

Minutes

THE CITY OF TUTTLE COUNCIL MEMBERS MET IN REGULAR SESSION ON **JUNE 8, 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, TODD LITTLETON, AND AARON MCLEROY

MEMBERS ABSENT: NONE

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

OTHERS PRESENT: RALPH GIBBONS, MADISON & NICK HARDAWAY, DAVID WYATT, STEVEN CLAYMAN, JUSTIN COOPER, BILLY JACK TRAXLER, TONY BLATT, AND LESLIE WALKER

CALL TO ORDER Mayor McLeroy called the meeting to order at 7:03 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.)

2. PRESENTATIONS, PROCLAMATIONS AND RECOGNITION

None

3. Discussion and questions regarding items on the consent docket

Strike

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 May 11, 2020
- b. ACKNOWLEDGMENT receipt of payroll and claims for May 2020
- c. APPROVAL and RATIFICATION all action taken by the Tuttle Public Works Authority for May 2020
- d. APPROVAL and RATIFICATION all action taken by the Tuttle Development Authority for May 2020

- e. ACKNOWLEDGEMENT receipt of email from Mark Mathes withdrawing his application for **PC 2020-18**
- f. ACCEPTANCE of donation of perpetual easement from True Oak Fellowship in Section 32, Township 10 North, Range 5 West
- g. ACCEPTANCE of donation of perpetual easement from Mahlon and Carol Harville in Section 26, Township 10 North, Range 5 West
- h. ACCEPTANCE of donation of perpetual easement from Aaron and Elizabeth Mast in Section 26, Township 10 North, Range 5 West
- i. ACCEPTANCE of donation of perpetual easement from Stanley and Vickie Streber in Section 26, Township 10 North, Range 6 West
- j. APPROVAL award of bid to demolish and remove the former Tuttle Lumber Store building to M&M Wrecking, Inc, including Alternate #1, for a total of \$15,260
- k. APPROVAL surplusing the following vehicles from the Fire Department: 2001 ½ Ton Dodge Pickup; 2001 1-ton Q35 Dodge truck; and 1985 Ford Boardman fire engine.
- l. ADOPTION of the City Council Handbook
- m. APPROVAL of **Resolution 2020-08** authorizing participation in the OMAG Recognition Program.

Motion was made by Littleton, seconded by Hughes to approve Items 4a through m on consent docket.

Motion carried as follows:

Aye: Dickson, Hughes, Smith, Littleton and McLeroy

Nay: None

- 5. CONSIDERATION of Items Removed from Consent Docket

Strike

- 6. COMMUNITY DEVELOPMENT

- a. DISCUSSION and related CONSIDERATION of **Resolution 2020-08** (PC Petition 2020-11), request of Citizen Energy III, LLC. Requesting a Specific Use Permit (SUP) to drill four (4) oil & gas wells to be located in the 1300 block of E. Tyler Dr.

Stephen Clayman requesting to drill 4 wells, happy to answer any questions.

Dickson stated in 2016 these were approved, what were the Planning Commissions questions? Clayman stated traffic, noise, light, timeline, footprint off site. 4 ½ acres, depth of wells. Dickson asked what the timeline is. Clayman stated 120 days. Dickson talked about the well ¾ mile from house and noise was constant, lots of traffic on pad site, concerned about traffic using Richland. It is no truck route, how will Citizen address, Clayman instruct all drivers of truck route should comply with rules since work is scarce. Dickson stated concerned that it is in City Limits, does not feel right. Littleton stated make sure Citizen Energy is a good Citizen. Dickson stated who will be the contact? Clayman stated he should be the point of contact and field engineer are contacts. Smith asked about noise. Clayman stated engine equipped with mufflers and noise damper no sound barriers or walls. Hughes asked about lights. Clayman stated lights are for workers safety. Clayman also stated direct to operations contact and will let City know who engineer will be, scheduled to start in 4 months, direct request to OK Corporation Commission if not getting response from Citizen. McLeroy asked if all 4 will be starting at same time? Clayman

stated yes, that is the plan.

Motion was made by Hughes, seconded by Littleton to approve Resolution 2020-08 (PC Petition 2020-11) request of Citizen Energy III, LLC. Requesting a Specific Use Permit (SUP) to drill four (4) oil & gas wells to be located in the 1300 block of E. Tyler Dr.

Motion carried as follows:

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

Nay: None

- b. DISCUSSION and related CONSIDERATION of PC Petition 2020-17 request of Jaden Court, LLC, for approval of a final plat and acceptance of dedicated infrastructure for Jaden Court Phase 1.

Young stated Developer and Engineer are here to speak, Planning Commission voted 5-0 to approve and 40% infrastructure to be dedicated – Pond is not draining – channel required improvements. One resident hold out from Silver Ridge to give license for drainage. House sold and now agree to give license for drainage plan in channel. Dickson asked how quickly can drainage channel work start? Young stated 2 weeks' notice for residents, start possibly in July.

Perryman stated how will elevation and shaping of channel work. Fairbairn stated plans have been developed. Wyatt mentioned ditch work will allow pond to drain. Perryman asked if any deeper than what was discussed a few years ago? Wyatt stated outlet on based on ditch/channel plans. Fairbairn stated in May last year, shallowed ditch plan because of larger detention pond. Dickson asked how long would it take for current water to evaporate? Wyatt stated start at far end and work toward pond, clearly 40% build out was when walking trail was to be built.

Young stated not accept detention until satisfied with infrastructure. Traxler mentioned \$12,146 invoice – charged for meetings with other developments, meetings with Riata also at meetings. Fairbairn stated discussing with WDB is coordination with engineer. McLeroy stated drainage has been going in this lot prior to detention pond, blaming developer. Wyatt stated not disagreeing about cost only about who should pay. Dickson asked how much cost related to Riata Ranch. McLeroy mentioned spending up to \$20,000 for new subdivisions for inferior work. That was intent to have work done with good engineers used by developers. Wyatt mentioned a lot of meetings were City problems not developer. Perryman mentioned could not take action – since item is not on agenda. Young stated he will review. Traxler mentioned when reimbursed for upsizing for sewer and drainage. Fairbairn mentioned \$160,000 for upsize. Young stated Chapter 16 – City enters agreement to pay for upsize.

Motion was made by Littleton, seconded by Smith to accept PC Petition 2020-17 request of Jaden Court, LLC, for approval of a final plat and acceptance of dedicated infrastructure for Jaden Court Phase 1, as amended to accept water, sanitary sewer, streets and drainage infrastructure, minus detention ponds, the walking trails complete at 40% of build out of neighborhood (all phases) and the sidewalk in common areas completed when lots that are adjacent are completed, entrance and frontage fence built when first lots on Tyler are sold.

Motion carried as follows:

Aye: Dickson, Hughes, Smith, Littleton and McLeroy

Nay: None

- c. DISCUSSION and related CONSIDERATION of **ORDINANCE 2020-08 (PC PETITION 2020-05)** amending the Tuttle Code of Ordinance adopting medical marijuana business regulations; adopting fees for medical marijuana business permits; repealing the moratorium on issuing new permits for medical marijuana business regulations; and providing for severability.

Young stated Planning Commission has been working on this for many months, business license, used Mustang Ordinance as base, presented draft ordinance and made amendments.

Motion was made by Dickson, seconded by Littleton to remand ORDINANCE 2020-08 (PC PETITION 2020-05) back to Planning Commission for further consideration.

Motion carried as follows:

Aye: Dickson, Hughes, Smith, Littleton and McLeroy

Nay: None

- d. DISCUSSION and related CONSIDERATION of **Ordinance 2020-09 (PC Petition 2020-05)** amending the Tuttle Zoning Code amending the use table to add medical marijuana commercial uses; adopting medical marijuana business regulations; and providing for severability.

Young stated Planning Commission had a lot of discussion where it should be permitted, presented draft ordinance – used Mustang Ordinance language, Tuttle can be as stringent as they want except on dispensary. Perryman mentioned determining whether and under what condition these types of businesses can operate in city limits, have ability to say no. Littleton asked if Perryman thought it would be litigated? Perryman stated 1000ft set back may not be unreasonable. Smith stated not unreasonable because state has set 1000ft for dispensary. National basis for setback. McLeroy stated issue with zoning industrial open to all industrial operations. Smith mentioned State imposes certain restrictions on Ag land. Littleton stated having industry that has low footprint, Planning Commission stated building has industrial use. Young mentioned two ordinances need to be tied together. Perryman mentioned Noble has ordinance and zoning complete and it is business friendly. Dickson mentioned having a hard time approving 500ft rigs and 1000ft for marijuana. Young mentioned creating new zoning. Should 1000ft apply? Could allow in other zones with SUP. Hughes mentioned Overlay. Young stated PUD can be done, opens door for others, remand back to Planning Commission to address zoning. McLeroy mentioned creating new zoning code.

Motion was made by Dickson, seconded by Littleton to remand Ordinance 2020-09 (PC Petition 2020-05) back to Planning Commission for further consideration.

Motion carried as follows:

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

Nay: None

- e. DISCUSSION and related CONSIDERATION of **Ordinance 2020-10 (PC Petition 2020-16)** regarding amendments to the Tuttle Zoning Code amending the district regulations and land uses for the Central Business District and General Services District; and adding criteria for outdoor yard storage areas.

Young addresses Williams Plumbing building new block on Main Street property, do not allow for contractor yards in Central Business District, can allow if correct

zoning on books, amend district regulations for CBD, on back with alley access. Young presented Ordinance.

Motion was made by Littleton, seconded by Hughes to approve Ordinance 2020-10 (PC 2020-16) regarding amendments to the Tuttle Zoning Code amending the district regulations and land uses for the Central Business District and General Services District; and adding criteria for outdoor yard storage areas.

Motion carried as follows:

Aye: Dickson, Hughes, Smith, Littleton, 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 Homeowner'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

7. GENERAL GOVERNMENT

- a. DISCUSSION and related CONSIDERATION regarding the broadcasting of future City Council meetings

Young stated recording and broadcasting for last 3 months, do you wish to continue to record and broadcast, your call as a body? Smith asked about cost. Koelsch replied \$1,300-\$1,500 for camera is biggest cost. Hughes stated he is not in favor, does not want to discourage from people coming to City Hall, how many views? Koelsch responded with 3-50 views. Perryman stated no requirement for interaction, can broadcast. Koelsch mentioned disable comments on YouTube. Perryman stated nothing says must record to broadcast. Dickson stated he is for it. Smith stated she is open and transparent – in favor. Koelsch mentioned advertising during breaks. – Fiber. McLeroy stated not in favor – use comments against us, out of context. Young mentioned add formal policy to handbook, what meetings, how long do we keep recordings, etc. McLeroy asked for formal policy.

No Action Taken

- b. DISCUSSION and related CONSIDERATION selection of representatives to the Association of Central Oklahoma Government's Board of Directors, 9-1-1 Board of Directors and the Intermodal Transportation Policy Committee.

Motion was made by McLeroy, seconded by Littleton to nominate Mary Smith as the representative for the Association of Central Oklahoma Government's Board of Directors, 9-1-1 Board of Directors and the Intermodal Transportation Policy Committee.

Motion carried as follows:

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

Nay: None

- c. DISCUSSION and related CONSIDERATION selection of the representative to Tuttle Area Chamber of Commerce's Board of Directors

Motion was made by McLeroy, seconded by Dickson to nominate Todd Littleton as the representative for the representative to Tuttle Area Chamber of Commerce's Board of Directors.

Motion carried as follows:

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

Nay: None

- d. DISCUSSION and related CONSIDERATION appointments of Position 1 & 2 on the Parks & Recreation Advisory Board for a term ending June 30, 2022

No Action

- e. DISCUSSION and related CONSIDERATION appointment of Position 2 & 3 on the Planning Commission for a term ending June 30, 2023

Motion was made by Dickson, seconded by Smith to reappoint Position 2 to Richard Rolison.

Motion carried as follows:

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

Nay: None

- f. DISCUSSION and related CONSIDERATION appointment of Positions 2 & 3 on the Cemetery Advisory Board for a term ending June 30, 2023

Motion was made by Littleton, seconded by Dickson to reappoint Deanna Hardesty to Position 3 and appoint Krystal Hutchison to Position 2.

Motion carried as follows:

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

Nay: None

- g. DISCUSSION and related CONSIDERATION appointment of Positions 2 & 3 on the Board of Adjustment for a term ending June 30, 2023

No Action

8. STREETS

- a. DISCUSSION and related CONSIDERATION work to be done to repair roads impacted by oil and gas operations.

Slattery asked if there are any questions, stated this was on last agenda, should have quote for 1.1 mile from Riviera to Cemetery Rd. McLeroy asked about using Tyler Rd and staying on gravel roads from rig.

No Action.

- b. DISCUSSION and related CONSIDERATION for approval of estimate from SHW Construction LLC for repairs to W. Tyler Drive from Gregory Road to N. Cimarron Road.

Slattery mentioned quote for grinding, gravel and compaction for \$48,100.50. The road is in bad shape.

Motion was made by Smith, seconded by Dickson to approve item 8a estimate from SHW Construction LLC for repairs to W. Tyler Drive from Gregory Road to N. Cimarron Road.

Motion carried as follows:

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

Nay: None

- c. DISCUSSION and related CONSIDERATION to approve purchase of 1953 tons of 1.5” crushed gravel at an estimated cost of \$16,113

Slattery explained material to put on road before grinding.

Motion was made by Dickson, seconded by Hughes to approve purchase of 1953 tons of 1.5” crushed gravel at an estimated cost of \$16,113.

Motion carried as follows:

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

Nay: None

9. EXECUTIVE SESSIONS

Mayor recess meeting at 10:15 p.m. and Executive Session to begin after 5min break.

Mayor McLeroy reconvened the City Council meeting at 11:11p.m.

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

10. INFORMATION AND REPORTS.

a. City Manager and Department Reports

1. New Tuttle Police Station Planning

completed

2. Update on IOOF Building Move

Slattery stated footing poured, porch and stairs off, waiting on mover.

3. FEMA Roadway Repairs

Slattery mentioned Czech Hall has been approved, lost mitigation and \$5,000 approved of 16,000 cost, another month, or Silver City Ridge approval, have not seen Gregory Road agreement. Young stated City may be paying out of pocket – which is most of it.

4. Sanitary Sewer Projects

Young mentioned Fairbairn will produce plans tomorrow for SH-4 & 37 then will need to meet with stakeholders, no movement on Warm Springs, WWTP engineering ready by Sept., purchase of property contract has been signed. Perryman stated waiting on easement. Hughes asked the name of park, Young stated Hartin-Hambleton Park. McLeroy asked about Sanitary sewer – Warm Springs committed to pay for what. Young replied he will look at the files. McLeroy stated it will be determined on what City pays Billy Jack Traxler.

5. New Bathrooms and trails at the Tuttle Soccer Complex

Slattery mentioned finishing plumbing, fixtures and framing inside, should move quickly, will bring septic bids next month.

6. Silver Ridge drainage improvements

No other discussion.

7. COVID-19 State of Emergency and response

Young discussed reimbursements, normal operations.

8. Financials

Young mentioned sales tax higher compared to last year general fund – healthy, court collections are down, explained most funds are healthy. EMS fund – Grady County tax down 2/3

9. Oklahoma Legislature

Young mentioned façade bill went through on last day, ordinances on the books today stand. McLeroy stated cannot make changes now. Young mentioned any bills Council wants OML to consider? Perryman stated he met with Sherry Connelly and Paul Scott and Rep from Lindsey and asked for study to create something like OERB where energy revenues are directed out of OTC and funds are available for municipalities impacted or damaged by oil and gas.

- b. Council Member Reports

McLeroy talked about Hollow brook / Raush Coleman meeting last week and developers for Hollow Brook stated all homes must hook up to city gas

Motion was made by Hughes, seconded by Dickson at 10:00 p.m. to extend meeting until 11 p.m.

Motion carried as follows:

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

Nay: None

NEW BUSINESS

ANNOUNCEMENTS

1. City Council Workshop Meeting on Monday, June 22, 2020 at 6:00 pm
2. City Council Meeting on Monday, July 13, 2020 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 11:13 p.m.

Motion carried as follows:

Aye: Dickson, Hughes, Smith, Littleton and McLeroy

Nay: None

Attest:

Wendy Marble, City Clerk

Aaron McLeroy, Mayor