

Minutes

THE CITY OF TUTTLE COUNCIL MEMBERS MET IN REGULAR SESSION ON **FEBRAURY 10, 2020** at **7:00 P.M.** IN THE TUTTLE CITY HALL LOCATED AT 221 W. MAIN STREET.

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

MEMBERS ABSENT: NONE

STAFF PRESENT: TIM YOUNG, DAVID PERRYMAN, WENDY MARBLE, DON CLUCK, AARON SLATTERY, BRUCE ANTHONY, LAURIE KOELSCH, MATT MEARS, BRYAN BALENSEIFEN AND SEAN FAIRBAIRN

OTHERS PRESENT: SHARON MELLINGER, WALLACE MELLINGER, JACKI HINE, WINSTON ROSE, LAVANDA ROSE, TAMMY LEWIS, MALYNDA ADAMS, BRANDON FLOWERS, MAE MCDANIEL, LINDA CODY, ERICA DUFOR, GREG DENNIS, LYDIA DENNIS, JAMES DENNIS, TIM HOLLAND, BETTY SMITH, KIP SMITH, TERRY SHAW, DEBRA JONES, DANIEL BIDDY, ASHLEY HICKMAN, STEVE HICKMAN, ANDREA DENNIS, HENRY DENNIS, JEANNEAN BIDDY, LUCAS JOHNSON, JON BURKHART, SANDY BURKHART, GREGORY RODEWALD, RICK THORPE, BECKY STUHLSTZ, RANDY VOIGHTSCHILD, LISA MEDLEY, GARY MEDLEY, SAM ALLOWAY, DANNY WILLIAMS, LESLIE WALKER, JEROME ALEXANDER AND OTHERS WHO DID NOT SIGN IN.

CALL TO ORDER Mayor McLeroy called the meeting to order at 7:00 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

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.)

Mayor McLeroy stated four citizens asked to speak regarding Item 8a

2. PRESENTATIONS, PROCLAMATIONS AND RECOGNITION

None

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 January 13, 2020
- b. APPROVAL minutes for City Council Workshop meeting January 13, 2020
- c. APPROVAL minutes for Special City Council meeting January 8, 2020 at 10am
- d. APPROVAL minutes for Special City Council meeting January 8, 2020 at 3pm
- e. APPROVAL minutes for Special City Council meeting January 9, 2020 at 10am
- f. APPROVAL minutes for Special City Council meeting January 14, 2020 at 9am
- g. ACKNOWLEDGMENT receipt of payroll and claims for January 2020
- h. APPROVAL and RATIFICATION all action taken by the Tuttle Public Works Authority for January 2020
- i. APPROVAL and RATIFICATION all action taken by the Tuttle Development Authority for January 2020
- j. APPROVAL authorizing purchase of two 2020 Dodge Durango SUV's with equipment not to exceed \$94,134 for the Police Department
- k. APPROVAL of surplus of two police vehicles, 2009 Chevy Impala and 2011 Chevy Caprice.
- l. APPROVAL application for Community Oriented Policing Services (C.O.P.S.) grant to fund 75% of the salary for an additional police officer.
- m. APPROVAL of request of Billy & Debbie Wilcher, to name a new private drive "Tall Pines Drive" in the area of Czech Hall and E. Tyler Dr.
- n. APPROVAL **Resolution 2020-01** authorizing the City to join the Association of Central Oklahoma Governments Board of Directors as a full member and appoint delegate member and alternate(s) **(Membership authorized December 9, 2019 meeting)**

Motion was made by Hughes, seconded by Littleton to approve consent docket items 4a-n except for item f. Motion carried as follows:

Aye: Littleton, Dickson, Hughes, Smith and McLeroy

Nay: None

Smith stated Item 4f Special Meeting minutes should reflect Flintco as the interviewed construction firm. Marble stated she will correct this.

Motion was made by Smith, seconded by Hughes to approve consent docket item 4f as amended/corrected. Motion carried as follows:

Aye: Littleton, Dickson, Hughes, Smith and McLeroy

Nay: None

5. COMMUNITY DEVELOPMENT

- a. DISCUSSION and related CONSIDERATION of **Ordinance 2020-03** (PC Petition 2020-02), request of Shadow Valley Development, LLC., for approval of to amend and expand an already approved Planned Development (PD-006) in the area bounded by N Mustang Rd/SH-4, E Tyler Dr, N Sara Rd, and E SH-37, including rezoning of existing A-1 parcels within Planned Development to R-1

Brad Reid presented amended PUD – R-1 single family encompasses all area to Sara Rd. –

Removed veneer/façade requirements, met roofing requirements, 6000, 7200, 8000 square foot lots. – added 25ft landscape buffer and 6' privacy fence maintained by HOA, Sect 13 removed tract boundary changes, sect 8 removed PUD will not increase by 10%. Dickson asked if the landscape boundary is just grass? Reid explained the South will be 25ft with walking trail. Dickson asked if no intent for shrubs or trees. Reid said that is correct. McLeroy asked if the privacy fence will be North of South lot. Reid stated backyard then privacy fence then buffer- then other property.

Citizen Request to speak began at 7:12 p.m.

Debra Jones 819 Crystal – presented written statement, please review and think about how this affects citizens. Hughes asked about the gas well and if it is plugged? Reid stated it is not plugged layout has this going away, but if it is a functioning well, area will not be developed if well stays operational. Dickson asked how this well will be handled. Littleton stated well is governed by State and City Ordinances under legal requirements for how it will be handled.

Dickson stated he wants clarity on easements on Crystal Dr. Perryman asked if easements have been documented? Young stated easement is 25ft, discussed during PUD approval last year. Dickson stated homeowners still have questions. Perryman stated have seen property owners and discrepancies in easements, this easement is from 1977, could be issue if road was not cut correctly; could be moved, there is a 50ft easement. Dickson stated wants to be sure that residents know how this affects them, how much of their yards will be affected. Perryman said assume property owners know where their property lines are, to the center of road. Jones stated Crystal would not need to be used if there is other access. Perryman stated easement of necessity not applicable in this case, this easement exists for all public to use, could only be terminated by district court. Jones stated law against distress on property. Perryman stated applies to easement by necessity, by future development or burdened by easement, private easement, theory applies only to private easement, public cannot be overburdened. McLeroy asked if Crystal falls in the easement. Reid stated yes, barbed fence on one side and power poles on the other, planning on 25ft road, will leave 12 ft easement on each side, barn will be about 20 ft from roadway. Perryman described width from sections, normally means each side of roadway owned by separate individuals, indicate it is within a few feet of description. Dickson said assuming lateral lines are not in easement, who is responsible if they are affected? Perryman stated City would not be liable, City owns to center of road, cannot put anything in 50ft easement, outside strip if damaged the developer would be responsible. McLeroy said the developer stated he would move lateral lines. Jones stated she wants equal rights and consideration as a property owner. Perryman said she should test her water well, if anyone damages well water quality, they would be liable.

Becky Stuhlsatz at 5718 Rolling Ridge discussed questions and need more clarification, was oil well road considered access? Reid answered no, not owned by property owner. Young stated Dubco out of Texas owns access to SH-37. Parcel of land. Stuhlsatz asked about cost of maintenance, odor and noise control of lift station. Slattery stated minimal cost and odor. Stuhlsatz asked about adequate water and fire coverage? Fairbairn stated Tuttle has connection to Newcastle water supply, worked with Blanchard for river crossing, unlimited water from Oklahoma City, and flow requirements for new development have a City wide model for flow. Young mentioned open record requests to gain this information. Hughes stated no one lost water when the tower burst. Stuhlsatz stated many moved here to get into rural area what about water for everyone? Young stated on City water and sewer are preferable to ground pollution. Fairbairn stated ½ acre lots would allow septic and that is worse for the existing wells. Stuhlsatz asked about flooding? Fairbairn responded cannot release water at a higher rate than A-1 current, details of flow rate not determined.

McLeroy stated engineering will be done after rezoning, this is just the first phase which is rezoning only. Stuhlsatz mentioned drainage issues, reviewed prior to development. Reid explained drainage calculations, detention ponds to hold flow, 1st phase, dam blew out, will clean out for neighbors, will work with City to comply with drainage. Stuhlsatz asked what the plan is for house size on 6000 ft lot. Reid explained 1200-1800 sq ft house. Stuhlsatz asked about the setback and do you make up your own rules? Littleton stated the PUD is for each development that have different details due to the request of developer. Young stated similar to Southpointe, smaller lots and yards. Stuhlsatz stated should PUD have more details. Perryman explained 2 types of PUD's – 1. Every issue is negotiable 2. PUD overlay – zoning classification is just changed as the base starting point, start with basics and bring in overlay to alter zoning classification. Danny Williams asked what did developers request? Reid stated 65ft min. width 120 depth is standard 20ft setback allows for larger backyard, but still room for larger vehicles to park, allows for 3 lot sizes. Stuhlsatz asked if park area is maintained by HOA. Reid replied yes. Stuhlsatz asked when will City develop new Elementary? McLeroy stated we are not in charge of school, I visited with school so they can plan for the future, and they never have said stop development. Stuhlsatz asked if it'll raise taxes? Young explained state does not allow use of ad valorem for cities, only sales tax. Littleton explained we operate on sales tax and services. Dickson said may increase fees for utilities, for new WWTP whether new developments come in. McLeroy stated DEQ has given notice that City needs to make improvements to the sewer system. Young stated don't meet current DEQ requirements. Stuhlsatz thanked the council for answering questions.

Greg Dennis at E. Tyler Dr. voiced frustrations, said no one cared what they said, failing citizens, diminishing quality of life, should prevent this years ago, does not belong in this area, City should have put things in place a long time ago to stop this type of development, asked this to be tabled or find loophole.

Lydia Dennis stated the middle class value is my home, lived in Rolling Ridge for 8 years, lived in East Tuttle, built on agricultural land on 7 ½ acres This development will over power schools, police and fire, will you vote against or do you live in fear of lawsuit This is a question of zoning, to protect my property I will see each of you, not here but somewhere and I am not here to thank anyone, I am here in total protest. Littleton stated majority who she heard are opposed, but he only heard from 3 in ward opposed, 2 for and one no preference, don't think everyone is against this. Greg Dennis stated this is not the will of the people, this intimidating tactic does not work. He stated h will get a recall for those elected to the Council. Lydia Dennis stated would be happy for 5 acre lots. Littleton stated how many showed up for other additions similar to this.

Stuhlsatz stated how else can we explain we don't want this? Littleton asked what legally could happen if we deny requirements? Perryman explained property owner contracted with purchaser willing to sell with this density, have a 2020 long range plan that use of property is consistent with 2020 plan required by state law in place since 2004, proposed use is consistent with plan, have to consider the rights of private property owner. If arbitrary or capricious to make a decision not consistent there is potential to be liable. Dickson asked if this contradicts the 2020 plan, could this be tabled? Perryman stated it's an element for consideration. Dickson said relatively dense, is possibly taken out of context, then there is the language that Tuttle seeks to remain low density which is confusing. Perryman stated those labeled relatively dense is in relation to what is around. Dickson said interpretation of plan has not been fully considered, my vote is no, area is residential, have no problem changing zoning but 900 plus homes is too much. Littleton stated R-1 is minimum of 6000 sq. ft. lots. Young found in late 1990's, (Mayor, Planning Commission & Minutes) request to split lot in downtown area. 100x140 split in half – 1972 stated 7250 ft-7000 ft was below requirement and voted to change. Dickson stated intent of plan is guidelines for planning,

and one city downtown lot changed requirements. Dickson asked what developer is proposing, he has no issue. Issue is with location and volume of homes. Hung up on intent of those who created were not thinking of these 6000 sq. ft. lots. Littleton asked would we be having this discussion if it was 7250 sq. ft. Dickson stated yes, two styles of Tuttle, East and West and what it looks like. This is unmanaged growth and against the document. Littleton responded he is opposed to classism, goal to draw community together, to keep it apart is a problem. Dickson stated not a split town but recognizing what is there, this addition does not fit plan, approved 1st phase, but now need balance of different size homes. Hughes stated not plenty of homes in Tuttle. Danny Williams of 611 West Ridge Dr. expressed frustrations with process and not understanding. He has learned developers are smart business people, meeting requirements, and explaining why changes. City has option to accept revisions. McLeroy stated yes. Williams asked if Rolling Ridge will be used to access? Perryman stated property owner would have to agree, City would not spend resources to do this. Williams stated larger area provide higher quality look, look at revising requirements for future neighborhoods. Smith stated she set on 2040 committee, one problem was youth must leave because of no housing and no work, no one on this council adopted 2020 plan but it is our guide, PUD tries to mitigate what is happening with neighborhoods, will take 10-15 years to complete, would love to see you run for office, would like to see you involved, but don't be angry, be positive, persuade with facts and help us grow together. McLeroy stated 2040 died due to lack of participants. Williams stated if he had known would have participated.

Jerome Alexander at 5406 E. Tyler stated chose to live in here and research Tuttle and schools, back window view is trees and land, will soon be cul-de-sac numerous homes, came here from 50th & MacArthur lived in fear, moved here for his children to grow up. He is bringing jobs and income to community. McLeroy stated he's lived here whole life, agree with everything stated wouldn't do this job if didn't care, aggravates me, same crowd, different developments, makes \$50 a month for this position, fought this developer every step of the way, we have more strict requirements than other communities. Find a legal reason to stop this and we can block this, much time is spent fixing ordinances that don't fit with today's standards, would not spend time if I didn't care. Perryman stated Oil & Gas is also against Tuttle.

Kathy Williams stated doing what you can to follow requirements of 1990, is there opportunity to change requirements going forward to raise standards of lot size? McLeroy stated working on this now. Smith stated lot size will change, building standards are higher, want good quality and mix of housing. Dickson expressed thanks for them being here and voicing opinion, thanked engineer for making changes to meet requirements.

Dickson stated this development is not consistent with 2020 Plan. Hughes stated what about other additions? Dickson stated it was 250 homes not 974 and 16 duplexes, would like 1/2 or 1/4 acre lots. Reid stated that size lot would be \$800,000 home, triples upfront cost for development. Developer stated this has been a year-long process, changed look of homes and streets, 20-30% increase for concrete streets. He stood up for Council Members and the abuse they are taking.

McLeroy stated will improve Tyler to Entrance & Sara to 37, with turning lanes. Hughes stated petitioned to get stop light but was denied by ODOT. Kathy William asked was the purpose to have affordable housing and with improvements they will have to recover cost. Hughes stated these are developers not home builders, so they cannot answer those questions. Dickson asked what type of good will is the developer willing to contribute to the City, will they spend money on parks or schools? Reid stated parks and walking trail in addition. McLeroy stated changed ordinance to make HOA responsible for all new subdivision when 1st lot is sold. City has ability to help enforce rules. Reid said 2 of 3 areas will have amenities, playground, benches, etc. Dickson asked about common area size,

Reid replied 2-3 areas. Dickson asked about a plan to support schools. Reid said no plans, developer puts in millions of dollars in infrastructure. Development upgrading and paying for sewer improvements for development and community. Reid also stated overall density is the same as other developments.

Jacki Hine stated 4 houses on Timbercreek attended 2040 meetings maybe need to look at it again. Smith stated legal judgement would go on tax roll for all residents to pay. Littleton asked if any cause to table to look at 2020 plan, interpretation issue and differing opinions. Wallace Mellinger stated asphalt roads by River are deteriorating, willing to do what the City is asking for. Perryman stated plan is a guide, there should be reason to depart from and that is not rezoning. Should look at rules and long-range plans, has been in compliance in accordance to zoning code and long-range plan. To review again would not accomplish anything. Property owners have right to use their property. Perryman also stated relative is interchangeable to comparative in City, not relevant that is 200 acres or 50 acres. Littleton stated seller and buyer uncontested. Perryman stated since it is in City look at plan and zoning, private property rights give owner privilege.

Motion was made by Hughes, seconded by Littleton at 10:05 p.m. to extend the meeting one hour

Motion carried as follows:

Aye: Dickson, Littleton, Hughes, Smith and McLeroy

Nay: None

Smith stated primary right belongs to the landowner, try to balance everyone's rights.

Motion was made by Littleton, seconded by Smith to table until March 9th meeting for review of 2020 plan.

Motion carried as follows:

Aye: Dickson, Littleton and Smith

Nay: Hughes, McLeroy

Motion was made by Littleton, seconded by Smith at 10:12 to recess for 10 minutes

Motion carried as follows:

Aye: Dickson, Littleton, Hughes, Smith and McLeroy

Nay: None

- b. DISCUSSION and related CONSIDERATION of **Ordinance 2020-02** (PC Petition 2020-02), request of 3 Diamond Development, LLC., for approval of a new Planned Development to be located in the 1300 Block of N Mustang Rd/SH-4

Motion was made by Littleton, seconded by Smith at 10:22 to reconvene.

Motion carried as follows:

Aye: Dickson, Littleton, Hughes, Smith and McLeroy

Nay: None

David Knowles with Crafton Tull presented 7 acre tract, within Montford PUD zoned C-5, put R-3 overlay on existing zoning, age restriction, gated community for affordable single housing, enter on Patriot Road, buffer between multi-family and single family, will have City water and sewer, PUD provides façade requirements. McLeroy asked will fence match other Montford brick? Knowles stated not opaque but ornamental metal, not privacy fence. Greg - Ownership with Montford will want to keep consistent design. McLeroy stated putting fencing in PUD.

Betty Smith at 1300 N. Mustang expressed the drive is across highway from this,

had different appearance when 1st approved, look more like apartment complex, noise could be a problem, need brick fence, what about highway crossover? Dickson stated North is main entrance, south is what? Developer stated Emergency Entrance. McLeroy stated update PUD document, similar to fence in Montford now, wrought iron in conjunction with brick pillars.

Motion was made by Smith, seconded by Hughes to adopt Ordinance 2020-02 (PC Petition 2020-02), request of 3 Diamond Development, LLC., for approval of a new Planned Development to be located in the 1300 Block of N Mustang Rd/SH-4 as amended.

Motion carried as follows:

Aye: Dickson, Littleton, Hughes, Smith and McLeroy

Nay: None

- c. DISCUSSION and related CONSIDERATION of recommendation to amend the Tuttle Subdivision Regulations to include the City Council in the subdivision variance approval process

Young stated could be conflict with Planning Commission and City Council – add City Council to be involved in variance.

No Action

- 6. CONSIDERATION of Items Removed from Consent Docket

See Action taken after Item 4

- 7. GENERAL GOVERNMENT

- a. DISCUSSION and related CONSIDERATION regarding award of contract for the construction of a steel frame structure for a restroom building at the Tuttle Soccer Complex

McLeroy stated he's recusing himself from discussion.

Mears presented he has two bids, Callahan and TSG Custom Buildings, recommends TSG as best and lowest bidder. Smith asked about bathrooms and storage? Mears stated yes, extended the building size to accommodate Hughes asked about funds. Mears stated parks grant funds, hope to start in two weeks.

Motion was made by Littleton, seconded by Dickson to accept bid from TSC with alternates.

Motion carried as follows:

Aye: Dickson, Littleton, Hughes and Smith

Nay: McLeroy

- 8. STREETS

- a. DISCUSSION and related CONSIDERATION regarding Farm Credit Drainage proposal costs.

Slattery presented document from Howards Paving, concern with Public Works doing this project this is a long-term solution.

No Action

Kip and Betty discussed drainage concerns – SH-4 caused water problems. Fairbairn stated he will contact Brian at the Bank, start discussion with bank paying everything.

9. PUBLIC SAFETY

- a. DISCUSSION of project update regarding the new police station bond.

No Action

- b. DISCUSSION and related CONSIDERATION approval of Construction Manager contract between the City of Tuttle and Flintco for the new Police Department facility.

Motion was made by Smith, seconded by Hughes to table until Attorney reviews.

Motion carried as follows:

Aye: Dickson, Littleton, Hughes, Smith and McLeroy

Nay: None

10. INFORMATION AND REPORTS

- a. City Manager and Department Reports

Anthony stated his report is in the packet. Balenseifen said nothing to add. Marble stated update on Court software implementation is continuing and thanked the City Council for approving the investment in new software. Mears stated FEMA meeting next Wednesday, Silver Ridge all signatures but one collected, the one holdout stated no flow issue, does not want City to change what he paid for in his yard. McLeroy stated concerned about cost if it can't be accessed from South. Dickson mentioned asked to look to see if it can be done. Mears discussed IOOF building move, there are mobility limits to back in building in place, may be more cost involved.

- b. Council Members Reports

Dickson mentioned Smith pond silted in due to Hollowbrook sewer, asked if City can dredge. Littleton explained where and how it happened. Perryman stated will talk with Tim about this. Perryman mentioned deny contractors approval until they take care of this. Dickson stated clarify comment of 2 types of Tuttle – East and West. Not trying to say poor or wealthy, just a different vibe, not us vs them.

Littleton addressed Koelsch request for devices, stating the choice of City Council members would be the “surface”.

McLeroy stated only two people reached out to speak to him about the new subdivision.

NEW BUSINESS

ANNOUNCEMENTS

1. City Council Workshop Meeting on Monday, February 24, 2020 at 6:00 p.m.
2. City Council Meeting on Monday, March 9th, 2020 at 7:00 pm (workshop at 6:00 pm)

ADJOURNMENT

Motion was made by Littleton, seconded by Hughes to adjourn the City Council Meeting at 11:30 p.m.

Motion carried as follows:

Aye: Littleton, Dickson, Hughes, Smith and McLeroy

Nay: None

Attest:

Wendy Marble, City Clerk

Aaron McLeroy, Mayor