

RELEASED  
2/20/24

CLOSED SESSION MINUTES  
MONDAY, OCTOBER 16, 2023

The City Council met in a closed session at 7:20 p.m. on Monday, Monday, October 16, 2023, during a recess of a regular meeting. The Clerk reported that the following Council members were:

PRESENT: David Ayres  
Bill Dettmers  
Jeremy Plank  
Scott Tweedy  
Tom Stalcup

**PERSONNEL:**

Councilman Dettmers stated he received a call from Mrs. Bell stating she is worried about the advertising being circulated for the Chili Cook-Off. When Councilman Dettmers contacted Kristen Burns, he was told that since the city agreed to close the street, she wanted to show that the city was in support of the Cook-Off on the flyer. Mrs. Bell explained to Councilman Dettmers that she has had issues with the Wood River Economic Development Committee in the past, most recently the food truck festival. He let Mrs. Bell know he would bring it to the City Council which is why he sent an email. He then received a response from Mayor Tom Stalcup stating that he and the City Manager have been in communication with Mrs. Burns and have given permission. Councilman Dettmers stated he is concerned that Mayor Tom Stalcup and City Manager Steve Palen permitted Mrs. Burns to list the City on the flyer. He stated that the Council never gave support for the Cook-Off, while he stated that everyone wants to have the Cook-Off, it was not voted on to promote it as a City. Councilman Dettmers asked City Manager Steve Palen if he gave said permission.

City Manager Steve Palen stated that while she was not given explicit information to list the City on the flyer, in the conversation that Councilman Dettmers is referring to, he was told that she typically does not do things without the permission of the Mayor or City Manager.

Mayor Tom Stalcup said the email implied the City contributed funds to the event. He clarified that no funds were collected from the City. The only participation of the City was to help by emptying trash cans, setting up tables, and blocking off the street. He stated he does not understand why Mrs. Bell is upset and he believed that Councilman Dettmers was trying to make it sound like there were funds involved.

Councilman Dettmers asked everyone to look at the back of the flyer where it states the event is presented by the Wood River Economic Development Committee and the City of Wood River, directly below that it asks for sponsorship. He stated he considers this to be using the City names to solicit funds.

City Attorney John Hackett reminded everyone that they were in a closed session to talk about an independent contractor.

Councilman Dettmers stated that the independent contractor is associated with both entities, and she seems to want to link them both together. He said there has been a previous issue that is similar but not as contentious. The individual manages the website for both entities, and she was using the City website

to link to the economic development website. He said he does not think she understands conflicts of interest and where she must separate her role in the City and her private life as she has repeatedly done this. He said he requests that she continue working for the City or the not-for-profit, as he believes she is not qualified to know when she must draw a line. He said he understands it is hard to do when you do not understand the position's nuance. He then asked the City Attorney for his input.

City Attorney John Hackett stated he would not be issuing an opinion but stated there are several actions the City can take; however, none of them can be done tonight.

Mayor Tom Stalcup stated that when he became Mayor the City was trying to build downtown and bring everything together. He was in favor of using all available tools to do that. At that time there was nothing available online for resources. He said Mrs. Burns is not doing anything conflicting on purpose and agreed she does not understand. He then stated that he still believes that the City should get as much information out and let the community know that the City is trying to build as much as possible.

Councilman Dettmers stated that his argument is that the City cannot just use one not-for-profit as there is another downtown. He stated that the City cannot allow this group to use the Wood River name just as a business would not be allowed to use the Wood River name to support their endeavors. He stated that this has happened twice now, and Mrs. Burns lacks the expertise and knowledge to know better.

Councilman Tweedy asked Councilman Dettmers if he would have an issue if Mrs. Bell had not brought it to his attention.

Councilman Dettmers stated that he would not have known about it, but now that it was brought to his attention, it needs to be addressed.

Councilman Tweedy asked if Mrs. Bell called anyone else and wonders if she is still upset about past events.

Councilman Plank stated that he called her.

Councilman Tweedy stated that it seems like she just has an axe to grind as she only reached out to one council member.

Councilman Plank explained that Mrs. Bell feels left out and that she has for a while. A conversation ensued regarding when she began feeling this way. Councilman Plank stated that Mrs. Bell does not feel like the City supports her downtown business. Councilman Plank stated that he believes the flyer does make it look like the City paid for something when in fact the City did what they do for other events that take place on City property. He stated that the flyer gives the impression that the City is paying for something and asking for more donations.

Mayor Tom Stalcup and Councilman Tweedy stated that Mrs. Bell has been asked to come to several meetings and even join the Wood River Economic Development Group.

Councilman Ayres stated that he believes the point is being missed. The issue is that it was stated, in print, that the City is sponsoring and/or backing an event.

Councilman Dettmers stated that since the City did not sponsor the event, that is the issue. The issue is caused by the Wood River Economic Development Committee using the City's name to solicit donations

for their own purpose. The issue has nothing to do with Mrs. Bell, the question is, is the Wood River Economic Development Committee allowed to use the City name to solicit funds for their own good. Councilman Dettmers stated that Mrs. Bell is concerned with what the City is doing and not upset with Mrs. Burns. Mrs. Bell believes that the City is showing favoritism by allowing its name to be used by organizations not associated with the City.

City Attorney John Hackett clarified that the only reason Mrs. Bell is being mentioned is because she brought the issue to Councilman Dettmer's attention.

A discussion ensued regarding the first conflict that Councilman Dettmers had previously alluded to. Councilman Dettmers stated that the Wood River Economic Development Committee website had linked to the City's website, implying that the two entities were connected.

Councilman Dettmers stated that he believes Mrs. Burns is doing everything she can but is not able to separate the two entities. He then stated that the Wood River Economic Development Committee changed its name to the Business Alliance. Councilman Dettmers reiterated that he would be more comfortable if Mrs. Burns removed herself from the Business Alliance and worked for the City or quit the City and worked for the Business Alliance. He stated that if one of those options is not taken the City will continue to have problems. He believes that businesses will not be happy if the City continues to pay Mrs. Burns and these conflicts continue. He stated that he continues to be criticized for bringing up conflicts of interest, but he stated they can create big problems if not addressed.

Mayor Tom Stalcup stated he did not know there was a conflict until now. He is upset that Mrs. Bell is upset and hopes she understands that the City is trying to promote everything to continue growing.

Councilman Dettmers reiterated that the issue is not Mrs. Bell.

Mayor Tom Stalcup stated that the issue is not with Mrs. Burns either. If she is getting directions from himself or the City Manager, then he needs to straighten it out. Mrs. Burns has done great work to promote the City.

City Manager Steve Palen said he would discuss with Mrs. Burns to clear the line. He also said that he tries to promote employees volunteering their time and participating in events. He stated he would hate for a mistake to force Mrs. Burns to quit volunteering her time for the Business Alliance as she has done a good job and enjoys it. He stated his approach is all in, he likes to see good things on paper and in front of people showing everything the City has to offer. He believes that this has shown results over the year with new businesses. He reiterated that he has no problem talking to Mrs. Burns and showing the seriousness of the situation and agrees with Councilman Dettmers, but he believes there is no ill intent involved.

Councilman Dettmers stated he never said he believed she had ill intent. He questions if she has the experience, knowledge, and expertise to know what she can and cannot do as this is the second time this has happened.

City Manager Steve Palen said that later he would like to sit down with the City Attorney to discuss what can and cannot be linked to the City website.

City Attorney John Hackett stated that there are two types of conflict. An actual conflict would be if a person were being paid by the City of Wood River but promoting events in different towns to the

detriment of Wood River events. An apparent event can be more difficult to figure out, it may be up to the contractor's determination to figure it out based on the contract. He believes that a simple conversation can clear up the appearance of a conflict, and this is a step down from an actual conflict.

City Manager Steve Palen reiterated that he will have a discussion and let Mrs. Burns know the seriousness of the situation and take care of it so there will not be a third time.

There being no further business, the closed session adjourned at 7:46 p.m.