

TOWN OF KIOWA MINUTES
FOR REGULAR MONTHLY MEETING

May 26, 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 @ 7:50 P.M.

ROLL CALL: Hall-present, Peterson-present, Vanblaricom-present, Nichols-present,

APPROVAL OF THE MINUTES: No questions. Mayor Peterson made a motion to approve the minutes. Hall seconds. Hall-yes, Peterson-yes, Vanblaricom-yes, Nichols-yes. Motion carries.

APPROVAL OF THE FINANCIAL REPORT: Tracy Reed presented the Financial Report. No questions. Mayor Peterson made a motion to approve the Financial Report. Hall seconds the motion. Hall-yes, Peterson-yes, Vanblaricom-yes, Nichols-yes. Motion carries.

APPROVAL OF THE PURCHASES: No questions. Mayor Peterson made a motion to approve the Purchases. Nichols seconds. Hall-yes, Peterson-yes, Vanblaricom-yes, Nichols-yes. Motion carries.

MAINTENANCE REPORT: Josh Furr presented the Maintenance Report.

ANIMAL CONTROL REPORT: No Animal Control Report given.

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

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

Council moved **Item 10** up to first item for discussion so Ms. Jones could be able to go.

Discussion about the abatement letter sent to Faye Jones and the response letter for the Jones Grocery Store. Fay Jones? "So what am I supposed to do?" Peterson, "Does she want to talk? Do you want to say anything?" Jones, "The only thing is I'm not knowing what actually is going on because my lawyer is out of town until the end of the month. He had told me that he had talked with you all's lawyer so I'm letting them." Peterson, "I get it. I understand." Jones, "I'm a communications consultant selling big systems so I don't know how this operates. But anyway it said in the letter that you had to have it cleaned up within thirty (30) days. I'm willing to do whatever and Kenneth's kids are too. Early on the City had expressed that they might be interested in it so I guess my lawyer might know it, but I don't know it, if they are interested in it or not. And if they are let's work out an easy deal. I'm too old to be dealing with this. I don't want to be dealing with this. I want to play. And if you're not interested in it, tell us and we'll go from there." Layden, "Well somebody asked me to send a letter. Actually if you look on the letter it's called an abatement. It's a dilapidated structure you know in town. That's why you got the letter." Jones, "Excuse me for butting in but what really surprised me was the building has been closed since October of 2010. We've not heard a word. Then 4, 5, or 6 years ago we got a request, Kenneth did I didn't, you know that the City might be interested in buying it. Then when we got the letter I thought well he just died December 9th and grief recovery tells you don't do one thing for one year." Layden, "Her lawyer called me, Jeff Herrick, a very reputable attorney, and said that they were trying to work on what to do about it. And I think the City is in the same position. They are trying to decide. It's right here next to City Hall and it's been vacant. Something needs to be done. So that letter was just kind of a form letter just to put you on notice that we're wanting something done." Jones, "And like I said I am willing to do whatever that we can do. I would love to see the City get it. The building has been there for X number of years." Layden, "Well that's something the City can work on. She's probably asking for time to negotiate a deal with you guys" Jones, "Yeah, just give me a date whenever or they can let Jeff know?" Layden, "Yes, well it's just up to the City. We can just let Jeff know what you guys want to do and how you guys want to proceed as a City. Tell me and I'll tell Jeff and then he'll tell Ms. Jones if that's okay. No action will be taken on the building now. We are looking at it and just seeing what needs to be done." Peterson, "Thank you for coming and talking to us." Jones, "What district do I live in?" Vanblaricom, "That would be me ma'am." Jones, "Oh, that's you? Oh good. Well I am glad

to know. See I am going to be more active." Vanblaricom, "Okay. Come on." Jones, "See I like things like this. I've been here a long time.

- 1. Discussion and possible approval to appoint and swear in Mike Sexton for Ward 3.** Peterson, "Come on. You got to do it one more time." Vanblaricom, "You've got to vote first." Peterson, "Oh, okay. I make a motion to approve to appoint Mike Sexton for Ward 3. Nichols seconds the motion. Hall-yes, Peterson-yes, Vanblaricom-yes, Nichols-yes. Motion carries. Mayor Peterson swears in Mike Sexton for Ward 3. Peterson, "Thank you sir." Sexton, "Thank you."
- 2. Discussion and review of fiscal year budget 2022-2023.** Tracy Reed, "Obviously this budget is subjugated with the PWA and becomes one big document. Obviously same factors that were included in PWA are included in this General Fund. I would like to point out for you some of the Capital Outlay Items that we do have included in both our General Fund and our Restricted Street and Alley. So page 10 are those Capital Outlay Items and at the top starts our General Fund. So again, the grayed out column is what we had originally thought we would have for the current year. That boxed in column is what's currently budgeted. So I will point out for you in our General Fund there are \$218,000. As I said before included in here as an undetermined project. Again if Council decides to use it for expenses that are already included in the budget in another category we end up \$118,000 better at the end of the year than the budget would reflect. I will also point out for you, I know you all can read all of this, I know I already told you that our intention in our fire department was to use the county sales tax for what it would fund and then use our City Funds for what it will not fund which this year is those personal services and that per diem when they go to training equating to on that training almost \$4,000. Animal control, so getting the shelter and dog run up and going and then materials for that, so about \$3,500 there. I have included on the Nutrition Department the generator and the handicap door repair. We have restricted monies for the Community Building. My recommendation would be that we use those restricted funds for the Community Building. I think we have \$36,000 or so, and take \$29,600 of that and use it for that purpose. Again, same philosophy, let's use those restricted funds first. Let's keep those unrestricted funds for other purposes. In our General Fund a total budget of \$157,000. Again \$118,000 of that is for Council to determine for the future. We've gone over PWA but Page 11 is our Street and Alley. As a reminder, 2% of our Sales Tax goes into our Street and Alley Restricted Fund which is for any kind of maintenance, repairs and improvements on our streets and alleys. Reed, "The tin horns, obviously Street and Alley. And then a whacker packer to apparently cut out and repair the streets. So \$19,000 there included in Street and Alley. Again anticipating using all of those Street and Alley Funds for that. In addition any of our other personnel in Street, any other materials, etc. budgeting to use those Restricted Funds for that. Obviously we have further down on the agenda to look at some of those expenditures that we have not used those

Restricted Funds for in the past that were available. So this year we are budgeting so we simply restructured our Chart of Accounts. We've got this in a separate fund. Jerri is trying to make sure that any expenditure that meets those requirements are taken from there so moving forward that should be a cleaner process. Overall the same philosophy in the General Fund. Moving forward with those expenditures in the same fashion that we are currently, I will point out for you at the top of Page 5 again those recurring tax revenues. We budget those at 90% of where we think we are going to end the year. As you see I have that 90% at the top. Those Sales, Use and Tobacco Tax, the amounts included in those revenues has that 10% haircut. If we didn't take that reduction it would be about \$22,000 more in revenues next year than is reflected currently in the budget. Obviously the largest of that is Sales Tax also reflected in the Street and Alley Fund budget as well. And again expenditures by department by object level. And again same philosophy there. I could go over all of that in detail but I am sure you all would not like to. I will point out for you though that we do have on Page 8 our limited department Sales Tax for our Street and Alley. So budgeted separately this year, that's a required separate fund. You see all those revenues out there. We will budget those expenditures there that are currently reflected in the General Fund. They will be moved to over here to reflect those expenditures there next year. You can see we expect those expenditures that are currently reflected in General Fund to be about \$58,000. And then also Page 9 is our Cemetery Care Fund. Again the State says that we have to have this separate. It's twelve and a half percent (12.5%), plot sales and internments. And we have that amount of money, that 12.5% that is restricted for capital improvements or land purchases which I think maybe we are hot on the land purchase. We don't anticipate, don't have that budgeted, as taking place next year but if it does we can amend the budget. Or if we know right now, if we anticipate that, we can budget it as such. You can see we have about \$45,000 currently in that fund. I do anticipate I believe that the software is about \$10,000 for that. Is that right? That will likely come to that amount if we determine that that's the source of these funds and can be used for that. Any questions really on that General Fund Budget? Obviously all of these work in conjecture with each other. Is there anything that Council would like to change, that you're not comfortable adopting, projects you don't want included, etc.? Obviously let me know and we'll adjust the budget and give you all new numbers as to what that would look like without the projects that need to be funded. I feel like I talked your ear off with PWA about the budget. Certainly would love to hear any feedback. If there is any feedback obviously I want to hear it. Like I said I want to come on June 14th with a budget that Council feels comfortable adopting. Everyone but Regina, she's not going to be here." Vanblaricom, "I won't be here asking all kind of questions." Reed, "There you go. You better ask them now. Or you can ask them another time. Any questions or comments on the budget for next year, kinda where it falls out with everything?" Peterson, "Questions?" No questions.

3. **Discussion and possible approval to set a date for public hearing and adoption of fiscal year budget 2022-2023.** Hall made a motion to approve June 14th for public hearing and adoption of fiscal year budget 2022-2023. Peterson seconds the motion. Hall-yes, Peterson-yes, Vanblaricom-yes, Nichols-yes, Sexton-yes. Motion carries
4. **Discussion and possible approval to remove Meredith Hatridge from all Town First Bank accounts.** Mayor Peterson made a motion to approve to remove Meredith Hatridge from all Town First Bank accounts. Nichols seconds. Hall-yes, Peterson-yes, Vanblaricom-yes, Nichols-yes, Sexton-yes. Motion carries.
5. **Discussion and possible approval to have OML training on June 2nd @ 6:00 P.M.** Vanblaricom, "This is the one I have been working on for several months now. I finally got them to agree to a date. I sent an email to update and confirm to make sure it was still on. We are going to use the Community Center because we have to have a spot big enough to hold at least twenty (20) individuals because they are going to open that training up to other communities in the area and it's for elected positions." Nichols, "What time does it start?" Vanblaricom, "Six." Hall, "I may be a little bit late. My sister is having court and I need to go." Peterson, "Okay. I make a motion to approve to have OML training on June 2nd at 6:00 P.M. Vanblaricom seconds the motion. Hall-yes, Peterson-yes, Vanblaricom-yes, Nichols-yes, Sexton-yes. Motion carries.
6. **Discussion and possible approval to amend city ordinance for possession of marijuana citation and possession of paraphernalia citation.** Wilson, "We are just going to look at dropping down the amounts of it with the fact that it is now recreational." Hall, "It's recreational?" Wilson, "Well it's a prescription I mean. The fines are still almost \$600. A lot of them we didn't collect on anyway. So we just want to drop it down a little bit. What we decided to do was \$360.00 on one. On the marijuana citation was \$361 and the paraphernalia was \$261. So about cut it in half. I think that's more in line with what's going on." Peterson? "Did you ever get anything else over that situation?" Wilson, "No, I tried to find out. We looked at seeing if anybody had a setback in their marijuana ordinance and I haven't found anybody that has anything in there that talks about how far it has to set back on property lines and so on. A lot of it mirrors what is the state law. I talked to Pat about it. We'll just look at some more cities that may have gone a little stricter than what state law is and may just look at adopting an ordinance to cover the whole thing. As far as finding a city that has an ordinance that talks about the setbacks, that's what I have been looking for, where they can't be on the property lines, and I haven't found a city that has one yet, that has a setback. I mean it would make sense. You have to set buildings off of the property line five (5) feet. You can't build anything else five (5) feet. I understand most people have their gardens and stuff maybe closer. I think that would be something to look at putting in there. If you are going to grow marijuana it has to set back off the property lines so far. I think our ability on that may look at maybe being in reach of minors and other

people that might be in the back yard. Like in an instance we are talking about where kids could be in the back yard. You wouldn't want them to reach through the fence and grab a marijuana leaf and pull it through the fence. I'm going to keep looking to try to find one that has an ordinance or we may just have to try to write something." Peterson, "Okay, so we are going to amend the City Ordinance for Possession of Marijuana to \$361, Possession of Paraphernalia Citation to \$261." Hall seconds the motion. Hall-yes, Peterson-yes, Vanblaricom-yes, Nichols-yes, Sexton-yes. Motion carries.

7. **Discussion and possible approval to adopt school zone maintenance agreement for installation of advance school warning signs and flashing beacons.** Wilson, "You all should have the agreement in your packets. What this was, was when we talked about working on the lights down there, I think Mike was the one that got those lights put up to start with. So we started talking about being able to make changes to them or being able to get better ones. The state has a federal program where if we sign this agreement and we enter into it with them. It's not saying how quick it will happen. We'll be on a list with how many other municipalities in the state but they will come in and put new ones up that are solar powered and we don't have to pay power to. And then once they put them up this agreement says that we will maintenance them and we will keep them running. So we would absorb some costs in maintenance but I would assume with what we are paying right now in electrical it would definitely offset not having to have electricity going to them anymore and their being new. It talks about school zone and I told him ours are not school zone. It's more of a crosswalk type deal. And he said it was the same thing. It's covered the same way." Vanblaricom, "Does that help with other situations?" Wilson, "Well not really." Peterson, "What situations?" Peterson, "What about that other thing you were going to get?" Wilson, "It's on there. It's running. We just got it back. I'm going to let it run for about a week or two and then pull the data out of it and see." Peterson, "Will you be able to look at it and like where we have to send it off?" Wilson, "No, we'll be able to do it. It's trying to get the angle set just right for the curve right there. It's kinda like a radar itself. You have to have it at just the right angle and so I've been trying to get it set at just the right angle. So hopefully by the next council meeting we should have our first report as to just how many vehicles a day speeds and all that." Peterson or Hall, "That's awesome." Wilson, "It's actually set on the pole. It's on the east side of the road warning pole that's set facing to the north. That little box you see and that solar panel goes to that." Peterson made a motion to approve to adopt the school zone maintenance agreement for the installation of advance school warning signs and flashing beacons. Nichols seconds the motion. Hall-yes, Peterson-yes, Vanblaricom-yes, Nichols-yes, Sexton-yes. Motion carries.
8. **Discussion and possible approval to transfer money from street and alley to general fund for purchases. (reimbursement)** Ellis, "So okay, I went back and went thru for three years basically and the total purchases, you know there's the excavator, the brush hog, there's

another brush hog, the goose neck trailer and so on, is \$213,207.22 that General Fund paid for that Street and Alley should have paid for." Peterson, "\$213,000?" Ellis, "\$213,207.22. So I pulled the reports and went back to the accounts and confirmed that it didn't come out of Street and Alley. Street and Alley you know, we've approved to buy these things out of Street and Alley. They just weren't actually coming out of Street and Alley. General Fund was actually paying for them." Hall, "So just reimbursement?" Ellis, "Yes." Peterson, "Any questions?" Sexton, "Is any of that money for tax money that could go to streets, Street and Alley?" Reed, "Well, yeah. Part of cash available would be. That's going to be your largest source. You're also going to have the Excise Tax and Motor Vehicle Tax. Very small in comparison to what that restricted Sales Tax is." Sexton, "Can we legally do that?" Layden, "Yeah, you can." Reed, "It specifically says in your ordinance for anything with regards to maintenance and improvement." Layden, "Typically through the years whenever we voted to buy something like that we almost always said that we use Street Fund because that's what it is there for." Vanblaricom, "And that's what we did with the money coming out of that. It came out of General Fund so we just reimbursed it back." Peterson made a motion to approve to transfer money from Street and Alley to General Fund for purchases in the amount of \$213,207.22. Vanblaricom seconds the motion. Hall-yes, Peterson-yes, Vanblaricom-yes, Nichols-yes, Sexton-yes. Motion carries.

9. **Discussion and possible approval to transfer money from tech fund to general fund for purchases. (reimbursement)** Ellis, "I know that you all have heard me and Jess talking that several months back we had went thru and all of the technology services that we bought for vehicles, police vehicles, just different things throughout the past three years, wasn't actually paid for out of Tech Fund. General Fund paid for it. So we did the same thing. We went back through. I even went back through it again this week and last week to make sure calculations were right. So that's PD and then I went and did General Fund too for like computers and stuff that should have been paid for out of Tech that wasn't. And a total for it is \$220,046. But that's all that's in Tech Fund right now. We do have a CD, a \$175,000 CD. Me and Jess were talking and if we just move the \$200,000 and leave the \$20,000 for continuing purchases which has been about \$5,000 a month I guess. What do you think about that? And if we ever need the CD, we have the CD which it matures in December." Peterson, "You'll also need it for the \$10,000 for the cemetery for last month." Reed, "Now that's going to be a separate CD." Peterson, "Okay." Reed, "This one is just Tech Fund so that leaves \$178. Obviously these funds would have been available for the intended purpose. We did not use them for those intended purposes so the idea basically reimbursing what should have come from there originally. It was just an error on our part in doing that. And I'm comfortable with keeping it at \$200,000 versus the \$220,000. We'll kind of get a feel for how that fund is moving this next year as we try to utilize it fully for its purposes. We may reevaluate it and say okay that extra \$20,000 we may go ahead and

move that. We may be in a position to say ok, let's go ahead and keep it as is." Ellis, "And remember each month that she does her monthlies there is money going into Tech Fund, every month." Wilson, "We dropped it down. It used to be more. We dropped it down from what it used to be because the Fund had gotten so high. I'm not exactly sure what the actual amount is but it's actually been lowered." Ellis, "I think it's 10. I think it was 15 and they dropped it to 10." Peterson, "Any questions about that?" No questions. Peterson made a motion to transfer money from tech fund to general fund for purchases in the amount of \$200,000. Hall seconds the motion. Hall-yes, Peterson-yes, Vanblaricom-yes, Nichols-yes, Sexton-yes. Motion carries.

10. **Discussion about the abatement letter sent to Faye Jones and the response letter for the Jones Grocery Store.** Peterson, "We have already been through this." (Moved to opening item discussion.)
11. **Discussion and possible approval to purchase short sleeve shirts for the PD.** Wilson, "We bought our long sleeved shirts and coats in the colder part of the year earlier. Now it's starting to get warmer. We want to go ahead and buy the T-shirts. That's what I'm wearing right here. It would be four (4) T-shirts for each officer. They are a lot more comfortable to wear under the vests than the polos are. We wanted to go ahead and buy new ball caps too. A lot of the caps we've got are older. It's going to be \$600 total for everything. It's a little more than a \$100 for the five officers that we have." Peterson, "Anybody have any questions about that?" No questions. Peterson made a motion to purchases short sleeve shirts for the PD in the amount of \$600. Wilson, "And caps." Peterson, "And Caps." Wilson, "It should be four (4) shirts and one cap per officer a total of \$600." Nichols, seconds the motion. Hall-yes, Peterson-yes, Vanblaricom-yes, Nichols-yes, Sexton-yes. Motion carries.
12. **Discussion and possible approval for EMR class for PD and FD.** Wilson, "We have talked here awhile back about that some of the officers would like to get some medical training. They go to these medical calls and some of them really have never had medical training. They don't know what to do. It's not as big of a problem now because the Fire Department is on scene with us. It was a problem before because the officers were here by themselves a lot of the time. Now it's not as big an issue. But if we got our license and got our officers trained and got the equipment in the cars then at 2:00 in the morning when they are headed out they would know the equipment is on scene in the police car. Some of these police officers are a minute out on some of these calls. So if we had that officer trained and had the medical treatment there, the AED in the car, then you are talking about someone getting a first responder there quick. The problem is the cost associated with it. We started talking with the VoTec. When we first started talking to them they kind of jumped on it but they didn't get us the price as quick as they got the class together. They got the class ready to go June 3rd but I've been telling them we have to have a price to get this approved to see

what we can afford. So they gave me the price today of \$371 per person to go thru it. So that's something that as far as the officers going thru it you're looking at about \$1,855 for all five officers to go through it. I still have that in my training budget this year and so I can afford to put the officers thru it but the question would be wanting to put some firefighters thru it also." Vanblaricom, "Will the County cover it?" Clifford Sexton, "No, the County won't cover any medical expenses at all." Vanblaricom, "Okay." Wilson, "So that would be what the question would be, do we want to dip in somewhere and put some firefighters thru it? I've got restricted funds that I can use out of my impound fees for officers training and it's about \$50,000 right now that's restricted. I mean if we wanted to dip in to somewhere I could go into that for specialized training for the police officers and free up money out of my budget that could be utilized on the Fire Department's budget for training." Clifford Sexton, "We freed up money on our end too by not buying the air packs. We got those through the County. So we have that money too." Vanblaricom, "How many will that cover? How much money did you save?" Peterson, "How many are going?" Wilson, "If we did five (5) that would be \$1,855." Clifford Sexton, "We saved \$8,000 on the air packs." Peterson, "How many are they wanting to go?" Nichols, "Six or seven." Wilson, "There were six or seven." Peterson, "How many did I write down Kris?" Hall, "Do what?" Peterson, "How many did I write down yesterday?" Nichols, "We've got a lot of new personnel and they've never had anything." Wilson, "And that's something we have to talk a little bit about." Hall, "William, Danny, Clark, Clayton, Jeffery, Tommy, Brodie, Clifford." Wilson, "I know the budget constraints right now but in my opinion having an EMR there within a short time is something well worth dipping into." Sexton, "You can't put a price on life." Peterson, "No, I want you to save me and do whatever you have to." Clifford Sexton, "We still have to be licensed through the state. They have to come down and inspect everything. And we have to have our license through the state saying that we are an EMR agency." Wilson, "And where it really comes in is O2. We would be able to do O2. So if someone is having chest pain the quickest thing we can do to help relieve some of that pain is to get them on high flow O2. A C-collar, right now we can't carry C-collars and employ them on an accident scene. So if I roll up on an accident scene and I think someone has a neck injury somebody's got to physically sit right there and try to hold C-spine the whole time and cannot put a C-collar on them until EMS arrives." Nichols, "But if that car's on fire, you have to get them out of there. But if they have neck injuries then you could pull traction on that neck and put a C-collar on there and then pull them out." Wilson, "It would give the capabilities that we just can't do right now. But we would have those capabilities once we got the training and then Pafford has offered to let us go on their stuff to get our license back and we would probably be the only one in the county right now with a license which that would be nice to have. We would be working through Pafford's doctors and everything. I'm still working with them on that. They're still trying to get it all cleared

through the chain. Sexton, "And then you could file on their insurance when you made those runs correct?" Clifford Sexton, "Yes sir." Peterson, "Ok, so nine (9) people are wanting to go from the Fire Department and five (5) from the PD, so fourteen (14) total at \$371 would be \$5,194" Sexton, "You can't put a price on life." Peterson, "Yeah but I needed all that information." Wilson, "As far as the PD goes, I've got that in my budget. The \$1,855 is still within my training budget." Reed, "Well we haven't specifically amended that budget so that it would still be sitting there. They certainly have room." Vanblaricom, "to be able to pull it from their current budget?" Reed, "Yeah, about three or so. Yeah." The thing that's getting them right now is fuel. That is hitting every department right now." Nichols, "And they are saying right now by July it is going to be \$10.00 a gallon." Wilson, "How many are you all talking about?" Peterson, "There were nine." Wilson, "So we're talking about fourteen spots tonight?" Peterson, "Yeah." Wilson, "Okay." Peterson made a motion to approve for EMR classes for the PD \$1,855 for five of the officers, and for the Fire Department, nine of them, and that total is \$3,339. Peterson, "And that's going to come from a CD?" Wilson, "No. The Police Department will come out of the training budget. And then the Fire Department will come out of their budget because they currently have enough in their budget right now with them doing away with the air packs that they got." Reed, "But if we can use some of the impound fees in a separate account if it's available to be used for this then that would be our best use of that. Is that correct?" Wilson, "Yeah." Vanblaricom, "So it's going to be the Police Department and that \$1,800." Wilson, "The only thing we are talking about is if we need to help them out if they didn't have enough in their budget you could take the \$1,855 from my training budget and give to them. Since they've got that much in their budget then my budget should be able to stay intact. So we just leave it where it's at." Ellis, "So police is impound?" Vanblaricom, "No police is their training." Wilson, "No it's training. No impound at all." Ellis, "Police is just general fund?" Vanblaricom, "That's what he's wanting." Peterson, "And then the Fire Department will come from the Fire Department budget." Clifford Sexton, "Yes." Reed, "To do that, do I recall if the impound is just going to be used for anything police? Is that right?" Wilson, "Yeah, it has to be used for police stuff." Reed, "So if it's restricted for that my recommendation is that you use it for this purpose. Just because the cash and the budget are two separate things. But if utilizing that restricted cash even though it's in the budget, cash would then come from the impound fee. Just for the police department obviously." Ellis, "And the general Fund for the Fire Department?" Reed, "Yes." Ellis, "Thank you all for that because that helps me." Hall seconds the motions. Hall-yes, Peterson-yes, Vanblaricom-yes, Nichols-yes, Sexton-yes. Motion carries.

13. **Discussion and possible approval pay Jess Wilson and Dustin Wall to attend Phase 2 firearms instructor class.** Wilson, "On Phase 1 you have to score a certain score to be able to go on to Phase 2. And I went and shot that. And then Dustin has shot his so the next

step would be to go to Phase 2. You have to do 4 phases in total. Where this benefits is we are wanting to host a Reserve Academy here. And it is something that would make us money because the people that are going to come to it we are going to charge about \$500 apiece to come down here to Reserve Academy. The deal with the Reserve Academy is you only have a ratio of about three people to one firearm instructor. So we would have to hire a firearm's instructor to come down and do that part of the training. So if we had our own firearms instructors then we save that money. So we would like to go ahead and do it. The only cost in that is the ammo. And of course the wages to go and the gas over there. But the ammo is the big cost. You are looking at about \$800 in ammo because you shoot about a thousand rounds each in the course. And it's a three day course." Vanblaricom, "So when you hold this what firing range are you going to be utilizing?" Wilson, "We'll get the PD range, the McAlester PD range. They will let us borrow it to do the Reserve Academy. It's just that we will try to get Dales's stuff reactivated. And so if we had him, me and Dustin we could have twelve (12) people right there at night time. We want to be able to have like twenty (20) people in to make money. Like when I taught my SWAT School a few years ago the city made money off of that. Because they paid us as the PD for the class that we taught. This would be a good way to get a little revenue coming back in because Reserve Academies, there is such a demand for them, we could just continually do one a year. And then pick like if we have two or three locals we want to put through the Academy, we would put them through for free. And then we have our locals, our people that we pick that you want to do reserve and then charge the others too. It's just a way to get some money coming in we can utilize for training and other stuff once we get our own personnel to be able to teach it and not have to hire people to come in. So like I said you are looking at \$800 plus wages. We'll have wages and the fuel and the car to drive down there. I think the 14th, 15th and 16th is the days that they're looking at. If we don't get in on this one then we would have to get in a later one." Peterson, "In June?" Wilson, "Yes, June is what we would be looking at but if that fills up with other instructors we could get put off as far as six (6) or seven (7) months down the road. We have to be committed to it to get on the list." Peterson, "So June 14th, 15th and 16th?" Wilson, "Yes. We don't know for sure what the dates are. That's what we are looking at." Vanblaricom, "Where is this at?" Wilson, "It will be in Ada." Vanblaricom, "Down there at...." Wilson, "CLEAT. This is something that me and Dustin could always go to CLEAT and instruct and academies if we wanted to but my main goal is to be able to do our own here and make that money." Peterson, "Any questions?" Wilson, "I have the money in my Materials and Supplies Budget, more than enough to cover the \$800 in ammo." Peterson made a motion to approve for Jess Wilson and Dustin Wall to attend Phase 2 Firearms Instructor Class and the amount of \$800 for the ammo not to exceed. Hall seconds the motion. Hall-yes, Peterson-yes, Vanblaricom-yes, Nichols-yes, Sexton-yes. Motion carries.

14. Discussion and possible approval for Wade Daniel to move in a building @ 632 Van Buren.

Vanblaricom, "Where's this?" Peterson, "I don't know." Ellis, "He just came in the other day. He said he had bought a building and he wanted to move it in. And I said well where you are moving it. Is it going to be a business?" Peterson, "Somebody's going to live in there?" Ellis, "Well he said potentially somebody's going to go in there but he's already bought it and he just needs to put it somewhere. And I said well if you decide to make it a residence or use it for a business then you know there are other steps you have to follow. But he doesn't know. He just wants to move it in." Nichols, "That's Van Buren here?" Wilson, "Yeah, I guess it's beside the white house next to the community center lot there because across is the Internet place, Windstream." Ellis, "632 Van Buren is" Wilson, "Next to the Methodist Church. That white house there." Nichols, "That white two story house there?" Ellis, "He's got that house and the lot next to it right there on the corner." Vanblaricom, "We told everybody else even for businesses and rental places that they have to follow all the rules and guidelines so he would have to do the same thing." Ellis, "Well he said he plans to do that but doesn't know yet." Vanblaricom, "Well that don't matter. If he's moving in a building and stuff he still has to have water or any of that he still has to fill out the forms and all that stuff and get approval from everybody around him. I mean we have done it with everybody." Peterson, "Make a motion." Vanblaricom, "My recommendation is he follows the City Ordinances and Guidelines that we put in place for that." Hall, "I'm down with Regina." Ellis, "I agree." Peterson, "Somebody seconds her motion." Nichols, "Is he going to use it for storage? Is it a storage building?" Ellis, "He bought it and it's a brand new one and he said he just needs somewhere to put it." Layden, "Do you really need to take any action on this? I mean I don't even know what possibly he's asking for. He hasn't said what he's going to do with it or anything." Vanblaricom, "He has rental places so he's going to end up renting it." Layden, "So the motion on this property is he just needs to follow the same rules as everybody else." Vanblaricom, "So basically he comes up here and asks for water or sewer he needs to fill out all the forms and be put on the agenda then." Layden, "Right." Vanblaricom, "We have other buildings and stuff just that are just sitting there on those lots. They're not being utilized for nothing." Ellis, "But they've got permits and they went thru the Council." Vanblaricom, "Yeah, they got their permits." Layden, "He hasn't even applied for anything." Ellis, "No, he hasn't applied for nothing." Layden, "Why is he possibly needing both on here?" Ellis, "He applied for a permit to move in his building." Layden, "But we don't know if he is residential or commercial or anything about it?" Ellis, "Uh-huh. He said he was probably going to rent it out." Wilson, "Do you have to have it to move in a storage building?" Ellis, "Yeah, we require it." Vanblaricom, "We haven't let anybody else do that. He still got the permit and stuff. I'm just saying before he can have water or sewer hooked up to it he needs to fill out all the other forms. I mean he's already got his permit filled out for the permit, right?" Ellis,

"This is just the building permit." Peterson, "It's not the whole packet." Vanblaricom, "Whenever Schneider put in the building up here on this lot..." Hall, "the same with the girl across the road there." Vanblaricom, "and just did the permit and that's it." Peterson, "No they did the whole mobile home packet." Hall, "Yeah, they did the whole thing. They had to get signatures from everybody." Vanblaricom, "But they knew what they were doing with their building but he doesn't." Layden, "I think he follows the same rules. I don't even know what they are. Whatever you have done with everybody else. He just has to follow the same rules." Ellis, "That's why I put him on the agenda. What?" Nichols, "If he's just using it for storage he can apply for a permit and put it in and at the time he wants to add electrical and water to it he just has to follow the regs." Ellis, "Okay." Layden, "Do we normally come to council to approve a permit?" Vanblaricom, "Well we usually know what the purpose of the building is. That's the key problem here." Ellis, "If someone in town says hey I bought a Davis building or whatever for storage, no, we just give them a permit. But when you come in and say I may do this or I may do that and I don't know, but I just got to put it somewhere because I bought it two (2) days ago and the Council is in two (2) days." Vanblaricom, "So we'll just do it as a storage deal and if he asks for water or sewer to be hooked up to it then he needs to follow the other procedures before we give him water and sewer." Nichols, "Does the Fire Department still go out and look where he's going to put this building and make sure it's where they can get to it if it catches on fire or another structure catches on fire?" Clifford Sexton, "We are not required to do that. The only thing we are required to do is a major facility like a school, Family Dollar, and stuff like that. As long as it ain't blocking a fire hydrant or alley way there really ain't much we can do about it if it's on their personal property." Nichols, "We cannot approve the permit." Vanblaricom, "Basically if he asked to be hooked up to sewer or water then he needs to fill out the packet and be on the agenda for us to approve to use that as a residence." Peterson, "Anything else?" No further comments.

NEW BUSINESS: Peterson, "Jones Grocery. Do you all want the building, yes?" Ellis, "So I have made phone calls requested from different council and then when I made one phone call they suggested I make another phone call. Started off with OMAG. OMAG said they absolutely do not pay for mold, whether it our fault, their fault, anybody's fault. It's just not happening. I guess no insurance really does that. The building, the wall, if somebody buys that or if we put a lien on it, and had it torn down or whatever the case may be, even if they put it in their contract. Our first quote to have this torn down was \$15,000. And then we were brought this and it went up to \$28,500 to have this tore down." Vanblaricom, "And it now says...." Ellis, "Yes, it says they will not be responsible for damages to the adjoining wall. Well our insurance said they can put that in their contract all day long. If we own that and have it torn down and it messes this wall up, no. Somebody else buys that and tears that down and it messes up the wall, our insurance company is going to go after them to fix this wall period. They did suggest

we have the test done in here. Scotty came and done it for free yesterday. He said we are good. We don't have mold up there. There is no moisture in the walls besides right there in that corner. The moisture in that corner and in the ceiling was higher than anywhere else in the city hall. He don't know exactly why right there. But he didn't see any water damage up in the ceiling but the tester is showing moisture there. So he said we are fine as far as the mold and moisture and that type of stuff goes. The termites are eventually going to affect us because that whole wall, and he can't treat from here because of the gas line. There is no way to crawl underneath. So that will eventually affect us. So I called OMAG. They talked to their attorneys and everything to make sure about us being covered. Then I called USDA about grants and the Choctaws. So if USDA says okay we'll do a \$100,000, they will pay \$50,000 of it and the Choctaws will match half of that. So we would be out \$25,000 is how they explained it to me. The Choctaw lady said that and USDA said that. Now this was before Scotty came and tested so I don't know if we are still under the same of being able to qualify for this particular grant. But they said we have never applied for it and it's called a CL Grant. And once we apply for it we can have it every year and the whole city benefits. The Fire Department could benefit if they needed vehicles or equipment, whatever from this grant. The Police Department, maintenance, trucks anything like that once we get started." Vanblaricom, "the Community Center." Ellis, "We have to have, and I also had a lady that works for OMAG that does grants, she sent me some links and she is looking into some different stuff and whatever grant but the problem is, we have to know we have the plans to do this with the city hall and this is what we think it's gonna cost to be able to apply for the grant, any grant. It's not just you apply for it and see what they give you. You have to know how much, what your plans are, what you want to do and then USD has one where you build a city hall and one where you, what am I trying to say, like if you did a Davis building or a FEMA trailer or something like that and you added onto it. So they've got two separate ones but, you know, you would have to know....." Vanblaricom, "Which one you want." Ellis, "Yeah." Peterson, "Have you found anything around or have you looked?" Ellis, "I did. I got in contact with the company on the FEMA trailers and they sent me some that were used. There are some that are tiny, some that are big. Some of the used ones were like \$17,000 for just a small one. But basically you can have one built however you want it. You can have one with a council room in it. You can have them built however and then you just do like the bank did and put brick around it and you know, make it a permanent structure." William, "You might call Colgate cause I think they got theirs on a grant." Vanblaricom, "That's what she is talking about. We can get grants. There are grants in the deal. We just have to make the determination of what we want to do." William, "Yeah, Colgate got theirs on a grant. So talk to them." Ellis, "And the Choctaw did give another suggestion. So I know it's kinda up in the air. We've been told that she was going to title that over or we buy it or whatever." Hall, "What is she wanting for it because I wasn't aware we were supposed to be buying it. So there's not been any numbers tossed around?" Vanblaricom, "No, I haven't spoken to her."

Ellis, "I know she had real estate over there just the other day. And then it was told to us just the other day that she's selling it. Whenever the quote to have this torn down that we first got was just to \$15,000. So I asked the Choctaws about that. If that was given to us and we, you know, decided to tear that down they would pay half of it. They would pay the \$750. I don't know about the \$28,500 but I am assuming they would pay half of that. And then they have a program that they would come in and if we had mold, I don't know if they would still do it, but come in and fix and redo here. So those are just some options. I've been busy calling. I'm still getting emails from different grants and stuff but we have to have something you know. They have a park grant right now. There are several but we have to know what we want to do and how much we expect it to be to be able to do it. So." Peterson, "Suggestions?" Vanblaricom, "Eventually we are going to have to do something because these termites are going to tear our wall down and we can't do anything about it but we can't treat them. So I mean eventually we've got to do something with this building to try to save our building." Ellis, "And it was also suggested that, and I don't know how that works, that we as a city how they explained it to me was just because it's a city hall next to this building. It could have been a different building and they came to the City and said hey this building needs to be condemned. People in the town are complaining that it needs to be condemned. We as a city would have it torn down. We would pay to tear it down and put a lien on it. That was suggested as well. And that's apparently what you do with other places that need to be condemned." Wilson, "That's a big process to do that. You've got to do building standards. You've got to have hearings. You've got to post it. It's a big undertaking to condemn it. And I know we've done it before. It's not a small undertaking. It's a big undertaking to go in and take someone's property." Ellis, "And then if you put a lien on it there's ways around them still being able to sell it and not pay that lien." Wilson, "The big thing is the City just deciding does it want it. She sounded pretty open to that." Layden, "The attorney told me she is willing to deed it to us. That is after she got the letter. At least at that point he indicated she was willing to just give it to us. So I don't know if that's changed. It may have." Ellis, "After you sent that letter?" Layden, "It was after I sent that letter that the attorney came to me and said hey, she's a good lady. She knows. She's willing. Now that may have changed after he talked to me two (2) weeks ago." Ellis, "Yeah, when you sent out that email telling us what she said, what he said to you, she came in with the letter which is what we talked about. Yeah, I emailed it to you." Wilson, "Well Jeff Herrick is her attorney and I talked to him a week ago. He asked me what our abatement procedure was going to be and I said I don't know. We've never done it before. And a week ago he was still under the impression that she was going to deed it over if the city wanted it. I think the big thing right now is the city just needs to decide if it wants it and if they offer that. She sounded pretty open to doing that tonight so I don't know what's happened in the past but from what I heard tonight she sounded pretty open wanting to give it to the city if they wanted it." Ellis, "What I thought she was asking for was an offer and she just had real estate over." Wilson, "If

it is something we are going to get, with the cost of fuel going up the longer you wait the higher the cost is going to be to get it demolished so if the city wants it then I would do something quick and get the price locked in because if diesel goes up to \$6 or \$7 you're going to add another \$5,000 on to it to truck all this stuff out so if the city wants it I wouldn't waste no time. The City can delegate the Mayor, Mayor Pro Tem or a Councilperson to go to go to her and ask her if she wants to give it to the City and get an official go. But that's just up to the City." Peterson, "Can you find out if she wants an offer or she's willing to deed it to us?" Layden, "It's your vision. If you want that building then I would go and just see if his offer holds true and if she's still willing to just deed it to us and then we'll drop our abatement and drop whatever action and she can deed it to us and we'll be done." Peterson, "Naturally we would want this whole property." Layden, "Yes, that's up to you." Vanblaricom, "I would think so. That way we would have someplace to be able to put in a new one and stuff." Layden, "So okay. Obviously this isn't an agenda item. If you want me to I will go to her attorney and just say it is my understanding that the Council is interested in at least talking about her deeding the property to the City." Peterson, "Kay, thank you." Layden, "Is that what you want me to do?" Peterson, "Yes. Let us know what happens." Vanblaricom, "And if not, if she were to have a counter offer of course we would want to know that too." Layden, "Yes." Nichols, "We still on New Business?" Peterson, "Yeah." Nichols, "Where are we at on the taxes on the motel?" Vanblaricom, "They still haven't paid them." Nichols, "Can we put a lien on that?" Ellis, "I've read, I don't know about you all, but I've read so many ordinances but sometimes I go back and read it and read it a different way but I have read on the Motel Taxes and there is stipulation, there is extra penalties and stuff. I don't know but the last time they came in, because they never pay the water bill either. We have to shut it off every month. And I told him when he had that leak, I mean I might not should have said it, but I'll put you on there for your leak but I don't know if you'll get it because you owe taxes to us." Layden, "Well there's a city ordinance, I think it was passed here years ago, that if they owed Hotel/Motel Tax over a certain amount and if they are not paying that then they are committing fraud on the State and the City of Kiowa and you report them to the Oklahoma Tax Commission. I think that would be our only option. Some cities I've heard the Chief of Police will go talk to them and scare them into doing right but Jess says he has already done that. We've tried that. So the next step would be to report them to the Oklahoma Tax Commission. And they have auditors and people and things they can do." Sexton, "Make their life miserable." Layden, "Exactly." Peterson, "Do you file a paper for us or does Jerri make a call?" Wilson, "I'll get the number. All you do is just call them and tell them and they'll send a person down. If we are at that point now I'll get the number and then we will just notify them and find out what we have to do. We'll have all that by the next meeting." Peterson, "Okay. Anything else on New Business?" No other discussion.

PUBLIC DISCUSSION: None

ADJOURN: Mayor Peterson made a motion to adjourn. Hall seconds the motion. Hall-yes, Peterson-yes, Vanblaricom-yes, Nichols-yes, Sexton-yes. Motion carries.

TIME ADJOURNED: 9:16 P.M.

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