

Minutes

THE CITY OF TUTTLE COUNCIL MEMBERS MET IN REGULAR SESSION ON **JUNE 13, 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, DENNIS WALL AND LEISA HAYNES

OTHERS PRESENT: MICHAEL FULLER, DUANE ALLEN, BILL HUFFMAN, SEAN FAIRBAIRN, JAMES WOODS, MIKE HOFSTROM, TREVOR HENSON, NICHOLAS TURNER, TED DUNN, GRANT SCHWABE, MATT STACY, ANTONIO JOHNSON, 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.)

Howard Arterberry received a courtesy notice for property he is renovating and presented his disappointment with the city for serving the notice.

2. PRESENTATIONS, PROCLAMATIONS AND RECOGNITION

a. Presentation by Republic Services regarding potential recycling program

Representatives from Republic Services presented information regarding a recycling program

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 May 9, 2016

b. APPROVAL minutes for City Council Workshop meeting May 9, 2016

- c. ACKNOWLEDGMENT receipt of payroll and claims for May 2016
- d. APPROVAL and RATIFICATION all action taken by the Tuttle Public Works Authority for May 2016
- e. APPROVAL and RATIFICATION all action taken by the Tuttle Development Authority for May 2016
- f. APPROVAL reappointment of Jonathan McDermott to Position 4 on the Parks and Recreation Board for a term ending June 30, 2021
- g. APPROVAL reappointment of Roberta Hinkle to Position 1 on the Cemetery Advisory Committee for a term ending June 30, 2019
- h. APPROVAL reappointment of Jeff Woodyard to Position 1 on the Planning Commission for a term ending June 30, 2019
- i. APPROVAL reappointment of Linda Flowers to Position 1 on the Board of Adjustment for a term ending June 30, 2019
- j. APPROVAL Mutual-Aid Agreement between the Emergency Management Department and Grady County Emergency Management.
- k. TABLE 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 to the July 11, 2016 City Council meeting
- l. TABLE **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 to the July 11, 2016 City Council meeting
- m. APPROVAL Public Works Project contract between Oklahoma Department of Corrections and the City of Tuttle for Fiscal Year 2017
- n. APPROVAL Grady County Criminal Justice Authority Jail Service Agreement for July 1, 2016 through June 30, 2017
- o. APPROVAL **Resolution 2016-18** establishing the 911 emergency telephone fee rate for calendar year 2017
- p. APPROVAL for Cowan Engineering Group to engineer a traffic signal to be located at E SH-37 and Sara Rd.
- q. APPROVAL Collection Services agreement with American Municipal Services for Municipal Utility, EMS and Miscellaneous collections
- r. APPROVAL authorization for placement of a four-way stop at the intersection of E Tyler Dr at Riata Rd/Eagle Ridge Rd
- s. ACKNOWLEDGEMENT receipt of invoice from the Oklahoma Department of Transportation in the amount of \$32,214.34 for the remaining balance due for the S Cimarron Rd Reconstruction Project (STP-126C(192)AG; JPN 28424(04)
- t. ACCEPTANCE of a utility easement from Jackie Hill, Jr. in the 1900 Block of N Mustang Rd
- u. APPROVAL Change Order in the amount of \$3,510 to JTM Services for work at the new Tuttle Soccer Complex
- v. ACKNOWLEDGEMENT of emergency spending to make emergency repairs to N Cemetery Rd in excess of \$10,000

w. AUTHORIZATION to spend up to \$40,000 on various street repairs

Motion was made by Smith, seconded by Littleton to TABLE items k and l until the July meeting. Motion carried as follows:

Aye: Buck, Littleton, McLeroy, Smith and Chester

Nay: None

Motion was made by Littleton, seconded by Smith to approve Consent Docket Items a,b,c,d,e,f,g,h,i,j,m,o,p,q,r,s,t,u,v and w. Motion carried as follows:

Aye: Buck, Littleton, McLeroy, Smith and Chester

Nay: None

5. CONSIDERATION of Items Removed from Consent Docket

Strike

6. GENERAL GOVERNMENT

a. DISCUSSION and related CONSIDERATION award of contract for repairs to damaged roofs at the Animal Control Building, Public Works Building, and Fire Station #1.

Slattery presented quotes were received for the Fire Station and Public Works buildings. Animal Control and Police Department quotes are pending.

Motion was made by Smith, seconded by Chester to award contract for repair of Public Works building and Fire Station to Land Run Roofing. Motion carried as follows:

Aye: Buck, Littleton, McLeroy, Smith and Chester

Nay: None

b. DISCUSSION and related CONSIDERATION award of contract for repairs to a damaged roof at the Police Department

Motion was made by Littleton, seconded by Smith to TABLE this item until the July meeting. Motion carried as follows:

Aye: Buck, Littleton, McLeroy, Smith and Chester

Nay: None

c. DISCUSSION regarding rate increase of health care premiums paid by the City of Tuttle for city employees

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

Aye: Buck, Littleton, McLeroy, Smith and Chester

Nay: None

7. COMMUNITY DEVELOPMENT

a. HEARING, DISCUSSION, and related CONSIDERATION declaring structures located at 3201 Stone Dr. as dilapidated and ordering the abatement/removal of the dilapidated structures (CE 2016-07)

Wall presented this home has flooded three times that he is aware of and it is is the

flood way. He noted there has been work going on inside the house. GMAC is the owner. Schwalbe spoke on behalf of OCWEN the loan holder. Douglas presented the house needs to be brought into compliance by elevating or demolish.

Motion was made by McLeroy, seconded by Smith to TABLE this item until the July meeting. Motion carried as follows:

Aye: Buck, Littleton, McLeroy, Smith and Chester

Nay: None

- b. DISCUSSION, and related CONSIDERATION regarding **Ordinance 2016-19** (PC 2016-21) request of Carlos C. Bromlow to rezone approximately 0.3 acres located at 501 W. Elm St. from the Two-Family Residential R-2 District to the Single-Family Residential R-1 District

Young presented the owner's plan is to build two single family homes.

Motion was made by Littleton, seconded by Buck to approve the rezoning as requested. Motion carried as follows:

Aye: Buck, Littleton, McLeroy, Smith and Chester

Nay: None

Chester asked that citizen's that did not speak at the beginning of the meeting be allowed to speak now.

Lauri Caldwell from AT&T requested a variance from the solicitor's license daily rate of \$25 and requested a monthly or yearly rate.

Ron Seikel presented request for City Council to participate in a yearly first responder's day. Chester asked him to contact the City Manager.

- c. DISCUSSION, and related CONSIDERATION regarding **Ordinance 2016-20** (PC 2016-23) request of Ash Business Center to rezone approximately 2.6 acres located at 2412 E. SH-37 from the Convenience Commercial C-2 District to the Automotive and Commercial Recreation C-5 District

Young presented furniture sales are not allowed in the current C-2 zone and this area should be C-5. This was zoned when C-2 was the highest zoning.

Motion was made by Smith, seconded by Buck to approve the rezoning as requested. Motion carried as follows:

Aye: Buck, Littleton, McLeroy, Smith and Chester

Nay: None

- d. DISCUSSION and related CONSIDERATION regarding the violation of Specific Use Permit issued to Citizen Energy (Resolution 2016-07; PC 2016-08) for an oil and gas drilling permit in the 2300 Block of E. Tyler Dr. Possible action includes making a recommendation to revoke or amend (**through Resolution 2016-17**) the SUP or other appropriate action.

- e. PUBLIC HEARING, DISCUSSION, and related CONSIDERATION regarding **Resolution 2016-17** (PC 2016-24), request of Citizen Energy for an oil and gas drilling permit in the 2300 Block of E. Tyler Dr. (this is an additional well at the same site approved in PC 2016-

08 and will amend Resolution 2016-07)

Items d and e were discussed together as one discussion

Wood presented on behalf of Citizen Energy and apologized for the lack of communication. Chester asked if they are drilling without a permit. Young presented the permit was approved but has been suspended. Buck presented the truck routes are not being followed as required, they are blocking the road, running vehicles off the road, making too much noise and not being a good neighbor. McLeroy presented they have not held up their part of the agreement and are taking advantage of the City. Chester presented that the citizens of Tuttle deserve better treatment. Woods presented they can't do much about the noise and they have paid the City \$15,000 for the road repair. Young presented that the Planning Commission shared the same concerns. Planning Commission voted 4-0 to amend the SUP through Resolution 2016-17 regarding the driveway and to allow for second well hole drilling.

Motion was made by Littleton, seconded by Smith for Items d and e approving Resolution 2016-17 amending the SUP and approving the drilling permit as requested. Motion carried as follows:

Aye: Buck, Littleton and Smith

Nay: McLeroy and Chester

- f. DISCUSSION and related CONSIDERATION regarding **Ordinance 2016-16** (PC 2016-28) amending the Tuttle Subdivision Regulations regarding lot splits, lot merges, lot line adjustments, and plat amendments

Motion was made by Smith, seconded by Littleton to adopt Ordinance 2016-16 as requested. Motion carried as follows:

Aye: Buck, Littleton, McLeroy, Smith and Chester

Nay: None

- g. DISCUSSION and related CONSIDERATION regarding **Ordinance 2016-17** (PC 2016-29) amending the Tuttle Subdivision Regulations regarding platting fees

Young presented fees need to be amended and adjusted.

Motion was made by Smith, seconded by Buck to adopt Ordinance 2016-17 as requested. Motion carried as follows:

Aye: Buck, Littleton, McLeroy, Smith and Chester

Nay: None

- h. DISCUSSION and related CONSIDERATION regarding **Ordinance 2016-18** authorizing invoicing of permittees for costs of contracting out services associated with issuance of permits and/or compliance with codes

Douglas presented this allows for review of plans to be contracted out and charge permittees.

Motion was made by Littleton, seconded by Buck to adopt Ordinance 2016-18 as

requested. Motion carried as follows:
Aye: Buck, Littleton, McLeroy, Smith and Chester
Nay: None

- i. DISCUSSION and related CONSIDERATION regarding **Resolution 2016-16** amending the Community Development Fee Schedule

Young presented this moves the fees to a fee schedule for oil and gas.

Motion was made by Littleton, seconded by Smith to approve Resolution 2016-16 as requested. Motion carried as follows:

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

- j. DISCUSSION and related CONSIDERATION update regarding the creation of the Tuttle 2040 Comprehensive Plan, including selection of two members of the City Council to serve on the Tuttle 2040 Steering Committee

Young requested nominees. Smith asked for more time.

No Action Taken

8. PUBLIC SAFETY

- a. DISCUSSION and related CONSIDERATION regarding purchase of tough books for Fire and EMS departments by reimbursable 522 board funds

Anthony presented request for purchase and presented a sample tough book. These will be used in Fire and EMS vehicles. 522 board will fully reimburse the purchase.

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

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

9. INFORMATION AND REPORTS

- a. City Manager and Department Reports

Cluck presented Police department is actively testing 5 candidates for hiring one position.

Slattery presented well #12 is almost complete and under budget. Water is above normal use. Well #9 may need a new pump. Automated Water and gas meter installation to begin June 27.

Young presented sewer project Notice to Proceed has been issued.

- b. Councilmember Reports

Smith presented Sr. Citizen asphalt parking looks very good.

Littleton received request about a home based daycare in his ward.

McLeroy asked if the hog barn at school submitted a building permit.

Young presented no documentation or payment has been received.

Motion was made by Littleton, seconded by Smith to recess the City Council Meeting at 9:14 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 10:16 p.m.

Motion was made by McLeroy, seconded by Littleton to enter Executive Session at 10:16 p.m.

Motion carried as follows:

Aye: Buck, Littleton, McLeroy, Smith and Chester

Nay: None

10. 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 regarding the purchase of real estate.** (Proposed Executive Session pursuant to 25 O.S. Section 307(B)(3) to discuss and negotiate the possible purchase of real estate. The Governing Body 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 10a**

- b. **CONSIDERATION regarding matters pertaining to economic development, including the study of existing and contemplation of business incentive 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. The Governing Body 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 10b**

- c. **CONSIDERATION and take appropriate action regarding a potential legal claim the City of Tuttle may have against Citizen Energy regarding damage to Tuttle area roads** (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. The Governing Body 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 10c**

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.

NEW BUSINESS

ANNOUNCEMENTS

ADJOURNMENT

Motion was made by Littleton, seconded by Smith to adjourn the City Council Meeting at 11:02 p.m.

Motion carried as follows:

Aye: Buck, Littleton, McLeroy, Smith and Chester

Nay: None

Attest:

Wendy Marble, City Clerk

Tommy Joe Chester, Mayor