

A regular meeting of the City Council of the City of Iola was held on June 27, 2016, 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, Zornes, Shaughnessy, Wells, Sigg, B. Franklin and A. Franklin, Ford and Becker were present. Also present were Administrator Slaugh, Assistant Administrator Schinstock, and City Clerk Hutton.

REVIEW & APPROVAL OF AGENDA

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

PUBLIC COMMENTS

Donna Houser stated that the park is beautiful. She is seeing a lot of use all around the park. The swimming pool is great. She gave an update on the stadium remodel. Stated that Administrator Slaugh did a great job at See, Hear, Iola explaining the city budget and the different city departments. Commented on how nice the chip and seal project was coming. The trail opening was wonderful. Donna thanked all of the volunteers that worked on the project.

Dr. Brian Wolfe, Thrive Board President, presented the mayor with an award from the Chamber of Commerce of Greater Kansas City for being the third city to pass the Tobacco 21 Ordinance.

CONSENT AGENDA

A. Minutes Approval

- June 13, 2016

B. Appropriations Approval – 2016-12

C. Personnel Action

- **Richard Jones – Street & Alley – Retirement**
- **Nathaniel Keylon – Fire Department – Resignation**
- **Trent Rhodes – Park/Cemetery – Annual**
- **Denver Mitchell – Fire Department – New Hire**
- **Jed Rice – Electric Distribution – Annual**
- **Anthony Hutton – Sanitation – Re-Hire**

D. ACARF/Second Chance Event

- **ACARF/Second Chance is requesting the use of the North Community Building for a craft show and sale on November 19, 2016.**

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

ROUNDTABLE

A. Tobacco 21 Discussions – At the February 8, 2016 council meeting a proposal to change the legal age to purchase tobacco products within the city limits of Iola from 18-21 and was approved. On June 13, 2016 Jim Talkington, Iola resident asked the council to reconsider the Tobacco 21 initiative since no other cities within the county passed the initiative.

Bobbi Bonds, Thrive representative reminded the council members why they passed the ordinance in the first place. She read from a letter from Captain Belardo for the U.S. Department of Health and Human Services that stated that individuals that quit using nicotine can reverse the negative effects of the drug in a rather short time.

Ben Alexander, representing Thrive, stated that the poll that Council Member A. Franklin did on his Facebook page was confusing, individuals did not respond unless they were opposed. The council needs to make decisions based on the long term health benefits not based on the financial benefits.

Bobbi Bonds handed out material showing. The handouts showed the causes of death in the USA, a quote about smoking and a map indicating the Tobacco 21 cities across the state.

Council Member Sigg stated that he doesn't like the council taking freedom away from the citizens. He thinks that education should be done first and outlaw second if it is still necessary.

Council Member A. Franklin stated that his survey was to get a pulse on the issue from his constituents. He did not publish a summary stating the results. The wording was simple and easily understood. He did not intend to reach all of Allen County since his audience is the citizens of Iola. He has been approached by several citizens. He stated he was elected by the people to make decisions for the people. People should have a choice.

A young lady spoke about her family history of smokers, stating her father had smoked from age 18 to age 59. She had some family members that had died from smoking. She stated if her age group is not allowed to purchase tobacco until age 21 we most likely won't start. When we are older and we see our friends smoking we will be glad we never started.

Council Member A. Franklin, responding to a comment about the council reversing their decision, stated that they have the right to reconsider items just like the legislature does. He feels that the council did not get enough input from the community. He stated this is not an issue of lost tax revenue. He stated that excessive drinking costs the U.S. \$230 billion per

year. Where will we stop with taking away freedoms? Parents should be the ones teaching their children what is right and wrong.

Jim Talkington stated as a citizen of Iola he is concerned about the lost tax dollars. The problem with this ordinance is that there is no teeth to this ordinance so it really is only hurting the merchants. He has received comments that he is backstabbing and hurting those in favor of the ordinance. He just wants the council to do the right thing and help the Iola businesses.

Council Member Becker stated that he wants to do what's right for the city as a whole. We may lose tax dollars over this matter. The laws are there to protect the citizens. He cannot morally make a decision that would be detrimental to those children down the line.

Council Member Wells wondered if the council was overstepping our boundaries. He asked if the council thought they were overstepping the boundaries when we made the citizens obtain a prescription in order to buy over the counter Sudafed.

Jim Talkington stated the difference in the two issues is the fact that the Tobacco 21 does not have an enforcement clause. Council members were not in favor of implementing a penalty in this ordinance.

Council Member Shaughnessy stated that the issue here is that the public is doing all of the parenting. It is time that the parents step up and parent the children. He doesn't feel that the statement that was made about 18 year olds minds not being developed is a true statement. If 18 year olds are old enough to make the decision to fight for the country then their minds are old enough to make the decision to start smoking or not.

Council Member Ford stated that she has only received one call about the issue and it was from a business. She stated that the actual physical development of the brain that is harmed by tobacco use is the issue, not that they can't make an adult decision.

Larry Macha, local business owner, stated that he is not a smoker. He doesn't think the council should be telling citizens what we should and shouldn't do. He stated that New York City tried to do that a few years ago by restricting any sugary drinks over 16 ounces. That did not work out, the governing body had to rescind the ordinance. Mr. Macha referred to an email that had been sent previously to the council members by his son Bob Macha. In the email an incident is referred to about a 20 year old truck driver that had stopped to purchase fuel, a sandwich, a drink and a can of tobacco. He was told he could not purchase the tobacco within the city limits of Iola because of his age. He was not happy and stated that he would take his future business elsewhere. Mr. Macha stated that the loss of tax revenue is not just the tobacco purchase it is the other items that come from one stop shop convenience stores. He stated that he had just sold his Se-Kan Asphalt business to a company from Topeka. This will hurt the tax dollars within the county along with sales tax losses.

Lori Holman, concerned parent and business owner, stated that it is obvious that education needs to be done. She stated that there is no amount of money that will replace the children's lives. This needs to be looked at as not just one law it is one step of many steps that will make it less easy for children to get their hands on tobacco. The community health leaders need to back the governing body on this decision.

Council Member Shaughnessy stated if it was a state law he would be on board.

Council member A. Franklin stated that the monetary issue is not his concern. We ask the 18, 19 and 20 year olds to bleed for our liberty but yet we want to take that liberty away. He thinks a public vote would be an overwhelming no on this issue.

Motion made by Council Member A. Franklin to have staff draft an ordinance to repeal ordinance 3455 restricting the age from 18 to 21 to purchase tobacco products. Motion seconded by Council Member Sigg.

Council Member Wells stated that we have no economic data yet. He would like to see the long term affect with the ordinance.

Council Member Zornes stated that we haven't given it enough time. We should give it at least a year. If it was up to her we would ban smoking all together.

Council Member Becker stated we are investing in the trails to make people healthier; We need to stand by this ordinance to make the youth healthier.

A vote was taken. Voting in favor of the motion were: Council Members Sigg, Shaughnessy, Wells and A. Franklin. Voting against the motion was: Council Members Zornes, Ford, B. Franklin and Becker. The mayor voted against the motion to break the tie. Motion failed.

B. Smoke Free Parks – Discussions – At the May 23rd council meeting Bobbi Bonds of Thrive and Dr. Brian Wolfe presented a request to make city parks and trails smoke free. Following a discussion staff was directed to draft a smoke free ordinance for Riverside Park and city trails. Berkley Kerr, Parks Superintendent, Jason Bauer, Recreation Director and Bobbi Bonds met and have a plan to implement designated smoking areas for Riverside Park.

Council Member Wells stated that the proposal is not to have smoke free parks but to have designated smoking areas. He doesn't want to include the trails.

Bobbi Bonds, Thrive Representative, stated that they were willing to drop trails from the proposal.

Council Member Ford stated she would like to see it banned from all parks and trails.

Motion made by Council Member Wells to draft a policy designating smoking areas in the parks, but not on the trails. Motion seconded by Council Member Zornes. Voting in favor of the motion were Council Members: Zornes, Ford, Wells, Shaughnessy, Becker and B. Franklin. Voting against the motion were Council Members Sigg and A. Franklin. Motion carried by a majority vote.

C. 2017 Budget Discussions –

- **Industrial & Economic Development – Carl Slaugh** – Administrator Slaugh noted that Thrive Allen County is paid \$20,000 per year from this fund for economic development services. This fund is funded at one mill per year. Council Member Wells stated he would like to see the \$45,000 cut from VanScoyoc each year with \$25,000 going to the Industrial Fund to build up for Economic Development and the remaining \$25,000 to help balance the budget.
- **Employee Health Insurance – Roxanne Hutton** – City Clerk Hutton stated that the insurance was increased last year by \$70.00 for single policy and \$162.00 for a family policy to cover 125% expected liability. The city currently funds at \$418.18 for single coverage and \$692.80 for family coverage. The employee pays \$250.00 out of pocket for family coverage. Currently there are 42 employees on the family policy. A notice was received last week that life insurance coverage that the city carries on all employees will increase \$80.73 per month for all employees. The current balance of the fund is approximately \$525,000.
- **Gas, Water & Wastewater – Mitch Phillips** – Gas, water and wastewater superintendent Mitch Phillips stated that his budgets are remaining about the same as last year, no large projects expected. Council Member A. Franklin asked about the mini excavator that was purchased. Mitch stated that the cemetery department, street and alley and other departments use it as well as his department. He would like to continue to do the sewer lining projects throughout the town. Administrator Slaugh noted that the CDBG grant the city is currently applying for will involve a sewer improvement project. He noted the difficult part will be to conduct the LMI survey and qualify for the 51% LMI category. The city has received two proposals one from Southeast Kansas Regional Planning and one from Ransom Financial to administer the grant. Mitch stated they are getting ready to lay a new four-inch line on the water district the city just took over.
- **Water Production & Sewer Treatment – Toby Ross** – Toby Ross, Water Production and Sewer Treatment Superintendent stated that the city has a contract with solar bee to do yearly maintenance and any repairs as needed. His budget remains about the same for 2017. The council congratulated Toby's department on receiving the award for second best tasting water in the country.

- **Electric Distribution – Jim Baker** – Electric Distribution Superintendent, Jim Baker stated his budget was flat for next year. Would like to continue the tree trimming program next year. He has budgeted to replace the tie breaker at the Oak Street substation. Council Member Wells asked if the excessive heat had caused some issues for them. Jim stated that no issue yet. Council member Sigg gave a shout out to the department for the quick service on the outage on the south side of town last week. Administrator Slauch noted that Jim’s crew has been doing a lot of tree trimming in the right of ways. They have to remove some fences that are in the right of way in order to get to them. Council Member Sigg asked about the rotation of the tree trimming. Jim stated that the service area is broken up into a four year cycle.
- **Electric Generation – Mike Phillips** – Electric Generation Superintendent, Mike Phillips stated he had budgeted to replace the tie breaker at the Oak Street substation and the 4KV that serves the water plant.
- **Purchasing/Stores – Dana Nauertc** – Purchasing Manager, Dana Nauertc, stated that he is an in and out department. He purchases the product that is needed for the products and then is reimbursed by the city departments. The fuel purchases come through his department also. Council Member B. Franklin asked if he had noticed costs increasing. He stated everything has gone up except fuel.
- **Recreation – Jason Bauer** – Recreation Director, Jason Bauer, stated he would like to put more money into the pool but the city just doesn’t have the funds. Council Member Sigg stated that he had been asked about sanctioning the little league teams to include traveling players. Jason stated that they are trying to include area towns into the league to give players more playing time. Council Member Wells stated that he has heard great things about the pool and the ball games this year.
- **Equipment Reserve & Major Non-Street – Corey Schinstock** – Assistant Administrator Schinstock stated that the Major Non-Street fund is funded by sales tax money. \$300,000 is designated to the hospital, \$20,000 for sidewalk replacement program and he is transferring \$300,000 to the major street fund for a future large project.

Administrator Slauch stated that the general fund is currently \$800,000 short. He has cut 5% of all expenses in the 2016 general fund budget where possible. A budget proposal will be brought to the next meeting.

NEW BUSINESS

A. Curb & Gutter Repair - Proposal – A request has been made to use funding set aside for sidewalk replacement for replacing curbs. Council Member Wells made a motion

to allow staff to draft a policy to approve the gutter repairs out of the sidewalk fund at staff's discretion on a case by case basis. Motion seconded by Council Member Zornes. All in favor. Motion carried.

B. Gas City Water Purchase Contract – Discussions – Administrator Slaugh stated that Attorney Johnson is continuing to negotiate with Attorney Albertini. Council members wondered if it would be possible to obtain hard numbers for the City of Gas to hook into Wholesale Water District #5. Motion made by Council Member Wells and seconded by Council Member B. Franklin to table this agenda item pending negotiations between the two city attorneys. All in favor. Motion carried.

Mayor Wicoff declared a four minute break.

EXECUTIVE SESSION – Business/ Trade Secrets – Motion made by Council Member Wells and seconded by Council Member Zornes to adjourn into executive session for the purpose of business/trade secrets. The meeting will reconvene at 8:40 p.m. Attending the executive session will be Mayor, Council, David Toland, and Administrator Slaugh.

EXECUTIVE SESSION - Non-Elected Personnel – Motion made by Council Member Wells and seconded by Council Member Zornes to adjourn into executive session for the purpose of non-elected personnel. The meeting will reconvene at 8:55 p.m. Attending the executive session will be Mayor, Council, and Administrator Slaugh.

COUNCIL & ADMINISTRATOR REPORT

A. Mayor Wicoff –

- None

B. Council Member Wells–

- Reminder if citizens don't have Cox Cable they can watch the council meetings on YouTube.

C. Council Member Ford –

- Asked if we could spray extra for mosquitos due to the Zika Virus. Council Member A. Franklin noted that cities are installing bat houses to combat the mosquitos.
- Asked about the weeds on the rail trail.
- Stated that the light pole that is leaning on the highway looks like it may fall over.
- Asked who cleans up road kill. There have been turkey vultures in her neighborhood.

D. Council Member B. Franklin–

- None

E. Council Member Shaughnessy –

- None

F. Council Member Becker –

- None

G. Council Member Sigg –

- None

H. Council Member Zornes –

- None

I. Council Member A. Franklin –

- Asked Administrator Slaugh to look into bat houses.
- Asked for reimbursement for the Humanity House in the amount of \$660.66 for the materials for the sidewalk by the baseball field. Motion made by Council Member Ford and seconded by Council Member Sigg to reimburse Humanity House the \$660.66 for the material costs. All in favor. Motion carried.

J. Administrator Slaugh –

- Asked the council members to review the Declaration of Independence and the Constitution over the next two weeks.

DATE / TIME OF NEXT MEETING

City Council Meeting 6:00 p.m. Monday, July 11th, 2016

ADJOURNMENT

9:04 p.m. Motion made by Council Member Becker and seconded by Council Member Wells to adjourn the meeting. All in favor. Motion carried.

Approved by the City Council of the City of Iola, Kansas, this 11th day of July, 2016.



A handwritten signature in cursive script, appearing to read "Joel Wicoff", written over a horizontal line.

Mayor, Joel Wicoff

A handwritten signature in cursive script, appearing to read "Roxanne Hutton", written over a horizontal line.

City Clerk, Roxanne Hutton