

## Minutes

THE CITY OF TUTTLE COUNCIL MEMBERS MET IN REGULAR SESSION ON **FEBRUARY 12, 2018** at **7:00 P.M.** IN THE TUTTLE CITY HALL LOCATED AT 221 W. MAIN STREET.

MEMBERS PRESENT: SCOTT DICKSON, AARON MCLEROY, MARY SMITH AND TOMMY JOE CHESTER

MEMBERS ABSENT: TODD LITTLETON

STAFF PRESENT: TIM YOUNG, WENDY MARBLE, DON CLUCK, SEAN DOUGLAS, BRUCE ANTHONY, AARON SLATTERY, TIM EDWARDS, CHRIS KONDOS, JACKIE PORTER, HEATH COLLINS AND SEAN FAIRBAIRN

OTHERS PRESENT: LINDA CODY, PHILLIP YORK, 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** Smith 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.)

**David Melton of Deer Ridge Run addition requested the City find a solution to the drainage problems in his neighborhood. He requested the City readdress the problem. He asked if this is something the City would do. Chester stated he should speak to the City Manager. Chester stated the Council can only hear your requests but cannot act upon them at this time.**

#### 2. PRESENTATIONS, PROCLAMATIONS AND RECOGNITION

- a. PRESENTATION and related CONSIDERATION of proposed Eagle Scout project by Logan Altholf

#### **Strike**

#### 3. Discussion and questions regarding items on the consent docket

**McLeroy requested pulling items l and m to discuss separately.**

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 8, 2018
- b. APPROVAL minutes for City Council Workshop meeting January 8, 2018
- c. APPROVAL minutes for City Council Workshop meeting January 22, 2018
- d. ACKNOWLEDGMENT receipt of payroll and claims for January 2018
- e. APPROVAL and RATIFICATION all action taken by the Tuttle Public Works Authority for January 2018
- f. APPROVAL and RATIFICATION all action taken by the Tuttle Development Authority for January 2018
- g. APPROVAL to apply for OMAG Body Camera Grant.
- h. APPROVAL for Police Department to purchase 2 watchguard video in-car camera systems
- i. APPROVAL Budget Amendment 2017-021 for Fire Department and EMS Department
- j. APPROVAL Budget Amendment 2017-022 for Land & Water Conservation Fund Grant and Regional Trail Grant expenditures
- k. APPROVAL Budget Amendment 2018-005 for Police Department JAG grant expenditures
- l. APPROVAL purchase of a new mowers for the Street, Parks, and Cemetery Departments
- m. APPROVAL Budget Amendment 2018-006 for Parks Department mower purchase
- n. APPROVAL Budget Amendment 2018-007 for Fire Department grant expenditures
- o. ACCEPTANCE of perpetual easement from Ryan Henn
- p. APPROVAL of Regional Medical Response System agreement

**Motion was made by McLeroy, seconded by Smith to approve Consent Docket Items a,b,c,d,e,f,g,h,i,j,k,n,o and p. Motion carried as follows:**

**Aye: Dickson, McLeroy, Smith and Chester**

**Nay: None**

5. CONSIDERATION of Items Removed from Consent Docket

**McLeroy discussed mowers and items l and m. Chester stated purchasing 4 would be good. Dickson stated he would vote against 4 but would approve 3 mowers.**

**Motion was made by McLeroy seconded by Smith to approve Item l for the purchase of 4 new mowers. Motion carried as follows:**

**Aye: McLeroy, Smith and Chester**

**Nay: Dickson**

**Young stated he will prepare Item m for the next agenda. No Action Taken Item m.**

6. COMMUNITY DEVELOPMENT

- a. DISCUSSION and related CONSIDERATION request of Linn Energy for a refund of their \$15,000 drilling permit fee for their withdrawn drilling application (PC 2018-04)

**York presented Linn Energy withdrew the permit application at the Planning Commission meeting last week stating they are not able to meet the timeline for drilling and requests return of fees. Smith asked if they are up to date on other fees**

owed to the City. Young presented they have not paid their road use fees. Young Stated the costs the City has incurred so far is approximately \$6,200. York stated withholding a reasonable amount of the permit fee is understandable but does not agree with \$6,200. Chester asked if the money could be applied to permits in the future. Young stated that is possible, others preferred a clean refund of the portion due rather than holding all the funds. Chester requested York discuss refunding of fees with the City Manager.

**Motion was made by Smith, seconded by Dickson to TABLE this item. Motion carried as follows:**

**Aye: Dickson, McLeroy, Smith and Chester**

**Nay: None**

- b. DISCUSSION and related CONSIDERATION of **Ordinance 2018-04** amending the Tuttle Zoning Code regarding oil & gas site setbacks

**Motion was made by McLeroy, seconded by Smith to TABLE Ordinance 2018-04 amending the Tuttle Zoning Code regarding oil & gas site setbacks. Motion carried as follows:**

**Aye: Dickson, McLeroy, Smith and Chester**

**Nay: None**

- c. DISCUSSION and related CONSIDERATION of **Ordinance 2018-05** amending the setbacks established in the oil & gas regulations

**Young stated a new paragraph was added about non-conforming sites. Smith stated this adds flexibility to additional drilling on the same site.**

**Motion was made by Smith, seconded by Chester to adopt Ordinance 2018-05 amending the setbacks established in the oil & gas regulations. Motion carried as follows:**

**Aye: Dickson, McLeroy, Smith and Chester**

**Nay: None**

**Motion was made by Smith, seconded by Dickson to adopt the emergency clause for this item. Motion carried as follows:**

**Aye: Dickson, McLeroy, Smith and Chester**

**Nay: None**

- d. DISCUSSION and related CONSIDERATION of **Ordinance 2018-06** amending the Tuttle Subdivision Regulations regarding buried utilities

**Young requested this item be discussed after Executive Session.**

**Young presented need for the Ordinance to place utilities in the ground or behind structures.**

**Motion was made by Smith, seconded by Dickson to adopt Ordinance 2018-06 amending the Tuttle Subdivision Regulations regarding buried utilities. Motion carried as follows:**

**Aye: Dickson, McLeroy, Smith and Chester**

**Nay: None**

7. GENERAL GOVERNMENT

- a. DISCUSSION and related CONSIDERATION of **Ordinance 2018-07** amending Chapter 17 of the Code of Ordinances to adopt new regulations for rights-of-way occupancy management

**Dickson asked about fee structure Young explained choice of two fees paid yearly would be available.**

**Motion was made by McLeroy, seconded by Smith to approve Ordinance 2018-07 amending Chapter 17 of the Code of Ordinances to adopt new regulations for rights-of-way occupancy management. Motion carried as follows:**

**Aye: Dickson, McLeroy, Smith and Chester**

**Nay: None**

**Motion was made by Smith, seconded by Dickson to adopt the emergency clause for this item. Motion carried as follows:**

**Aye: Dickson, McLeroy, Smith and Chester**

**Nay: None**

- b. DISCUSSION and related CONSIDERATION of **Ordinance 2018-08** adopting a fee schedule as Appendix A to the Code of Ordinances

**No Action Taken**

8. STREETS

- a. DISCUSSION and related CONSIDERATION to partner with Grady County to make improvements to S Frisco Rd

**Slattery presented the County Commissioner Windle Hardy has expressed interest in partnering to repair S. Frisco Road. The County would do the project in return for \$30,000 from the City for the materials. Hardy stated they can start this soon and will repair ½ mile of road. Smith stated this is damage from oil field traffic. Chester asked Young if this is budgeted. Young stated this is not and may cause other projects to be cancelled. Smith stated the oil companies need to pay their road use fees. Young stated the street funds can be used for this. Young suggested asking the County if they would partner on the Silver Ridge drainage project.**

**Motion was made by McLeroy, seconded by Dickson to approve this item contingent on Grady County partnering on the Silver Ridge and River Ridge drainage project for an additional \$20,000. Motion carried as follows:**

**Aye: Dickson, McLeroy, Smith and Chester**

**Nay: None**

**Motion was made by McLeroy, seconded by Dickson to recess the City Council Meeting at 7:46 p.m. and begin the Tuttle Public Works Meeting.**

**Motion carried as follows:**

**Aye: Dickson, McLeroy, Smith and Chester**

**Nay: None**

**Motion was made by Smith seconded by McLeroy to reconvene the City Council Meeting at 7:55 p.m. and take a break before entering Executive Session.**

**Motion carried as follows:**

**Aye: Dickson, 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 selection of a new Treasurer. (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.)

1. CONSIDERATION action related to Executive Session Item 9a

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 Smith, seconded by McLeroy to reconvene the City Council Meeting at 8:43 p.m.**

**Motion carried as follows:**

**Aye: Dickson, McLeroy, Smith and Chester**

**Nay: None**

**Smith announced for the record that only items on the agenda were discussed in Executive Session and no action was taken in Executive Session.**

**Motion was made by McLeroy, seconded by Chester to appoint Amber Riley as the City Treasurer with a monthly stipend of \$100 and appoint Marcie Behrens as the Deputy Treasurer with a monthly stipend of \$50.**

**Motion carried as follows:**

**Aye: Dickson, McLeroy, Smith and Chester**

**Nay: None**

**Item 6d and 7a that were previously skipped were discussed and considered after Executive Session**

10. INFORMATION AND REPORTS

a. City Manager and Department Reports

**Slattery presented the annual report that the gas department prepares reported an annual gas loss of 1.9%. 5 ½ years ago the loss was at 8%. He stated this is excellent and the unusually low loss is partially due to timely repairs and leak investigation. Most gas providers are happy with 5% loss.**

b. Councilmember Reports

**Smith asked about repairs to Cimarron water tower. Slattery discussed the process takes about 5 weeks and the weather is probably slowing them down. Likely to be complete in 3 more weeks.**

Dickson asked about the 2 wrecks in the 4700 block of SH-37. Chester asked if it is caused by the new business and are they following the Specific Use Permit. Young asked Police Chief and Building Inspector to speak to the business about safety on highway 37.

McLeroy presented meeting about street design standards is ongoing. Fairbairn presented information that was discussed.

Chester asked about Deer Ridge Run drainage problems. Fairbairn stated he provided a list of recommendations for City to inspect that may be causing some of the drainage problems including multiple culverts, poor street design and grading issues on building sites. Young stated the streets were not adopted by the City because the developer did not want to build curb and gutter roads. Dickson asked if Phase 3 can be stopped. Young stated that is a question for the City Attorney to answer. Dickson stated he would like to know what is causing the water problems.

**NEW BUSINESS**

**ANNOUNCEMENTS**

1. City Council Workshop Meeting Monday, February 26, 2018 at 6:00 pm
2. City Council Meeting on Monday, March 12, 2018 at 7:00 pm (workshop at 6:00 pm)

**ADJOURNMENT**

**Motion was made by McLeroy, seconded by Smith to adjourn the City Council Meeting at 9:36 p.m.**

**Motion carried as follows:**

**Aye: Dickson, McLeroy, Smith and Chester**

**Nay: None**

Attest:

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Wendy Marble, City Clerk

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Tommy Joe Chester, Mayor