

REGULAR COUNCIL MEETING

CITY OF UDALL

Monday, October 9, 2018

The Udall City Council met for the Regular Council Meeting on *Monday, October 9, 2018*, at 6:30 p.m., at the city building. Stephen R. Brown, Mayor, called the meeting to order. Lila *Aimes*, Michael *Graham*, Randall *Smith*, Jason *Tharp* and Damon *Wilson*. Quorum established. Also present were Bill McReynolds, Kristan McReynolds, Crystal Tharp, Eric Allen, Erik King, and Lulita Hopkins. Arriving later; Andrew Marino and Nolan Wright of Gibson, Watson, Marino, LLC.

MODIFICATION OF AGENDA:

MOTION: by *Wilson*, second by *Smith*, to amend the agenda adding the Udall Fall Festival and Wee Entertainment as item #2 in New Business. Motion carried.

BUSINESS FROM THE FLOOR:

GENERAL DISCUSSION:

CONSENT AGENDA:

MOTION: by *Wilson*, second by *Aimes*, to approve the consent agenda including the Clerks and Treasurer's Reports for September 2018, the minutes of September 10, 2018, Expenditure Report of \$86,318.03 and Payroll Account Report Totals of \$16,472.82. Motion passed.

OLD BUSINESS:

1. Colleen Ervin - #7 Kennedy Drive. With the recent rain accumulations, the contractor has been unable to proceed with the demolition of the structure. Once the weather clears and there is some drying of the area; this will be accomplished.
2. Udall Library/Wellness Center project – Andrew Marino, City Attorney, explained to the council members that with the publication of Charter Ordinance #8 to be in compliance with KSA 25 Article 36 items 1 through 8; a sufficiency of petition presented needs to be determined. In his examination of the petition determined; there are at least four inadequacies including; not including Charter Ordinance #8 with the petition material, not having the signature pages sworn to by the individual distributing the petition, not having it reviewed by the county or district attorney prior to circulation, and not including the date of signing for each person signing the petition. These were obvious insufficiencies determined by Mr. Marino and his colleague Nolan Wright. They are not the ones to determine actual viability of the petition; that must be performed by the District Judge. Therefore, they electronically filed a lawsuit with the county in response to the received petition listing the irregularities and requesting his determination. An ordinance is now before the council to proceed with the district court. There was discussion on the fact that it is an open legal question whether the petition is legally sufficient. The council asked the cost of the legal action and it could be as much as \$2,000-\$3,000.00. There was a motion to proceed with the action, but no second. Further discussion ensued that the “spirit” of the petition was understood and it was “nit-picking” to require that it is done correctly.

NEW BUSINESS:

1. Diana Whiteman – Udall Library Board. Diana Whiteman has been recommended to become President of the Udall Library Board.

MOTION: by *Wilson*, second by *Smith*, to approve Diana Whiteman as new Library Board President. Motion carried.

2. Wee Entertainment – Kenny Ault, representing the Udall Fall Festival committee, addressed the council regarding the postponement of the Fall Festival due to bad weather. With the new date, the committee has been able to arrange for a carnival at a cost of \$6,000.00. They request that the city contribute \$3,000.00 to this cost. Wee Entertainment will provide 8 rides and be open on Friday the 26th from 6:00 – 10:00 pm and Saturday the 27th from 11:00 am to 11:00 pm. They will offer two wrist ban sessions; bands will be \$17.00 in advance and \$20.00 day of event. Wheat State and the City Building have agreed to sell advance bands. Also in rescheduling the movie night in the park has been moved to Friday the 26th. Mr. Ault shared several ideas the committee has to help fund events in the future.

MOTION: by *Wilson*, second by *Graham*, to approve \$3,000.00 to be donated to the Udall Fall Festival committee for the Wee Entertainment carnival. Tharp did not vote, motion carried.

COUNCIL MEMBER REPORTS:

Aimes – Reported much improved drainage after the maintenance crew reworked the ditch.

Tharp - Requested meeting with Eric Allen on Thursday to go over a footprint for the rides placement.

Wilson – Has measured approximately 750 linear foot walk path from the south pavilion to the waterway, around to the monument and angling across to south of the Splash Pad. The width is undetermined at this time. There are grants available and we will contact Rose Mary regarding specifics and deadlines.

STAFF REPORTS:

Hopkins – Requested clarification on how to proceed – with the petition if it is not “accepted”. City Attorney Marino again explained the district judge is the one to determine legitimacy of the petition as filed. The council discussed they do not wish to

pursue legal action. The election will be held within the next 90 days and it will be up to the County Clerk to schedule the election date.

MOTION: by *Wilson*, second by *Smith*, to accept the petition as presented and request a special election on Charter Ordinance #8 with the County Clerk and the question wording prepared by the City Attorney. Motion carried.

MOTION: by *Smith*, second by *Wilson*, to adjourn. Motion carried. Meeting adjourned. Lulita Hopkins, City Clerk