

CITY OF IOLA

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A regular meeting of the City Council of the City of Iola was held on August 10, 2020, at 6:00 p.m., at the Park Community Building, 510 Park Avenue, Iola, Kansas.

CALL MEETING TO ORDER

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

Mayor Wells and Council Members Peters, Peterson, Kinder, Ballard, Slaugh, Myrick, Ford, and French were present. Also present was Interim City Administrator Schinstock, City Clerk Hutton, and Attorney Robert Johnson.

REVIEW & APPROVAL OF AGENDA

Motion made by Council Member Ballard and seconded by Council Member Slaugh to approve the agenda as posted. All in favor. Motion carried.

PUBLIC COMMENTS

Persons who wish to address the City Council regarding items on the agenda may do so as that agenda item is called. Persons who wish to address the City Council regarding items not on the agenda and that are under the jurisdiction of the City Council may do so at this time when called upon by the Mayor. Comments on personnel matters and matters pending in court or with other outside tribunals are not permitted. Speakers are limited to three minutes. Any presentation is for information purposes only. No action will be taken.

None were made.

CONSENT AGENDA

- A. Minutes Approval**
 - July 27, 2020, Council Meeting
 - August 4, 2020, Special Called

- B. Appropriations Approval**

- C. Board Appointment**
 - Beth Ann Turner - Reappointment

- D. Scout Troop 55- Request**

Council Member Peters noted that there was an error on page 1 of the July 27th minutes. The minutes state that Council Member Ford made a motion and yet she was absent. Council Member Slaugh stated that there was an error on the August 4th minutes. There was a motion and second with no vote results shown. Motion made by Council Member Slaugh to approve the consent agenda with the changes. Motion seconded by Council Member Peterson. All in favor. Motion carried.

NEW BUSINESS

A. Rental Property Bug Infestation - Code Enforcement Officer, Gregg Hutton informed the Council that he had visited the property today and saw a tremendous improvement. He noted that Mr. Larkey was at the property and stated he is continuing to work with Mr. Kerr to keep the property sprayed until the matter is under control.

Property Owner Matt Kerr was present at that meeting to apologize to the neighbors. He noted that he thought that the tenants were allowed entry to A-1 for spraying. He noted he will be staying more involved with the situation to assure it is taken care of.

Jarid Larkey from A-1 Pest Control updated the Council on the situation and what a continuous treatment plan looks like in a letter he penned to the Council.

Bill Maness, property owner close to the building being discussed, stated that while an apology was nice the property owners have spent a lot of money to protect our properties. He feels like there is a need to have authority for the City Code Enforcement Staff to be able to look at rental properties yearly. Right now their hands are tied.

Mayor Wells noted that the Council had looked into doing an annual rental inspection in the past. He thought that there were some concerns about the legality. Attorney Johnson said he would look into it.

Council Member Kinder noted that it is the Council's priority to make improvements and accessibility for housing to the residents of the City.

Council Member Ford noted that she would like to see the Staff and City Attorney Johnson look into the regulation of rental properties. She realizes that they can do this in larger cities but it would be great if we could have the landowners register with Code Enforcement, pay an annual fee, and an inspection is done to assure minimum requirements are being met.

Attorney Johnson will get with Code Enforcement Officer Hutton to check into this idea.

B. Past Utility Discussion - Enclosed within the packet is Ordinance 3109 which addresses when a new owner purchases a property in the service area no utility service will be connected to the property until the previous bill is paid in full.

Attorney Johnson noted that this was not a tax sale but a bank foreclosure sale. It is a buyer beware situation. No warranty deed is issued. The Ordinance the city has had in place since 1991 has been challenged several times. The City has taken the stand that you must pay the bill that was a previous owner bill before getting the utilities connected.

Mr. Johnson stated that if the Council does not uphold this Ordinance they take a chance of setting a precedent. Along with the risk of previous individuals in this situation coming back on the City.

Mayor Wells asked if the current ordinance was legal. Attorney Johnson stated that yes the Ordinance was legal.

Mayor Wells stated he had received an email from Mr. Barnett, the buyer of the property, stating that he didn't feel he owed a debt that wasn't his.

Council Member Kinder noted that we are not making it his debt. It is the debt with the house and to get utilities turned on at the property, the bill must be paid.

Council Member Ford noted that maybe the city could add to the advertisement of the sale that a utility bill may be outstanding on the property.

Council Member Ballard stated that this is not our problem. He bought this at a reduced cost he should have known that there might be other expenditures.

Council Member French noted that the City should be a better business partner. Making buyers aware that there is an outstanding balance.

Council Member Myrick noted that his employer knows that these kinds of expenses are possible so he does his research before purchasing the property to assure there is no outstanding debt that comes with the purchase of it.

Interim Administrator Schinstock noted that staff will get with the Allen County Sheriff to discuss problem-solving ideas.

C. Convention & Tourism Disbursement - Convention and Tourism Member, Roxanne Hutton presented the recommendations of the Convention and Tourism. She noted that there were fewer applications than previous years mostly due to COVID 19 which caused cancellations.

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Council Member Myrick asked if this was the fund where the Council committed an annual payment to the Honor Flight?

Interim Administrator Schinstock noted that he thought that money is designated out of the Council's discretionary fund.

Mayor Wells asked if this was this year's money or next year's money. Ms. Hutton noted it is this year's money.

Motion made by Council Member Ford and seconded by Council Member Kinder to approve the distribution of funds as recommended by the Convention and Tourism Committee. All in favor. Motion carried.

D. Evergy MOU Termination Letter- Interim Administrator Schinstock noted that in August 2018 a memorandum of understanding was executed between the City of Iola and Westar Energy (Evergy) following a number of discussions.

With a new opportunity for a solar project with another company, the staff is requesting Council approval of the enclosed termination letter to Evergy regarding the previous solar project in 2018.

Motion made by Council Member Ballard and seconded by Council Member Peterson to authorize staff to submit the enclosed letter of termination to Evergy regarding the August 2018 memorandum of understanding. All in favor. Motion carried.

UNFINISHED BUSINESS

A. Work Order & Asset Management Discussions -

Interim Administrator Schinstock stated that in November of 2018 when the staff was looking at the different programs SEMS was chosen over the other programs presented. With the problems confronted with the SEMS program. Mr. Schinstock consulted with SEMS about possibly getting more training. He was approached about switching to Cartegraph who recently purchased SEMS. Cartegraph has a more user-friendly program that would fit the city's needs better. Cartegraph was demoed with City department heads and their designees.

A three-year contract with SEMS runs through November of 2021.

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Interim Administrator Schinstock visited with the City of Ottawa Public Works Director. The City of Ottawa is currently using SEMS. He stated that he feels the program is difficult and they have decided to look at other options.

Mayor Wells did read Section 22 of the Code of Procedures for Kansas Cities

Motions to reconsider are prohibited. Any governing body member may make a new substantive motion on a matter previously considered by the city.

Mayor Wells noted that two of the Council Members requested more information from staff which is why this item could be brought to the Council again.

Council Member Myrick asked if we can terminate the contract because we are not getting what we paid for.

Council Member French noted that since he was not a Council Member at the time the contract with SEMS was approved he would like some time to review what the contract says and the terms of the contract.

A group of the Department Heads presented a packet of information to the Council.

Mayor Wells asked why he wasn't contacted before the meeting by the employees since they had contacted some of the Council Members.

Mitch Phillips, Gas, Water, and Wastewater Superintendent, stated that Dan Leslie, Street & Alley Superintendent, currently uses a program for his fleet called Fleet Maintenance Pro, which has a one time fee of \$995. They offer a cloud-based product as well for a one time fee of \$1,495.

Street & Alley Superintendent Dan Leslie stated that he has used it for over 20 years. Enclosed is a report from the software showing all of the maintenance done on one of the vehicles in his fleet. He noted that the software does not have a work order system.

Mr. Phillips noted that a work order produced from the Incode Software used by the Utility Office, Code Enforcement, Purchasing, and Payroll currently, provides data that is necessary for the departments to perform duties and keeps track of the work performed.

Mr. Phillips stated that he had also enclosed a copy of the water meter and water tap records that are kept at the warehouse.

Council Member Ballard noted that if we can generate these documents what else do we need to do?

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Mayor Wells stated that Council Member Ballard was the one that had requested Former Administrator Flemming to find a way to verify the need for purchases of equipment, noting that the current equipment needs replaced. He also wanted justification for the current number of employees.

Council Member French noted that it is not the Council's position to micromanage the employees. He thinks if the data comes to the Council showing the need for replacement of a piece of equipment that is all that the Council should need.

Council Member Slaugh noted that his understanding of the idea behind this type of software is to collect records from all of the departments and integrate them into one. This would allow for the existing data to be available and make it easy for everyone to use.

Parks Superintendent Berkley Kerr stated that once all of the data was put into SEMS, the staff was told they had a month to play with it. Then the two individuals came to do training. It was very little training and we were not sure what to do when they told us to play with it because we hadn't been trained.

Parks Superintendent Berkley Kerr noted that he had sat in on an Incode Demonstration with City Clerk Hutton on the cemetery program. He thought it was user friendly and the City has several employees that are versed in the program.

Council Member Ford stated that for the record she was not in favor of purchasing the program from the beginning.

Council Member Peters asked if the current one being used by Dan Leslie is accessible to everyone. Mitch Phillips noted that the cloud version would have to be purchased.

Council Member French stated that it may be best to let the new administrator pick an option. Review the program with the council so they are aware of what the program will be used for.

Council Member Kinder noted that this is one reason he is stressing hiring an IT person. That person would be able to pick something that would work well for the City and help train and set it up within the departments.

Council Member Ballard stated that he would like for Attorney Johnson to look into getting out of the contract even if it means buying out the last year.

Motion made by Council Member Slaugh and seconded by Council Member Myrick to table this agenda item for an indefinite time until a new City Administrator is in place and he has time to review the current product as well as other products.

Interim Administrator Schinstock noted that he felt like if there was a problem staff should have been speaking up from the beginning. He noted that the SEMS product is not user friendly which is why he researched the Cartograph product. He asked the Council Members if staff are to not use either product until the new Administrator can decide on a product. Council agreed the product will not be used until further notice.

A vote was taken: All in favor. Motion carried.

EXECUTIVE SESSION

A. Non-Elected Personnel - Motion made by Council Member Ballard and seconded by Council Member Myrick to recess into Executive Session for fifteen minutes according to personnel matters of non-elected personnel, K.S.A. 75-4319(b)(1). The purpose of the executive session is to discuss an individual's employment and shall include the Mayor, Council, City Attorney, Human Resources Manager, and the Interim City Administrator. The regular meeting shall reconvene in the city council chamber at 7:20 p.m. All in favor. Motion carried.

COUNCIL & ADMINISTRATOR REPORTS

A. Council Member Peters -

- None

B. Council Member Ford—

- None

C. Council Member French –

- Has had some complaints about delivery trucks going on Kentucky. There is currently a No truck traffic sign on the route, looks like enforcement is not currently being done. He suggested that the City do some public relations and give those businesses a call to let them know that the delivery trucks should not be using that route.
- Inquired about the pond on North Cottonwood. Looks like it is washing out and possibly needs some rock added to the side to prevent erosion. Staff will look into the area in question.

D. Council Member Peterson—

- None

E. Council Member Ballard

- Noted that Fire Truck #311 needs to be replaced. He has spoken with staff and they have concerns that the truck will shut down on them during a fire. This is a safety

concern and should be dealt with immediately. He asked the staff to investigate the possibility of purchasing a demo truck to replace the current truck.

F. Council Member Slaugh–

- None

G. Council Member Myrick–

- None

H. Council Member Kinder -

- Encouraged citizens as well as employees to come to him with concerns. He welcomes your calls.

I. Mayor Wells

- He firmly believes that staff and Council Members need to stop playing games. If something is brought to the Council and they have voted on it. The council needs to stand up and support the Administration Staff and not allow the employees to complain and bypass the correct chain of command.

J. Interim City Administrator Schinstock–

- Informed the Council that he sent an email stating the swimming pool will be open through the end of the week.
- Visited with Dan Leslie and Mitch Phillips about the school project. How it is affecting the road and ways the school could do a cost-share with the City to do an overlay project in 2021.

DATE / TIME OF NEXT MEETING


City Council Meeting 6:00 p.m. on Monday, August 24, 2020

City Council Meeting 6:00 p.m. on Monday, September 14, 2020

7:37 p.m. Motion made by Council Member Myrick and seconded by Council Member Ballard to adjourn the meeting. All in favor. Motion carried.

Approved by the City Council of the City of Iola, Kansas this 24th day of August 2020.





Mayor Wells



City Clerk, Roxanne Hutton