

CITY OF IOLA

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A regular meeting of the City Council of Iola was held on September 27, 2021, 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, Council Members Myrick, Slaugh, Peterson, Ford, Peters, Ballard, Kinder, and French were present. Also present were Administrator Matt Rehder, Assistant City Administrator Schinstock, City Attorney Johnson, and City Clerk Hutton.

**REVIEW & APPROVAL OF AGENDA**

Motion made by Council Member Myrick and seconded by Council Member Ballard to approve the agenda as amended. 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 under the jurisdiction of the City Council may do so when called upon by the Council President. 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.*

Mayor Wells read the above statement.

Josiah D'Albini thanked the citizens of Iola for attending the first international dinner at the college. The next dinner will be held on October 12th and will feature Italian Cuisine.

Mr. Albini thanked Council Member Slaugh for participating in Constitution Day at the college.

**CONSENT AGENDA**

- A. Minutes Approval**
  - **September 13, 2021, Council Meeting**

- B. Appropriations Approval**

**C. Board Appointment - Iola Housing Authority**

Council Member Ballard made a motion to approve the consent agenda as presented. Motion seconded by Council Member Peters. All in favor. Motion carried.

**NEW BUSINESS**

**A. Domestic Violence Awareness Month - Proclamation --** Mayor Wells read the proclamation and declared October as Domestic Violence Awareness Month.

Donita Garner thanked the Council for raising awareness with the proclamation.

**B. CMB License - Paul Porter -** Motion made by Council Member Ballard and seconded by Council Member Kinder to table this item until October 12th. All in favor. Motion carried.

**C. Farm City Days - Request -** Assistant City Administrator Schinstock informed the Council that Farm City Days could secure a carnival for Farm City Days. The committee is requesting approval to extend the curfew at Riverside Park to allow the carnival workers to stay overnight in the park from October 11 through October 17.

Motion made by Council Member Kinder and seconded by Council Member Peters to approve waiving the nightly curfew in Riverside Park to allow carnival staff to camp in the park for the annual Farm City Days Celebration from October 11 through October 17. All in favor. Motion carried.

**EXECUTIVE SESSION**

**A. Attorney-Client Privilege -** Motion made by Council Member Ballard and seconded by Council Member Myrick to recess into Executive Session for 15 minutes pursuant to Attorney-Client Privilege K.S.A. 75-4319(b)(2). The purpose of the executive session is to discuss potential litigation and shall include the Mayor, Council, City Administrator, Assistant City Administrator, and City Attorney. The regular meeting shall reconvene in the city council chamber at 6:23 p.m. All in favor. Motion carried.

**ROUNDTABLE**

**A. Becky Nilges Request - 1336 N Walnut** - Mayor Wells informed the group that he would allow Ms. Nilges and those in attendance to speak about the property. Following the discussion, time will be given for Council Members to comment or ask questions.

Becky Nilges, 1616 N Walnut, and Scott Fehr, 1609 Northwestern, gave the building timeline.

In November 2015, the property was abandoned, and holes were covered.

January 2016 alarms were going off; Scott Feher lives across the street from the property. He went outside and noticed the water was coming out of the building. A water pipe had broken. Authorities notified the owner, and the water was shut off.

July 2019 Neighbors were invited to meet with Shane Lamb, where he presented his vision to the residents and asked for their thoughts on the property.

July 2021 Scott Feher, Council Member Kinder and Becky Nilges walked the property and pictures were taken. The pictures were sent to City Staff.

Mr. Fehr stated that he had seen rats, mice, raccoons, possums, and people going in and out of the building.

Individuals had mentioned to Mr. Fehr that they had witnessed people walking on the trail and going in and out of the building.

Ms. Nilges stated that the property is a blight on the neighborhood and therefore should be handled as the City of Iola Code says in Chapter 8, Article 1, Section 105, Chapter 8, Article 1 8-106, Chapter 8 Article 2 8-201 a 4 and follow through with condemnation.

Ms. Nilges gave a list of signatures to Mayor Wells of 56 individuals requesting the property be inspected, and a report is given to the Council.

Council Member Ford stated that when Code Enforcement brings properties to be demolished to the Council, the determination is whether or not it would cost more than 50% of the property's value to make repairs. She noted that the property is valued at \$16,000. Therefore, it would take more than 50% to repair the building.

She stated that she could sit on her deck and watch people going into the building. When the owner is advised that windows need to be boarded up, they are fixed and kicked in the right after being repaired.

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Council Member Ford stated that the buyer knew that the property was not approved for low-income living.

Council Member French stated that he defers to the City Attorney, noting that the Council has a legal system that has to be followed. He pointed out that a trained inspector needs to review the property if they have lawful reasons to be on the property.

Council Member Peterson understands the neighborhood's concerns. However, if you look all over town, you can see places where vagrants live in abandoned homes and buildings all around the city. She noted that Code Enforcement currently has 75 properties on the condemnation list. Council Member Peterson stated that if legal counsel tells us we can not go on the property, we have to follow that.

Council Member Ballard noted that while he is empathetic to the neighbors, the council can not appease everyone. Council Member Ballard noted that when Code Enforcement has been notified of issues with the building, he informs the owner, and the problems have been handled each time.

Council Member Ballard stated that if the neighbors see people enter the building, they should call the police. He cautioned the neighbors not to go on the property, noting that legally it is private property, and individuals can not go on the property without permission.

Council Member Slaugh noted that he appreciates the property owners coming to the meeting and voicing their concerns. Council Member Slaugh stated that following the July inspection is done by Code Enforcement, the broken windows and holes were covered up by the property owner. While it is a blight to the neighborhood, it has to be determined by the Code Enforcement Officer if the property is unsafe and dangerous and brought to the Council for approval to be demolished.

Council Member Myrick noted that while he understands the neighbor's concerns, it reminds him of several other properties in town. The Code Enforcement Office starts the process, and the owner fixes the issues, and when things get bad again, the process starts over.

Council Member Kinder noted that the owner appears to be making an effort to keep the property secure and clean. He said that the police department should be called when individuals are seen going in and out of the property, and code enforcement could monitor the property for broken windows and openings not secure.

Mayor Wells noted that the neighborhood could develop a Community Improvement District, which would allow them to purchase the property and make it into a park. With the area legally owning the property through a property tax assessment, the property could be well maintained.

Mayor Wells informed the group that they could always ask the property owner to allow them to tour the property.

Council Member French noted that if he allows the neighbors to tour the property, ask him if he would bring his intentions for the building and present it to the Council.

Council Member Peters stated that he walks all over town, and there are blighted areas all over.

Mr. Fehr stated that he appreciates the Council listening and understanding their concerns. He would like to see the Police patrol more frequently and for Code Enforcement to monitor the property. He wants the Council to do the right thing and follow the legal path.

Virginia Warren, 1423 N Walnut Road East, stated that she agrees with Council Member Ford the property is not safe. She has had individuals walk through her property, and as a widow living alone, it makes her not feel safe.

## **EXECUTIVE SESSION**

### **A.Contract Negotiations**

A motion was made by Council Member Ballard and seconded by Council Member Peterson to recess into Executive Session for 30 minutes pursuant to contract negotiations, K.S.A. 75-4319(b)(3). The purpose of the executive session is to prepare for future or current contractual discussions and shall include the Mayor, Council, City Administrator, Assistant City Administrator, and Attorney Bret Heim. The regular meeting shall reconvene in the city council chamber at 7:37 p.m. All in favor. Motion carried.

## **COUNCIL & ADMINISTRATOR REPORTS**

### **A. Council Member Peters -**

- None

### **B. Council Member Ford—**

- None

### **C. Council Member French —**

- None

**D. Council Member Peterson–**

- The rock used for the new water line on S. Washington Street is still very dusty with cars driving on the gravel.

**E. Council Member Ballard**

- Council Member Ballard asked about using ARPA funds to purchase an ambulance. City Administrator Rehder noted that the city has more time than first thought and will be bringing options to the Council in the near future for the funding.
- Council Member Ballard asked about the two recent house fires and wondered when the debris will be removed from the properties. City Clerk Hutton noted that she had contacted the insurance company about the house located by Lincoln School, and they stated they are negotiating with the insured parties.
- Council Member Ballard applauded the individuals responsible for the fly in at the airport last week. He noted that his boys had a great time.

**F. Council Member Slauch–**

- None

**G. Council Member Myrick–**

- Council Member Myrick inquired about the Fire Chief position and when it would be filled. Administrator Rehder noted that the job has been sent out for applicants.

**H. Council Member Kinder -**

- Council Member Kinder stated that he had some more concerns about flooding on the E Broadway where gravel has been added to the alley, and over time it has raised the alley higher than the yards.

**I. Mayor Wells**

- None

**J. Administrator Rehder**

- Administrator Rehder reminded the Council that the Economic Development group is meeting tomorrow in his office at 5:00 p.m.

**DATE / TIME OF NEXT MEETING**

City Council Meeting 6:00 p.m. on Tuesday, October 12, 2021

City Council Meeting 6:00 p.m. on Monday, October 25, 2021

7:43 p.m. Motion made by Council Member Myrick and seconded by Council Member Peters to adjourn the meeting. All in favor. Motion carried

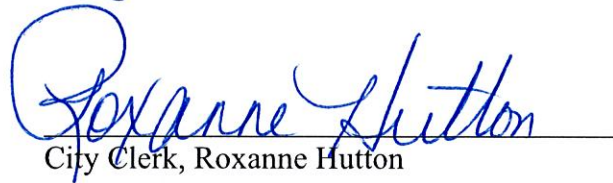
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It was approved by the City Council of Iola, Kansas, on the 12th day of October 2021.

  
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Mayor Wells

  
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City Clerk, Roxanne Hutton

