

## Minutes

THE CITY OF TUTTLE COUNCIL MEMBERS MET IN REGULAR SESSION ON **MARCH 9, 2015 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 TODD LITTLETON

MEMBERS ABSENT: TERESA BUCK

STAFF PRESENT: TIM YOUNG, WENDY MARBLE, DON CLUCK, BRUCE ANTHONY, SEAN DOUGLAS, AARON SLATTERY, JULIUS CONLEY AND DENNIS WALL

OTHERS PRESENT: RON BUCHANAN, DENNIS THOMAS, MARY SPARKS, JACOB ANDREWS, JAMES ANDREWS, ROBERT UNGARO, JO BAZHAW, SHAWN RILEY, JAMES BALLARD, JAYSON KNIGHT AND OTHERS THAT DID NOT SIGN IN

**CALL TO ORDER** Mayor Chester called the meeting to order at 6:07 p.m.

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

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

**INVOCATION** Todd Littleton gave the invocation

### 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.)

**Ron Buchanan of 313 Meyers Drive spoke to the council about his complaints regarding the business on his street. He asked what type of business is being conducted and what the regulations are regarding the number of vehicles that can be parked and where they can be parked. He is concerned about the trash that is coming from the business dumpster. He asked that code enforcement investigate and provide answers to his questions. Mayor Chester asked Chief Cluck to reply by the end of the week.**

**Dennis Thomas of 774 CS 2903 spoke to the council regarding the water rights issues. He feels the City is reckless about water well drilling. He stated that the City does not own the deeds for wells and they are taking water away from property owners. He stated all the new additions east of town are taking water from the downtown area aquifers and should be taking from their area of town. He believes there is unlimited water north of town. He discussed a class action law suit. He noted several residents he spoke with complaining about lack of water or sand in their well. He asked the council to think about drilling north of town and for the city to be mindful of property owner rights.**

**Smith presented the City is very mindful of the rights of landowners but cannot discuss issues due to pending litigation. Smith corrected Mr. Thomas regarding the unlimited water north of Highway 37, it is high in nitrates and not the best solution for the city. The water aquifers south of Jason White tower are better quality water. Council thanked Mr. Thomas for his input.**

**Jo Bazhaw thanked the City Council and thanked Aaron Slattery for completing the grading and gravel of new road in Section J of Fairview Cemetery.**

2. PRESENTATIONS, PROCLAMATIONS AND RECOGNITION

- a. Recognition of Scotty Turner for 35 years of Volunteer Fire Service

**Motion was made by Littleton, seconded by Chester to TABLE Item 2a until the next meeting. Motion carried as follows:**

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

**Nay: None**

- b. Recognition of Tuttle High School wrestling team for 2015 Class 4A State Wrestling Championship

**Mayor Chester presented a City Proclamation to the wrestling team at the school assembly earlier today. Young and Marble also attended.**

3. Discussion and questions regarding items on the consent docket

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 Councilmembers, that item will be removed from the consent docket and considered in regular order)

- a. APPROVAL minutes for City Council meeting February 9, 2015
- b. ACKNOWLEDGMENT receipt of payroll and claims for February 2015
- c. APPROVAL and RATIFICATION all action taken by the Tuttle Public Works Authority for February 2015
- d. TABLING regarding the development of User Agreements for Tuttle Parks for Silver City Tractor Club
- e. TABLING regarding appointment to serve Position 3 on the Board of Adjustment for a term expiring June 30, 2015 (tabled from December, January and February 9, 2015 meetings)
- f. APPROVAL authorizing purchase of new police vehicle 2015 Chevrolet Tahoe in an amount not to exceed \$39,701.00.
- g. APPROVAL declaring surplus a 2009 Chevrolet Impala including equipment on vehicle and donate to the Grady County Sheriff Department reserve program.
- h. APPROVAL declaring vacancy of the Tenant Commissioner position of the Tuttle Housing Authority Board of Commissioners which expires on August 1, 2016.
- i. APPROVAL of Appointment of Colleen Barnes to the Tuttle Housing Authority Board of Commissioners for Tenant Commissioner Position to serve the remainder of term expiring August 1, 2016.

**Motion was made by Clapper, seconded by Smith to approve Consent Docket Items a,b,c,d,e,f,g,h and i. Motion carried as follows:**

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

**Nay: None**

5. CONSIDERATION of Items Removed from Consent Docket

**Strike**

6. PARKS AND CEMETERY

- a. DISCUSSION of grant Parks & Recreation Department applied for to clean up the asbestos and lead paint from the old gas station building near the farmers market

**Conley presented the grant is to remove and seal lead paint on outside of building and remediate asbestos. It is a 100% grant for \$84,000 and the City's cost is zero.**

- b. DISCUSSION and related CONSIDERATION approval of User Agreement between City of Tuttle and the Tuttle Round-Up Club

**Discussion of this item is to take place after Executive Session.**

7. COMMUNITY DEVELOPMENT

- a. DISCUSSION and related CONSIDERATION regarding PC 2015-06 request of Jacob Andrews to rezone approximately 3.3 acres located at 211 S. Mustang Rd. from the General Agricultural A-1 District to the Residential Estates R-1B District as recommended by the Planning Commission (original request to rezone to R-1)

**Young presented rezoning required for owner to build a shop.**

**Motion was made by Smith, seconded by Clapper to approve Item 7a as recommended by the Planning Commission. Motion carried as follows:**

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

**Nay: None**

- b. DISCUSSION and related CONSIDERATION regarding PC 2015-10 request of Mary Sparks to rezone approximately 3.3 acres located at 7012 E. SH-37 from the Convenience Commercial C-2 District to the Automotive and Commercial Recreation C-5 District

**Young presented property should have been rezoned when the current classifications were adopted.**

**Motion was made by Littleton, seconded by Clapper to approve Item 7b as recommended by the Planning Commission. Motion carried as follows:**

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

**Nay: None**

- c. DISCUSSION and related CONSIDERATION regarding PC 2015-11 request of Tactical Pest Solutions for a Specific Use Permit to operate a Disinfecting, Deodorizing or Extermination Service business at 7108 E. SH-37

**Young presented pest control business is ready to open shop. No chemicals are stored on site.**

**Motion was made by Littleton, seconded by Clapper to approve Item 7c as recommended by the Planning Commission. Motion carried as follows:**

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

**Nay: None**

- d. DISCUSSION and related CONSIDERATION regarding PC 2015-08 request of James & Whitney Morton to rezone approximately 5.0 acres located at 1516 N Sara Rd. from the General Agricultural A-1 District to the Residential Estates R-1B District and declaring an Emergency

**Young presented 5 acres requires rezoning and lot split to build a single family home.**

**Motion was made by Clapper, seconded by Smith to approve Item 7d as recommended by the Planning Commission. Motion carried as follows:**

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

**Nay: None**

**Motion was made by Clapper, seconded by Littleton to declare the emergency clause of this Ordinance.**

**Motion carried as follows:**

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

**Nay: None**

- e. DISCUSSION and related CONSIDERATION declaring structure and property at 401 W. Pine Street to be a public nuisance, structure as dilapidated, and other related action thereto

**Clapper presented this property is a hazard. Wall presented all the windows are broken and there are holes in the structure. Smith asked if a response was received from the owner. Wall presented he did not receive a reply.**

**Motion was made by Clapper, seconded by Littleton to approve Item 7e declaring the structure to be a public nuisance and dilapidated. Motion carried as follows:**

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

**Nay: None**

- f. DISCUSSION and related CONSIDERATION declaring structure and property at 405 W. Pine Street to be a public nuisance, structure as dilapidated, and other related action thereto

**Wall presented the owner has contacted him and has secured the property. He plans to make improvements.**

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

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

**Nay: None**

- g. DISCUSSION and related CONSIDERATION declaring structure and property at 603 W. Main Street to be a public nuisance, structure as dilapidated, and other related action thereto

**Wall presented the windows are broken and there is no power to the house.**

**Motion was made by Clapper, seconded by Chester to approve Item 7g declaring the structure to be a public nuisance and dilapidated. Motion carried as follows:**

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

**Nay: None**

8. PUBLIC SAFETY – No Business

9. GENERAL GOVERNMENT

- a. DISCUSSION and related CONSIDERATION regarding short term and long term needs and community planning

**Young presented the comprehensive planning needs to begin and the Council should set a date to meet and discuss. The members set Monday, March 30, 2015 at 6:00 p.m. as the meeting date to begin discussions.**

- b. DISCUSSION and related CONSIDERATION approving a Second Supplement to Lease No. (F) 17976 between the Town of Tuttle and the Stillwater Central Railroad, LLC for use of land for the Skate Park and water well field (item added to agenda on 3/6/2015 at 1:30 pm)

**Young asked to defer this Item until the City Attorney is present.**

10. STREETS AND ALLEYS– No Business

11. INFORMATION AND REPORTS

a. City Manager and Department Reports

**Young presented engineering is underway on the Highway 4 sewer line project. Council will need to meet with Cowan Engineering in the near future possibly at the March 30<sup>th</sup> meeting. Cimarron Road project has won an award from the Oklahoma Concrete Contractors Association. New microphones were installed in Council Chambers.**

b. Councilmember Reports

**Littleton presented a resident asked if the City can do anything about mobile phone carrier improving signal. Resident said T-Mobile directed them to ask City Council. Young presented the City only regulates where a tower can be installed.**

**Littleton asked about holding town hall meetings for his ward. He would like to communicate, provide correct information and address some of the “coffee shop” talk regarding taxes, City functions and water issues. Young said meetings can be conducted.**

**Chester asked if there will be participation. Young said yes and presented he recently conducted a neighborhood association meeting with approximately 120 in attendance. If more than three council members attend it will have to be conducted as a council meeting.**

**Littleton presented that in 2014 the gas line expansion to Grandview addition was approved. Slattery presented it was approved. Young presented winding Creek addition was approved at the same time not to exceed \$10,000 in both cases.**

**Slattery presented public works is working on gopher problem at park and cemetery.**

**Motion was made by Littleton, seconded by Clapper to recess City Council meeting at 7:04 p.m. and begin Tuttle Public Works Authority meeting. Motion carried as follows:**

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

**Nay: None**

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 to conduct an EXECUTIVE SESSION regarding collective bargaining with the International Association of Firefighters Local #5017 (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 12a

b. CONSIDERATION of Notice of Petition 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 12b
- c. CONSIDERATION of Notice of Petition 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 12c
- d. CONSIDERATION to conduct an EXECUTIVE SESSION regarding the annual job performance review of the City Manager. Proposed Executive Session pursuant to 25 O.S. Section 307(B)(1). 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 12d

**Motion was made by Littleton, seconded by Smith to reconvene the City Council Meeting at 8:29 p.m. Motion carried as follows:**

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

**Nay: None**

**Mary Smith announced for the record that nothing was discussed in Executive Sessions except items a and d as stated on the agenda and no action was taken in Executive Session.**

**Mayor Chester presented the Items 6b and 9b that were deferred from the agenda.**

6. b. DISCUSSION and related CONSIDERATION approval of User Agreement between City of Tuttle and the Tuttle Round-Up Club

**Motion was made by Littleton, seconded by Chester to approve User Agreement Item 6b. Motion carried as follows:**  
**Aye: Littleton, Clapper and Chester**  
**Nay: None**  
**Abstain: Smith**
9. b. DISCUSSION and related CONSIDERATION approving a Second Supplement to Lease No. (F) 17976 between the Town of Tuttle and the Stillwater Central Railroad, LLC for use of land for the Skate Park and water well field (item added to agenda on 3/6/2015 at 1:30 pm)

**Young presented attorney working on this with Water Board to clarify that it is three wells not one and that the City has access to all three. Smith presented it was deferred in order to hear from the City Attorney and asked Young if attorney has reviewed. Young said the attorney has reviewed this as he is the one who wrote it.**

**Motion was made by Smith, seconded by Clapper to approve Item 9b the second supplement to the Lease.**

**Motion carried as follows:**

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

**Nay: None**

**NEW BUSINESS**

**ANNOUNCEMENTS**

**ADJOURNMENT**

**Motion was made by Littleton, seconded by Smith to adjourn the City Council Meeting at 8:32 p.m.**

**Motion carried as follows:**

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

**Nay: None**

Attest:

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

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