

A regular meeting of the City Council of the City of Iola was held on November 28, 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, Wells, B. Franklin, Ford, Sigg, Zornes, A. Franklin, Becker and Shaughnessy were present. Also present were Administrator Fleming, Assistant Administrator Schinstock, Attorney Johnson, and City Clerk Hutton.

REVIEW & APPROVAL OF AGENDA

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

PUBLIC COMMENTS

Chuck Richie spoke on his own behalf. He stated that Public Wholesale #5 was started because the City of Iola wouldn't provide water at a rate that the customers felt was reasonable. He stated that if you don't want to lose Gas City as a customer the city shouldn't increase the rates. He stated the water fund shouldn't be used to subsidize the general fund.

Larry Walden stated that the city council meetings and the school board meetings are on the same nights and at the same time. This causes problems for those individuals that want to attend both meetings. He stated that the school board can only change their meeting times in the month of July per statute. He would propose the council to switch to the first and third Monday's. Council Member A. Franklin stated he would be in favor of the change. Mayor Wicoff asked Administrator Fleming to look into the item and bring it back to the council.

Donna Houser stated that she thinks it would be a great idea to change the council meeting dates because of the school board meetings.

CONSENT AGENDA

A. Minutes Approval

- November 11, 2016

B. Appropriations Approval – 2016-19

C. Personnel Action

- Chad Beasley – Street & Alley – Annual
- Roxanne Hutton – Clerk/Utility – Annual
- Jeromy Troester – Police Department – Resignation

Council Member B. Franklin asked where the overhead door was installed that was a part of the appropriations. Administrator Fleming stated that it was installed at the warehouse. Council Member B. Franklin asked about the appropriation for the Saltus Technologies for Digiticket monthly hosting fee and paper. Administrator Fleming stated it was for the Digiticket system the police officers use to issue tickets.

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

EXECUTIVE SESSION

A. Attorney/Client – Motion made by Council Member Wells and seconded by Council Member Zornes to adjourn into executive session for the purpose of attorney / client matters. The meeting will reconvene at 6:30 p.m. Attending the executive session will be Mayor, Council, Administrator Fleming, and Attorney Johnson.

UNFINISHED BUSINESS

A. City of Gas Water Purchase Agreement - Administrator Fleming stated that in 2001 a 30 year contract was signed with the City of Gas. That contract allowed for up to six rate increases for the term of the contract. The City of Iola has increased the water rates more than six times since the contract was signed. At the July 25, 2016 meeting, Iola City Council approved a new, modified agreement. City of Iola staff then approached the City of Gas with the new agreement. The City of Gas council showed no interest in accepting the modified agreement. Staff is requesting that council authorize them to send a letter to terminate the agreement with the City of Gas effective 2031. This will make sure the contract does not automatically renew and the two entities will be able to negotiate the contract at the end of the term. For the remainder of the contract term there will be an approximate difference of \$326,000 which means that every Iola customer is subsidizing the City of Gas at \$7.80 per year for the remainder of the contract. Motion made by Council Member Wells to authorize staff to send a letter to the City of Gas giving them notice that the City of Iola will terminate the agreement for water purchase at the end of the current contract term. Motion seconded by Council Member Zornes. All in favor. Motion carried.

NEW BUSINESS

A. 311 S Chestnut - Condemnation – Mayor Wicoff opened the public hearing. Code Enforcement Officer, Gregg Hutton, stated that no improvements had been made on the property since the notice of the public hearing was given. Darrell Cole, owner of the home, stated that he had been having health issues for 2 ½ years that is why he has not done anything on the house. He is healthy enough now to start doing things on the house. He estimates the roof costing him \$1,000 and all of the repairs approximately \$6,500. He plans on going back into the contractor business so he can make money to make the repairs to the home. Mr. Cole stated that the home has a lien on the property so he wants to get the house

finished so that he can sell it to pay off the lien. Code Enforcement Officer Hutton, stated that the gas line from the meter to the house was repaired and the gas line for the house was not replaced as stated by Mr. Cole earlier in the conversation. Code Enforcement Officer Hutton also stated that he had sent official notice to the Kansas Attorney General regarding this public hearing and the possibility of condemnation. Council Member Shaughnessy asked if the condition of the house is livable. Code Enforcement Officer Hutton stated that it is currently not livable according to code. Council Member Ford stated that Mr. Cole should be looking for a better housing environment due to his health issues. She asked him if he had looked into living in the townhouse. Mr. Cole stated he was opposed to living in the townhouse and he has asked for help from the local organizations in town. Administrator Fleming and Mayor Wicoff stated that there are codes concerning life safety issues and living in a home that is not safe.

Mayor Wicoff closed the public hearing at 7:01 p.m.

Code Enforcement Officer Hutton stated that the property is appraised at \$12,000 which he feels is high for the condition of the property. The current code states that if repairs cost more than half of the appraised value the repairs should not be allowed. Council Member A. Franklin stated that he would like to give him time to live there while he is looking for somewhere else to live. Council Member Ford reiterated that she doesn't think it is healthy for him to live in the home. Council Member A. Franklin asked Code Enforcement Officer Hutton to make a list of priorities that need to be completed. Motion made by Council Member A. Franklin and seconded by Council Member Sigg to give Mr. Cole six months to make significant progress on the exterior of the house according to the priority list made by Code Enforcement Officer Hutton to include but not limited to the roof and siding or find alternate housing. At the end of the time period if significant progress has not been made the city will move forward with condemnation proceedings. Voting in favor of the motion were: Council Members Zornes, Ford, Sigg, Shaughnessy, Becker, A. Franklin and B. Franklin. Voting against the motion was Council Member Wells. Motion passed by a majority vote.

B. Loader Bid Award – Administrator Fleming stated that the Streets and Alleys Department has been putting money into the equipment reserve fund for this loader and other pieces of equipment. The total amount put into the equipment reserve fund allotted for the loader replacement is \$126,225. Three bids were received for the loader. The bids were: Murphy Tractor & Equipment for a John Deere 444K in the amount of \$104,283.78, Foley Equipment for a Cat 918M in the amount of \$108,105.00, and Berry Tractor & Equipment in the amount of \$122,956.00. All of the bids include trade in allowance for the current 1996 caterpillar the city owns. Dan Leslie, Streets and Alleys Superintendent, stated that they did demo all three pieces of equipment. With the lowest bid being from Murphy Tractor he looked into the cost of a service call since they are located in Wichita. Murphy Tractor stated that they would only charge mileage from Chanute to Iola to be competitive with Foley Equipment.

Council Member B. Franklin stated that she thought the city should buy the Caterpillar from Foley Equipment since they are located in Chanute. The Caterpillar brand has been notorious for having a higher trade in value. Motion made by Council Member B. Franklin

and seconded by Council Member Wells to buy the loader from Foley Equipment in the amount of \$108,105.00. Council Member Becker asked about the transmission difference between the John Deere and the Caterpillar. Mr. Leslie stated that it will shift automatically. It will require some training within the department to learn to run the different transmission. Council Member Ford asked if Mr. Leslie would rather buy the John Deere and save the difference for other equipment. Mr. Leslie noted that it was a small amount it wouldn't really matter. Council Member Wells called orders of the day. Mayor Wicoff asked if the engines on both loaders were the same size. Mr. Leslie responded that the engines were comparable. The vote was taken. Voting in favor of the motion were Council Members: Zornes, Sigg, Wells, Shaughnessy, Becker and B. Franklin. Voting against the motion were Council Members: Ford and A. Franklin. Motion carried by a majority vote.

C. Municipal Court Time Change – Jude Patricia Boyd, in an effort to streamline the court process, suggested moving the start time for court from 5:00 p.m. to 3:00 p.m. Administrator Fleming stated that the Chief of Police had some concerns about overtime for the officers that have been subpoenaed to appear in court. Administrator Fleming met with Judge Boyd, Prosecuting Attorney Heim, and Chief Warner about all of the possibilities that could result in changing the time. Court trials will only occur once a month and the officers will be asked to appear at 4:00 p.m., which will help them not incur so much overtime. Administrator Fleming also noted that the ordinance allows for the judge to cancel a court date if the schedule allows. Council Member B. Franklin stated that she thought it might be a hardship for those attending court to have it earlier in the day. City Clerk Hutton stated that the district court at the county courthouse is held in the morning. Council Member Ford wondered about the number of court attendees being in the foyer area while utility customers are trying to come into city hall to conduct business. Administrator Fleming stated that they will keep an eye on that situation and if it becomes necessary a portion of the foyer will be roped off for court use. Motion made by Council Member Wells and seconded by Council Member B. Franklin to approve the Ordinance 3468 changing the time for court to being from 5:00 p.m. to 3:00 p.m. All in favor. Motion carried.

D. Budget Amendment – Set Public Hearing – Administrator Fleming gave a brief update on the proposed budget amendments. He noted that the general fund is only being amended to show transparency on the revenue side. With the electric fund cash balance not being as expected the transfer into the general fund may have to be adjusted. More funds will need to be transferred from the gas and waste water funds to help the cash flow in the general fund. All departments are within their budgeted spending limits, the problem is the cash flow is down from expected. Motion made by Council Member Wells and seconded by Council Member Zornes to set a public hearing for December 12, 2016 at 6:00 p.m. for the budget amendments.

COUNCIL & ADMINISTRATOR REPORTS

A. Mayor Wicoff –

- Had a great Thanksgiving holiday.

B. Council Member Wells–

- Thanked all of the volunteers that put the decorations on the square. It looks great.

C. Council Member Ford –

- Thanked all of the volunteers and city crews that decorated the square.

D. Council Member B. Franklin–

- Noted that the tour for the properties owned by Iola Industries is December 5th. A bus will be leaving the college at 3:00 p.m. from the south parking lot. The council did not show enough interest in attending to warrant a special called meeting.
- Enjoyed the Thrive annual meeting.
- The square looks nice.
- Informed everyone that Donna Houser has applied for a volunteer award grant. She has stated that if she wins the grant she will use the money for more upgrades to the football stadium.

E. Council Member Shaughnessy –

- Square looks great.

F. Council Member Becker –

- Wanted all of the volunteers that do things around the city and all of the city crews to know how much the council appreciates them.

G. Council Member Sigg –

- None.

H. Council Member Zornes –

- Square looks great. Thanks to all that had a part in putting it together.

I. Council Member A. Franklin –

- Stated that with the assistance of a lot of volunteers the square was decorated nicely. Hopefully it will inspire more people in town to decorate their homes.
- Asked everyone to excuse his absence at the last meeting and his tardiness tonight.

J. Administrator Fleming–

- Will be attending the KACM meeting later this week. He can be reached via his cell phone.

DATE / TIME OF NEXT MEETING

City Council Meeting 6:00 p.m. Monday, December 12th, 2016

ADJOURNMENT

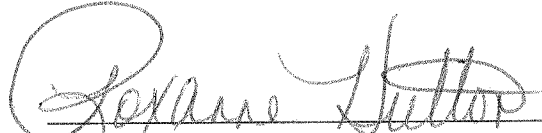
7:47 p.m. Motion made by Council Member Becker and seconded by Council Member Wells to adjourn the meeting. All in favor. Motion carried.

Approved by the City Council of the City of Iola, Kansas this 28th day of November, 2016.





Mayor Wicoff



City Clerk, Roxanne Hutton