

Minutes

THE CITY OF TUTTLE COUNCIL MEMBERS MET IN REGULAR SESSION ON **FEBRUARY 14, 2022**, 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: DAVID PERRYMAN, WENDY MARBLE, AARON SLATTERY, RYAN ALLEN, DON CLUCK, LAURIE KOELSCH, AMBER RILEY, JULIE MOWDY, WJ MORGAN, KELLY DEATHERAGE, BRYAN BALENSEIFEN, ANNE SUBLETT, AMY NATCHER AND SEAN FAIRBAIRN

OTHERS PRESENT: MIKE HIXSON, TYMON SHARP, TYLER GUTHERY, CHARLES GUTHERY, GENIA GORE, JARED MCATEE, JAYSON KNIGHT, JAY KNIGHT, MARCY WASHBURN, JEFF FISH, JUDY PRESTON, TYLER KINCANNON, KIM & KLANE KIRBY, MIKE MEDRANO, LESLIE WALKER AND OTHERS WHO DID NOT SIGN IN

CALL TO ORDER McLeroy called the meeting to order at 7:05 p.m.

ROLL CALL Marble called the roll and declared a quorum present

PLEDGE OF ALLEGIANCE McLeroy led the pledge

INVOCATION Littleton gave the invocation

Mayor McLeroy asked to open the Tuttle Public Works Authority meeting

Motion was made by Littleton, seconded by Smith to recess the City Council Meeting and begin Tuttle Public Works Authority meeting at 7:07 p.m.

Motion carried as follows:

Aye: Dickson, Littleton, Hughes, Smith and McLeroy

Nay: None

Motion was made by Littleton, seconded by Hughes to reconvene the City Council Meeting at 7:12 p.m.

Motion carried as follows:

Aye: Dickson, Littleton, Hughes, Smith and McLeroy

Nay: None

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. INTRODUCTION of new employees
Cluck stated no new employees
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. In reviewing and responding to any agenda item, the Council may, in whole or in part, adopt, approve, conditionally approve, ratify, deny, defer, amend, strike or continue any item.)

- a. APPROVAL minutes for City Council meeting January 10, 2022
- b. APPROVAL minutes for City Council workshop meeting January 10, 2022
- c. APPROVAL minutes for City Council workshop meeting January 24, 2022
- d. APPROVAL minutes for City Council Special meeting February 1, 2022
- e. ACKNOWLEDGMENT receipt of payroll and claims for January 2022
- f. APPROVAL and RATIFICATION all action taken by the Tuttle Public Works Authority for January 2022
- g. APPROVAL and RATIFICATION all action taken by the Tuttle Development Authority for January 2022
- h. APPROVAL to surplus older model Onn radios and chargers no longer used by the Fire Department Page 2 of 3
- i. APPROVAL of Resolution 2022-02 amending the Employee Handbook Section 508 regarding policy for employee use of Equipment and Vehicles
- j. APPROVAL of Resolution 2022-03 amending the Employee Handbook adding Section 719 regarding policy for Breach of Personally Identifiable Information
- k. APPROVAL purchase of three 2022 Dodge Chargers for the Police Department not to exceed \$159,000
- l. APPROVAL to accept award of grant in the amount of \$5,000 from Oklahoma Municipal Assurance Group (OMAG) for body worn cameras for the Police Department
- m. APPROVAL to accept the Local Law Enforcement Justice Assistance Grant JAG-LLE 2021 in the amount of \$10,000 to be used for handheld radios
- n. APPROVAL Budget Amendment 2022-03 regarding programming budget for ARPA funds received from Grady County for 8 Lucas Chest Compression Systems
- o. APPROVAL and RATIFICATION of Manager Resignation and Separation Agreement

Motion was made by Littleton, seconded by Dickson to approve Items 4a through 4o on consent docket. Motion carried as follows:

Aye: Dickson, Littleton, Hughes, Smith and McLeroy

Nay: None

5. CONSIDERATION of Items Removed from Consent Docket

Strike

6. COMMUNITY DEVELOPMENT

- a. DISCUSSION, CONSIDERATION and POSSIBLE ACTION, including, but not limited to, Approval, Denial, Amendment, Revision or Conditional Approval, in Whole or in Part of PC 2021-05 Hollow Brook Phase 2 Final Plat and Acceptance of Infrastructure.

Fairbairn presented the road, water and sewer review is completed and passed all requirements. He recommends approval. Smith asked what the Planning Commission vote was. Fairbairn stated 3-0 approval. Dickson asked if comfortable with the drainage plan? Fairbairn stated yes, they have a temporary detention pond in place.

Motion was made by Hughes, seconded by Smith to approve PC 2021-05 Hollow Brook Phase 2 Final Plat and Acceptance of Infrastructure. Motion carried as follows:

Aye: Dickson, Littleton, Hughes, Smith and McLeroy

Nay: None

- b. DISCUSSION, CONSIDERATION and POSSIBLE ACTION, including, but not limited to, Approval, Denial, Amendment, Revision or Conditional Approval, in Whole or in Part regarding Ordinance 2022-04 (PC 2022-06) Silver Trails Planned Unit Development (PUD)

Charles Allen presented this development is 67 acres with 130 lots, with 11,000 sq ft lot size, 13 acres of common area, ponds, and a playground. He stated the original PUD was for 72 lots with asphalt streets. Zac Holland of Premium Land stated they are not asking for variances. He stated this addition is separate from Prairie Hills. The amenities will include walking trails, pond and playground. He stated these lot sizes do not exist currently in Tuttle, and Homes by Taber overbuilds with many extra features. He stated 1800 sq ft will be the minimum size with up to 3500 sq ft. The cost per foot is from \$155 to \$165. They will include an 8/12 pitch roof from the street view and three car garages on all homes. Dickson asked what is the separation from Prairie Hills? Holland presented they plan to leave as much of the land undisturbed and wrought iron fence will back up to the common areas. Dickson stated Prairie Hills residents thought this would be an extension of what they have and asked what can be done to their view of the neighborhood? Holland stated not sure what can be done to the view but will preserve as many trees as possible.

Mayor asked those that submitted an appearance request to come up and speak.

Anita Cinnamon of 1432 Prairie Hills Dr stated she strongly opposes this development and has concerns about overcrowding of the land, over population, safety of water table, drainage and the flood plain. She stated the property owner Mr. Fulkerson promised 60 homes. McLeroy explained drainage will be addressed in construction planning and this is just about rezoning. Fairbairn stated the developer will have to submit drainage plans and be approved.

Marcy Washburn of 1006 Twin Creek Circle presented concerns for pond filling up with dirt and overflowing. She asked what plan for streets. She stated she did not expect to see this number of homes from her backyard. McLeroy stated the street plan is for cul-de-sacs. He asked engineer about pond and Allen presented the water flows to the north and the drainage will be addressed during the construction phase.

McLeroy asked Holland if Taber is only builder and Holland stated if the PUD is approved Taber will purchase all the lots.

Jeff Fish of 1006 Twin Creek Circle asked the City Council to not let this go forward. He stated rezoning is arbitrary and capricious.

Tymon Sharp stated the community is being sacrificed with the 400 cars that this addition will add to the traffic. He stated he moved here to have space. He does not think this fits the model for this area. He asked that the council reject the rezoning and approve something that fits the neighborhood.

Hughes asked about the developer making improvements to Silver City Ridge Road. Allen state they will be tying into Czech Hall Road, with most improvements to the west, but stated will do improvements as required by the City.

Candace Lennarson of 1416 Prairie Hills Dr. asked how the developer can build on this steep hill. Allen stated there may need to be retaining walls, but this request is for rezoning only. Littleton presented the drainage has to meet the city requirements and we have no engineering plans for this project yet. Fairbairn stated all drainage from east to west will be route to the detention ponds. McLeroy stated the first step is the conceptual plan and if that is approved, they move on to the engineering.

Crystal Groff of 3612 Blue Stem wants this to be two acre lots and does not want it to be like Hollowbrook. Sean Groff complained about the poor condition of streets.

Dickson presented many streets have been repaired by the bond issue that passed. He stated it takes over \$200,000 to overlay a mile of asphalt. Dickson asked who should determine growth of a community. He stated cities are only funded by sales tax and we need people to spend money in the community. Littleton discussed the need for retail and the need for medium sized homes. He stated if you own property, no one has the right to determine your right to develop it, if you meet the city requirements. Perryman stated in 1979 the city did not want growth, and city annexed land to protect the area. He stated the only way to control property is to own the property. People have the right to do what they want with their land as long as it is within the rules.

Dickson thanked the residents for being involved in these discussions. McLeroy stated the City Council must follow the laws. Smith stated this complies with the zoning code and if we deny, we are being arbitrary. Hughes asked if there is anything the council can do. Perryman stated no, the property owner has right to develop. Littleton stated if the city is sued, you would pay as the taxpayer. Perryman stated this would be added on tax rolls as ad-valorem tax. McLeroy asked how long before preliminary plans are available? Allen stated approximately six months. Perryman stated residents can get notification by looking at agendas or signing up for agenda notifications on the city's website.

Motion was made by Littleton, seconded by Smith to approve Ordinance 2022-04 (PC 2022-06) Silver Trails Planned Unit Development (PUD)

Motion carried as follows:

Aye: Dickson, Littleton, Hughes and Smith

Nay: McLeroy

- c. DISCUSSION, CONSIDERATION and POSSIBLE ACTION, including, but not limited to, Approval, Denial, Amendment, Revision or Conditional Approval, in Whole or in Part regarding Ordinance 2021-12 (PC 2021-40) request of Shadow Valley Development for approval to amend an already approved Planned Development (PUD-006) in the area bounded by N Mustang Rd/SH-4, E Tyler Dr, N Sara Rd and E SH-37 (tabled 12/13/2021 & 1/10/2022)

McLeroy stated he spoke to the developer and city has not received documents, including drainage plan and contracts. McLeroy stated we need to meet with developer again and bring back to workshop meeting.

Motion was made by Littleton, seconded by Smith to TABLE items 6c and 6d until the February 28, 2022, workshop meeting. Motion carried as follows:

Aye: Dickson, Littleton, Hughes, Smith and McLeroy

Nay: None

- d. DISCUSSION, CONSIDERATION and POSSIBLE ACTION, including, but not limited to, Approval, Denial, Amendment, Revision or Conditional Approval, in Whole or in Part regarding (PC 2021-40) a real estate donation contract with Shadow Valley Development regarding land within the Hollow Brook Subdivision (tabled 1/10/2022)

Motion was made by Littleton, seconded by Smith to TABLE items 6c and 6d until the February 28, 2022, workshop meeting. Motion carried as follows:

Aye: Dickson, Littleton, Hughes, Smith and McLeroy

Nay: None

7. GENERAL GOVERNMENT

- a. DISCUSSION, CONSIDERATION and POSSIBLE ACTION, including, but not limited to, Approval, Denial, Amendment, Revision or Conditional Approval, in Whole or in Part regarding appointment to Position 1 of the Tuttle Planning Commission for a term ending June 30, 2022

Marble stated only have one applicant. No Action Taken

Motion was made by Littleton, seconded by Hughes to recess the City Council meeting at 9:14 p.m. and begin Tuttle Public Works Authority meeting. Motion carried as follows:

Aye: Dickson, Littleton, Hughes, Smith and McLeroy

Nay: None

Motion was made by Littleton, seconded by Dickson to reconvene the City Council Meeting and Tuttle Public Works Authority meeting at 9:37 p.m.

Motion carried as follows:

Aye: Dickson, Littleton, Hughes, Smith, and McLeroy

Nay: None

8. INFORMATION AND REPORTS

a. City Manager and Department Reports

Slattery presented no update on continuation regarding the street bond tax and requested to pause and return to this item in the future.

Fairbairn presented lagoons may need new pumps for aeration, dredging and removing sludge

Dickson thanked all for their hard work during the winter storm.

Allen presented record response year for Fire and EMS. 50% increase in calls.

McLeroy thanked Cluck for filling in as City Manager

b. Council Member Reports

Motion was made by Littleton, seconded by Dickson to reconvene the City Council Meeting and Tuttle Public Works Authority meeting at 9:47 p.m. and enter Executive Session for both meetings.

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.

Motion was made by Littleton, seconded by Smith to reconvene the City Council Meeting and Tuttle Public Works Authority meeting at 11:23 p.m.

Motion carried as follows:

Aye: Dickson, Littleton, Hughes, Smith, and McLeroy

Nay: None

9. EXECUTIVE SESSION

(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. Discussion and Consideration and Possible Action relating to the employment of an Interim City Manager for the City of Tuttle. The Discussion and Consideration and Action potentially anticipated under this Agenda Item may include the following and may include Approval, Denial, Amendment, Revision or Conditional Approval, in Whole or in Part related to:

1. The Process, Procedure and Substance of employing an Interim City Manager for the City of Tuttle.
2. The possible employment of an Interim City Manager for the City of Tuttle.
3. The possible establishment of terms and conditions of employment of an Interim City Manager.
4. The possible execution of an Interim City Manager Contract.

(Proposed Executive Session pursuant to 25 O.S. Section 307 (B)(1) for discussions. 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.)

No Action Taken

Motion was made by Smith and seconded by Littleton at 11:24 p.m. to recess the City Council meeting and Tuttle Public Works Authority meeting until 6:00 p.m. on Tuesday, February 15, 2022. Motion carries as follows:

Aye: Dickson, Littleton, Hughes, Smith and McLeroy

Nay: None

Tuesday, February 15, 2022

Motion was made by Littleton, seconded by Dickson at 6:00 p.m. to reconvene the City Council Meeting and Tuttle Public Works Authority meeting from Monday, February 14, 2022 and enter Executive Session for both meetings.

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.

Motion was made by Littleton, seconded by Dickson to reconvene the City Council Meeting and Tuttle Public Works Authority meeting at 7:44 p.m. on Tuesday, February 15, 2022. Motion carried as follows:

Aye: Dickson, Littleton, Hughes, Smith, and McLeroy

Nay: None

No Action Taken

Motion was made by Littleton and seconded by Dickson at 7:47 p.m. to recess the City Council meeting and Tuttle Public Works Authority meeting until 6:00 p.m. on Thursday, February 17, 2022. Motion carries as follows:

Aye: Dickson, Littleton, Hughes, Smith and McLeroy

Nay: None

Thursday, February 17, 2022

Motion was made by Dickson, seconded by Littleton at 6:00 p.m. to reconvene the City Council Meeting and Tuttle Public Works Authority meeting from Tuesday, February 15, 2022 and enter Executive Session for both meetings. Motion carried as follows:

Aye: Dickson, Littleton, Hughes, Smith, and McLeroy

Nay: None

Motion was made by Smith, seconded by Littleton to reconvene the City Council Meeting and Tuttle Public Works Authority meeting at 6:11 p.m. on Thursday, February 17, 2022.

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.

Item 9 – Executive Session

Motion was made by Smith and seconded by Dickson to offer employment to Larry Mitchell under the terms and conditions of the agreement with the City. Motion carries as follows:

Aye: Dickson, Littleton, Hughes, Smith and McLeroy

Nay: None

NEW BUSINESS

None

ANNOUNCEMENTS

1. City Council Workshop Meeting on Monday, February 28, 2022 at 6:00 p.m.
2. City Council Meeting on Monday, March 14, 2022 at 7:00 pm (workshop at 6:00 pm)

ADJOURNMENT

Motion was made by Littleton and seconded by Smith to adjourn City Council and Tuttle Public Works Authority meeting at 6:12 p.m. on Thursday, February 17, 2022. Motion carries as follows:

Aye: Dickson, Littleton, Hughes, Smith and McLeroy

Nay: None

Attest:

Wendy Marble, City Clerk

Aaron McLeroy, Mayor