

Minutes

THE CITY OF TUTTLE COUNCIL MEMBERS MET IN REGULAR SESSION ON **JUNE 13, 2022, at 7:00 P.M.** IN THE TUTTLE CITY HALL LOCATED AT 221 W. MAIN STREET.

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

MEMBERS ABSENT: NONE

STAFF PRESENT: LARRY MITCHELL, DAVID PERRYMAN, WENDY MARBLE, AARON SLATTERY, DON CLUCK, RYAN ALLEN, LAURIE KOELSCH, JULIE MOWDY, BRYAN BALENSEIFEN AND SEAN FAIRBAIRN

OTHERS PRESENT: KIP SMITH, MICHAEL OGLESBEE, HAYDEN WELCH, TROY JAMES, VICKI SIMPSON, PAIGE SIMPSON, CHAD COPELAND, DEAN BROWN, DEBRA FLORA, BARRY FLORA, SHERYL HALLEY, LINDA MORRIS, NOAH COATS, MICHAEL SHATWELL, BETHANY, SHATWELL, CHAD RICH, MATT WAITMAN, RYAN OVERHOLT, STACY RAGSDALE, CONNIE GARRETT, LISA CARNELL, JAYSON KNIGHT, LESLIE WALKER AND OTHERS WHO DID NOT SIGN IN

CALL TO ORDER 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

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.)

McLeroy asked if anyone wanted to speak or wait until their item came up on the agenda. All wanted to wait for the item.

2. PRESENTATIONS, PROCLAMATIONS AND RECOGNITION

a. INTRODUCTION of new employees

Koelsch introduced new employee Ryan Titler, fiber department employee.

b. RECOGNITION of Assistant Police Chief Michael Scott for twenty years of service

Chief Cluck recognized Assistant Chief Michael Scott for his service and presented award. Council members thanked and congratulated him.

3. Discussion and questions regarding items on the consent docket

Smith asked that Item 4h be pulled from the consent docket.

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 May 9, 2022

- b. APPROVAL minutes for City Council workshop meeting May 9, 2022
- c. ACKNOWLEDGMENT receipt of payroll and claims for May 2022
- d. APPROVAL and RATIFICATION all action taken by the Tuttle Public Works Authority for May 2022
- e. APPROVAL and RATIFICATION all action taken by the Tuttle Development Authority for May 2022
- f. APPROVAL **Resolution 2022-10** for participation with Oklahoma Municipal Assurance Group (OMAG) supporting the creation of a study group concerning natural gas issues for Oklahoma municipalities
- g. APPROVAL of Grady County Criminal Justice Authority agreement for inmate housing effective July 1, 2022
- h. APPROVAL **Resolution 2022-11** updating insurance benefit sections of the employee handbook
- i. APPROVAL Surplus of 1985 Ford Boardman Engine from Fire Department
- j. APPROVAL surplus of Maytag commercial washer and dryer from Fire Department

**Motion was made by Hughes, seconded by Smith to approve Items 4a through 4g and items 4i and j, excluding 4h on the consent docket. Motion carried as follows:
Aye: Dickson, Buck, 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 **Ordinance 2022-12 (PC 2022-12)** petition of Grubbs Consulting LLC for a new Planned Development to be called Hollow Brook Square (Tabled 4/4/2022, Meeting Cancelled 5/2/2022))

Mark Grubbs presented information for the development. He stated this will be active adult senior living, single family and commercial. The Planning Commission heard this last week and denied but he asked that it go to the City Council for consideration. He stated the Planning commission did not ask for additional information, there were no negative staff comments, and he is asking for approval. Zac roach from Ideal Homes presented proposal documents to the Council. He explained the development will have homes from 1700 sq ft to 3400 sq ft with a cost of \$300,000 to \$650,000. He stated there will be a splash pad, playground and walking trails.

Smith asked if they are varying from any city Ordinances. Grubbs stated reducing lot size and the building setback. Dickson asked for plans for the development. Grubbs stated that will be available with the plat.

Hughes stated that citizens demanded increasing the lot size to 10,000 feet. He stated the city has a sewer that is almost at capacity at the lagoons and the developers will need to slow down until the Wastewater Treatment Plant can be built. Perryman stated another PUD has language added to address capacity issues and recommends adding language to all PUD.

Grubbs asked for deferral of this item to the July council meeting.

Dickson asked about HOA. Roach stated residents take over the HOA when the last lot is sold.

Motion was made by Smith, seconded by Hughes to TABLE Ordinance 2022-12 (PC 2022-12) petition of Grubbs Consulting LLC for a new Planned Development to be called Hollow Brook Square to the July 11, 2022 meeting. Motion carried as follows:

Aye: Dickson, Buck, 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 of **Ordinance 2022-11 (PC 2022-11)** petition of Farzaneh Development, LLLP for a new Planned Development to be called Hampton Valley (Tabled 4/4/2022, Public Hearing held 4/4/2022, Meeting Cancelled 5/2/2022)

David Box and Kendall Dillon presented Hampton Valley on behalf of the developer. Box stated the lot sizes range from 8,100 sq ft to 13,000 sq ft. He stated language is in the PUD for sewer capacity, PUD has trees, lighting and lot coverage addressed. McLeroy asked about plans for improvement to Frisco Rd and Box stated it will be addressed during plat process. Dickson asked about sewer and water. Perryman stated the PUD has the revised language. McLeroy asked if fencing is addressed in the PUD. Box stated City ordinance will prevail. Balenseifen stated the ordinance does not state the same fencing along section line roads. Box agrees to consistency along section line road of Frisco and Tyler. He stated all of tract one will have consistent fencing installed by the developer. Dickson stated he is against this development because the 2020 plan states this area is for agriculture purposes. Dillon stated this location is less than 1 mile to the WWTP. Hughes stated he feels there are too many houses, and it does not follow the 2020 plan. Smith asked if the city has received any written complaints about the development. Balenseifen stated no complaints. Buck stated he would follow the Planning Commission recommendation.

Motion was made by Smith, seconded by Buck to approve Ordinance 2022-11 (PC 2022-11) petition of Farzaneh Development, LLLP for a new Planned Development to be called Hampton Valley amending tract one to have consistent fence along section line roads maintained by HOA. Motion carried as follows:

Aye: Buck, Smith and McLeroy

Nay: Dickson and Hughes

- c. DISCUSSION, CONSIDERATION and POSSIBLE ACTION, including, but not limited to, Approval, Denial, Amendment, Revision or Conditional Approval, in Whole or in Part of **Ordinance 2022-13 (PC 2022-18)** amending Section 18a of the Tuttle Zoning Code Development Standards

Balenseifen presented this was reviewed by the Planning Commission and deals with accessory building locations and the setback requirements are putting buildings in the middle of some yards. Chad Copeland requested to speak. He asked for 15 ft from property line instead of 25 ft. Balenseifen stated they have 5 acres. Perryman stated they may need to go before the Board of Adjustment for a variance. McLeroy stated the Council cannot grant a variance.

Motion was made by Dickson, seconded by Hughes to approve Ordinance 2022-13 (PC 2022-18) amending Section 18a of the Tuttle Zoning Code Development Standards. Motion carried as follows:

Aye: Dickson, Buck, 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 of **Ordinance 2022-14 (PC 2022-15)** Petition of Loren Koertner for Rezoning from O-1 to C-5 located at 6 E Main Street

Perryman presented the east part of the alley will be vacated in order to get the property large enough for the rezoning. He stated this can be adopted conditionally on vacating the alley.

Motion was made by Hughes, seconded by Dickson to approve Ordinance 2022-14 (PC 2022-15) Petition of Loren Koertner for Rezoning from O-1 to C-5 located at 6 E Main Street contingent on vacating alley. Motion carried as follows:

Aye: Dickson, Buck, Hughes, Smith and McLeroy

Nay: None

- e. DISCUSSION, CONSIDERATION and POSSIBLE ACTION, including, but not limited to, Approval, Denial, Amendment, Revision or Conditional Approval, in Whole or in Part of **Ordinance 2022-15 (PC 2022-17)** Petition of Belmont Development for Rezoning from R-2 to R-3 located in the 300 Block of Chad Dr

Mayor asked if applicant was presented and Balenseifen stated no. Balenseifen presented zones R-2 for duplexes and 2 family homes and R-3 would allow for 4 plex homes.

Debra Flora and Vickie Simpson presented a list of questions to the Council. Debra discussed the flooding problems in the area. Complaint was made that residents were not notified of rezoning. Smith stated all notices are published in the Tuttle Times. Perryman presented state law requires notification by mail of property owners within 300 ft of proposed rezoning and this was completed.

Michael Oglesbee presented he is a 26-year resident of Tuttle and requests this be denied for several reasons including lack of proper notice and demand on potable water.

Motion was made by Smith, seconded by Hughes to deny Ordinance 2022-15 (PC 2022-17) Petition of Belmont Development for Rezoning from R-2 to R-3 located in the 300 Block of Chad Dr. Motion carried as follows:

Aye: Dickson, Buck, 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 2 of the Board of Adjustment for a term ending June 30, 2023

Marble stated only one applicant. Mayor stated he has no recommendation. No Action Taken

- b. 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 Board of Adjustment for a term ending June 30, 2022

No Action Taken

- c. 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 4 of the Tuttle Planning Commission for a term ending June 30, 2024

Mayor stated he spoke to the applicant and the applicant wants to be involved in the community. Mayor recommended the appointment.

Motion was made by Dickson, seconded by Hughes to approve appointment of Christopher Stehr to Position 4 of the Tuttle Planning Commission for a term ending June 30, 2024. Motion carried as follows:

Aye: Dickson, Buck, 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 extending terms of the Interim City Manager's agreement

Smith asked Mitchell if he is willing to extend the contract. Mitchell stated he is willing to extend the agreement.

Motion was made by Dickson, seconded by Smith to approve extending terms of the Interim City Manager's agreement for 90 days. Motion carried as follows:

Aye: Dickson, Buck, Hughes, Smith and McLeroy

Nay: None

- e. DISCUSSION, CONSIDERATION and POSSIBLE ACTION, including, but not limited to, Approval, Denial, Amendment, Revision or Conditional Approval, in Whole or in Part regarding **Ordinance 2022-09** providing for a Library Service to the City of Tuttle

Smith asked that this item be tabled until the August meeting.

Motion was made by Smith, seconded by Dickson to TABLE Ordinance 2022-09 providing for a Library Service to the City of Tuttle until the August 8, 2022 meeting. Motion carried as follows:

Aye: Dickson, Buck, Hughes, Smith and McLeroy

Nay: None

8. STREETS

- a. DISCUSSION, CONSIDERATION and POSSIBLE ACTION, including, but not limited to, Approval, Denial, Amendment, Revision or Conditional Approval, in Whole or in Part regarding street improvement plan for FY2022

Slattery stated he has no new information. Marble stated this was on the agenda from last month. No Action Taken

Motion was made by Dickson, seconded by Hughes to recess the city council meeting at 9:28 p.m. and begin the TDA meeting.

Motion carried as follows:

Aye: Dickson, Buck, Hughes, Smith and McLeroy

Nay: None

Motion was made by Hughes, seconded by Smith to reconvene the city council meeting at 9:51 p.m.

Motion carried as follows:

Aye: Dickson, Buck, Hughes, Smith and McLeroy

Nay: None

9. INFORMATION AND REPORTS

- a. City Manager and Department Reports

Koelsch presented the live stream is not working. She stated the delivery of modems for fiber dept. has been pushed back again with no delivery date given.

Koelsch spoke about comments she is getting from customers about OEC telling them that Tuttle is keeping OEC fiber out of the city. She asked if there is anything we can do to ask OEC to stop telling customers this, since it is not true. McLeroy stated this is our citizen's internet and the revenue source will provide amenities for citizens. Perryman stated he will speak to OEC.

McLeroy stated fiber customers on consumption report is not the same number on the department report. Koelsch and Marble stated they will look into the difference.

Balenseifen stated code enforcement is ramping up. He stated his department is working to save gas by shutting off vehicles during inspections.

McLeroy asked about specific use permits. Balenseifen stated he is working with two businesses to on parking.

McLeroy stated 2 new planning commission members need training. He asked Mitchell and Perryman to coordinate a training session. McLeroy asked if there could be a checklist for requirements of SUP or PUD for planning commission to better understand requirements.

Marble asked if the city would be interested in buying back cemetery lots. She stated she is getting more requests from people who have lots they do not intend to use. McLeroy asked about lot prices in comparison to other cemeteries. Marble stated we have not increased price since 2014. Marble stated she will work on buy back information and bring back to the council.

Slattery presented in March he emailed employees the best practices for fuel savings. He stated if the price does not go higher, he will use 100% of what is budgeted. Slattery presented the sewer replacement along 7th Street to railroad is almost complete. Slattery discussed plan for gas improvements stating rather than a 3rd gate, upsize the size of the Fairview cemetery line and connect to Southpointe. He stated this could be completed for approximately \$150,000 rather than \$350,000 for the new gate. He stated 3 easements will need to be obtained.

McLeroy asked what the media for the water plant is. Slattery stated it is a special resin that only a few companies can provide.

Allen presented plan on fuel saving is to limit idle time and minimize trips that are non-emergency.

Smith asked if we have any fuel storage tanks. Slattery stated we do not.

Cluck stated fuel savings plan is that an officer will work half the district, rather than driving the entire city limits, no idling vehicles, complete reports over the phone rather than driving to the station and completing reports at end of shift. He stated dept. will bust fuel budget this year. Cluck presented information about the Police Station flooding and some leaks in the roof. He stated there is a drainage problem, stating the railroad area does not drain and the road floods. He asked if some improvements could be done and work on a solution. Slattery stated he will need Perryman's assistance since this is railroad right-of-way. Perryman stated it is the railroad responsibility.

Fairbairn presented the bid date for WWTP will be set in the next few weeks.

Mitchell presented financial report, stating expenditures are under budget. He is working with Frank Crawford to provide a financial analysis presentation for the City Council.

b. Council Member Reports

Smith stated the rodeo is July 8th and 9th.

Hughes stated he will be absent for the workshop meeting in June.

McLeroy stated he will be absent for June workshop and Council meeting in July.

Motion was made by Dickson, seconded by Hughes to recess the city council meeting at 10:54 p.m. and enter Executive Session after a five-minute break.

Motion carried as follows:

Aye: Dickson, Buck, Hughes, Smith and McLeroy

Nay: None

10. 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. DISCUSSION, CONSIDERATION and take APPROPRIATE ACTION, including, but not limited to, approval, denial, amendment, revision or conditional approval, in whole or in part and relating to the discussion of pending litigation filed by Citizen Energy and Roan Resources against the City of Tuttle, Oklahoma in Tulsa County Case No. Cj-2022-1212 and the response thereto by the City of Tuttle including the filing of pleadings, investigations, discussions of status and the retaining of the law firm of Harrison and Mecklenburg, Inc. As defense co-counsel to defend said litigation. Proposed executive session pursuant to 25 O.S. Section 307(b)(4) for confidential communications between the governing body and legal counsel regarding the pending litigation with the advice of legal counsel that public disclosure would seriously impair the City to defend said action and protect the public interest of the City of Tuttle, all in the best public interest.

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 Smith, seconded by Dickson to authorize retaining of the law firm of Harrison and Mecklenburg, Inc. as defense co-counsel to defend said litigation.

Motion carried as follows:

Aye: Dickson, Buck, Hughes, Smith and McLeroy

Nay: None

NEW BUSINESS

ANNOUNCEMENTS

1. City Council Workshop Meeting on Monday, June 27, 2022 at 6:00 p.m.
2. City Council Meeting on Monday, July 11, 2022 at 7:00 pm (workshop at 6:00 pm)

ADJOURNMENT

Motion was made by Smith and seconded by Dickson to adjourn City Council meeting at 11:10 p.m. Motion carries as follows:

Aye: Dickson, Buck, Hughes, Smith and McLeroy

Nay: None

Attest:

Wendy Marble, City Clerk

Aaron McLeroy, Mayor