

Minutes

THE CITY OF TUTTLE COUNCIL MEMBERS MET IN REGULAR SESSION ON **JUNE 12, 2017 at 7:00 P.M.** IN THE TUTTLE CITY HALL LOCATED AT 221 W. MAIN STREET.

MEMBERS PRESENT: SCOTT DICKSON, TODD LITTLETON, MARY SMITH AND TOMMY JOE CHESTER

MEMBERS ABSENT: AARON MCLEROY

STAFF PRESENT: TIM YOUNG, DAVID PERRYMAN, WENDY MARBLE, DON CLUCK, SEAN DOUGLAS, BRUCE ANTHONY, AARON SLATTERY, GENE PFLUGHOFT, JACQUELYN PORTER, WJ MORGAN AND MARCIE BEHRENS

OTHERS PRESENT: GARY BEIKMANN, JEFF WILLIAMS, LANA SCHNEEBERGER, SANDY WILLIAMS, LESLIE WALKER, JASON KNIGHT AND OTHERS THAT DID NOT SIGN IN

CALL TO ORDER Mayor Chester called the meeting to order at 7:04 p.m.

ROLL CALL Marble called the roll and declared a quorum present

PLEDGE OF ALLEGIANCE Boy Scout Troop 4338 presented the flags and led the pledge of allegiance

INVOCATION Littleton gave the invocation

ORDER OF BUSINESS

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.)

2. PRESENTATIONS, PROCLAMATIONS AND RECOGNITION

- a. Recognition of Assistant Fire Chief WJ Morgan's retirement from the Tuttle Fire Department

Chester and Council members thanked Morgan for his service to the City

- b. Recognition of City Clerk Wendy Marble completing her Municipal Court Clerk Certification
Behrens as district four representative of Oklahoma Municipal Court Clerks Association recognized Marble for completing the three year court clerk certification 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 8, 2017
- b. APPROVAL minutes for City Council Workshop meeting May 8, 2017
- c. APPROVAL minutes for Special City Council meeting May 22, 2017
- d. ACKNOWLEDGMENT receipt of payroll and claims for May 2017
- e. APPROVAL and RATIFICATION all action taken by the Tuttle Public Works Authority for May 2017
- f. APPROVAL and RATIFICATION all action taken by the Tuttle Development Authority for May 2017
- g. APPROVAL **Resolution 2017-11** amending the Employee Handbook adding policies regarding life insurance benefits, health and dental insurance benefits, and health reimbursement arrangement benefits
- h. REAPPOINTMENT of Fred Yaeger, Sr to the Planning Commission, Position 2, for the term expiring June 30, 2020
- i. Item i removed
- j. REAPPOINTMENT of Linda Flowers to the Board of Adjustment, Position 2, for the term expiring June 30, 2020
- k. REAPPOINTMENT of Brian McEntire to the Cemetery Advisory Board, Position 2, for the term expiring June 30, 2020
- l. REAPPOINTMENT of Deanna Hardesty to the Cemetery Advisory Board, Position 3, for the term expiring June 30, 2020
- m. APPROVAL installation of fire hydrants in Springwood Acres Addition at a cost not to exceed \$35,000
- n. APPROVAL of contract with Mediclaim Services, Inc., to provide EMS billing services
- o. APPROVAL to apply for a Community Oriented Policing Services (COPS) grant to fund the hiring of two additional police officers for the Tuttle Police Department
- p. APPROVAL of Capital Asset Policy
- q. APPROVAL Request for Payment and Non-Collusion Affidavit for Rural Economic Action Plan Contact #14-2272
- r. APPROVAL Request for Payment and Non-Collusion Affidavit for Rural Economic Action Plan Contact #16-2270

Motion was made by Littleton, seconded by Dickson to approve Consent Docket Items a,b,c,d,e,f,g,h,i,j,k,l,m,n,o,p,q and r. Motion carried as follows:

Aye: Dickson, Littleton, Smith and Chester

Nay: None

5. CONSIDERATION of Items Removed from Consent Docket

Strike

6. GENERAL GOVERNMENT

- a. UPDATE and DISCUSSION regarding @link Services, LLC request for a Broadband Service Franchise Agreement

Sam Curtis presented Atlink is withdrawing their application for a franchise agreement to provide fiber to the home. He presented the City Manager informed him that in order to use the city easements and obtain a franchise agreement law requires a vote of the people. He stated that the city will not impose the same requirements on their services that it is requiring of Atlink. He noted that no other cities in Oklahoma require an election. He stated he believes this action from the city is a barrier to competition will withdraw their application. He finds it uneven and very unjust for a political body that controls easements to divert resources from running a city to getting into the communication business and requiring a vote of the people. He stated this is an attempt by the city council to distract and confuse residents. He stated what would be prudent is to ask the city to have a vote of the people asking if they want their city to get into the communications business. He stated that vote has not been taken. He thanked the council for their time.

Perryman presented there is a difference between entities regulated by the corporation commission and not regulated entities in regard to franchise agreements. He presented Tuttle Development Authority will be subject to exact requirements and fees as any other entity. If the withdraw of application is based on assumption that TDA will not be held to the same standards then that is an incorrect assumption.

Smith presented her personal regret for what Atlink is doing, there is no intent to be anti-competitive, the City Council is relying on legal counsel advising an agreement was necessary. She noted she does not know if you are regulated by the state, the corporation commission or the FCC, only know what counsel and specialized counsel for fiber project were advising. Dickson presented agreed with Smith's regret and concern. Taken aback by posture that is presented that the city is big bad government picking on the little guy because that is not the case. City is just asking for fair playing field for all and it is unfortunate that you take that position; but you are wished the best of luck.

No Action

- b. DISCUSSION and related CONSIDERATION regarding the City of Tuttle/Tuttle Public Works Authority's continued participation in the Oklahoma Department of Corrections inmate labor program

Slattery presented the inmate labor program price is changing and the liability will be fully on the City. He recommends not signing a new agreement.

Motion was made by Smith, seconded by Littleton to discontinue participation in the inmate labor program. Motion carried as follows:

Aye: Dickson, Littleton, Smith and Chester

Nay: None

- c. DISCUSSION and related CONSIDERATION regarding potential amendments to the Tax Rebate Agreement with Williams Grocery, Inc.

Young presented the original agreement was for no pharmacy or florist. The amendment last year was regarding the hardware store. Dickson asked why this way originally. Young presented council decision to not compete against local business at the time. Littleton asked if this excludes the pharmacy from rebate.

Young said no tax rebate for pharmacy. Williams presented he wants town proper to have a pharmacy. Perryman noted to add adjustment to the amendment that no sales tax rebate for the pharmacy.

Motion was made by Littleton, seconded by Chester to adopt tax rebate agreement amendment with tax rebate adjustment to the language regarding the pharmacy.

Motion carried as follows:

Aye: Dickson, Littleton, Smith and Chester

Nay: None

7. PARKS, RECREATION, AND CEMETERIES

- a. DISCUSSION and related CONSIDERATION of **Ordinance 2017-08** updating the ordinance regarding the Parks & Recreation Advisory Board and creating the Permanent Park Users Committee

Young presented desire to make changes to the board by creating subcommittees with permanent user groups. Smith asked if organizations would designate a member and Young responded yes. S. Williams asked why the board was not allowed to collaborate and asked about a transition time rather than terminating current members. Williams brought up several times that the parks board spends money and Chester noted they advise the City Council and have no spending authority.

Council and staff presented to Williams the role of the Parks board and the role of the new committees. Meeting dates were also discussed. Young presented the board will meet once a quarter. Williams presented her disagreement with quarterly meetings.

Smith asked that letters be sent to organizations announcing these positions. Williams suggested a good facilitator for the meetings. Chester presented the parks board is an advisory board and has no spending authority. Williams disagreed and said they spend in a "round about way". Chester said the council approves all spending.

Dickson asked how can these organizations find members in such a short time. Young presented there is no business pending with the parks board. Williams said the problem will be getting people to apply to the parks board. Littleton discussed the former members can reapply.

Motion was made by Littleton, seconded by Smith to adopt Ordinance 2017-08 updating the Parks & Recreation Advisory Board and creating the Permanent Park Users Committee. Motion carried as follows:

Aye: Dickson, Littleton, Smith and Chester

Nay: None

Motion was made by Smith, seconded by Littleton to adopt the emergency clause.

Motion carried as follows:

Aye: Dickson, Littleton, Smith and Chester

Nay: None

Young presented staff will use the app to notify of these positions.

Dickson thanked Williams for her passion for the Parks and the City.

Motion was made by Littleton, seconded by Dickson to recess the City Council Meeting at 7:51 p.m. and begin the Tuttle Public Works Meeting. Motion carried as follows:

Aye: Dickson, Littleton, Smith and Chester

Nay: None

Mayor Chester reconvened the City Council Meeting at 8:20 p.m.

8. INFORMATION AND REPORTS

- a. City Manager and Department Reports

None

- b. Councilmember Reports

None

Motion was made by Littleton, seconded by Dickson to enter Executive Session Meeting at 8:20 p.m. Motion carried as follows:

Aye: Dickson, Littleton, 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 and take appropriate action regarding collective bargaining with the Fraternal Order of Police Lodge #197 (Proposed Executive Session pursuant to 25 O.S. Section 307 (B)(2) to discuss negotiations between the City of Tuttle and representatives of an employee group. 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.)

1. CONSIDERATION action related to Executive Session Item 9c

Motion was made by Littleton, seconded by Smith to reconvene the City Council Meeting at 8:46 p.m. Motion carried as follows:

Aye: Dickson, Littleton, Smith and Chester
Nay: None

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

Young announced sales tax is up 7.82% year to date. He presented the sales tax report.

ANNOUNCEMENTS

1. City Council Workshop – Meeting Monday, June 26, 2017 at 6:00 p.m.
2. City Council Meeting on Monday, July 10, 2017 at 7:00 pm (workshop at 6:00pm)

ADJOURNMENT

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

Aye: Dickson, Littleton, Smith and Chester
Nay: None

Attest:

Wendy Marble, City Clerk

Tommy Joe Chester, Mayor