

## Minutes

THE CITY OF TUTTLE COUNCIL MEMBERS MET IN REGULAR SESSION ON **MARCH 14, 2016 at 7:00 P.M.** IN THE TUTTLE CITY HALL LOCATED AT 221 W. MAIN STREET.

MEMBERS PRESENT: T.J. CHESTER, TERESA BUCK, MARY SMITH, AARON MCLEROY AND TODD LITTLETON

MEMBERS ABSENT: NONE

STAFF PRESENT: TIM YOUNG, DAVID PERRYMAN, WENDY MARBLE, DON CLUCK, BRUCE ANTHONY, AARON SLATTERY, SEAN DOUGLAS, AMY NATCHER, LEISA HAYNES, JEFF COWAN

OTHERS PRESENT: MATT THOMPSON, MARCIA THOMPSON, GERALD ELCYZYN, MELANA ELCYZYN, LYNDL HILL, JEFF HILL, JUDITH SCHMIDT, TERRY SCHMIDT, VICKIE SOUTHARD, PEGGY MCKONE, PATRICK MCKONE, CHERI PACK, GLENN PACK, R.L. ALEXANDER, JANE ALEXANDER, PHILLIP YORK, KEVIN MORRIS, BARRY JONES, CINDY JONES, MADELINE KETTLER, JOE BILL CONNER, KRISTEN STANDRIDGE-PEDERSON, RODY VAN HUSS, ALEX OTALORA, SANDY BROWN, SAMMY SCHAEKEL, JERALD SCHAEKEL, RICK AND GWEN DUNN, TONYA NANCY, ROBBY WILLIAMS, NANCY WILLIAMS, JACKIE HINE, JEANNA BROWN, JAMES BRUNSON, CURTIS JOHNSON, JEROD WRIGHT, JAMES WOODS, ELLEN MAYER, MICHAEL MAYER, CHRIS BURDICK, RACHEL REDBURN, GARY WRIGHT, DANNY WALKER, NANCY WALKER, SONJA SCOTT, LEROY SCOTT, RICHARD JONES, TOM AND ALICE POLLOCK, BOB SULLIVAN, KRISTI HUGHES, AUBREE HUGHES, CINDA REDBURN, KRISTAL HUTCHISON, MISTY MCLEROY, MONNIE FAY, MIKE FAY, AMIE WATSON, JAY WATSON, WANDA LELLY, DIANE HUGHES, LAVANDA ROSE, WINSTON ROSE, DERRICK HUTCHISON, VERNON AND JOY KETTLER, MIKE BOATMAN, MATT VANAUKEN, MIRANDA VANAUKEN, RON DAVIS, PAT COX, KIM REDBURN, SHARON HENSON, KARIN VANAUKEN, CHARLES RUSSELL, JEFF COWAN, JOHN WAGONER, LES MCDERMOTT, JEREMY SPARKS, MIKE HERRING, TIFFANY LYON, JANE STANGL, JAYSON KNIGHT AND OTHERS THAT DID NOT SIGN IN

**CALL TO ORDER** Mayor Chester called the meeting to order at 7:06 p.m.

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

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

**INVOCATION** 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.)

2. PRESENTATIONS, PROCLAMATIONS AND RECOGNITION

- a. Recognition of retirement of Danny Walker for 12 years of Public Works service

**Mayor Chester and Council Members presented Danny Walker with a plaque and thanked him for 12 years of service to the community.**

3. COMMUNITY DEVELOPMENT

- a. DISCUSSION and related CONSIDERATION regarding request to amend various codes and ordinances to allow certain swine as household pets

**Young presented swine are prohibited by City Ordinance except on more than five acres zoned agriculture. Research provides the neighborhood covenants prohibit swine. Perryman presented covenants are enforced through district court.**

**No Action Taken**

- b. DISCUSSION and related CONSIDERATION regarding the Tuttle Beautification Program

**Haynes presented the Beautification program will run May through September. She will have more information for the public in the near future.**

**No Action Taken**

- c. DISCUSSION and related CONSIDERATION regarding **Resolution 2016-05** (PC 2016-04 & 05), request of Citizen Energy for two oil and gas drilling permits in the 4200 Block of E. Tyler Dr.

**J. Woods presented Citizen Energy information. Perryman presented the biggest issue is the damage to the roads. He asked Citizen Energy what they propose for damage repair.**

**Motion was made by Smith, seconded by Littleton to grant permit approving Resolution 2016-05 as requested with routes established per discussion with staff and Citizen Energy to work out costs and method of repair of roads. Motion carried as follows:**

**Aye: Buck, Littleton, McLeroy, Smith and Chester**

**Nay: None**

**Motion was made by Smith, seconded by McLeroy to amend approval of Resolution 2016-05 as requested with routes amended. Motion carried as follows:**

**Aye: Buck, Littleton, McLeroy, Smith and Chester**

**Nay: None**

- d. DISCUSSION and related CONSIDERATION regarding **Resolution 2016-06** (PC 2016-06), request of Linn Energy for an oil and gas drilling permit in the 2700 Block of E. Tyler Dr.

**P. York presented information for Linn Energy. Smith presented she was willing to recuse if York requested due to previous contact. He said that was not necessary.**

**Perryman asked if any citizens would like to speak regarding Citizen Energy or**

Linn Energy wells. Resident asked what the City receives from oil drilling. Perryman presented only permit, inspection fees and possibly mineral rights if drilled on City property. Residents presented concerns about truck traffic. Perryman presented “trucks entering” signs might help the traffic problem. Woods at request of City would put up signage.

Perryman asked to resume Item d. York presented Linn Energy wants to be a good neighbor to the residents and City. He presented bond is to be used for repair of damages. York understands permit approval contingent on agreement for repair of road damage.

Motion was made by Smith, seconded by McLeroy to approve permit Resolution 2016-06 as requested with Linn Energy and City Staff to work together to decide responsibility for repair of road damage. Motion carried as follows:

Aye: Buck, Littleton, McLeroy, Smith and Chester

Nay: None

- e. DISCUSSION and related CONSIDERATION regarding **Resolution 2016-07** (PC 2016-08), request of Citizen Energy for an oil and gas drilling permit in the 2300 Block of E. Tyler Dr.

Motion was made by Smith, seconded by McLeroy to grant permit approving Resolution 2016-07 as requested with routes established per discussion with staff and Citizen Energy to work out costs and method to repair roads. Motion carried as follows:

Aye: Buck, Littleton, McLeroy, Smith and Chester

Nay: None

- f. DISCUSSION and related CONSIDERATION regarding **Ordinance 2016-04** (PC 2016-07a) request of Daniel Franks and James Brooks to have property at 7318 E SH-37 rezoned from A-1 to C-5

Young presented this is light manufacturing that works on hydraulic hoses. Planning Commission approved this 5-0. Littleton asked about traffic. Young presented the Specific Use Permit will address traffic if needed.

Motion was made by McLeroy, seconded by Smith to approve Ordinance 2016-04 as requested. Motion carried as follows:

Aye: Buck, Littleton, McLeroy, Smith and Chester

Nay: None

- g. DISCUSSION and related CONSIDERATION regarding **Resolution 2016-08** (PC 2016-07b) request of Daniel Franks and James Brooks for a Specific Use Permit to operate a Light Manufacturing business at 7318 E SH-37

Motion was made by McLeroy, seconded by Smith to approve Resolution 2016-08 as requested. Motion carried as follows:

Aye: Buck, Littleton, McLeroy, Smith and Chester

Nay: None

- h. DISCUSSION and related CONSIDERATION regarding (PC 2016-09) request of Brent Cook to have property at 317 N Mustang Rd rezoned from A-1 to C-5 and R-3 with a Planned Unit Development (no Ordinance number assigned due to lack of recommendation from the Planning Commission)

**Bob Sullivan of NAI Sullivan Group presented plan for the property development along with the engineer, Chris Burdick. Staff and Council discussed concerns.**

**Perryman presented a recommendation to rezone with Planned Unit Development is needed.**

**Young asked three attending Planning Commission members if they could attend a special meeting on April 18, 2016 at 6:30 p.m. and they agreed.**

**Motion was made by Smith, seconded by Buck to return this matter to be returned to the Planning Commission for a Special Meeting on April 18 at 6:30 p.m. for them to make a recommendation working with all parties involved to return to the Council as soon as possible.**

**Motion carried as follows:**

**Aye: Buck, Littleton, McLeroy, Smith and Chester**

**Nay: None**

**Several residents presented they are opposed to the development of apartments. Rody Van Huss, Nancy Williams, Sandy Brown, Jackie Hines, Glen Pack and Ellen Mayer all oppose the development as presented.**

**Mayor Chester thanked all the residents for their comments.**

- 4. Discussion and questions regarding items on the consent docket
- 5. 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 8, 2016
- b. APPROVAL minutes for City Council Workshop meeting February 8, 2016
- c. ACKNOWLEDGMENT receipt of payroll and claims for February 2016
- d. APPROVAL and RATIFICATION all action taken by the Tuttle Public Works Authority for February 2016
- e. APPROVAL and RATIFICATION all action taken by the Tuttle Development Authority for February 2016
- f. APPROVAL of Audit Engagement Letter for yearly audit by Angel, Johnston & Blasingame, P.C.
- g. APPROVAL resignation of Don Elkins Position 2 on the Tuttle Parks and Recreation Advisory Committee for the term expiring June 30, 2019

- h. APPROVAL Memorandum of Understanding concerning critical findings, load postings, and Bridge closing recommendations per the Oklahoma Department of Transportation
- i. APPROVAL Change Order #004 for Oklahoma Department of Transportation (ODOT) Project No. STP-126C(192)AG/STPG-226C(006) regarding S Cimarron Rd reconstruction completed in FY 2015
- j. APPROVAL preliminary plat and approval of construction plans for The Montford, Phase 1 (PC 2015-45) to be located at E Tyler Dr and N Mustang Rd/SH-4
- k. APPROVAL **Resolution 2016-04** declaring April 2016 as Fair Housing Month
- l. APPROVAL request a waiver of the garage sale fees for the Tuttle Area Chamber of Commerce City Wide Garage Sale on April 22 and 23, 2016
- m. APPROVAL 2016 User Agreement for Tuttle Round-Up Club
- n. APPROVAL 2016 User Agreement for Silver City Antique Tractor Club
- o. APPROVAL Parks & Recreation Department Standard Operating Procedure 2016-01 Concessions Cash Handling & Documentation
- p. APPROVAL Budget Amendment 2016-015 making Emergency Management Performance Grant 4th Quarter 2015 disbursement available for use by the Emergency Management Department
- q. APPROVAL Emergency Management Performance Grant 1st Quarter 2016 Report
- r. APPROVAL Emergency Management Performance Grant 2nd Quarter 2016 Report
- s. APPROVAL Proposed locations for outdoor warning sirens funded by Rural Economic Action Plan awards
- t. APPROVAL Tuttle Soccer Complex change order in the amount of \$1,560

**Motion was made by Littleton, seconded by McLeroy to approve Consent Docket Items a,b,c,d,e,f,g,h,i,j,k,l,m,n,o,p,q,r,s and t. Motion carried as follows:**

**Aye: Buck, Littleton, McLeroy, Smith and Chester**

**Nay: None**

**Smith abstained from voting on Item m.**

5. CONSIDERATION of Items Removed from Consent Docket

6. GENERAL GOVERNMENT

- a. DISCUSSION and related CONSIDERATION **Resolution 2016-03** adopting meeting room policy for the City of Tuttle

**Young presented the public has abused the training room by having parties and the City may require a fee for use and a cleaning deposit. Civic groups could still use the room as it was initially intended.**

**Motion was made by McLeroy, seconded by Littleton to authorize City staff to prepare a policy. Motion carried as follows:**

**Aye: Buck, Littleton, McLeroy, Smith and Chester**

**Nay: None**

7. PUBLIC SAFETY – No Business

8. STREETS

- a. DISCUSSION and related CONSIDERATION award of contracts for daily as needed street repairs and paving

**Slattery presented Markwell had the lowest bid for the work.**

**Motion was made by Littleton, seconded by Smith to award contract for repairs.**

**Motion carried as follows:**

**Aye: Buck, Littleton, McLeroy, Smith and Chester**

**Nay: None**

- b. DISCUSSION and related CONSIDERATION regarding needed repairs to North Cemetery Rd.

**Slattery presented information for road repair.**

**Motion was made by Smith, seconded by Littleton to approve repairs to North Cemetery Road with a three inch overlay as the only option. Motion carried as follows:**

**Aye: Buck, Littleton, McLeroy, Smith and Chester**

**Nay: None**

- c. DISCUSSION and related CONSIDERATION regarding Phase 1 work for drainage improvements to Silver Ridge/River Ridge Estates

**Slattery discussed the work required to improve drainage.**

**Motion was made by Smith, seconded by McLeroy to approve proceeding with drainage improvements not to exceed \$20,000. Motion carried as follows:**

**Aye: Buck, Littleton, McLeroy, Smith and Chester**

**Nay: None**

9. PARKS, RECREATION, AND CEMETERIES

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

**Young presented one position on the board that is vacant.**

**No Action Taken**

**Motion was made by McLeroy, seconded by Littleton to recess the City Council Meeting at 9:45 p.m. for a ten minute break**

**Motion carried as follows:**

**Aye: Buck, Littleton, McLeroy, Smith and Chester**

**Nay: None**

**Mayor Chester reconvened the meeting at 10:00 p.m.**

**Mayor Chester asked for discussion of Item 3a.**

**Gina Brown presented information about her two pet pigs. Chester asked for a new Ordinance to be drafted concerning pets. Young presented an amendment to the animal code and zoning code will be required.**

**Motion was made by Smith, seconded by Buck to direct City Manager to proceed with drafting new ordinance to present to Council. Motion carried as follows:**

**Aye: Buck, Littleton, McLeroy, Smith and Chester**

**Nay: None**

**Motion was made by Smith, seconded by Chester to recess the City Council Meeting at 10:15 p.m. and begin the Tuttle Public Works Meeting. Motion carried as follows:**

**Aye: Buck, Littleton, McLeroy, Smith and Chester**

**Nay: None**

**Mayor Chester reconvened the City Council meeting at 10:38 p.m.**

10. INFORMATION AND REPORTS

a. City Manager and Department Reports

b. Councilmember Reports

**No Reports**

**Mayor asked to skip Item 11 and move to Item 12.**

**Motion was made by Smith, seconded by Littleton to enter Executive Session at 11:01 p.m.**

**Motion carried as follows:**

**Aye: Buck, Littleton, McLeroy, Smith and Chester**

**Nay: None**

11. 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 Purchase of real property. (Proposed Executive Session pursuant to 25 O.S. Section 307(B)(3))

1. CONSIDERATION action related to Executive Session Item 11a

b. CONSIDERATION job performance review of the City Manager. (Proposed Executive Session pursuant to 25 O.S. Section 307(B)(1))

1. CONSIDERATION action related to Executive Session Item 11b

c. CONSIDER and take action regarding matters pertaining to economic development, including the study of existing and contemplation of future sales tax incentive programs relating to retail sales within the City of Tuttle and enticements for businesses to remain in or to locate to the City of Tuttle. (Proposed Executive Session pursuant to 25 O.S. Section 307(B)(10) to protect the confidentiality of businesses that may be affected by said discussion and consideration.)

1. CONSIDERATION action related to Executive Session Item 11c

**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. DISCUSSION and related CONSIDERATION regarding the job performance review of the Cowen Group Engineering as the City Engineer

**Council discussed performance of Engineer. Council members had differing opinions on his performance. Young asked that Jeff Cowan speak up when he realizes the City cannot afford certain projects. Cowan thanked the Council for the comments.**

**NEW BUSINESS**

**ANNOUNCEMENTS**

**ADJOURNMENT**

**Motion was made by Littleton, seconded by Smith to adjourn the City Council Meeting at 11:39 p.m.  
Motion carried as follows:  
Aye: Buck, Littleton, McLeroy, Smith and Chester  
Nay: None**

Attest:

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

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