

Minutes

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

MEMBERS PRESENT: SCOTT DICKSON, TODD LITTLETON, MARY SMITH, AUSTIN HUGHES AND AARON MCLEROY

MEMBERS ABSENT: NONE

STAFF PRESENT: TIM YOUNG, DAVID PERRYMAN, WENDY MARBLE, DON CLUCK, BRUCE ANTHONY, AARON SLATTERY, TIM EDWARDS, LAURIE KOELSCH, JACQUELYN PORTER AND SEAN FAIRBAIRN

OTHERS PRESENT: BEN OGLESBY, NATE ELLIS, DENNIS THOMAS, LESLIE WALKER, JUSTIN STORY, DARREN SILLS, BRIAN LIBERTON, GAYLENE DURHAM, STEPHEN SCHREIBER, TERESA BUCK, DANNY WATTERS, RICK THORPE, JAYSON KNIGHT AND OTHERS THAT DID NOT SIGN IN

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

ROLL CALL Marble called the roll and declared a quorum present

PLEDGE OF ALLEGIANCE McLeroy led the pledge of allegiance

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

Littleton asked to pull Item 4i from the consent docket. Dickson asked to pull item 4j from the consent docket. Mayor requested striking Item 4j.

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 October 8, 2018
- b. APPROVAL minutes for City Council Workshop meeting October 8, 2018
- c. APPROVAL minutes for City Council Workshop meeting October 22, 2018

- d. ACKNOWLEDGMENT receipt of payroll and claims for October 2018
- e. APPROVAL and RATIFICATION all action taken by the Tuttle Public Works Authority for October 2018
- f. APPROVAL and RATIFICATION all action taken by the Tuttle Development Authority for October 2018
- g. APPROVAL re-appointment of Nell Howery as Commissioner Position 3 on the Tuttle Housing Authority Board of Commissioners for a term expiring October 31, 2021
- h. APPROVAL of Verizon GPS with Fleet Tracking contract for City vehicles
- i. APPROVAL of quote from Howards Paving for Tuttle Soccer Park 2nd Phase trail extension paving project not to exceed \$40,808
- j. APPROVAL of quote from Douglas Construction to repair the exterior of the Community Building located at 410 W Bond not to exceed \$29,355
- k. APPROVAL Zoll AEV Portable Ventilator Loan Agreement between City of Tuttle and Grady EMS District
- l. APPROVAL City Council meeting schedule for Calendar Year 2019
- m. APPROVAL **Resolution 2018-23** authorizing municipal elections to elect Council Persons for Ward 1 and Ward 2 for term ending May 2023
- n. APPROVAL to adopt **Resolution 2018-24** authorizing the execution of an agreement establishing the Oklahoma Municipal Management Services
- o. APPROVAL to adopt **Resolution 2018-25** request for a traffic signal at the intersection SH-4 and E Tyler Dr and to reexamine the speeds along SH-4 from the Canadian River south to the H.E. Bailey Turnpike/I-44
- p. APPROVAL surplus mowers for the Streets, Parks, and Cemetery Departments

**Motion was made by Littleton, seconded by Smith to approve Consent Docket Items a,b,c,d,e,f,g,h,i,k,m,n,o and p, removing l and j. Motion carried as follows:
 Aye: Dickson, Littleton, Smith and McLeroy
 Nay: None**

5. CONSIDERATION of Items Removed from Consent Docket

**Motion was made by Littleton, seconded by Dickson to amend Item 4l by changing the Monday, November 11, 2019 meeting to Tuesday, November 12, 2019 due to city offices being closed on Monday. Motion carried as follows:
 Aye: Dickson, Littleton, Smith and McLeroy
 Nay: None**

6. COMMUNITY DEVELOPMENT

- a. DISCUSSION and related CONSIDERATION of **Ordinance 2018-17** (PC Petition 2018-30), request of Gaylene Durham, to rezone approximately 10.32 acres located at 7250 and 7300 East SH-37 from the Convenience Commercial C-2 District to the General Employment C-5 District

Durham presented request to upgrade the zoning and asked if the Council had any questions. There were no questions asked.

Motion was made by Littleton, seconded by Smith to adopt Ordinance 2018-17 (PC Petition 2018-30), request of Gaylene Durham, to rezone approximately 10.32 acres located at 7250 and 7300 East SH-37 from the Convenience Commercial C-2 District to the General Employment C-5 District

Motion carried as follows:

Aye: Dickson, Littleton, Smith and McLeroy

Nay: None

- b. DISCUSSION and related CONSIDERATION of **PC Petition 2018-36**, request of Justin Story, for a Design as to Appropriateness and Use for a Shop Building to be located at 1019 Covenant Blvd

Story presented his request for building a shop on his property. McLeroy asked if he had contacted his neighbors and what their response was. Story stated he spoke to six neighbors and they have no issue with the location of the shop building. McLeroy asked if this violates any ordinance. Young stated the question is about if it is harmonious with the neighborhood by going in the front yard and if it detracts from the neighborhood. Perryman stated the plat shows limit of no access and the neighborhood might enforce the covenants. Littleton discussed some of the existing buildings that detract from the neighborhood which were approved with no concern for aesthetics. Dickson asked why this location rather than in the back yard. Story explained lateral lines prohibit back yard use. McLeroy asked Young if it violates an ordinance and Young stated no it does not. Perryman stated the zoning does not allow structures in front yard. Story stated this lot has a double front. Young stated this is a judgement call.

No Action Taken

- c. DISCUSSION and related CONSIDERATION request of Brian Liberton asking the City Council to consider allowing variances or exceptions to the minimum setback of a home to an existing oil and gas site

Liberton presented his request for variance. Sills purchased property where well site is located and thought he would be able to split and sell to someone to build a home. Young stated the ordinance has been updated to no homes within 150 ft of well site and asked if Council is interested in a clause to makes changes. Anthony recommends 150 ft for setback for safety. Young asked if a clause should be created where Board of Adjustment can grant a variance.

Motion was made by Smith, seconded by Dickson for staff to draft an exception or variance where petition satisfies public safety, fire safety for residences and oil companies, and the setback is no less than what state law allows.

Motion carried as follows:

Aye: Dickson, Littleton, Smith and McLeroy

Nay: None

- d. DISCUSSION and related CONSIDERATION of **Ordinance 2018-18** amending the fee schedule regarding oil and gas pipelines

Motion was made by Dickson, seconded by Smith to adopt Ordinance 2018-18 amending the fee schedule regarding oil and gas pipelines.

Motion carried as follows:

Aye: Dickson, Littleton, Smith and McLeroy

Nay: None

7. GENERAL GOVERNMENT

- a. APPROVAL OF **RESOLUTION 2018-26** OF THE CITY OF TUTTLE, OKLAHOMA (THE "CITY") APPROVING THE INCURRENCE OF INDEBTEDNESS BY THE TUTTLE PUBLIC WORKS AUTHORITY (THE "AUTHORITY") ISSUING ITS SALES AND USE TAX REVENUE NOTE, SERIES 2018 (THE "NOTE"); PROVIDING THAT THE ORGANIZATIONAL DOCUMENT CREATING THE AUTHORITY IS SUBJECT TO THE PROVISIONS OF THE NOTE 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; APPROVING AND AUTHORIZING THE EXECUTION OF A SALES AND USE TAX AGREEMENT BY AND BETWEEN THE CITY AND THE AUTHORITY PERTAINING TO THE YEAR-TO-YEAR PLEDGE OF CERTAIN SALES AND USE TAX REVENUES; ESTABLISHING THE CITY'S REASONABLE EXPECTATION WITH RESPECT TO THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS BY OR ON BEHALF OF SAID CITY IN CALENDAR YEAR 2018, AND DESIGNATING THE NOTE AS A QUALIFIED TAX-EXEMPT OBLIGATION; AND CONTAINING OTHER PROVISIONS RELATING THERETO.

Oglesby discussed the terms of the note, what is pledged, that the note is tax exempt and the repayment plan is revenue of the fiber service.

Ellis presented the resolution which approves the action of the City, it requires four votes and since it is tax exempt the city shall own and operate for the life of the debt.

Hughes entered the meeting at 8:25 p.m.

Motion was made by Dickson, seconded by Smith to adopt Ordinance 2018-26 approving the incurrence of indebtedness by the Tuttle Public Works Authority and the City.

Motion carried as follows:

Aye: Dickson, Littleton, Hughes, Smith and McLeroy

Nay: None

- b. DISCUSSION and related CONSIDERATION appointing a board member for Position 1 on the Board of Adjustment with a term ending June 30, 2019

Motion was made by Littleton, seconded by Dickson appointing a Jacki Hine for Position 1 on the Board of Adjustment with a term ending June 30, 2019

Aye: Dickson, Littleton, Hughes, Smith and McLeroy

Nay: None

- c. DISCUSSION and related CONSIDERATION of **Ordinance 2018-19** updating the regulations for wrecker services and wrecker permits

Cluck presented he will take over the review and issuing of wrecker permits. He stated the State of Oklahoma does a background check before they issue a license. Thomas stated owner and operator are the only ones the state checks. He does not think they complete a background check on all employees/drivers. Perryman stated the code details state that anyone that operates a wrecker has to have a background check. Young asked Thomas what would you be looking for in a background check. Thomas stated burglary, theft or a predator. A new ordinance is needed for safety.

This Item continued until after TPWA and TDA Meetings. The city attorney asked to have some time to review the state statute.

Motion was made by Littleton, seconded by Dickson to recess the City Council Meeting at 8:41 p.m. and begin Tuttle Public Works Authority meeting.

Motion carried as follows:

Aye: Dickson, Littleton, Hughes, Smith and McLeroy

Motion was made by Dickson, seconded by Littleton to reconvene the meeting at 8:53 p.m. Motion carried as follows:

Aye: Dickson, Littleton, Hughes, Smith and McLeroy

Nay: None

Item 7c discussion continued. Perryman stated the statute is vague as to how operator could lose license and does not explain how that is triggered, whether it be by the annual renewal or other means.

Cluck questioned what "continuously maintain" requires and what would you do with a driver that does not pass.

Motion was made by Smith, seconded by Littleton to TABLE this item until the December 10, 2018 meeting.

Motion carried as follows:

Aye: Dickson, Littleton, Hughes, Smith and McLeroy

Nay: None

Motion was made by Littleton, seconded by Smith to enter Executive Session at 8:57 p.m. after a 5-minute break

Motion carried as follows:

Aye: Dickson, Littleton, Smith, Hughes and McLeroy

Nay: None

8. 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 collective bargaining with the International Association of Firefighters Local #5017 (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 8a

Motion was made by Littleton, seconded by Dickson to reconvene the City Council Meeting at 9:59 p.m.

Motion carried as follows:

Aye: Dickson, Littleton, Hughes, Smith and McLeroy

Nay: None

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

9. INFORMATION AND REPORTS

- a. City Manager and Department Reports

Anthony presented the storm sirens had defective trickle charges that were replaced by warranty. He stated all sirens should be up and running in approximately 7-10 days. Anthony presented the Fire Department was not awarded the forestry grant.

Slattery presented the project of running camera in sewer lines is ongoing. He stated 1200 feet is being paid by a grant from our insurance provider.

Slattery stated gas installation is underway in Rock Creek addition. Young stated residents need to call the city to request the service. Slattery stated the fiber will take more time to install in Rock Creek.

Cluck presented one officer resigned. He presented his department is donating money to Special Olympics by participating in "no shave November".

Young present Home for the Holidays will be Friday, November 30th. The Ice Cream Festival will be Saturday, June 15, 2019. He presented the 2019 budget will be ready next week.

- b. Councilmember Reports

Littleton presented he met with OEC and the meeting went well. He stated they do not intend to compete directly in Tuttle.

Littleton stated he is disappointed in the marketing campaign for the new logo. Dickson stated it could have been handled better by staff and council. Young stated he is conducting training for project management and using the logo as an example.

Smith stated the septic system has failed at the Senior Center. Slattery stated he has a meeting tomorrow with DEQ regarding septic system.

Young stated he is working on truck routes for oil and gas trucks.

McLeroy requested the marketing campaign will educate the public about the internet and how the revenue is used. Littleton presented request that marketing include information that the revenue benefits the citizens. Dickson requested targeted marketing to compare use with age of users.

NEW BUSINESS

ANNOUNCEMENTS

1. City Council Workshop Meeting Monday, November 26, 2018 at 6:00 pm
2. City Council Meeting on Monday, December 10, 2018 at 7:00 pm (workshop at 6:00 pm)

ADJOURNMENT

Motion was made by Littleton, seconded by Dickson to adjourn the City Council Meeting at 10:25 p.m.

Motion carried as follows:

Aye: Dickson, Littleton, Hughes, Smith and McLeroy

Nay: None

Attest:

Wendy Marble, City Clerk

Aaron McLeroy, Mayor