

## Minutes

THE CITY OF TUTTLE COUNCIL MEMBERS MET IN REGULAR SESSION ON **JUNE 9, 2014 at 6:00 P.M.** IN THE TUTTLE CITY HALL LOCATED AT 221 W. MAIN STREET.

MEMBERS PRESENT: T.J. CHESTER, MARY SMITH, BILLY CLAPPER AND TERESA BUCK

MEMBERS ABSENT: TODD LITTLETON

STAFF PRESENT: TIM YOUNG, DAVID PERRYMAN, WENDY MARBLE, BRUCE ANTHONY, DON CLUCK, SEAN DOUGLAS, JULIUS CONLEY, AARON SLATTERY, JEFF ALTHOFF, NATASHA SAPP AND JEFF COWAN

OTHERS PRESENT: JUDY OGLESBEE, MICHAEL OGLESBEE, MARSHA SHUCK, RICHARD SHUCK, DONNA MCKINNEY, SANDY WILLIAMS, DEANNA HARDESTY, TIM GRIFFIN, JAYSON KNIGHT, RHONDA CHESTER, JO BAZHAW, SETH PAXTON AND OTHERS THAT DID NOT SIGN IN

**CALL TO ORDER** Mayor Tommy Joe Chester called the meeting to order at 6:04 p.m.

**ROLL CALL** Wendy Marble called the roll and declared a quorum present

**PLEDGE OF ALLEGIANCE** Mayor Chester led the pledge

**INVOCATION** Billy Clapper gave the invocation

### **ORDER OF BUSINESS**

#### 1. INTRODUCTION OF GUESTS / HEARING OF CITIZENS OR DELEGATES

(This is an opportunity for citizens to address the City Council. If you wish to speak at this evening's meeting, please fill out a "Request to Speak" form. The forms are available from the City Clerk's table or at the entrance door. Please turn in your form prior to the start of the meeting. City Council rules and regulations limit visitor comments to a maximum of three minutes should be directed to the City Council as a whole. The Oklahoma Open Meeting Act prohibits the City Council from taking official action on requests made during this portion of the agenda unless otherwise noted on this agenda.)

**Michael Oglesbee of 29 Edith Lane presented his concerns of noise, property values and zoning violations regarding Gordon White Lumber Store.**

**Judy Oglesbee presented a letter listing her concerns and solutions to the noise problem.**

#### 2. PRESENTATIONS, PROCLAMATIONS & RECOGNITION

##### a. Recognition of Seth Paxton

**Seth Paxton presented he won the College Challenge from Fox News for the best news story. The Council Members and City Staff acknowledged his accomplishment and thanked him for representing Tuttle.**

#### 3. Discussion and questions regarding items on the consent docket

**Clapper requested Item g be pulled.**

**Smith requested Item n, the reimbursement agreement between the City and Grady County has a spelling error of "Waldron" that should be Waldon. Perryman presented it can be approved with the spelling amended.**

4. CONSENT DOCKET

(This item is placed on the agenda so that the City Council, by unanimous consent, can designate routine items and those items requiring minimum discussion to be approved or acknowledged in one motion. If any item does not meet with approval of all Council members, that item will be removed from the consent docket and considered in regular order)

- a. APPROVAL minutes for Special City Council meeting May 7, 2014
- b. APPROVAL minutes for City Council meeting May 12, 2014
- c. APPROVAL minutes for Special City Council meeting May 19, 2014
- d. APPROVAL minutes for Special City Council meeting June 3, 2014
- e. ACKNOWLEDGMENT receipt of payroll and claims for May 2014
- f. APPROVAL and RATIFICATION all action taken by the Tuttle Public Works Authority for May 2014
- g. APPROVAL **Budget Amendment 2014-6.1** regarding Ice Cream Festival revenues and expenses
- h. APPROVAL Contract with Amerigas for propane tank rental for Red Hill repeater site.
- i. ACCEPT resignation of Trent Willis from Position 2 of Parks and Recreation Board
- j. APPROVAL reappointment of Fred Yaeger to Position 2 on the Planning Commission for a term ending June 30, 2017
- k. APPROVAL reappointment of Brian Routh to Position 3 on the Planning Commission for a term ending June 30, 2017
- l. APPROVAL reappointment of Brian McEntire to Position 2 on the Cemetery Advisory Committee for a term ending June 30, 2017
- m. APPROVAL appointment of Tiffany Lyon to Position 5 on the Planning Commission for a term ending June 30, 2015
- n. APPROVAL regarding **revised** reimbursement agreement between the City and Grady County District 1 for work on Waldon Dr (original agreement approved February 27, 2014)
- o. APPROVAL naming entry road to Silver Ridge Addition "Silver Ridge Drive"
- p. APPROVAL reappointment of Vickie Hildebrand to Position 1 on the Board of Adjustment for a term ending June 30, 2017
- q. APPROVAL reappointment of Linda Flowers to Position 2 on the Board of Adjustment for a term ending June 30, 2017

**Motion was made by Smith, seconded by Buck to approve Consent Docket Items a,b,c,d,e,f,h,i,j,k,l,m,o,p and q. Motion carried as follows:  
Aye: Buck, Clapper Smith and Chester  
Nay: None**

5. CONSIDERATION of Items Removed from Consent Docket

**Clapper pulled Item g in order to acknowledge Natasha Sapp for her work on the Ice Cream Festival. Clapper asked what is the plan for the profit from the Ice Cream Festival. Conley presented there is no specific plan but to use the money for Parks Department activities such as movie night.**

**Motion was made by Clapper, seconded by Smith to approve Item 4g as submitted. Motion carried as follows:  
Aye: Buck, Clapper, Smith and Chester  
Nay: None**

**Motion was made by Smith, seconded by Clapper to approve Item 4n with the amendment to the spelling of Waldon Drive not "Waldron" Drive throughout the document. Motion carried as follows:**

**Aye: Buck, Clapper, Smith and Chester**

**Nay: None**

6. GENERAL GOVERNMENT

- a. DISCUSSION and related CONSIDERATION appointment to Position 3 on the Cemetery Advisory Committee for a term expiring June 30, 2017

**Motion was made by Smith, seconded by Buck to appoint Deanna Hardesty to Cemetery Advisory Committee. Motion carried as follows:**

**Aye: Buck, Clapper, Smith and Chester**

**Nay: None**

- b. DISCUSSION and related CONSIDERATION appointment to Position 2 on the Parks and Recreation Board for a term expiring June 30, 2019

**Sandy Williams presented the Parks Board will work to have a member to appoint at the next meeting.**

**Motion was made by Smith, seconded by Chester to TABLE Item 6b until the next meeting.**

**Motion carried as follows:**

**Aye: Buck, Clapper, Smith and Chester**

**Nay: None**

7. COMMUNITY DEVELOPMENT

- a. DISCUSSION and related CONSIDERATION approval of preliminary plat and construction plans for Prairie Hills Section II

**Young presented information that was reviewed and approved by the Planning Commission. Doug Klaussen of MKEC presented engineering information.**

**Motion was made by Smith, seconded by Clapper to approve Item 7a contingent on receipt of the construction bonds. Motion carried as follows:**

**Aye: Buck, Clapper, Smith and Chester**

**Nay: None**

- b. DISCUSSION and related CONSIDERATION declaring structure and property at 23 N. Sara Road to be a public nuisance, structure as dilapidated, and other related action thereto (tabled from May 12, 2014 meeting)

**Chief Cluck presented the Corley's are working on the property and were directed to focus work on the east side of the property.**

**Motion was made by Smith, seconded by Chester to TABLE Item 7b until the next meeting. Motion carried as follows:**

**Aye: Buck, Clapper, Smith and Chester**

**Nay: None**

- c. DISCUSSION and related CONSIDERATION declaring an un-permitted dam in the 800 block of Gregory Rd to be a public nuisance and dilapidated structure and other related action thereto (tabled from May 12, 2014 meeting)

**Tim Griffin presented the flow of water is not obstructed, dam is seeded for grass, rocks are placed on the spillway as recommended by OWRB. The pond is for cattle and agricultural use. Smith asked why a permit was not submitted when a letter was sent from the City notifying of the requirements. Griffin presented he**

thought he had followed the proper procedures and had initially been told by a city official that a permit was necessary. Clapper asked City Attorney what are the legal rights? Perryman presented the possibility of floodplain violation that could affect the entire City. Griffin presented he thought he had followed the proper procedures and had initially been told by a city official that a permit was necessary. Hardesty presented that she has not filed a lawsuit.

**Motion was made by Smith, seconded by Buck to TABLE Item 7c until the next meeting.**

**Motion carried as follows:**

**Aye: Buck, Clapper, Smith and Chester**

**Nay: None**

8. PUBLIC SAFETY

- a. DISCUSSION and related CONSIDERATION of Police Eyewitness Identification Policy  
**Cluck presented a new policy is needed.**

**Motion was made by Clapper, seconded by Smith to approve Item 8a.**

**Motion carried as follows:**

**Aye: Buck, Clapper, Smith and Chester**

**Nay: None**

- b. DISCUSSION and related CONSIDERATION funding plan for additional SCBA's for Tuttle Fire Department

**Conley presented funds designated for court software lease purchase can be used for lease purchase of eight additional SCBA's. If the grant is awarded before the purchase it can be used. The four banks in Tuttle will be asked for lease purchase bids. Anthony presented the Department has seven working SCBA's. They would prefer to have 24. Young presented this item is to authorize staff to solicit lease purchase bids.**

**Motion was made by Smith, seconded by Chester to approve Item 8b and solicit proposals for lease purchase of additional SCBA's. Motion carried as follows:**

**Aye: Buck, Clapper, Smith and Chester**

**Nay: None**

9. STREETS – No Business

**Young presented Cimarron Road project is underway and ahead of schedule.**

10. PARKS AND RECREATION

- a. DISCUSSION and related CONSIDERATION request of TASA to place free advertising signs at the baseball fields (variance of Resolution 2011-34) (tabled from May 12, 2014 meeting)

**Joslin and Friesen presented the cost of signs and discounts. Williams and Sapp presented the variance would create a situation where all sponsors would want the discount which defeats the purpose of the signs. Young presented this program was started to generate funds to be used for ballpark improvements.**

**Clapper recused himself from the vote. Item died for lack of motion.**

- b. DISCUSSION and related CONSIDERATION Parks and Recreation Board's Recommendation to create new user agreements that protect the City and require more accountability and transparency from the entities that currently control the facilities.

**Williams presented the reservation agreements need to be revised. Perryman presented they are outdated. A 30 day notice to terminate the user agreement will need to be provided to all clubs that use Schrock Park.**

**Motion was made by Clapper, seconded by Buck to TABLE Item 10b until the next meeting. Clapper withdrew the motion to table.**

**Motion was made by Clapper, seconded by Buck to approve termination of existing agreements and begin process of creating new user agreements.**

**Motion carried as follows:**

**Aye: Buck, Clapper and Chester**

**Nay: None**

**Abstain: Smith**

11. INFORMATION AND REPORTS

a. City Manager and Department Reports

**Anthony presented his report. He has a full time vacancy and will be losing some interns, so he will have several vacancies to fill. Buck asked if the gear is reused or is new purchased for all. Anthony presented the gear has a 10 life span and they use what will fit the new employees if they can.**

**Cluck presented his report.**

**Slattery presented his report and added a new water consumption report.**

**Douglas presented his report.**

**Conley presented the sales tax is up 2.5% this month.**

**Young presented Cimarron Road construction is ongoing. Movie Night was rained out and will be June 20.**

b. Councilmember Reports

**Clapper asked if the council desk could be completed soon.**

**Smith noted that the Chickasha paper rated Tuttle as the 2<sup>nd</sup> best place to live in Grady County.**

**Motion was made by Smith, seconded by Clapper to recess the City side at 7:40 P.M. and begin TPWA agenda.**

**Motion carried as follows:**

**Aye: Buck, Clapper, Smith and Chester**

**Nay: None**

**Mayor Chester reconvened the meeting at 7:52 p.m.**

**Motion was made by Smith, seconded by Clapper to enter into executive session at 7:52 P.M. on items 12a,b,c,d,e and f with the City Attorney and City Manager.**

**Motion carried as follows:**

**Aye: Buck, Clapper, Smith and Chester**

**Nay: None**

**Mayor Chester resumed the meeting at 9:50 p.m.**

**David Perryman announced for the record that no other items were discussed in Executive Session except for what was stated on the agenda and no action was taken in Executive Session.**

12. EXECUTIVE SESSIONS

(Section 307, Title 25, Oklahoma Statutes permits the public body to meet in executive session for certain specified reasons under certain specified conditions. Any formal action will occur in regular session)

- a. CONSIDERATION of Tort Claim of Chad Givens. (Proposed Executive Session pursuant to 25 O.S. Section 307 (B)(4) for confidential communications between the City Manager, the City Council and the City Attorney concerning this pending claim upon the advice of the City Attorney and if the City Council determines that public disclosure would seriously impair the ability of the City of Tuttle to process the claim or conduct an investigation. The City Council shall make such determination in open session. No action shall be taken in executive session and any action taken at the conclusion of the executive session must be taken in open session.

- 1. CONSIDERATION action related to Executive Session Item 12a

**Motion was made by Smith, seconded by Clapper to take no action on Item 12a.**

**Motion carried as follows:**

**Aye: Buck, Clapper, Smith and Chester**

**Nay: None**

- b. CONSIDERATION of Tort Claim of Leslie Hiburn. (Proposed Executive Session pursuant to 25 O.S. Section 307 (B)(4) for confidential communications between the City Manager, the City Council and the City Attorney concerning this pending claim upon the advice of the City Attorney and if the City Council determines that public disclosure would seriously impair the ability of the City of Tuttle to process the claim or conduct an investigation. The City Council shall make such determination in open session. No action shall be taken in executive session and any action taken at the conclusion of the executive session must be taken in open session.

- 1. CONSIDERATION action related to Executive Session Item 12b

**Motion was made by Smith, seconded by Clapper to take no action on Item 12b.**

**Motion carried as follows:**

**Aye: Buck, Clapper, Smith and Chester**

**Nay: None**

- c. CONSIDERATION of Notice of Tort Claim of Allen Duwayne Clift, Administrator of the Estate of Bonnie Sue Clift. (Proposed Executive Session pursuant to 25 O.S. Section 307 (B)(4) for confidential communications between the City Manager, the City Council and the City Attorney concerning this pending claim upon the advice of the City Attorney and if the City Council determines that public disclosure would seriously impair the ability of the City of Tuttle to process the claim or conduct an investigation. The City Council shall make such determination in open session. No action shall be taken in executive session and any action taken at the conclusion of the executive session must be taken in open session.

- 1. CONSIDERATION action related to Executive Session Item 12c

**Motion was made by Smith, seconded by Clapper to refer Item 12c to City insurance provider.**

**Motion carried as follows:**

**Aye: Buck, Clapper, Smith and Chester**

**Nay: None**

- d. CONSIDERATION of Notice of Tort Claim of Cheryl and David Straka. (Proposed Executive Session pursuant to 25 O.S. Section 307 (B)(4) for confidential communications between the City Manager, the City Council and the City Attorney concerning this pending claim upon the advice of the City Attorney and if the City Council determines that public disclosure would seriously impair the ability of the City of Tuttle to process the claim or conduct an investigation. The City Council shall make such determination in open session. No action shall be taken in executive session and any action taken at the conclusion of the executive session must be taken in open session.

- 1. CONSIDERATION action related to Executive Session Item 12d

**Motion was made by Clapper, seconded by Chester to refer Item 12d to City insurance provider.**

**Motion carried as follows:**

**Aye: Buck, Clapper and Chester**

**Nay: None**

**Abstain: Smith**

- e. CONSIDERATION of Formal Request to Negotiate received from Tuttle Lodge # 197 of the Fraternal Order of Police (Proposed Executive Session pursuant to 25 O.S. Section 307 (B)(2) to discuss negotiations between the City of Tuttle and representatives of an employee group. The City Council shall make a determination as to its intent to enter into executive session in open session. No action shall be taken in executive session and any action taken at the conclusion of the executive session must be taken in open session.

- 1. CONSIDERATION action related to Executive Session Item 12e

**No Action taken**

- f. CONSIDERATION hiring and appointment of the City Treasurer. (Proposed Executive Session pursuant to 25 O.S. Section 307(B)(1)

- 1. CONSIDERATION action related to Executive Session Item 12f

**Motion was made by Smith, seconded by Clapper to appoint Julius Conley as the City Treasurer.**

**Motion carried as follows:**

**Aye: Buck, Clapper, Smith and Chester**

**Nay: None**

**NEW BUSINESS**

**ANNOUNCEMENTS**

**ADJOURNMENT**

**Motion was made by Smith, seconded by Buck to adjourn the City Council meeting at 9:55 p.m. Motion carried as follows:**

**Aye: Buck, Clapper, Smith and Chester**

**Nay: None**

Attest:

\_\_\_\_\_  
Wendy Marble, City Clerk

\_\_\_\_\_  
Tommy Joe Chester, Mayor