

Minutes

THE CITY OF TUTTLE COUNCIL MEMBERS MET IN REGULAR SESSION ON **MARCH 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, SEAN DOUGLAS, WJ MORGAN, GENE PFLUGHOFT, JACQUELYN PORTER AND SEAN FAIRBAIRN

OTHERS PRESENT: LESLIE WALKER, SCOTT DICKSON, JASON KNIGHT AND OTHERS THAT DID NOT SIGN IN

CALL TO ORDER Mayor Chester called the meeting to order at 7:07 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.)

Strike

2. PRESENTATIONS, PROCLAMATIONS AND RECOGNITION

Young presented Emergency Management Director Sean Douglas was awarded EM of the year by the Southwest Oklahoma Emergency Management Association. Douglas thanked everyone, stating this was a joint effort with the community and City staff.

3. Discussion and questions regarding items on the consent docket

None

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 February 13, 2017
- b. APPROVAL minutes for City Council Workshop meeting February 13, 2017
- c. APPROVAL minutes for City Council Workshop meeting February 27, 2017

- d. ACKNOWLEDGMENT receipt of payroll and claims for February 2017
- e. APPROVAL and RATIFICATION all action taken by the Tuttle Public Works Authority for February 2017
- f. APPROVAL and RATIFICATION all action taken by the Tuttle Development Authority for February 2017
- g. APPROVAL **Resolution 2017-06** authorizing staff to prepare and submit a proposal to the Oklahoma Department Commerce for considering under their Community Development Block Grant Community Revitalization program (Attachment A).
- h. APPROVAL Citizen Participation Plan for Community Development Block Grant Community Revitalization proposal (Attachment B).
- i. APPROVAL Section 102 Disclosure Form for Community Development Block Grant Community Revitalization proposal (Attachment D).
- j. APPROVAL Verification of Leverage for Community Development Block Grant Community Revitalization proposal (Attachment E1).
- k. APPROVAL Verification of Insurance for Community Development Block Grant Community Revitalization proposal (Attachment H).
- l. ACCEPTANCE of resignation of Billy Clapper from Board of Adjustment Position 3, term ending June 30, 2017
- m. APPROVAL award of FY 2017 daily rate asphalt paving work to Markwell Paving
- n. APPROVAL Change Order for E Tyler Dr street overlay project
- o. APPROVAL acceptance of improvements to be dedicated to public and approval of final plat for Coal Creek Vineyard (PC 2017-05), located in the 200 block of N Sara Rd
- p. ACCEPTANCE of \$10,000 donation from Tuttle Youth Soccer Club to be used toward the cost of installing fencing around the soccer fields at the Tuttle Soccer Complex.

Motion was made by McLeroy, seconded by Smith to approve Consent Docket Items a,b,c,d,e,f,g,h,i,j,k,l,m,n,o and p. 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 **Resolution 2017-04** (PC 2017-07 & 08), request of Linn Energy for a Specific Use Permit to drill oil and gas wells in the 1400 block of N Morgan Rd

Porter Presented the location is in a field on North Morgan Road. McLeroy asked about using sound walls. York requested to remove sound walls from the permit for this location.

Motion was made by McLeroy, seconded by Chester to approve Resolution 2017-04 request for permit as amended to comply with noise, striking Item Section 1, 1.B-1. Motion carried as follows:

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

- b. DISCUSSION and related CONSIDERATION regarding **Resolution 2017-05** (PC 2017-09, 10 & 11), request of Linn Energy for a Specific Use Permit to drill oil and gas wells at the northwest corner of Tyler Dr and N Cimarron Rd
- Porter presented three wells will be located at this site. Staff discussed amending the truck route.**
- Smith abstained from the vote due to a conflict.**
- Motion was made by McLeroy, seconded by Littleton to adopt Resolution 2017-05 request for permit as amended to comply with noise, striking Item Section 1 and changing the truck route. Motion carried as follows:**
Aye: Buck, Littleton, McLeroy and Chester
Nay: Smith
- c. DISCUSSION and related CONSIDERATION regarding **Ordinance 2017-05** (PC 2017-12) amending the Tuttle Zoning Code regarding kennels and veterinary hospitals
- Motion was made by Smith, seconded by McLeroy to adopt Ordinance 2017-05 amending the zoning code. Motion carried as follows:**
Aye: Buck, Littleton, McLeroy, Smith and Chester
Nay: None
- d. DISCUSSION and related CONSIDERATION regarding **Ordinance 2017-06** (PC 2017-13) amending the Tuttle Zoning Code to update development standards for residential, commercial, and industrial districts
- Motion was made by Littleton, seconded by Smith to adopt Ordinance 2017-06 amending the zoning code. Motion carried as follows:**
Aye: Buck, Littleton, McLeroy, Smith and Chester
Nay: None
- e. DISCUSSION and related CONSIDERATION regarding **Ordinance 2017-07** (PC 2017-14) amending the Tuttle Zoning Code to create the Original Town Residential District
- Motion was made by McLeroy, seconded by Smith to adopt Ordinance 2017-07 amending the zoning code. Motion carried as follows:**
Aye: Buck, Littleton, McLeroy, Smith and Chester
Nay: None
- f. DISCUSSION ONLY regarding development of a new oil & gas ordinance
- Young presented this is still a working draft and asked for comments and thoughts. Chester requested information about the meeting with Linn Energy. Young presented the meeting focused on road use fees. Littleton noted mutual understanding by both parties was achieved. Eric Money from Linn noted the meeting helps Linn understand what the city is requesting. McLeroy asked that both parties keep in contact. No Action Taken**

7. GENERAL GOVERNMENT

- a. DISCUSSION and related CONSIDERATION regarding the drainage issues at 151 & 209 E. Main St.

Young presented work has not started on drainage, just the prep work and the City has replaced the steel gas line with a poly line. Fairbairn asked if he should assist in the construction inspection and Young said yes. Young presented the City Engineer will be required to certify the drainage. Jeff Williams presented they will work as fast as possible to complete this project. No Action Taken

- b. DISCUSSION and related CONSIDERATION regarding Wireless Internet Service Franchise Agreement for @link Services, LLC.

Motion was made by McLeroy, seconded by Littleton to TABLE this item until the March 27, 2017 meeting. Motion carried as follows:

Aye: Buck, Littleton, McLeroy, Smith and Chester

Nay: None

Motion was made by Littleton, seconded by McLeroy to recess the City Council Meeting at 7:49 p.m. and begin the Tuttle Public Works Authority meeting.

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 at 7:53 p.m.

Motion carried as follows:

Aye: Buck, Littleton, McLeroy, Smith and Chester

Nay: None

8. INFORMATION AND REPORTS

- a. City Manager and Department Reports

Young presented a tour of the recycling facility will be tomorrow. He presented the Planning Commission Chairman resigned.

- b. Councilmember Reports

Smith commented on the good work from the Fire Department on fire south of town.

Littleton commented on action related to business across the highway from Whispering Lakes and requested keeping close eye on activity and how well they maintain it in the future. Young presented the goal was to bring the property in compliance and it was successful. There was no intent to shut the business down.

McLeroy presented he received a call about campaign signs in resident yards without permission. Chester asked are signs allowed in the right of way? Young presented signs are not allowed in the right of way only allowed on private property and a permit is not required for campaign signs. Perryman asked what the council would like staff to do. No direction was given to staff to remove signs.

Perryman announced for the record that Item 9b will not be required in Executive Session, only discussion of Item 9a.

Motion was made by Littleton, seconded by Smith to recess the City Council

Meeting at 8:13 p.m. with a five minute break before entering Executive Session.

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 to conduct an EXECUTIVE SESSION regarding the annual job performance review of the City Manager.** Proposed Executive Session pursuant to 25 O.S. Section 307(B)(1). The City Council 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.

b. **CONSIDERATION to conduct an EXECUTIVE SESSION and take appropriate action regarding a potential legal claim the City of Tuttle may have against @link Services, LLC** (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**

Motion was made by Littleton, seconded by Chester to reconvene the City Council Meeting at 8:57 p.m.

Motion carried as follows:

Aye: Buck, Littleton, McLeroy, Smith and Chester

Nay: None

Perryman announced for the record that only Item 9a was discussed in Executive Session and no action was taken in Executive Session.

NEW BUSINESS

ANNOUNCEMENTS

Young presented upcoming meeting reminder of March 27th for workshop and April 10th regular Council Meeting.

Chester announced for the record that the council reviewed the City Manager and it was a good review. He said the manager should have complete confidence that the council has his back and he is doing a good job. He noted that none of the employees get enough credit for the work they do.

ADJOURNMENT

Motion was made by Littleton, seconded by Smith to adjourn the City Council Meeting at 8:59 p.m.

Motion carried as follows:

Aye: Buck, Littleton, McLeroy, Smith and Chester

Nay: None

Attest:

Wendy Marble, City Clerk

Tommy Joe Chester, Mayor