

A regular meeting of the City Council of the City of Iola was held on July 22, 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, Shaughnessy, Franklin, Myrick, French and Wells were present. Also present were Administrator Slaugh, City Attorney Johnson, and City Clerk Roxanne Hutton. Council Member Ford was absent.

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.

PUBLIC COMMENTS

No public comments were made.

CONSENT AGENDA

A. Minutes Approval - July 8, 2013

B. Appropriations Approval – 2013-14

C. Personnel Action

- **John Ross – Stores / Purchasing – Annual Evaluation**
- **Shonda Jefferis – Code Enforcement – 12 Month Evaluation**
- **Douglas Clark – Parks & Cemetery – Annual Evaluation**
- **Chi Wiggin – Clerks/Utility Office – Resignation**
- **Jason Franklin – Gas, Water & Wastewater – Annual Evaluation**
- **Timothy Francis – Police Department – Annual Evaluation**

Council Member Franklin inquired about the overcharge on the excavator and why we didn't catch this earlier and also about the after-hours charge to the animal clinic for a cat dropped off. Code Enforcement Officer Shonda Jefferis stated that after 5:00 p.m. the police officers take sick animals to the Iola Animal Clinic. The current ordinance states that animals too sick to recuperate can be euthanized, otherwise the animal must be kept for three days with public notice given so the owner can reclaim. Motion made by Council Member Becker to approve the consent agenda as presented. Motion seconded by Council Member Franklin. All in favor. Motion carried.

ROUNDTABLE

A. ECONOMIC DEVELOPMENT UPDATE – DAVID TOLAND – The city in coordinated effort with Iola Industries and Allen County desired to use the services

of Thrive to handle economic development efforts. Funding coming from Fund 15, the Industrial Fund of the city, which has revenues from property tax levy of one mill or about \$30,000 per year. Over the past year several requests for incentives for future retail or industrial business operations have been considered. The challenge in dealing with these requests is deciding what is appropriate.

The economic development advisory committee is seeking information from all municipalities in the county regarding what type of development they want to see occur in their communities. David Toland informed the council that he is going to all of the cities within Allen County to ask them "what are your needs". What assets do you have? What incentives do you want to offer? The Economic Development Committee consists of a broad representation of members of the county. He asked the council to think on the things he brought up and he will be getting back with them at a later date to hear their thoughts and ideas.

NEW BUSINESS

A. Planning Commission Topics – Shonda Jefferis –

- **USD 257 Special Use Permit – N Cottonwood** – The Planning Commission held a public hearing on July 17, 2013 to hear the request for a special use permit to use the building at 408 N. Cottonwood for high school classrooms for students enrolled in the Crossroads Learning program. The planning commission members voted unanimously to approve their request for a special use permit. Staff is recommending approval of the special use permit. No public comments were made. Council Member French asked Scott Stanley, Director of Operations for USD 257 what is the average number of students enrolled in the program. Scott Stanley stated that 28 is the highest enrollment they have had, current enrollment is 16. The State Fire Marshall has inspected the building and approved it for 28 students. Council Member Myrick asked if a safe room was available for storms in the building. Scott Stanley stated there is not a safe room in the building, however staff will have to evaluate and make plans for moving the students if a situation arises. Don Hillbrant asked what kind of work has to be done to make the building feasible for this type of setting. Scott Stanley stated that a few interior walls had to be removed. Motion made by Council Member French and seconded by Council Member Franklin to approve the Planning Commission's recommendation to issue a special use permit for the building at 408 N. Cottonwood to be used as a school. All in favor. Motion carried.

- **Alley Vacation Request – S. Cottonwood** – The Planning Commission held a public hearing on July 17, 2013 to hear the request for the alley located between 207 S Cottonwood and 215 S Cottonwood be vacated. The Planning commission members voted unanimously to deny their request to vacate the alley. Staff is recommending denial of the alley vacation request. Carolyn

McLean, one of the applicants for the alley vacation, read a letter to the council written by Steve Orcutt talking about the value of a community garden for area school children. He noted the value of closing the alley such as increased tax value since it will be privately owned and the city will not have to maintain it. (The letter was not handed to the city clerk for attachment to these minutes). Val Mclean, one of the applicants for the alley vacation, stated he is a licensed counselor, according to research he has done kids are spending too much time on television, phones and video games and not spending time outdoors. The garden would be beneficial for kids to enjoy nature and get outside. Jim Smith, one of the applicants for the alley vacation stated his brother and he bought the adjoining property in 2007 and tore down the dilapidated house, cleaning up the property, and paid four to five years of back taxes. Now he wants to get rid of the alley which is an eyesore to the property and extend the garden. Janie Donaldson, a neighbor who recently moved back to the area, noted that the garden is beautiful and has seen several young people have their picture taken at the garden for various events. Cindy Troxel a daycare provider living at the end of the block stated that closing this alley would be a burden on her daycare parents dropping off and picking up their children because it would cause more congestion in the alley. Cindy Troxel read a letter from Eli Burney that owns a property on the end of the alley. He recently moved from the property but feels that the closure of the alley may hinder sale of his property. She presented a petition with sixteen signatures of individuals that use that alley to get to and from her daycare. (Attached to official minutes). Don Hillbrant, a neighbor, stated that closing the alley is not the answer to expand the garden. John Brocker spoke on behalf of Julia Wilson who owns a home on the alley that she is trying to sell. She is against closing the alley and feels it would be a disadvantage to her property if the alley were to be closed. Carolyn McClain stated that she and her husband are willing to allow the garden to be extended to the adjoining property that they own. Council Member Becker stated that the McLean's, Don Hillbrant and Jim Smith have done a lot for the city and he appreciates all they have done to take pride in their property. He noted that the alley vacation would not be a big land addition to the park. Fadel Shaaban noted that he doesn't live in the neighborhood but asked the council to consider how many benefit from the closure of the alley versus how many will be hurt by closing it. Council Member Myrick stated he is on Colborn Street daily. It would be advantageous to the city to not have the maintenance on the alley, gain some tax dollars and an easement has been secured for the gas line that runs through it. Council Member French questioned whether or not the trash truck and other larger vehicles would be able to turn onto Oak Street with traffic parking on both sides of the street. Administrator Slauch stated that he had visited with Dan Leslie and he stated that access wouldn't be an issue. There are other alleys in town that are like this. Council Member Wells stated that he trusts Mr. Smith when he says he will take care of the upkeep for years to come and he is pleased that he is willing to take pride in his neighborhood. Mayor Wicoff noted that he could see no personal costs if the alley is closed. Motion

made by Council Member Becker to approve Planning Commission's recommendation to deny the vacation request of the alley between 207 and 215 S. Cottonwood. Motion seconded by Council Member Franklin. Voting in favor of the motion were council members: Shaughnessy, Becker, Franklin and French. Voting against the motion were council members: Wells, Myrick and Zornes. Motion passed by a majority vote.

Mayor Wicoff declared a five-minute break.

- **Re-Zoning Request – N. Kentucky** – The Planning Commission held a public hearing on July 17, 2013 to hear a request for a rezoning of a lot located at 1002 N Kentucky be rezoned from R-1 single family to R-3 multi-family to allow for the development of a senior assisted living facility in this location. The Planning Commission members voted 4 to 2 against the rezoning. Staff's recommendation is to approve the request for rezoning at 1002 N Kentucky from R1 to R3. Scott Holder, Vice President of Construction with Country Living Place, gave a brief presentation of the proposed senior assisted living facility. This will be a \$5 million project with expenditures around \$1 million per year, and an FTE of 22 equivalent positions. Residents will pay between \$2,800 and \$3,000 per month which would include rent, utilities, three meals per day, snacks, housekeeping services and daily activities. The firm will use local subs, city utilities and use a local bank to finance the build. This will be a senior assisted living center, no federal or state funding will be used. This is for those that are able to live on their own, large rooms with a full bathroom, and kitchenette in each room. Sally Huskey read a letter she had sent to the planning commission concerning the lack of buffers around the property and wondered if the road would provide adequate turn around space for emergency and delivery vehicles. Fadel Shaaban voiced his concerns about the drainage issues that might be created on his property with all of the cement that will be a part of the property. Council members assured Mr. Shaaban that a civil engineer would be a part of the project to assure that the excess drainage would be taken care of. Mr. Shaaban asked what the number of parking spaces would be. Code Enforcement Officer, Shonda Jefferis, stated that the current code allows for one parking space per resident. Rick Rush also voiced concerns about the drainage. David Toland, Economic Development Services for the county, stated that he has no financial stake in this project. THRIVE was hired by the city, county and Iola Industries to bring business to town. While change is hard on communities and the people, change needs to happen to stop Iola from losing population. Iola has had a 9% population loss from 2000 – 2010. Sometimes those in leadership have to make the hard decisions that help the community to grow. He looked at seven different sites with this developer and the only one feasible and available is this property. He asked the council to look at the interests of the community as a whole and noted over time this structure will blend into the community. Simply because the neighbors say we don't want this is not a good enough reason to turn down a \$5 million project with a \$1 million yearly impact on the community. Mary Ann Dvorachek read a letter she had sent to the council prior to this meeting and sent to the paper to publish. Ken Hunt

stated that he thinks this will reduce his property values. Why not put it in an area that is already zoned. He stated that the application for rezoning was inappropriately filed. Joann Willis wondered why it is a request to rezone to an R3 when it is a business. Code Enforcement Officer, Shonda Jefferis stated that assisted living centers are allowed in an R3 zoning because it is considered a residential development. George Catron stated that there should be a larger buffer around the area, doesn't see any new jobs for Iola with this construction, and there will be an increase in traffic. Jerry Whitworth presented a petition of the neighbors against the rezoning. It is a benefit to the town but not good for the neighborhood. The company will not be supporting the community when he is requesting tax abatement. Don Hillbrant made a comment that years ago people were against Ray Pershall's new ideas also. Shirley Catron stated that the pictures make it look like there are bigger open areas around the other homes this company has than will be here. Angie Linn read an email from her husband who is out of town for work. He doesn't feel that there are enough buffers for the neighborhood. Scott Holder, Country Place Living, answered some of the questions that had been asked concerning the full-time equivalent. This site is actually the largest site the company has built on and the city setbacks will meet or exceed code. Assistant Administrator Schinstock explained that the utilities are accessible for the property. Scott Holder explained that emergency vehicle/delivery truck accessibility can be worked out. The employees are on shift work so the traffic will not be all at one time. Not all of the residents will have vehicles. They will make the lighting downward facing lighting as not to distract the neighbors. Engineers will look at the drainage. Benefits will be provided to employees.

9:00 p.m. Mayor Wicoff declared a three-minute break.

EXECUTIVE SESSION – Attorney / Client Matters – Legal Clarification 9:03 p.m. K.S.A.75-4319

Motion was made by Council Member Wells and seconded by Council Member Myrick to recess into "Executive Session" for the purpose of conducting a meeting to discuss Attorney Client Matters – Legal Clarification. All in Favor. Motion carried. Present: Mayor Wicoff, Council Members, Attorney Johnson and Administrator Slaugh. The open meeting to resume in the Commission Room at 9:13.m.

Council Member Wells stated that he hears the concerns of the neighbors; the property has been vacant for years. Is a vacant lot that has set for years better than a five-million dollar project? He visited with neighbors around the Guest Home Estates, which is in his ward, and they have not had any problems with it being in their neighborhood. Many of the issues that have been brought up tonight are not issues that can't be addressed. Council Member Myrick stated that the lot has been vacant for years. As a city we cannot keep turning business away. As a council we have to take a stand to grow our community. The tax revenue will not be there right away; however it will come in time. Council Member Becker stated that he feels the land is too narrow and asked the developer what they would have done if this land had not been available. Council Member French stated that this will

not save our community from population decline and the developer has stated he will create buffers around the area. The comprehensive plan has been followed and there is no evidence of devaluation of property. Council Member French read the Iola Vision Statement. Motion made by Council Member French to approve staff's recommendation to rezone the property from R1 to R3. Motion seconded by Council Member Wells. Voting in favor of the motion were Council Members: French, Shaughnessy, Myrick, Wells and Zornes. Voting against the motion was Council Member Becker. Council Member Franklin abstained from the vote. Since the majority is in favor of the motion her vote counts in favor of the motion. Motion carried.

UNFINISHED BUSINESS

A. EMS Merger Discussions – At the July 8, 2013 city council meeting the Allen County Commissioners presented a proposal for the City of Iola to provide Emergency Medical Service (EMS) for the entire county on a contract basis. Staff has met with some of the parties involved and has compiled a list of items for further consideration in relation to the proposed joint agreement. A list was given to the council of some of the concerns expressed by the Allen County EMS staff. Comments from the city council will be referred back to the county commission for consideration. Council Member Myrick stated that he would like to see the city's billing clerk stay involved for a checks and balances system. Council Member Becker asked if we are running the service, why can't we bill it and keep the funding. Council Member Wells stated he didn't have a problem with the county EMS biller continuing with the billing. The city should be compensated for the HAZMAT vehicle. Council Member French wanted to have City Attorney Johnson involved when Administrator Slaugh meets with the county to negotiate the contract. Attorney Johnson agreed it is time to involve him with contract negotiations.

NEW BUSINESS

B. Setting of 2014 Budget Public Hearing – The proposed 2014 budget was presented to the council. Changes made since the last meeting were changing the mill levy rate for the library the same as it was for 2013 budget. This does reduce the dollar amount going to the library due to the lower valuation. There is a budget change of \$100,000 in the recreation department to reflect a potential donation. If the library budget mill levy remains the same it will decrease the dollar amount to the library, however they will still be eligible for the state grant money. Roger Carswell stated that he had contacted Clyde Toland about the possibility of razing the Flewharty home due to the questionable structure of the home. Mr. Toland called him back and stated since he visited with Administrator Slaugh and was told it was for the 2014 budget he would get back with him next year. Motion made by Council Member French to raise the mill levy of the library budget for 2014 to match the 2013 budget dollar amount. Motion seconded by Council Member Franklin. All in favor. Motion carried.

Motion made by Council Member Franklin and seconded by Council Member Myrick to set the public hearing for the 2014 budget on August 12th at 6:00 p.m. All in favor. Motion carried.

C. Natural Gas Transmissions/Storage Agreement – The city currently has agreements with Southern Star Central Gas Pipeline for transportation of natural gas. The current agreement from 2008-2013 utilizes a TSS tariff. Scott Shreve, utility consultant for the city has determined that the STS tariff would be more advantageous to the city and achieve a substantial cost savings. The city council gave approval September 24, 2012 to give a one-year required notice to terminate the existing agreement. Motion made by Council Member Becker and seconded by Council Member Myrick to approve the Trans-Storage Service Agreement under Rate Schedule STS with Southern Star Natural Gas Pipeline, Contract ID: TS 20631, dated June 25, 2013 and authorize the mayor to sign the document. All in favor. Motion carried.

COUNCIL & ADMINISTRATOR REPORT

A. Mayor Wicoff –

Applauded city crews on their continued efforts on brush pickup from the storm.

B. Council Member Wells–

- Has fielded a lot of calls from the community this week. Wanted to make sure if anyone has concerns to feel free to contact him.

C. Council Member Ford –

- Absent

D. Council Member Franklin–

- Presented the idea of seeding the green space to natural grass instead of mowing.

E. Council Member Shaughnessy –

- None

F. Council Member Becker –

- None

G. Council Member Myrick –

- None

H. Council Member Zornes –

- None

I. Council Member French –

- Questioned whether or not the city obtained insurance funds from the damage done to the city's utility pole by an automobile at hospital corner. City Clerk Hutton stated, yes the city bills the individual/insurance company involved to recoup damage costs.

J. Administrator Slaugh –

- Gave a report on cost and time street and alley crew spent on storm damage brush cleanup.
- Mitch Phillips crew saved the city \$19,000 that was presented as a change order on the sewer project by him and his crew closing a valve that the construction crew was unable to close.

EXECUTIVE SESSION – Non- Elected Personnel 10:07 p.m. K.S.A.75-4319

Motion was made by Council Member Wells and seconded by Council Member Zornes to recess into "Executive Session" for the purpose of conducting a meeting to discuss Non-Elected Personnel. All in Favor. Motion carried. Present: Mayor Wicoff, Council Members, Attorney Johnson and Administrator Slaugh. The open meeting to resume in the Commission Room at 10:12.m.

EXECUTIVE SESSION – Attorney/ Client Privilege – Pending Litigation 10:12 p.m. K.S.A.75-4319

Motion was made by Council Member Wells and seconded by Council Member Myrick to recess into "Executive Session" for the purpose of conducting a meeting to discuss Attorney / Client Privileged Information – Pending Litigation. All in favor. Motion carried. Present Mayor Wicoff, Council Members, Attorney Johnson and Administrator Slaugh. The open meeting to resume in the Commission Room at 10:17.m.

DATE / TIME OF NEXT MEETING

City Council Meeting 6:00 p.m. Monday, August 12th 2013

City Council Meeting 6:00 p.m. Monday, August 26th, 2013

ADJOURNMENT

10:19 p.m. Motion made by Council Member Becker and seconded by Council Member Zornes to adjourn the meeting. As the vote was unanimous, the meeting was declared adjourned.

CITY OF IOLA

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07/22/2013

Approved by the City Council of the City of Iola, Kansas this 12th day of August 2013.

Mayor, Joel Wicoff

City Clerk, Roxanne Hutton