

Minutes

THE CITY OF TUTTLE COUNCIL MEMBERS MET IN REGULAR SESSION ON **JANUARY 9, 2017 at 7:00 P.M.** IN THE TUTTLE CITY HALL LOCATED AT 221 W. MAIN STREET.

MEMBERS PRESENT: TERESA BUCK, MARY SMITH, AARON MCLEROY, TODD LITTLETON AND TOMMY JOE CHESTER

MEMBERS ABSENT: NONE

STAFF PRESENT: TIM YOUNG, DAVID PERRYMAN, WENDY MARBLE, DON CLUCK, AARON SLATTERY, SEAN DOUGLAS, BRUCE ANTHONY, GENE PFLUGHOFT, JEFF ALTHOFF AND SEAN FAIRBAIRN

OTHERS PRESENT: SCOTT DICKSON, RICK SMITH, ALLEN BROOKS, JASON KNIGHT AND OTHERS THAT DID NOT SIGN IN

CALL TO ORDER Mayor Chester called the meeting to order at 7:012 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.)

None

2. PRESENTATIONS, PROCLAMATIONS AND RECOGNITION

None

3. Discussion and questions regarding items on the consent docket

McLeroy requested striking Item j from the consent docket

Smith requested striking Item i 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 December 12, 2016

b. APPROVAL minutes for City Council Workshop meeting December 12, 2016

c. ACKNOWLEDGMENT receipt of payroll and claims for December 2016

- d. APPROVAL and RATIFICATION all action taken by the Tuttle Public Works Authority for December 2016
 - e. APPROVAL and RATIFICATION all action taken by the Tuttle Development Authority for December 2016
 - f. APPROVAL of Project Agreement with the Oklahoma Department of Transportation regarding the installation of new traffic signals at E SH-37 and Sara Rd (Project No HSIP-266B(O47)TR, JP #32880(04))
 - g. APPROVAL of payment to the Oklahoma Department of Transportation in the amount of \$56,821.39 for the city's portion of the cost to install a new traffic signals at E SH-37 and Sara Rd (Project No HSIP-266B(O47)TR, JP #32880(04))
 - h. APPROVAL of Budget Amendment 2016-047 addressing year-end Fire and EMS salaries
 - i. APPROVAL of purchase of a new ambulance for the Emergency Medical Services Department from Frazer, Ltd. in the amount of \$240,000.00
 - j. APPROVAL of purchase of a new turf mower to be shared between the Parks Department, Streets Department, and Cemetery Department from Professional Turf Products in the amount of \$105,744.73
 - k. APPROVAL declaring structures located at 3201 Stone Dr. as dilapidated and condemned, and ordering the abatement/removal of the dilapidated structures (**CE 2016-07**) Tabled June 13, 2016, July 11, 2016, August 8, 2016, September 12, 2016, October 10, 2016 and November 14, 2016 to January 9, 2017
 - l. APPROVAL **Resolution 2017-01** directing staff to apply for Recreational Trails Program grant funds through the Oklahoma Department of Tourism & Recreation
 - m. APPROVAL Emergency Management Performance Grant 1st Quarter Report
 - n. APPROVAL Budget Amendment 2017-001 making Emergency Management Performance Grant 1st quarter disbursement available for use by the Emergency Management Department
 - o. ACCEPTANCE of easement from Robert and Cathy Prater at 201 Willow Creek Dr
 - p. APPROVAL update to minutes for City Council meeting August 8, 2016
 - q. APPROVAL **Resolution 2017-02** directing staff to apply for Staffing for Adequate Fire and Emergency Response grant funds through the Federal Emergency Management Agency
- Motion was made by Littleton, seconded by Smith to approve Consent Docket Items a,b,c,d,e,f,g,h,k,l,m,n,o,p and q. McLeroy abstained from the vote. Motion carried as follows:**
- Aye: Buck, Littleton, Smith and Chester**
- Nay: McLeroy**
- 5. CONSIDERATION of Items Removed from Consent Docket
 - Strike**
 - 6. COMMUNITY DEVELOPMENT
 - a. DISCUSSION and related CONSIDERATION regarding PC 2016-46 request of Don Phillips for a design review for an exception to the non-metal coverage requirements of Section 30d of the Tuttle Zoning Code for a proposed residential structure at 5115 Hughes Dr (applicant is appealing the denial of this request by the Planning Commission)

Don Phillips presented his building plan to the Council and requested a variance from the zoning code.

Motion was made by Littleton, seconded by Buck to approve request for design review exception. Motion carried as follows:

Aye: Buck, Littleton, McLeroy, Smith and Chester

Nay: None

- b. DISCUSSION and related CONSIDERATION regarding **Ordinance 2017-01** (PC 2017-01) the request of Ray and Terri Clark to rezone property located at 7003 Cedar Hill from the General Agricultural A-1 District to the Urban Estates Residential R-1A District

Young presented this rezoning is required to split the lot.

Motion was made by Smith, seconded by McLeroy to approve Ordinance 2017-01 request for rezoning. Motion carried as follows:

Aye: Buck, Littleton, McLeroy, Smith and Chester

Nay: None

- c. DISCUSSION and related CONSIDERATION regarding **Ordinance 2017-02** (PC 2017-04) the request of Barry L. Bayliff to rezone property located at 2105 E SH-37 from the Light Office O-1 District to the General Employment C-5 District

Young presented request to rezone for owner to sell west portion of property.

Motion was made by Littleton, seconded by Chester to approve Ordinance 2017-02 for rezoning. Motion carried as follows:

Aye: Buck, Littleton, McLeroy, Smith and Chester

Nay: None

- d. DISCUSSION and related CONSIDERATION request of Dennis Meyer for the City Council to waive the stormwater drainage requirements for the expansion the mini-storage business at 2800 E SH-37

Dennis Meyer presented his request to waive storm water drainage requirements.

Motion was made by Littleton, seconded by Chester to approve waiving the storm water drainage requirements with liability for drainage remaining with the property owner. Motion carried as follows:

Aye: Buck, Littleton, McLeroy, Smith and Chester

Nay: None

- e. DISCUSSION and related CONSIDERATION update regarding the creation of the Tuttle 2040 Comprehensive Plan

Pflughoft presented meeting with the consultant for the plan this week and he will be setting the meeting dates

No Action Taken

7. GENERAL GOVERNMENT

- a. CONSIDER AND TAKE ACTION WITH RESPECT TO A RESOLUTION (**Resolution 2017-03**) OF THE CITY OF TUTTLE, OKLAHOMA (THE "CITY") APPROVING THE INCURRENCE OF INDEBTEDNESS BY THE TUTTLE PUBLIC WORKS AUTHORITY (THE "AUTHORITY") ISSUING ITS UTILITY SYSTEM REVENUE NOTE, TAXABLE SERIES 2017 (THE "NOTE"); PROVIDING THAT THE ORGANIZATIONAL DOCUMENT CREATING THE AUTHORITY IS SUBJECT TO THE PROVISIONS OF THE INDENTURE AUTHORIZING THE ISSUANCE OF SAID NOTE; WAIVING COMPETITIVE BIDDING WITH RESPECT TO THE SALE OF SAID NOTE AND APPROVING THE PROCEEDINGS OF THE AUTHORITY PERTAINING TO THE SALE OF SAID NOTE; RATIFYING AND CONFIRMING AN AMENDED LEASE AGREEMENT AND OPERATION AND MAINTENANCE CONTRACT, AS AMENDED BY AN AMENDMENT TO AMENDED LEASE AGREEMENT AND OPERATION AND MAINTENANCE CONTRACT; AND CONTAINING OTHER PROVISIONS RELATING THERETO.

Rick Smith presented details of the utility loan and recommended awarding the bid to First National Bank.

Motion was made by Smith, seconded by Littleton to approve Resolution 2017-03 awarding utility note bid to First National Bank at 4.95% including origination fees of \$8500. Motion carried as follows:

Aye: Buck, Littleton, McLeroy, Smith and Chester

Nay: None

8. INFORMATION AND REPORTS

- a. City Manager and Department Reports

Slattery presented gas system loss to approximately 16 homes during single digit temperatures. Slattery presented this is a supplier issue with Oklahoma Natural Gas and he has met with them to work on resolving the problem.

Young reminded Council and Staff of the January 23, 2017 meeting.

Cluck presented K-9 information about the yearly cost and the number of times the dog and officer are deployed. Chester asked what other departments have dogs. Council asked staff to explore options to discontinue the K-9 program.

- b. Councilmember Reports

Littleton discussed business on Highway 37 east of Morgan Rd. that is not complying with their Specific Use Permit. Pflughoft presented he is communicating with them and they are working on constructing a fence and have move inventory to a warehouse.

Motion was made by Littleton, seconded by Buck to recess the City Council Meeting at 8:20 p.m. until the conclusion of the Tuttle Public Works Authority and Tuttle Development Authority meetings.

Motion carried as follows:

Aye: Buck, Littleton, McLeroy, Smith and Chester

Nay: None

Motion was made by Littleton, seconded by Smith to reconvene the City Council Meeting Executive Session at 8:27 p.m. with a five-minute break.

Motion carried as follows:

Aye: Buck, Littleton, McLeroy, Smith and Chester

Nay: None

9. 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 and take appropriate action regarding a potential legal claim the City of Tuttle may have against a former employee** (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 9a**

b. **CONSIDERATION and take appropriate action regarding a potential legal claim the City of Tuttle may have against a former employee** (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 9b**

c. **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 9c**

Motion was made by Littleton, seconded by Smith to reconvene the City Council Meeting at 9:00 p.m.

Motion carried as follows:

Aye: Buck, Littleton, McLeroy, Smith and Chester

Nay: None

Perryman announced for the record that only Item C was discussed in Executive Session and no action was taken in Executive Session.

NEW BUSINESS

ANNOUNCEMENTS

1. City Council Workshop on Monday, January 23, 2017 at 6:00 pm
2. City Council Meeting on Monday, February 13, 2017 at 7:00 pm (workshop at 6:00 pm)

ADJOURNMENT

Motion was made by Littleton, seconded by Smith to adjourn the City Council Meeting at 9:02 p.m.

Motion carried as follows:

Aye: Buck, Littleton, McLeroy, Smith and Chester

Nay: None

Attest:

Wendy Marble, City Clerk

Tommy Joe Chester, Mayor