TOWN OF KIOWA MINUTES

FOR REGULAR MONTHLY MEETING

June 30, 2022 @ 7:00 P.M.

OR IMMEDIATELY FOLLOWING THE PWA REGULAR MEETING

AT THE KIOWA CITY HALL

813 S. HARRISON ST.

KIOWA, OKLAHOMA

All items on this agenda, including but not limited to any agenda item concerning the adoption of any ordinance, resolution, contract, agreement, or any other item of business, are subject to **amendment**, including additions and/or deletions. This rule will apply to every individual agenda item without exception, and without providing this same **amendment** language with respect to each individual agenda item. Such amendments should be rationally related to the topic of the agenda item, or the governing body will be advised to continue the item.

The governing body may adopt, approve, ratify, deny, defer, recommend, amend, strike, or continue any agenda item. When more information is needed to act on an item, the governing body may refer the matter to its City/Trust Manager, staff, Attorney or to the recommending board, commission or committee.

**CALL MEETING TO ORDER:** Meeting called to order by Mayor Peterson @ 7:13 P.M.

**ROLL CALL:** Hall-present, Peterson-present, Vanblaricom-present, Nichols-present, Sexton-present.

**APPROVAL OF THE MINUTES:** Minutes pending for May.Tabled.

**APPROVAL OF THE FINANCIAL REPORT:** Financial report presented by Tracy Reed. Peterson made a motion to approve the Financial Report. Seconded by Hall. Hall-yes, Peterson–yes, Vanblaricom-yes, Nichols-yes, Sexton–yes. Motion carries.

**APPROVAL OF THE PURCHASES:**No questions. Peterson made a motion to approve the purchases. Hall seconded the motion. Hall-yes, Peterson–yes, Vanblaricom-yes, Nichols-yes, Sexton-yes.Motion carries.

**MAINTENANCE REPORT:** Josh Furr presented the Maintenance Report.

**ANIMAL CONTROL REPORT:** Josh Furr presented the Animal Control Report.

**POLICE DEPARTMENT REPORT:** Jess Wilson presented the Police Department Report.

**FIRE DEPARTMENT REPORT:** Clifford Sexton presented the Fire Department Report.

1. **Discussion and possible approval to accept Jerri Ellis’s resignation.** Jason, (Jerri Ellis’s attorney), “Our position is there is no resignation to accept. She has not resigned from anything. If this is a question before the board then it is improper. She has not resigned from anything.”Layden,“Two things, one, she is our City Treasurer, an elected position, so legally unless there was a resignation in writing submitted, and there was not, correct?” Peterson, “No sir.” Layden,“Then she has not resigned. That is clear she has not resigned that position, and secondly Jerri is assigned a job with extra duties and paid for that as a city employee. Then that raises the question whether she resigned from that position. Of course I don’t know exactly what happened but that would be up to you, Mayor, to determine if she did resign and whether she has resigned according to our handbook. As far as resignation, if someone misses several days then that itself is a resignation so that would be up to you to decide or even the council whether to accept her resignation.”Jason, “She has not resigned. She doesn’t intend to resign. She never has.” Peterson, “In our handbook, Town of Kiowa Employee Personnel Policy, it says any employee absent for three days or more consecutive days who fails to notify his supervisor unless on an approved Leave of Absence will be considered to have voluntarily resigned. Please be aware you may have certain rights under the Family Medical Leave Act as well as any state law that may have any effect on time off for illness.” Jason, “But if she is the City Treasurer isn’t she her own supervisor?” Hall,“We are not talking about Treasurer. We are talking about her extra duties.” Her attorney, “There is a part in there about her not having notified her supervisor. Who are her supervisors?” Peterson, “any of the Board Members.” Layden,“Actually it is the Chairman of the Board. That is her direct supervisor.” Sexton made a motion to accept her resignation. Hallseconded the motion. Hall-yes, Peterson–yes, Vanblaricom–no, Nichols-no, Sexton-yes. Motion carries
2. **Discussion and possible approval to pay Jerri Ellis for 125.12 hours of comp time($2,404.18) and 160 hours of vacation time ($2,049.60).**  Peterson, “The total in thehours of the comp time was different so we need to adjust that. Her time was right according to ADP but the hourly rate needs to be multiplied again because the total on here is wrong.”The time of 125.12 hours was recalculated and arrived at $1602.79 and $2,049.60. Peterson agreed. Peterson made a motion to approve to pay Jerri Ellis for 125.12 hours of comp time in the amount of $1,602.79 and 160 hours of vacation time in the amount of $2,049.60. Hall seconded the motion. Hall-yes, Peterson-yes, Vanblaricom-no, Nichols-no, Sexton-yes, Motion carries.
3. **Discussion and possible approval to renew with OMAG and apply for Escrow.** Peterson` made a motion to approve to renew with OMAG and apply for Escrow for $5,868.97.Sextonseconded the motion. Hall-yes, Peterson-yes, Vanblaricom-yes, Nichols-yes, Sexton-yes. Motion carries.
4. **Discussion and possible approval to take actions for Kiowa Hospitality LLC (hotel) @ 901 S. Garfield for Motel Tax.** Wilson, “On this motel tax it just sold so it has new owners as of last month. We may want to reach out to him and let him know what position we’re in and give him an opportunity. He has quite a few hotels. I think Mr. Patel is the one who bought it. We might try to reach out to him and deliver him a letter to bring him up to speed on where it’s at. I am not sure what the legalities are when there a change, if it would still be the old owner or the new owner.” Layden, “I don’t think we would be able to go back and collect from the new owner on what the old owner didn’t pay. But we should put the new owner on notice that we are going to actively request that.” Wilson, “Do you want to table this for a month and give us a chance to follow up with him and then bring it back next month?” Vanblaricom, “I have a question. Do we have to get them to refill out the forms? We need to get them up here to go over this agreement, the City Ordinance and all that stuff.” Layden, “I think so. It would be a good idea.” Wilson, “We can take that ordinance to him when we take the notice to him and go over all that stuff about the back taxes.” Vanblaricom, “Is there no way we can collect the back taxes and all that stuff? Did you look at the City Ordinances and all that stuff?” Layden, “I wrote them year ago but I’ve slept since then.” Hall, “I was just wondering. It does say that the city can hold them accountable. The city may have to put a lien against not just the hotel itself but against other properties that this individual that owned that wasn’t paying.” Layden, “the previous owner?” Vanblaricom, “Yes.”Layden, “we can look at potential collection from the previous owner but that’s very difficult. It is something he owes. He owes it but collecting it is another story.” Wilson, “We need to make sure there wasn’t any type of agreement between the changing of ownership that satisfied back taxes. Before we decide to take any action we need to know from the new owner if there was any kind of agreement and he just hasn’t let us know yet or if that’s something the old owner is going to be obligated for. When we find that out, we had talked about getting ahold of the state, and we’ll just go ahead and get ahold of her and let her guide it.”Sexton, “Do we need to if we have something in writing that details how we are going to handle this situation?” Wilson, “A lot of times when the state steps in and takes over the collection that’s another option.” Vanblaricom, “then does that take the money for the taxes that he owes out of our hands. Are we going to wind up receiving it and putting it back into the state?” Wilson, “It’s still your tax money. I haven’t done this in a while but I know another town that used the person that represents the state to help bring taxes current within their town and they still got their taxes. We had talked about making contact with her but I know it sold during that time. So before we got the state involved I figured we had better go and try to talk with the new owner and see what is going on.”Sexton, “How far behind are they? Are we talking years?” No one present had that information. Layden, “That’s really one of those things thatshould have been monitored. We see they are paying and we see they have stopped paying. At some point you have to take action and try to get them to pay. That is what we were getting ready to do but then it sold. We are going to backup and try to get the new owner to know for sure that going forward he has to pay those taxes. Make him aware of the city ordinances. Collecting from the guy who sold is always a difficult proposition but we can look into it.” Tabled.
5. **Discussion and possible approval to accept engagement letter for fiscal year 2021.** Peterson made a motionto accept the engagement letter for the fiscal year 2021. Hall seconded the motion. Hall-yes, Peterson-yes. Vanblaricom-yes, Nichols-yes, Sexton-yes. Motion carries.
6. **Discussion and possible approval to accept membership agreement and pay invoice with OMMS.** Tabled.
7. **Discussion and possible approval to add Mike Sexton to all Town First Bank accounts.** Peterson made a motion to add Mike Sexton to all Town First Bank accounts. Nicholsseconded the motion. Hall-yes, Peterson-yes, Vanblaricom-yes, Nichols- yes, Sexton-yes. Motion carries.
8. **Discussion and possible approval to remove Jerri Ellis from all Town First Bank accounts.** No vote.
9. **Discussion and possible approval to update drop off and pick up list for bank deposit bags at First Bank, add Kasey Sawyer and remove Jerri Ellis.** Peterson made a motion to update drop off and pick up list for bank deposit bags at First Bank and add Kasey Sawyer. Hall seconded the motion. Hall-yes, Peterson-yes, Vanblaricom-yes, Nichols- yes, Sexton-yes. Motion carries.
10. **Discussion and possible approval to purchase a TV and pool balls for the Community Center.** Peterson, “They wanted more things to do. I think we gave them a month to see what they could get donated. Did they get puzzles donated?” Council answers yes, and also received some exercise equipment and bingo items. Council discussed the need to replace the felt on the pool table before purchasing pool balls and other pool items. Reed, “We do have restricted monies for our community building. We budgeted to spend most of it next year for the generator and to fix the handicap access door but we should still have $6,000 to $7,000 in there that is restricted just for the community building. We will amend the budget midway thru the year so we won’t be out of budget compliance so there is restricted cash available.” Council discussed the ice machine and that repairs will be another cost that will need to be addressed. They are still waiting for someone to come to look at the machine to tell the City the cost of repairs. Council agreesmaking the handicap access door repairs should be a priority. Peterson made a motion to approve purchasing TV for the community center not to exceed $600.Sextonseconded the motion. Hall-yes, Peterson-yes, Vanblaricom-yes, Nichols-yes, Sexton-yes. Motion carries
11. **Discussion and possible approval to review and accept bid for a new sign for the cemetery.** Have only received one bid. Emails have been out. Waiting for replies. Tabled.
12. **Discussion and possible approval with fire department to set a date for Kiowa Day.** Vanblaricom, **“**Why was the Indian Festival scheduled in September?” Danny Kelley, “It was Founder’s Day. It was when the birthday was, when Kiowa was founded. I prefer it be in September since number one, that was the original birthday and, number two, it’s a lot cooler. If you notice the last City festival we had we had people dropping out and leaving and going home and by evening we had nobody there because everybody was too hot. The council is probably going to want to keep the Founder’s Day in September as that is actually the founding time. Will probably be next year since nothing was discussed and put in the budget. That gives plenty of opportunity to start planning because it is going to take a lot of work and resources. A lot. I think it would be better for the community and a blessing to have it back. My opinion is I would start gathering up stuff and start a committee to start working on the Founder’s Day.” No vote.
13. **Discussion and possible approval pay for Mike Sexton to attend OML training in Tulsa on July 7th.** Peterson made a motion to pay for Mike Sexton to attend the OML training and to pay $100 for him to go on July 7th. The mileage will be $200 per diem and $48.00 for the meal per diem for a total of $248.00 for the per diem. Hall seconded the motion. Hall-yes, Peterson-yes, Vanblaricom-yes, Nichols-yes, Sexton-yes. Motion carries.
14. **Discussion and possible approval to purchase new signs to mark truck routes in town.** Peterson, “When we had the water leak it was from a semi.” Wilson, “What we are seeing is that GPS, when they are making deliveries in or picking up here in town, is sending them into town so they have been going thru town and taking out signs. If we catch them in town they get citations. We have a few that live in town and we can’t prevent them from going to and from their house with their semis. If they can get there without doing damage we would never try to prevent anybody from going home. If it is an actual truck on a commercial route and they get off of our truck route then they do get citations and have to pay damages.” Vanblaricom, “So let me ask you what this is particularly? Do we already have the routes and we are just needing signs to place?” Wilson, “You could better post them if you want to. You could better post the truck routes. We have some truck routes postings already but you could better post it if you want to.” Vanblaricom, “That’s what I’m asking. Is it being requested that we put up more postings?” Wilson, “I didn’t put it on there. We are not requesting that but it would be better from a police perspective if we did turn around and have better posting. As far as the police aspect with the amount of trucks that we are seeing doing damage I think better posting would be a good idea.” Wilson, “And do we know what kind of cost is associated with this?” Vanblaricom, “No, we can table this and address it whenever we go into the sign part.” Reed, “Whenever we do approve this in the future let’s use the restricted street and alley for that.” Wilson, “How much do we have in Street and Alley?” Reed, “Budget or cash available? We can amend the budget. In our street and alley budget in total, we do have some material and supplies in there in the amount of $5,000. But we can amend the budget.” Tabled.
15. **Discussionandpossible approval to reimburse Kari Peterson and Kris Hall per diem from training attended June 20-23, 2022.** Peterson, “Kris didn’t have any receipts. She didn’t keep hers.”Sexton made a motion to reimburse Kari Peterson and Kris Hall for per diem. Hall, “I didn’t keep receipts.” Peterson, “Kris said not to worry about hers since she did not keep her receipts.” Sextonasked if she could get the $48 meal per diem. Reed computed the total amount of per diem for the trip to be $206.25 for the councilman using their automobile. $136.25 for each individual and then an additional amount for mileage for the person using their personal automobile. Reed suggest filling out a reimbursement form when requesting payment. Sexton made a motion to pay $136.25 for per diem to Kris Hall and $206.25 which includes mileage for Kari Peterson. Sexton seconded the motion. Hall-yes, Peterson-yes, Vanblaricom-yes, Nichols-yes, Sexton-yes. Motion carries.
16. **Discussion and possible approval to hire Waylon Thomas as a maintenance worker.** Waylon Thomas took another job.No vote.
17. **Discussion and possible approval to hire a maintenance worker**. Vanblaricom made a motion to accept applications for a full time maintenance worker with applications accepted until July 8th. Hall seconded the motion. Hall-yes, Peterson-yes, Vanblaricom-yes, Nichols- yes, Sexton-yes. Motion carries.
18. **Discussionand possible approval to hire a part time or full time office assistant.** Vanblaricom, “I’m confused over this situation because we held interviews and we have three of those ladies here. Pat how do we do this?” Peterson, “It wasn’t put on executive session.” Vanblaricom, “it wasn’t worded correctly and we held interviews to hire an individual so how do we have it on the agenda tonight?’ Layden, “You don’t actually have to have it on the agenda. The Mayor or the Chairman can decide who you want to hire. You’re in charge of hiring and firing within the city. Normally you do, you like to have the approval of the Council and you work it that way. You can actually go ahead and make a motion to hire somebody if you have somebody that you have identified as qualified and that you are wanting to put to work.” Peterson, “Ok, we decided $10.00 an hour? That’s what we are paying our other office assistant.”Tabled.

**Two (2) Executive Sessions were held consecutively with findings after the Board of Trustee’s return.**

1. Discussion and possible approval to enter into executive session for the purpose of discussion of possible promotions and/or pay raise or disciplinary action for Kasey Sawyer. OS TITLE 25 SECTION 307 (B) (1).
2. Discussion and possible approval to enter into executive session for the purpose of discussion of possible promotions and/or pay raise for Zach Taylor. OS TITLE 25 SECTION 307 (B) (1).

**TIME 8:21 PM**

**TIME BACK FROM EXECUTIVE SESSION: 8:46 PM**

**FINDINGS OF EXECUTIVE SESSION ARE AS FOLLOWS:** Peterson, “Number 2, discussion and possible approval of finance for Kasey Sawyer. That was a no vote. And Number 4, discussion and possible approval from finance for Zach Taylor. Nichols made a motion in increase Zach Taylor’s pay from $10.00 an hour to $11.00 an hour and will revisit it after twelve (12) months. Sexton seconded the motion. Hall-yes, Peterson-yes, Vanblaricom-yes, Nichols-yes, Sexton-yes. Motion carried.

**NEW BUSINESS:** None

**PUBLIC DISCUSSION:** Jerri Ellis,“I would just like to say that your actions are the reason that I left. It was very unprofessional of you to scream and talk to me in the manner you talked to me. You’re the Vice Mayor and if you all are saying that Kari is the direct supervisor then she should have been the one having the conversation with me not the vice major. And I was asked to leave. That if I didn’t like the yelling I was told to leave, so I left. Because I’m not going to stand there with someone pointing their finger in my face yelling and screaming at me after everything I do for this city and have done and have cleaned up for every person sitting in this room. I have respected my job. I have done everything. I come to work every day. I have done all kind of things for this community.”Hall, “I agree.” Jerri Ellis, “That is not the first time you have done that to me. You have done that to me numerous times. You have done it to me in executive session, you’ve lied, and you got caught in your lying. You’ve done it to me over the fire department and their getting paid for their per diem and when my husband was going to per diem.”Layden, “Jerri you have got to stop it some point. You can’t just come to a meeting and start making accusations.” Jerri Hall, “I’m not making accusations. I am stating the facts.” Will Ellis, “She’s not making any accusations at all. I sit in here. I respect my job. I respect the people of this town, but the actions on that day have cost you a water plant operator. I no longer work here. I tender my resignation right now.” Jerri Ellis, “And I’m sure everyone here in this room appreciates your actions. You have no business being here.” Will Ellis, “You all can find another water plant operator. I no longer work here.” Jerri Hall, “You are doing nothing but running this city in the dirt.” Town person 1, “I had actually walked in right after this happened.” Mr. Riley, “I want to tell you something. I didn’t even get a paycheck. Today is my payday. I didn’t get a paycheck. When this girl was in there she took care of everything. I mean you could depend on her. She’s done a fantastic job. And I’ll guarantee you she was worth whatever she gets because she does a fantastic job. You didn’t have to worry about it. My check was there on payday. Today I come in here. I hadn’t got a paycheck. They told me I might have to wait until Tuesday. What’s wrong with this bunch anyway? What kind of deal are you running here? This is a bunch of nonsense. She did a fantastic job. I will stand for her any day. I called her a couple of times when my phone wasn’t working right and she took care of it. She is great at what she does.”Hall, “She is and I told her that. Town Person 1, “You made a big mistake right there. I guarantee you she is a good employee. She was worth more than what she was getting.” Town Person 2, “I’ll vouch for her too. She has always helped me and my family. During the hard freeze my mother-in-law down the road here, her pipes froze and she got it worked out where we didn’t to pay on that. She’s elderly, lives on alimited income and Jerri got that done for us. I vouch for her too. She’s good.” Drake, “Tell me something, how can we turn this around and make this right?” Town Person 1, “Well like I said when I walked in there were a couple of people around Jerri that were invading her space. Now I didn’t see what actually took place but when she left I knew something wasn’t right.” Hall, “I never left that area there.” Jerri Ellis, “Yes you did.” Drake, “Is there any way to repair this at all? Can you repair this? Can you make this go back? Everyone has seen the last several days that City Hall has not operated because everyone is walking around with their heads cut off because they don’t know what to do because she’s not here.” Town Person 1, “They asked me to come back and pay my water bill which then was late and then I had to pay the extra.” Hatridge, “I still have not received a water bill.” Jerri Ellis, “I just want to say what it was all over. It was all over me asking for enough respect. And I came to you to ask an office assistant to please not be on her phone all day long while I’m standing in here doing everything. And I was told that we’re grown, if we want to sit on the phone all day then we can. And I’m going to sit over here and do everything for everybody and enjoy my job and watch somebody sit on their phone. An office assistantthat was supposed to be hired to help. And I was admitted into the hospital on the same day that that happened because you sent me into a panic attack that I have never experienced in my life.” Hall, “I didn’t intend on that happening. Jerri Ellis, “It doesn’t matter what you intended to happen.” Hall, “It is what it is what it is.” Will Ellis, “We had a fire at a little house over here, now this may just be hearsay. I don’t know if anybody here was there that saw it, but she came up and offered firefighters a shot of alcohol at a fire.” Layden, “Legally per public statue everybody can’t take potshots.” Will Ellis, “It’s not a discussion.” Layden, “It’s a public discussion.” Jerri Ellis, “So when does everybody get a chance to say these things?” Layden, “You can’t just come to a public meeting and start attacking somebody. You can talk about your job.” Jerri Ellis, “I asked to be put on executive session so that I could tell the council what happened that day and I was denied that.” Layden, “And you did.” Will Ellis, “This is the part of the program where she can stand and talk.” Layden, “And she did. She already has. It’s her time to talk.” Layden, “And now you’re taking a shot but legally this is a public forum and you can’t just start attacking people and making accusations like that.” JerriEllis, “They need to account for their actions.” Hall, “I didn’t do that.” Layden, “You can’t just show up and start making accusations like that. You can’t just come to a meeting and start making attacks on people. That’s just not appropriate.” Town Person 1, “How can we address them with issues such as this if that’s the case?” Layden, “The only suggestion I can make is there is a position open. Someone asks to rectify. Shecould apply for the position. There’s been a resignation. The council accepted it as far as legally we are concerned. If you wanted to you could apply for the position. It would be considered and go from there.” Will Ellis, “So apply for a position that she already has when it took was three votes to say she wasn’t fired. What sense does that make?” Hall, “Nobody said she was fired.” Jerri Ellis, “the council removed me.” Layden, “The council took the position that you resigned. You weren’t fired. You quit. That’s what the Council did.” Jerri Ellis, “She told me to leave and was yelling and screaming at me and then said, “Oh, I’m sorry, if you don’t like it there’s the door.” So I left. Then I was advised to put myself on the agenda for executive session and that’s why I didn’t come back. I was waiting for tonight. I asked for my sick time to be used. I didn’t get paid but for thirteen hours. When does something change?” Will Ellis, “Anytime in the past when an employee went home or got sent home, they got sent home until the next council meeting, until they were brought to an executive session. And if those employees did not show up for their executive session then their employment was terminated. She didn’t get the executive session she asked for. She didn’t get a shot at the executive session she asked for. It hasn’t been that way since I worked here, five years. And her being denied an executive session to speak that’s what sealed the deal for me.” Riley, “What does it take to get these replaced?” Danny Drake, “Well the key to it is you all need to talk this out, work it out and get back because man, I’ll tell you what, believe it or not, you all have a good thing going here. I can see a lot of good things. I was on the council for eighteen (18) years. I see a lot of good. And this lady, I’m vouching for her because she’s an alright person. She does her job and all it takes is a little communication and everything can work out fine and fair. You see what I’m saying? A little communication, and by the way, while I’ve got everybody here I invite everybody to come to church on Sunday morning. And that way I have 30 people at least I can count on. Anyway you all need to work this out. Really, because we’re behind you. We want you all to do good. We want this young lady to do good.”Hall, “when she turned in her keys and her phone…..” Ellis, “My phone had been turned in for a long time so that’s not true.”Hall,“I didn’t know. I wasn’t here.” Jerri Ellis, “Exactly.”Hall,“There was a phone and keys turned in.” Ellis, “You never know.” Drake, “Ok, here’s the deal. Can you do it or not? Yes or no? Can you work this out? We would like to see the city of Kiowa get back on track.” Will Ellis, “The answer is no from me. I am going to remove my stuff from the work truck and I’ll be outside waiting for whoever wants to take me to my house. I’m done with this mother fucker.”

**ADJOURN:** Peterson made a motion to adjoin at 8:58 PM. Sexton seconded the motion.Hall-yes, Peterson-yes, Vanblaricom-yes, Sexton-yes, Nichols-yes, Motion carried.

**TIME ADJOURNED:** 8:58 PM

**IF ASSISTANCE IS NEEDED PLEASE NOTIFY THE CITY HALL AT 918-432-5621, 24 HOURS IN ADVANCE.**