

## Minutes

THE CITY OF TUTTLE COUNCIL MEMBERS MET IN REGULAR SESSION ON **MARCH 9, 2020 at 7:00 P.M.** IN THE TUTTLE CITY HALL LOCATED AT 221 W. MAIN STREET.

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

MEMBERS ABSENT: TODD LITTLETON

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

OTHERS PRESENT: LILLIE MCDANIEL, SHARON MELLINGER, MARY BOREN, KIMBERLY RAGSDALE, WALLACE MELLINGER, TERRY SHAW, JEROME ALEXANDER, LISA MEDLEY, GARY MEDLEY, IRMA STEERE, KIM RILEY, LEE RILEY, BECKY STUHLSTAZ, DEBRA JONES, DANNY WILLIAMS, TIM STUHLSTAZ, ASHLEY HICKMAN, DOLORES BOBIER, DAVID KOELSCH, RICH STEERE, DAN GORE, LESLIE WALKER, LYDIA DENNIS, GREG DENNIS, JIM DENNIS, CHARLES GUTHERY, KIM MARTIN, ANTWON BRAY, MARK ARNETT, LINDA CODY, JAYSON KNIGHT AND OTHERS WHO 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** Hughes 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

**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 February 10, 2020

- b. APPROVAL minutes for City Council Workshop meeting February 10, 2020
- c. APPROVAL minutes of City Council Workshop meeting February 24, 2020
- d. ACKNOWLEDGMENT receipt of payroll and claims for February 2020
- e. APPROVAL and RATIFICATION all action taken by the Tuttle Public Works Authority for February 2020
- f. APPROVAL and RATIFICATION all action taken by the Tuttle Development Authority for February 2020
- g. APPROVAL Memorandum of Understanding between Tuttle Christian Church and the City of Tuttle regarding the International Order of Odd Fellows building
- h. APPROVAL transfer of title from the Tuttle Christian Church to the City of Tuttle
- i. APPROVAL Memorandum of Understanding between Tuttle Historical Society and the City of Tuttle regarding the International Order of Odd Fellows building
- j. APPROVAL of Forestry Services agreement between Oklahoma Department of Agriculture, Food and Forestry and the City of Tuttle
- k. APPROVAL of FEMA State – Local Agreement for the Public Assistance Grant
- l. APPROVAL surplus of 1984 IH Dump Truck for Streets Department and 2002 Chevy 2500 Pickup Truck for Gas Department
- m. APPROVAL Budget Amendment 2019-05
- n. ACCEPTANCE of Perpetual Easement from Larry and Connie Nowlin in the 5000 block of E Silver City Ridge
- o. APPROVAL of Audit Engagement Letter for annual audit by Angel, Johnston & Blasingame, P.C. for year ending December 31, 2019
- p. APPROVAL of agreement with Oklahoma Tax Commission for collecting the new sales and use tax of 4.5% effective April 1, 2020

**Motion was made by Hughes, seconded by Smith to approve consent docket items 4a-p except for item g, h, and i.**

**Motion carried as follows:**

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

**Nay: None**

5. CONSIDERATION of Items Removed from Consent Docket

**Items g, h and i were not ready for consideration**

6. 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 **(tabled 2/10/2020)**

**Young presented draft of PUD that was submitted today, added language for façade and landscaping. Friday staff received petition that would require 3/5 vote to adopt ordinance, also presented PowerPoint. Findings: 1. Petition needed to be filed 3 days prior to public hearing – 1<sup>st</sup> public hearing was in February 2. 50% of property**

owners included. 3. Council approval requires majority of council – 3 votes always required.

Perryman stated presentation is consistent with State law and applies to City of Tuttle. Young presented updated PUD; with landscape and adopted City's façade language.

Dickson asked who maintains common area? Mr. Reid stated HOA.

Dickson presented email to the council and staff from Perryman, with clarification of 2020 comprehensive plan. The plan is not a regulatory document, provides guidance, decisions should not be arbitrary or capricious. Plan specifies relatively high density east of SH 4 and N. SH-37, and a summary vote to deny would be arbitrary or capricious. Perryman stated based on current factors and not competing interest to remain less dense; considering the property owners want to sale and develop, current plan (2020) appears to be consistent with proposed use.

McLeroy stated Council members did not do a good job explaining their role as Council, they are to follow laws of constitution, state statute and city ordinances, not a right to make decisions about who can and cannot buy and develop land, also gave definition of arbitrary and capricious, not our role what people can do with land. Cannot deny zoning if they are following the rules of the City. PUD is a negotiation and the role of the Council is to enforce the rules. Perryman stated Council deal with this in best interest of the municipality, the law states a point where government can regulate use of property, when you go so far to tell people what they can do – reverse condemnation, stating you don't want that in your backyard is not a legitimate basis to deny use. Smith stated 2020 was developed over several months with citizen input, to go against is arbitrary with no good reason to do so.

McLeroy announced citizen request – Mary Boren to speak.

Mary Boren stated she's lived in Tuttle for 48 years, no privacy fence between her property and common area, doesn't want people coming across property, asked who is responsible for vacant lots? Reid answered regarding fence that drainage could not be blocked by fence it is 400-foot common area. Boren stated there's a barbed wire fence now. Reid stated they will leave the barbed wire fence.

David Koelsch asked 3 questions.

1. Why only ¾ mile of Tyler & Sara being improved?
2. New legal counsel has advised this could have been denied for phase 1, will cover 3.7 sq. miles – concerns over infrastructure, why can't City reject based on scale?
3. What is larger lot size for PUD in future, what will City do to prevent more additions.

McLeroy and Perryman answered Koelsch's questions

1. McLeroy stated the Developer has agreed to do that improvement to road, he didn't have to.
2. Perryman answered law has not changed, between phase 1 and 2.
3. McLeroy stated lot size is to be determined. There's been talk anywhere between 7,200 and 10,000 ft. What will City do to prevent more additions? It is the City's job to build and provide services.

Also mentioned Oklahoma Legislature is voting Thursday to approve to take protections away from municipalities Perryman stated façade is another negotiated improvement.

Perryman explained PUD is overlay of regular zoning.

Perryman stated less impact than an addition with water wells and septic, explained how impact fees could take care of future needs, and presented municipalities struggle with legislature.

Greg Dennis expressed frustration with City, hearing from others that something is not right, City could have turned this down very early on, City let residents down, nobody wants this.

Motion was made by Smith, seconded by Hughes to approve Ordinance 2020-03 (PC Petition 2020-02), request of Shadow Valley Development, LLC., for approval 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 including updated documents as presented today.

Motion carried as follows:

Aye: Dickson, Hughes, Smith and McLeroy

Nay: None

- b. PUBLIC HEARING, DISCUSSION, and related CONSIDERATION abatement of a mobile home located at 706 SW 2<sup>nd</sup> Street, Lot 1 (CE 2019-380)

Balenseifen spoke about 706 SW 2<sup>nd</sup> Lot 1, October 9th received Code complaint over condition of property, vacancy and unsecured. November 8th received complaint. City shows no utility services since end of year 2018. Repairs and maintenance needed to be livable. Property condemned, owner was called and explained intentions to improve. Started remodeling on February 10<sup>th</sup> without permits, a stop work order was issued February 14, 2020. Declared dilapidated.

McLeroy opened public hearing at 8:23 pm

Mark Arnett – Construction supervisor

Antwon Bray – Owner of 706 & 702 SW 2<sup>nd</sup>

Bray stated he purchased as investments, has over 50 properties in Oklahoma, purchased in March 2019, wants the opportunity to repair trailer.

McLeroy stated the ordinance does not allow repairs if the condition is past a certain point. Perryman stated non-conforming use, if vacant 3 months will be removed, illegal use, mobile home not in park. Smith asked if they have any other choice since it's presented as dilapidated. McLeroy expressed he's made 2 others tear down, past 50% threshold. Perryman stated it's been vacant for at least 1 year. February 2019 city disconnected utilities.

Smith asked if Bray is requesting to restart the process of completion in 6 months and have you sought financing to repair. Bray answered that he bought trailer for \$4,000 and he plans to rent for \$600 a month. Dickson requested that they provide City with plan in the next 2 weeks and figure out and assess cost or value. Perryman stated so many things are out of compliance. Hughes stated up to owner to provide value of home. Perryman said will require hard surface driveway since mobile homes outside parks are non-conforming. City will need to provide list of what to do or what can't be done. McLeroy explained that Code Enforcement Officer did his job.

McLeroy closed public hearing at 9:21 pm

**Motion was made by Dickson, seconded by Hughes to accept recommendation for abatement of a mobile home located at 706 SW 2<sup>nd</sup> Street, Lot 1 (CE 2019-380)**

**Motion carried as follows:**

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

**Nay: None**

- c. PUBLIC HEARING, DISCUSSION, and related CONSIDERATION abatement of a mobile home located at 706 SW 2<sup>nd</sup> Street, Lot 3 (CE 2019-381)

**Balenseifen presented same basic information – the interior is worse, mold everywhere, structural damage, multiple complaints.**

**McLeroy opened public hearing at 9:29 pm**

**No comments**

**McLeroy closed public hearing at 9:29 pm**

**Motion was made by Dickson, seconded by Hughes to accept recommendation for abatement of a mobile home located at 706 SW 2<sup>nd</sup> Street, Lot 3 (CE 2019-381)**

**Motion carried as follows:**

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

**Nay: None**

- d. DISCUSSION and related CONSIDERATION of **Ordinance 2020-05** (PC 2020-06) amending Chapter 4 of the Code of Ordinances regarding building permits and fees and other Community Development fees

**Balenseifen researched other City fees to revise/update City of Tuttle fees. McLeroy asked about square foot, is it considered what's under the roof? Balenseifen answered yes, under the roof.**

**Motion was made by Smith, seconded by Hughes to adopt Ordinance 2020-05 (PC 2020-06) amending Chapter 4 of the Code of Ordinances regarding building permits and fees and other Community Development fees. (Effective 30 days)**

**Motion carried as follows:**

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

**Nay: None**

- e. DISCUSSION and related CONSIDERATION of **Ordinance 2020-06** (PC 2020-07) regarding amendment to the Tuttle Subdivision Regulations modifying the regulations for sidewalks and pedestrian ways

**Young created sidewalks 1 year ago, this is clean up.**

**Motion was made by Smith, seconded by Hughes to adopt Ordinance 2020-06 (PC 2020-07) regarding amendment to the Tuttle Subdivision Regulations modifying the regulations for sidewalks and pedestrian ways**

**Motion carried as follows:**

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

**Nay: None**

- f. DISCUSSION and related CONSIDERATION of **Ordinance 2020-07** (PC 2020-08) regarding amendment to the Tuttle Subdivision Regulations adding regulations regarding Homeowner's Associations

Young stated years ago required but this states the details of Home Owner's Associations.

Motion was made by Smith, seconded by Hughes to adopt Ordinance 2020-07 (PC 2020-08) regarding amendment to the Tuttle Subdivision Regulations adding regulations regarding Homeowner's Associations

Motion carried as follows:

Aye: Dickson, Hughes, Smith and McLeroy

Nay: None

- g. DISCUSSION and related CONSIDERATION of Ordinance 2020-04 (PC 2020-10) amending the Tuttle Subdivision Regulations to include the City Council in the subdivision variance approval process

Young presented last month this was not on the agenda properly.

Motion was made by Dickson, seconded by Smith to adopt Ordinance 2020-04 (PC 2020-10) amending the Tuttle Subdivision Regulations to include the City Council in the subdivision variance approval process

Motion carried as follows:

Aye: Dickson, Hughes, Smith and McLeroy

Nay: None

Motion was made by Dickson, seconded by Smith to extend the City Council Meeting one hour to 11:00 p.m.

Motion carried as follows:

Aye: Dickson, Hughes, Smith and McLeroy

Nay: None

7. GENERAL GOVERNMENT

- a. DISCUSSION and related CONSIDERATION of Election of three Trustees for Oklahoma Municipal Assurance Group Board of Trustees

**No action**

8. STREETS

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

**Fairbairn stated he failed to meet with Brian at bank.**

**No Action**

9. PUBLIC SAFETY

**None**

10. INFORMATION AND REPORTS

- a. City Manager and Department Reports

**Koelsch gave fiber update – Contractor to be completed by end of March, splicing will take place after that. New code was tested on routers and will reboot tonight, engineers reviewed leakage, gasket was the problem, set new gaskets and are testing now. Young stated it is impressive the splicer has managed all of this and spent a lot of time to fix this, city staff handled 80 or more router failures.**

McLeroy asked where are we with the area that did not get engineered? Koelsch said staff should have the engineering soon.

Smith stated the choice in laptops was excellent.

Mears gave update on soccer restroom pad leveled and will start next week.  
Silver Ridge drainage update, one homeowner may remove his own fence, possible to leave dirt in yards and use skid steer.

Young stated April Workshop meeting develop vision and goals for 2021.  
Walker stated April 8<sup>th</sup> Ice Cream day at Capitol, April 9 is Lunch with U.S Sen. Lankford – location to be determined.

- b. Council Members Reports

None

**NEW BUSINESS**

**ANNOUNCEMENTS**

- 1. City Council Workshop Meeting on Monday, March 23, 2020 at 6:00 pm
- 2. City Council Meeting on Monday, April 13, 2020 at 7:00 pm (workshop at 6:00 pm)

**ADJOURNMENT**

**Motion was made by Smith, seconded by Dickson to adjourn the City Council Meeting at 10:07 p.m.**

**Motion carried as follows:**

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

**Nay: None**

Attest:

\_\_\_\_\_  
Wendy Marble, City Clerk

\_\_\_\_\_  
Aaron McLeroy, Mayor