the trucks. Code Enforcement Officer Shonda Jefferis will monitor the

situation. Motion made by Council Member Zornes and seconded by Council Member Becker to approve petition for annexation. All in favor. Motion carried.

E. CDBG Request for Payment – A request for payment for rehabilitation on 401 S Third to be submitted to Kansas Department of Commerce was submitted to the council for approval of the Mayor's signature. Motion made by Council Member French and seconded by Council Member Franklin to have the mayor sign the request and submit for payment. All in favor. Motion carried.

F. Waste Water Improvement Project – Pay Estimate One - The first phase of the project for the Main Plant Lift Station was awarded to Crossland Heavy Contractors in the amount of \$194,000. The first pay request from Crossland for work on the main lift station has been submitted and approved by the engineer in the amount of \$6,500 which covers the bond and insurance, and submittals. Administrator Slauch noted that since this project has been approved by the council, the council could give the administrator authority to approve the pay requests that are approved by the engineer. Motion made by Council Member French and seconded by Council Member Franklin to approve pay request #1 from Crossland Heavy Contractors in the amount of \$6,500 and authorize the mayor to sign the required documents and allow Administrator Slauch to consult with Mayor Wicoff to approve future pay requests. All in favor. Motion carried.

UNFINISHED BUSINESS

A. Council Seat Vacancies Ward 1 & 3 – Mayor Wicoff opened the discussion, stating that two of the four individuals that had filed an application to fill the vacancies were present at the meeting this evening. He allowed each one to speak briefly. Eugene Myrick lives in ward three. He gave a brief overview of his time in Iola and his career. He stated he has an open mind and a willingness to learn about the city. That is why he ran the last two times. He stated he has attended the EMS city/county meetings and has a desire to keep taxes low. Jonathon Wells lives in ward one. He gave a brief overview of his time in Iola and his career. He cares about education, economic development and feels that with his age he can bring fresh ideas to the city. Mayor Wicoff recommended appointment of Jonathon Wells to fill the vacancy in Ward 1. The council all voted in favor of the appointment. Mayor Wicoff recommended appointment of Eugene Myrick to fill the vacancy in Ward 3. The council all voted in favor of the appointment. City Clerk Hutton swore the new members in and they took their seats at the council table.

ROUNDTABLE

A. CITF Downtown Signage – Donna Houser – At the January 28, 2013 council meeting the Community Involvement Task Force/PRIDE was at the meeting to request permission to mount historic signs on the downtown decorative street lights. Donna Houser presented a sample of what the group is planning for the signs in the downtown area. The council was pleased with the sample and thanked the group for taking on the project.

B. Annexation Update – The annexation of Country Estates to the City of Iola has been discussed at several city council meetings within the last year. The next step in the process is to pass a resolution giving notice of intent to move ahead with the process. It appears the biggest initial expense will be repair or replacement of the sewer lift station. The city has the option, as part of the annexation plan, of billing the expense of the repairs to just the residents of the subdivision. An estimated cost of the repairs would need to be made by an engineering firm. Estimates for repairs of existing lift stations within the City of Iola range from \$310,200 (Vine Lift Station), \$103,100 (Kentucky Lift Station), to \$224,200 (Ohio Lift Station). Administrator Slaugh noted that the average appraised value in the addition is \$66,000 with an average assessed valuation of \$8,097. It would be an approximate tax increase of \$198 per year for each homeowner. Discussion centered on the current state of the sewer system and whether or not to assess the repair costs to the landowners. The current system was built in 1976. Council Member French would like to move forward on the project to increase the population size of the city, noting that the city lost special alcohol money due to the decrease in population. Administrator Slaugh noted that the number of residents in this addition would not get the population to the amount needed to get the special alcohol money back from the county. Assistant Administrator Schinstock noted that it would be one mile or more of road that the city would have to take over maintenance of including State Street and Oregon. Council Member Franklin was interested in continuing in order to boost population. Mayor Wicoff wondered if the city as a whole is willing to bear the cost of the sewer improvements when there are not enough people to make a difference. Assistant Administrator Schinstock talked to County Counselor Alan Webber and he stated that the county will make the sewer improvements eventually and they will assess the landowners. Council Member Ford stated her concerns about the tax increase to the citizens. City Clerk Hutton noted that not only would they have the sewer cost assessments on their taxes but would also have the city mill levy increase on their taxes. Administrator Slaugh stated that a policy is not in place that if individuals or housing districts wanted city utilities they would have to be annexed into the city. The council is in favor of staff obtaining costs to make the sewer improvements and the estimated cost of taking care of the roads.

C. Conceal Carry Laws - Discussion – Legislation passed by the current legislation will change rules affecting concealed carry in state or municipal buildings. Unless the city is willing to install adequate security measures, individuals with concealed carry permits will be allowed to bring weapons into municipal buildings. Police Chief Warner discussed options with the council. He noted that with the new law the city would have to install a metal detector at all entrances to city owned buildings staffed with an officer or have an officer at each entrance with a metal detecting wand. A lockbox would have to be provided for those that were carrying concealed weapons at each entrance. Council Members would like to have the judge's recommendation regarding concealed carry in the court room.

COUNCIL & ADMINISTRATOR REPORTS

A. Mayor Wicoff –

- The Humboldt trail is looking very nice. He lauded the efforts of the volunteers.

B. Council Member Myrick–

- Thank you for voting him in as a council member.

C. Council Member Ford –

- Welcomed the new council members.
- Pleased with the work that was done on Northwestern Street.

D. Council Member Franklin–

- Had also heard from residents that were pleased with Northwestern Street.

E. Council Member Shaughnessy –

- Welcomed the new council members.

F. Council Member Becker –

- None

G. Council Member Wells –

- Thank you for opportunity to serve.

H. Council Member Zornes –

- Welcome to the new members

I. Council Member French –

- Asked if staff had looked into grants for spay and neuter catch and release program. Noted that more money was spent on housing animals than housing people at the jail. Administrator Slaugh stated he would check.

A. Administrator Slaugh –

- Need a motion to designate Mike Phillips as Director #1 to the KMEA Board and Carl Slaugh as Director #2. Motion made by Council Member Becker and seconded by Council Member Franklin to designate these board members. All in favor. Motion carried.
- Gave some KOMA training tidbits while waiting on formal training availability in this area. Reminded the council members that they are governed by KOMA and if they are conducting city business face to face, telephone or internet, this could be construed as a violation. The intent of the law should be considered; therefore if committees are meeting it is better to notify those individuals that have requested notification just to adhere to the intent of the law.

**EXECUTIVE SESSION – Attorney Client – Current Status of Ongoing
Litigation. 8:10 p.m. K.S.A.75-4319**

Motion was made by Council Member Becker and seconded by Council Member French to recess into “Executive Session” for the purpose of conducting a meeting to discuss Attorney Client – Current Status of Ongoing Litigation. All in favor. Motion carried. Present: Council Members, Administrator Slaugh, and City Attorney Johnson. The open meeting to resume in the Council Room at 8:25 p.m.

Following executive session Attorney Johnson informed the group that information that is discussed in executive session under attorney/client privilege and information concerning ongoing litigation and emails to the council that it is marked confidential should not be shared. Administrator Slaugh reviewed the Governing Body Handbook Rules concerning Attorney Client privileged information.

DATE / TIME OF NEXT MEETING

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

City Council Meeting 6:00 p.m. Monday, June 3rd 2013 (Joint City/County)

City Council Meeting 6:00 p.m. Monday, June 10th, 2013

ADJOURNMENT

8:29 p.m. Motion made by Council Member Becker and seconded by Council Member Myrick 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
May 2013.

Mayor, Joel Wicoff

City Clerk, Roxanne Hutton