

Minutes

THE CITY OF TUTTLE COUNCIL MEMBERS MET IN REGULAR SESSION ON **FEBRUARY 13, 2017** at **7:00 P.M.** IN THE TUTTLE CITY HALL LOCATED AT 221 W. MAIN STREET.

MEMBERS PRESENT: TERESA BUCK, TODD LITTLETON, AARON MCLEROY, MARY SMITH 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, JACQUELYN PORTER, JEFF ALTHOFF AND SEAN FAIRBAIRN

OTHERS PRESENT: PHIL WALTON, KIM NELSON, DEXTER NELSON, LOGAN ALTHOFF, TYLER ALTHOFF, BILL KERBER, BOB MCGUFFEY, JIMMY CARTER, DALLAS CARTER, JEFF HILL, CRAIG HOELTING, DEBRA COOPER, LYNDL HILL, GERALD FAIN, ANNA FAIN, MICHAEL WALL, MIKE OWENS, KRISTY BOREN, DANIEL FRANKS, KALA PENNINGTON, RANDALL BURRIS, JIM PENNINGTON, GAYLENE DURHAM, LESLIE WALKER, SCOTT DICKSON, JASON 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 Boy Scout Troop 4338 presented the flag and 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.)

Mayor presented citizens could speak when the item comes up on the agenda.

2. PRESENTATIONS, PROCLAMATIONS AND RECOGNITION

a. Presentation of Oklahoma Emergency Management Week Proclamation

Mayor read proclamation proclaiming March 5th as Oklahoma Emergency Management Week

3. Discussion and questions regarding items on the consent docket

McLeroy requested Item j be considered at the next meeting

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 January 9, 2017
- b. APPROVAL minutes for City Council Workshop meeting January 9, 2017
- c. APPROVAL minutes for City Council Workshop meeting January 23, 2017
- d. ACKNOWLEDGMENT receipt of payroll and claims for January 2017
- e. APPROVAL and RATIFICATION all action taken by the Tuttle Public Works Authority for January 2017
- f. APPROVAL and RATIFICATION all action taken by the Tuttle Development Authority for January 2017
- g. APPROVAL of purchase of a new ambulance for the Emergency Medical Services Department from Frazer, Ltd. in the amount of \$240,000.00
- h. ACKNOWLEDGEMENT and ACCEPTANCE of resignation of Matt Riley from Position 2 of the Parks, Recreation, and Beautification Board, term expiring June 30, 2019
- i. ACKNOWLEDGEMENT and ACCEPTANCE of resignation of Shelley Overholt from Position 5 of the Parks, Recreation, and Beautification Board, term expiring June 30, 2017
- j. APPROVAL User Agreement between the City of Tuttle and Tuttle Athletic Sports Association for use of Schrock Park Ball Field facilities for 2017
- k. APPROVAL User Agreement between the City of Tuttle and Tuttle Round-Up Club for use of Schrock Park Ball rodeo facilities for 2017
- l. APPROVAL User Agreement between the City of Tuttle and the Silver City Antique Tractor Club for use of Schrock Park tractor pull facilities for 2017
- m. DECLARING SURPLUS the Police Department's drug dog and related equipment and donating to the Mustang Police Department
- n. APPROVAL release of a performance bond submitted by Deer Ridge Run, LLC to guarantee the completion of the drainage infrastructure in Deer Ridge Run Phases 1 & 2 (PC 2014-06 & 23)
- o. APPROVAL placement of 4-way stop signs as traffic control at the intersection of SW 3rd St and S Bond St
- p. APPROVAL Budget Amendment 2017-003 adjusting budget for expenditures related to Emergency Management Performance Grant received in FY 2016
- q. APPROVAL Budget Amendment 2017-004 adjusting budget for expenditures related to Hospital Preparedness Program Grant received in FY 2016
- r. APPROVAL Budget Amendment 2017-005 adjusting budget for expenditures related to Oklahoma Forestry Services Operational Assistance Grant received in FY 2016
- s. APPROVAL of purchase of a power load system for the new ambulance for the Emergency Medical Services Department from Stryker in the amount of \$23,561.05
- t. APPROVAL of Soccer Complex fencing quote provided by Craddock Fencing in an amount not to exceed \$40,000

- u. APPROVAL Understanding of Long-Term Obligations for Fiscal Year 2016 Staffing for Adequate Fire and Emergency Response grant program
- v. APPROVAL services agreement with Mark Seibold, AIA AICP for consulting services for the Tuttle 2040 long range plan

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

5. CONSIDERATION of Items Removed from Consent Docket

Strike

6. COMMUNITY DEVELOPMENT

- a. DISCUSSION and related CONSIDERATION regarding **Ordinance 2017-03** (PC 2017-06) the request of Noel Owens to rezone property located at 400 Clifton Dr from the General Agricultural A-1 District to the Residential Estates R-1B District

Young presented the Planning Commission approved rezoning 4-0 and recommended City Council approval. McLeroy requested postponing until more information is provided about how the lot will be split. Owen presented his plan and said it will only be split in half for two homes to be built.

**Motion was made by Smith, seconded by Buck to adopt Ordinance 2017-03 request for rezoning. Motion carried as follows:
Aye: Buck, Littleton, McLeroy, Smith and Chester
Nay: None**

- b. DISCUSSION and related CONSIDERATION regarding the possible revocation of the Specific Use Permit (PC 2016-07) issued to Daniel Franks and James Brooks to operate a light-manufacturing business at 7318 E SH-37

Mayor Chester asked Mr. Hill if he would like to speak. Jeff Hill presented photographs as he voiced his concerns about the rezoning approved last March. He noted that the owners assured the city it would be kept clean and orderly which has not happened. Hill received complaints from residents so he called the city manager last September to notify him of the violations he was observing. He called again in November and January to notify and also present safety concerns from semi-trucks on the highway. Hill quoted portions of the Specific Use Permit that are being violated. Hill presented the business owners did not start the cleanup until the possible revocation was placed on the agenda. He noted that the business is still not in full compliance with the agreement. He asked the Council to revoke the Specific Use Permit. M. Wall agreed with Hill about safety concerns on the highway and asked for the Specific Use Permit to be revoked.

J. K. Brooks, business owner, presented the inventory and manufacturing has been moved to a warehouse in Oklahoma City, he noted the fork lifts and trucks have not been unloading on the highway center median. He agreed that he did not keep the property in compliance and spoke to G. Pflughoft about violations several times asking what to do to be compliant. They built a fence and removed all items stored

outside. McLeroy asked why they waited to comply. Brooks noted they had asked repeatedly what they needed to do and stated they did not have a copy of the SUP.

Littleton asked if the owner knew the content of the Specific Use Permit or read what it said. Brooks noted it was lack of diligence on his part and he should have been more proactive. The property will be used as office space with 4-6 employees. Chester asked what type of trucks are unloading. Brooks noted 18 wheelers that back into the driveway but they will not be delivering at this location. Smith asked about the items manufactured and will any of that be done at this location. Brooks said all manufacturing will be done at another location. He noted that when they acquired another business they acquired more employees.

Daniel Franks presented the lack of notice given was two days short of what is required. No trucks have unloaded from the highway. The City was not diligent telling the business how to comply.

Motion was made by Littleton, seconded by McLeroy to revoke the SUP and then rescinded by Littleton. He would like an explanation from the Planning Commission for their recommendation to revoke.

Perryman said the Planning commission should have given basis for their recommendation. He said this can be wrapped up if the property owner is no longer in need of the SUP. Franks noted the pettiness of Mr. Hill and his complaints. Perryman noted that C-5 was granted and they no longer need the Specific Use Permit if they are not engaging in those things. Franks wants an explanation from the Planning Commission. Young presented I-1 would have likely been approved for this location by the court because it is an industrial area. Perryman noted that per state law unloading is legal on a state highway. Perryman asked if he was willing to consent to withdraw the SUP and Franks replied only after reason is given by the Planning Commission. Perryman recommended sending back to the Planning Commission. Franks requested the right to be heard and proper notification to revoke the SUP.

Motion was made by Littleton, seconded by Smith to refer this item back to the Planning Commission at the meeting on March 6, 2017 at 6:30 p.m. for an explanation of their recommendation to revoke. Motion carried as follows:

Aye: Buck, Littleton, McLeroy, Smith and Chester

Nay: None

Daniel Franks was given notification of the date and time of the Planning Commission meeting.

Mayor Chester thanked the Boy Scouts again and invited them to come back.

- c. HEARING, DISCUSSION and related CONSIDERATION regarding declaring structures located at 5 S Cimarron Rd, Lot 2 as dilapidated and condemned, and ordering the abatement/removal of the dilapidated structures

Pflughoft presented Ms. Bobier will be removing trailer house. He also noted Burris has removed his trailer house.

Motion was made by McLeroy, seconded by Buck to declare structure as

**dilapidated and condemned ordering the removal. Motion carried as follows:
Aye: Buck, Littleton, McLeroy, Smith and Chester
Nay: None**

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

Pflughoft presented update of 2040 meetings. Public Meeting on February 23rd.

7. GENERAL GOVERNMENT

- a. DISCUSSION and related CONSIDERATION regarding **Ordinance 2017-04** repealing public dancing restrictions established in Section 5-67 of the Code of Ordinances

Motion was made by Littleton, seconded by Smith to approve Ordinance 2017-04 request for repealing dancing restrictions. Motion carried as follows:

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

8. INFORMATION AND REPORTS

- a. City Manager and Department Reports

Cluck presented Officer Peters was rehired.

Anthony presented brush 5 needs a new tank and will be out of service until replaced.

Slattery presented paving of trails not complete due to weather conditions. He noted that staff has trimmed all trees at Schrock Park.

Pflughoft presented working on putting street repair info on city app and in weekly newsletter.

Douglas applying for fire fighter safer grant and storm siren at Tyler and SH 4 has been moved.

Fairbairn presented the new lift station sewer pumps and generators were started and ready to start hooking up services.

McLeroy asked about Williams drainage issue. Fairbairn submitted final plan to Mr. Williams and he will follow up.

Young presented the new weekly newsletter will take the place of the weekly City Manager report. Recycling has started. Two new oil/gas well permits submitted and there are concerns about the truck traffic.

- b. Councilmember Reports

Buck presented residents are glad about the paving of Tyler and appreciate the four way stops.

Littleton explained recycling and resident concerns.

Smith presented receiving compliments on Tyler and irate about recycling.

McLeroy asked about lawn mower funding. Douglas stated funds cannot be used per McLeroy request.

Young presented oil royalty for cemetery was \$19,000 for mineral rights.

Chester asked about new employee. Young presented temporary employee has been hired to help with Parks and Recreation department. Chester asked for more information about new employees such as an email to acknowledge.

No Executive Session required

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**

NEW BUSINESS

ANNOUNCEMENTS

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

ADJOURNMENT

Motion was made by McLeroy, seconded by Littleton to adjourn the City Council Meeting at 8:50 p.m.

Motion carried as follows:

Aye: Buck, Littleton, McLeroy, Smith and Chester

Nay: None

Attest:

Wendy Marble, City Clerk

Tommy Joe Chester, Mayor