

## Minutes

THE CITY OF TUTTLE COUNCIL MEMBERS MET IN REGULAR SESSION ON **MAY 9, 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, MICHAEL SCOTT, BRUCE ANTHONY, AARON SLATTERY, SEAN DOUGLAS, DENNIS WALL AND LEISA HAYNES

OTHERS PRESENT: MICHAEL FULLER, DUANE ALLEN, STACI ALLEN, JAYSON KNIGHT AND OTHERS THAT DID NOT SIGN IN

**CALL TO ORDER Mayor Chester called the meeting to order at 7:05 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.)

**Michael Fuller discussed noise pollution problems from ATV's driving on property adjacent to his. He asked if there was anything the City could do to stop the vehicles and the noise.**

### 2. PRESENTATIONS, PROCLAMATIONS AND RECOGNITION

a. Recognition of Nash Tabor, Boy Scout in Troop 4338, for earning the rank of Eagle Scout

**Nash Tabor constructed three flag poles at Schrock Park as his Eagle Scout project. The Council and Staff congratulated him for the accomplishment.**

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

**Request to pull Item K and Item N from 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 April 11, 2016

b. APPROVAL minutes for City Council Workshop meeting April 11, 2016

- c. APPROVAL minutes for Special City Council meeting April 18, 2016
- d. ACKNOWLEDGMENT receipt of payroll and claims for April 2016
- e. APPROVAL and RATIFICATION all action taken by the Tuttle Public Works Authority for April 2016
- f. APPROVAL and RATIFICATION all action taken by the Tuttle Development Authority for April 2016
- g. APPROVAL participation in the PSO Peak Performers Program beginning June 1, 2016
- h. APPROVAL of Tuttle Housing Authority Environmental Review paperwork for CFP 2016
- i. APPOINTMENT of Matt Riley to Position 2 on the Parks and Recreation Advisory Board for a term expiring June 30, 2019
- j. REAFFIRMATION OF APPOINTMENT of Jonathan McDermott to Position 4 on the Parks and Recreation Advisory Board for a term expiring June 30, 2016
- k. APPROVAL naming of a private drive in the 1800 Block of N. Frisco Rd. as "Hines Lane" and authorizing the readdressing of the three residential structures along the private drive
- l. ACCEPTANCE donation of utility easements from Donald Jack Traxler, Mike E. Paul Revocable Trust, Mike Edwin Paul, John R. Paul Revocable Trust, John Reginald Paul, Nancy L. Traxler Revocable Trust, Ronald Wayne Traxler and Myra Traxler, and Ronald Wayne Traxler, in Section 28, Township 10 North, Range 5 West
- m. ACCEPTANCE donation of real property in the 4900 Block of E. Silver City Ridge from Donald Jack Traxler, Mike E. Paul Revocable Trust, Mike Edwin Paul, John R. Paul Revocable Trust, John Reginald Paul, Nancy L. Traxler Revocable Trust, Ronald Wayne Traxler and Myra Traxler, and Ronald Wayne Traxler, in Section 28, Township 10 North, Range 5 West for Lift Station #3
- n. APPROVAL for Cowan Engineering Group to engineer a traffic signal to be located at E SH-37 and Sara Rd.
- o. AUTHORIZATION for City Manager and/or Mayor to execute agreements with the Oklahoma Department of Transportation to construct a traffic signal at E SH-37 and Sara Rd
- p. APPROVAL surplus of old/damaged or obsolete equipment
- q. APPROVAL **Budget Amendment 2016-28** use of funds for construction of new outfield fences on two ball fields at Schrock Park

**Motion was made by Smith, seconded by Littleton to approve Consent Docket Items a,b,c,d,e,f,g,h,i,j,l,m,o,p,q,r,s,t,u,v and x. Motion carried as follows:  
 Aye: Buck, Littleton, McLeroy, Smith and Chester  
 Nay: None**

- 5. CONSIDERATION of Items Removed from Consent Docket

**Items k and n were pulled from the consent docket and no action was taken.**

- 6. GENERAL GOVERNMENT

- a. DISCUSSION and related CONSIDERATION request of Gordon Garrett of Boy Scout Troup 4338 to construct a Welcome to Tuttle sign on W Main St in front of Schrock Park as an Eagle Scout project

**Gordon Garrett presented his Eagle Scout project plan for a welcome to Tuttle sign west of town by Schrock Park.**

**Motion was made by Littleton, seconded by Smith to approve sign construction as requested. Motion carried as follows:**

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

**Nay: None**

- b. DISCUSSION and related CONSIDERATION authorization to seek bids for repairs to and replacement of various city building roofs

**Slattery presented request to seek bids for the roof repairs. Littleton suggested making an appeal to the insurance company for more than the cost of repairs.**

**Motion was made by McLeroy, seconded by Littleton to authorize staff to seek bids as requested. Motion carried as follows:**

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

**Nay: None**

## 7. COMMUNITY DEVELOPMENT

- a. DISCUSSION and related CONSIDERATION regarding **Ordinance 2016-11** (PC 2016-18) request of Duane and Staci Allen to rezone approximately 2.0 acres located in the 1800 Block of N. Frisco Rd. from the General Agricultural A-1 District to the Residential Estates R-1B District

**Young presented this splits two acres from a nine acre tract. Planning Commission approved contingent on rezoning passing and updated easement provided.**

**Perryman explained easement and that it should be attached to the land by deed which then transfer with the property.**

**Motion was made by Smith, seconded by Buck to TABLE this item until the June meeting. Motion carried as follows:**

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

**Nay: None**

- b. DISCUSSION and related CONSIDERATION authorizing creation of the Tuttle 2040 Plan

**Members and staff discussed that two council members and two residents from each ward should be appointed to the committee.**

**Motion was made by Littleton, seconded by Buck to authorize the creation of the Tuttle 2040 as requested. Motion carried as follows:**

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

**Nay: None**

- c. DISCUSSION and related CONSIDERATION regarding **Ordinance 2016-09** adopting the 2015 International Building Code and other related construction codes, adopt the 2014 National Electric Code, and add a penalty for beginning work without approved permits

**Young presented penalty should be twice the cost of the permit if work begins prior to obtaining the permit.**

**Motion was made by Littleton, seconded by Smith to adopt Ordinance 2016-09 as requested. Motion carried as follows:**

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

**Nay: None**

**Mayor Chester stepped out of the meeting.**

- d. DISCUSSION and related CONSIDERATION regarding **Ordinance 2016-13** authorizing an abatement administration fee

**Young presented staff is currently tracking all costs associated with abatement and a flat fee of \$200 would cover the administrative costs simplifying the tracking process.**

**Motion was made by Smith, seconded by McLeroy to adopt Ordinance 2016-13 as requested. Motion carried as follows:**

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

**Nay: None**

- e. DISCUSSION and related CONSIDERATION of **Resolution 2016-14** amending the Community Development Fee Schedule regarding fees for abatement administration and other Community Development fees

**Motion was made by Littleton, seconded by Smith to adopt Resolution 2016-14 as requested. Motion carried as follows:**

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

**Nay: None**

**Mayor Chester returned to the meeting.**

- f. HEARING, DISCUSSION, and related CONSIDERATION declaring structures located at 3316 Fryrear Dr. as dilapidated and ordering the abatement/removal of the dilapidated structures (CE 2016-006)

**Wall presented the property is abandoned, it has flooded at least twice and there is black mold inside.**

**Motion was made by Smith, seconded by Buck to declare structure as dilapidated.**

**Motion carried as follows:**

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

**Nay: None**

- g. DISCUSSION and related CONSIDERATION amendment regarding Ordinance 2016-14 amending fee structure for oil and gas drilling

**Young presented two more drilling permits have been submitted. The fee structure needs to be resolved. McLeroy presented this needs immediate action. Perryman presented no other models to review. Slattery presented the cost estimate for**

Cemetery Rd. has been conducted. Young presented oil company is violating the Special Use Permit. Perryman presented a citation can be written every day that they are in violation. Staff and Council discussed the appropriate amount for fees. Young presented no city sales tax is being collected and Perryman said a cash bond may be an option. Perryman asked the council if they wanted the following fee charges; the well permit fee be raised to \$15,000, the annual inspection fee be raised to \$2,500, and charge \$25,000 bond per well hole. This will apply to all permits received after this date.

Motion was made by McLeroy, seconded by Chester to adopt Ordinance 2016-14 amending the fee structure for permits to \$15,000, inspections to \$2,500, bond of \$25,000 per well and eliminating the current fee reduction of \$10,000 for additional wells. Motion carried as follows:

Aye: Buck, Littleton, McLeroy, Smith and Chester  
Nay: None

Motion was made by Smith, seconded by McLeroy to approve Emergency Clause for Ordinance 2016-14. Motion carried as follows:

Aye: Buck, Littleton, McLeroy, Smith and Chester  
Nay: None

- h. DISCUSSION and related CONSIDERATION amendment regarding Ordinance 2016-15 amending road usage fees

McLeroy asked if this will affect those outside of City limits. Young said yes it will apply. Perryman presented any vehicle using city streets will be subject to this Ordinance. Council and staff discussed how this will impact all businesses.

Motion was made by Smith, seconded by Buck to adopt Ordinance 2016-15 as requested. Motion carried as follows:

Aye: Buck, Littleton, McLeroy, Smith and Chester  
Nay: None

Motion was made by Smith, seconded by Buck to approve Emergency Clause for Ordinance 2016-15. Motion carried as follows:

Aye: Buck, Littleton, McLeroy, Smith and Chester  
Nay: None

8. PUBLIC SAFETY

- a. DISCUSSION and related CONSIDERATION regarding Ordinance 2016-08 (PC 2016-16) amending the Zoning Code and Code of Ordinances allowing miniature pigs as allowed animals in residential areas

Young presented Planning Commission looked at proposed ordinance and were not sure about the weight or size limit. They asked that McLeroy suggest a size or weight. McLeroy said size or weight is irrelevant. McLeroy asked why we have a fee for pets and he would like to amend or remove the fee. Buck presented the registration is in place to track current rabies shots. Young presented it also is to track owner of pet. Young asked if the weight should remain in the Ordinance. Members said it did not matter, no one will be weighing the animals.

**Motion was made by Smith, seconded by Chester to adopt Ordinance 2016-08 as requested. Motion carried as follows:**

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

**Nay: None**

- b. DISCUSSION and related CONSIDERATION of **Resolution 2016-13** amending the fee schedule for Animal Welfare Services

**McLeroy would like to remove the fee for all pet registrations. Young said the fee schedule needs to be updated. Council suggested that staff review the fee schedule.**

**Motion was made by Littleton, seconded by Smith to TABLE Resolution 2016-13 directing staff to review and update the fee schedule. Motion carried as follows:**

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

**Nay: None**

9. STREETS

- a. DISCUSSION and related CONSIDERATION regarding **Ordinance 2016-12** authorizing the charging of a fee for oversized vehicle permits

**Smith asked what defines an oversized vehicle. Council discussed what defines oversize. Young said state rules will apply. Perryman presented adopting according to Department of Public Safety chart.**

**Motion was made by Smith, seconded by Buck to adopt Ordinance 2016-12 as requested. Motion carried as follows:**

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

**Nay: None**

- b. DISCUSSION and related CONSIDERATION of **Resolution 2016-15** amending the fee schedule for Police Department Services

**Motion was made by Smith, seconded by McLeroy to adopt Resolution 2016-15 as amended with versize vehicle permit be 75% of fee set by Department of Public Safety. Motion carried as follows:**

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

**Nay: None**

10. PARKS, RECREATION, AND CEMETERIES

- a. DISCUSSION and related CONSIDERATION of **Ordinance 2016-10** amending the residency requirements for members on the Parks, Recreation and Beautification Board

**Young presented this allows for those who live outside city limits to be on the board.**

**Motion was made by Littleton, seconded by Buck to adopt Ordinance 2016-10 as requested. Motion carried as follows:**

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

**Nay: None**

11. INFORMATION AND REPORTS

a. City Manager and Department Reports

**Young presented auditors report that City of Yukon problems began when Council stopped getting a monthly treasurer's report. Young presented this is now a problem we have with the current treasurer. The vacant finance position needs to be restored and the council should be informed about the finances. Staff and Council need to work on a solution.**

**Field trip to look at fiber system. Sewer project moving ahead, notice to proceed has been signed. Three easements left to obtain. Working on City app. Sewer financing funds can be used for equipment purchases.**

b. Councilmember Reports

**McLeroy asked about water meter project. Slattery said he will ask for update from Engineer. Chester asked about the other Worley Creek property that is vacant. Young said action was taken on the first one because it is on the market for sale. Douglas presented Pittenridge contracts for abatement are being obtained by Public Works. Chester asked about water to sell this summer. Slattery said we are not buying any water currently and we anticipate plenty for the summer. Young said Newcastle has no problem selling water to Tuttle.**

**Motion was made by McLeroy, seconded by Littleton to recess the City Council Meeting at 9:03 p.m. and begin the Tuttle Public Works Authority meeting.**

**Motion carried as follows:**

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

**Nay: None**

**Mayor Chester reconvened the City Council Meeting at 9:10 p.m.**

**Motion was made by Littleton, seconded by Smith to enter Executive Session at 9:16 p.m.**

**Motion carried as follows:**

**Aye: Buck, Littleton, McLeroy, 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 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 12a

b. CONSIDERATION to take appropriate action regarding Jeremy McQuerry Tort Claim in excess of \$10,000. (Proposed Executive Session pursuant to 25 O.S. Section 307(B)(4) for confidential communications between the City Council and its attorney concerning a

pending claim, if the City Council, with the advice of its attorney, determines that disclosure will seriously impair the ability of the City Council to process the claim in the public interest.)

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

**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.**

**Motion was made by Smith, seconded by Littleton to refuse Tort Claim Item 12b.**

**Motion carried as follows:**

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

**Nay: None**

**Motion was made by Littleton, seconded by Smith to adjourn the City Council Meeting at 10:35 p.m.**

**Motion carried as follows:**

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

**Nay: None**

Attest:

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

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