

Minutes

THE CITY OF TUTTLE COUNCIL MEMBERS MET IN REGULAR SESSION ON **AUGUST 8, 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, AMBER RILEY, JULIE MOWDY, BRYAN BALENSEIFEN AND SEAN FAIRBAIRN

OTHERS PRESENT: TYLER GUTHERY, CHARLES GUTHERY, BRETT YACKESCHI, SHAWN BONILLA, MICHELLE BONILLA, TODD LITTLETON, JAYSON KNIGHT, LESLIE WALKER AND OTHERS WHO DID NOT SIGN IN

CALL TO ORDER 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

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.)

Marble stated no requests to speak

Mayor requested that we begin with Item 10

Motion was made by Smith, seconded by Hughes to enter Executive Session at 7:06. Motion carried as follows:

Aye: Dickson, Buck, Hughes, Smith and McLeroy

Nay: None

Motion was made by Smith, seconded by Dickson to reconvene the City Council Meeting at 7:11 p.m.

Motion carried as follows:

Aye: Dickson, Buck, Hughes, Smith and McLeroy

Nay: None

See Item 10

2. PRESENTATIONS, PROCLAMATIONS AND RECOGNITION

a. INTRODUCTION of new employees

Mayor McLeroy introduced the new City Manager, Dana Schoening

Motion was made by Dickson, and seconded by Buck to recess City Council meeting for a 10-minute reception at 7:13 p.m. Motion carries as follows:

Aye: Dickson, Buck, Hughes, Smith and McLeroy

Nay: None

No new employees were introduced.

- b. PRESENTATION by Todd Littleton for 18-hole disc golf course at Tuttle Soccer Complex
- Littleton presented the disc golf course was installed in 2012 at Schrock Park. He stated it is a growing sport. He asked for consideration of this request at the City Council Workshop meeting in two weeks. Yacheschi presented this will bring revenue to the city. Littleton stated asking the city to designate floodway for the course at the soccer field, asking for 3-4 ways to get from the east side to the west side by clearing some trees and asking for permission to acquire sponsorships for the 18 holes. Yacheschi stated the vision is for this to be a pro-level course. He stated he wants to grow the sport in Tuttle. Littleton stated a pavilion would be needed at the park. Smith asked about the creek crossings and Littleton stated they may have volunteer labor to build a small bridge or use planks for crossing. McLeroy asked Littleton what he needs, and Littleton stated permission to use the floodplain. Perryman stated we will need to authorize the design and have a contract or MOU with the disc golf club. McLeroy asked that Slattery and Fairbairn help identify the site that could be used.**

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 July 11, 2022
- b. APPROVAL minutes for City Council workshop meeting July 11, 2022
- c. APPROVAL minutes for City Council Special meeting July 19, 2022
- d. ACKNOWLEDGMENT receipt of payroll and claims for July 2022
- e. APPROVAL and RATIFICATION all action taken by the Tuttle Public Works Authority for July 2022
- f. APPROVAL and RATIFICATION all action taken by the Tuttle Development Authority for July 2022
- g. ACCEPTANCE of donation of perpetual easement from Jordan Wiseman and Brittany Hipp of 1801 E Silver City Ridge
- h. APPROVAL to Authorize the cancellation of a general utility easement recorded in Book 5608, Page 220 in return for replacement with a TDA easement for fiber optic line only.
- i. APPROVAL **Budget Amendment 2022-10** regarding General Fund Mid-year budget revisions to cover overages
- j. APPROVAL **Budget Amendment 2022-11** regarding JAG Grant expenditures – waiting on receipt of grant revenue
- k. APPROVAL **Budget Amendment 2022-12** regarding Street and Alley Fund Mid-year budget revisions to cover overages
- l. APPROVAL **Budget Amendment 2022-13** regarding Capital Improvement Fund Mid-year budget revisions to cover overages
- m. APPROVAL **Budget Amendment 2022-14** regarding EMS Fund Mid-year budget revisions to cover overages
- n. APPROVAL **Budget Amendment 2022-15** regarding TPWA (Tuttle Public Works Authority) Fund Mid-year budget revisions to increase overall budget from beginning fund balance carryover to cover budget overage

- o. APPROVAL **Budget Amendment 2022-16** regarding TDA (Tuttle Development Authority) Fund Mid-year budget revisions to cover overages by category
- p. APPROVAL of Authority Having Jurisdiction (AHJ) agreement with Oklahoma State Fire Marshal

Motion was made by Hughes, seconded by Smith to approve Items 4a through 4p 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, PC Meeting Cancelled 5/2/2022, PC denied 6/6/22, Tabled by CC 6/13/22, Tabled 7/11/22 at petitioner request)

Mark Grubbs presented this development is east of SH-4 on SH-37. He stated it is three tracts, commercial, R1 and senior living. He stated revisions were made after the last meeting, including tract 3 R-1 had 8,000 ft lots and changed to 7,000 ft, 8,000 ft and 9,000 ft lots. He stated the sewer capacity statement has been added to the PUD, 25foot setback, two trees in every lot, three trees on corner lots, and 1600 sq ft homes are the minimum size. Grubbs stated senior living and commercial tracts did not change. McLeroy asked if there is a map. Grubbs stated it was sent to staff. Hughes stated no map in packet and wants to know how many homes in plan. Dickson asked about the lighting plan and Grubbs stated will address per the code, including adding to the PUD that lights every 300 feet. Dickson stated he wrote down 10,000 ft lots were the average. Grubbs stated the developer is in conformance with planning for this area. Dickson stated our ordinance is 10,000 ft. Grubbs stated it does not fit from a planning or economic perspective. Blake McDowell presented asking for this size because of comp for the area and can't sell lots to builders if they don't compare in size. Grubbs stated 10,000 ft lots won't sell for any more than 6,000 ft. McDowell stated comps were pulled from inside the neighborhood and he explained how the comps are used. Staff and developers discussed the design and the size of the lots. Perryman stated you would have to make a legitimate distinguishable defensible difference and document it in the approval process of why you are making a determination of a lot size less than 10,000 ft. Perryman stated remove 8.4a from the PUD. McLeroy asked for common area or recreation area in the PUD. Hughes asked to light the signage at the entrance. Smith stated there is a rational basis for accepting 8,000 ft lots in this addition. Buck agreed. Perryman stated the rational basis needs to be in the PUD. Grubbs stated he would like to table this and come back with the revisions.

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 September 12, 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 2022-16 (PC 2022-21)** Petition of Shawn and Michelle Bonilla to rezone from C-2 to C-5 located at 7007 E SH-37

Shawn and Michelle Bonilla presented background of when they bought the body shop and the need to bring up to code due to the changes and construction on the site. Shawn stated he has turned in all the required documents. He stated he is asking for C-5 zoning. He stated he has been working with city staff to get this resolved. McLeroy stated the Planning Commission has not seen the site plan

Motion was made by Hughes, seconded by Smith to approve Ordinance 2022-16 (PC 2022-21) Petition of Shawn and Michelle Bonilla to rezone from C-2 to C-5 located at 7007 E SH-37. Motion carried as follows:

Aye: Dickson, Buck, Hughes, Smith and McLeroy

Nay: None

- c. DISCUSSION, CONSIDERATION and POSSIBLE ACTION, including, but not limited to, Approval, Denial, Amendment, Revision or Conditional Approval, in Whole or in Part of **Resolution 2022-12 (PC 2022-22)** Petition of Shawn and Michelle Bonilla for a SUP regarding Auto Repair and Rental located at 7007 E SH-37

Bonilla presented he understands auto repair and rental require the C-5 zoning. He stated he has filed permits for the carport and paving. Staff states SUP is correction from prior mistake and the use is not changing. Dickson asked if any other changes to the site. Bonilla stated may add one bay to the building later. Perryman stated SUP addresses the use rather than structure. The SUP part is the car rental and Owner would need to work with Balenseifen on the structure issues. Staff discussed changes and Balenseifen made amendments to the Resolution document.

Motion was made by Smith, seconded by Dickson to approve Resolution 2022-12 (PC 2022-22) Petition of Shawn and Michelle Bonilla for a SUP regarding Auto Repair and Rental located at 7007 E SH-37 amending the paragraph II b, striking the first sentence, amending to expansion and striking the fencing sentence.

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 **PC 2022-23** Petition of Crafton Tull for The Montford Phase 2 Preliminary Plat and Construction Plans

Kendall Dillion presented this is reapproving the plat that expired in May 2022. He stated the water line issues have been worked through by offering 2 additional years on the maintenance bond and paying t\$17,000 for difference of cost. Mitchell stated this money should be put in dedicated fund for utility improvements. Staff and developer discussed how this happened. Dillion stated there was an error in communication. He stated this is a good plan to move forward. McLeroy and Buck stated they accept the outcome.

Motion was made by Hughes, seconded by Dickson to approve PC 2022-23 Petition of Crafton Tull for The Montford Phase 2 Preliminary Plat and Construction Plans as amended with the settlement proposal of a 5-year maintenance bond and payment of \$17,000. 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 1 of the Board of Adjustment for a term ending June 30, 2023

McLeroy stated he had a phone conversation with Ron Mowdy. Marble stated we only have one position open currently. Smith stated the other applicant might be willing to be on another board.

Motion was made by Dickson, seconded by Buck to approve appointment of Ron Mowdy to Position 1 on the Board of Adjustment for a term ending June 30, 2023.

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 regarding **Ordinance 2022-09** providing for a Library Service to the City of Tuttle (tabled 5/9/22, 6/13/22 tabled to August 8)

Motion was made by Smith, seconded by Hughes to TABLE Ordinance 2022-09 providing for a Library Service to the City of Tuttle until the October 10, 2022 meeting.

Motion carried as follows:

Aye: Dickson, Buck, Hughes, Smith and McLeroy

Nay: None

- c. DISCUSSION, CONSIDERATION and POSSIBLE ACTION, including, but not limited to, Approval, Denial, Amendment, Revision or Conditional Approval, in Whole or in Part regarding the approval of a construction contract with Climate Concepts in the amount of \$47,850.09 for Bid Package No. 7 - Mechanical work for the City Hall second floor build-out project

Mitchell presented a way to complete upstairs at a cost of \$250,000 to \$275,000. He stated he was disappointed in the lack of interest and number of bidders.

McLeroy asked what corners were cut. Mitchell stated duct work was altered, but don't believe corners were cut.

Motion was made by Dickson, seconded by Hughes to approve construction contract with Climate Concepts in the amount of \$47,850.09 for Bid Package No. 7 - Mechanical work for the City Hall second floor build-out project. 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 the approval of a labor only contract with Affordable Construction in the amount of \$44,700 for Bid Package No. 1 –metal framing, drywall, ceiling grid and acoustical ceiling tile, Bid Package No. 2 –metal frames, doors, hardware, Bid Package No. 4 – millwork and countertops for the City Hall second floor build-out project

Mitchell stated the city will purchase the material. He stated Mark Mathes will be the superintendent for the project.

Motion was made by Dickson, seconded by Hughes to approve a labor only contract with Affordable Construction in the amount of \$44,700 for Bid Package No. 1 –metal framing, drywall, ceiling grid and acoustical ceiling tile, Bid Package No. 2 –metal frames, doors, hardware, Bid Package No. 4 – millwork and countertops for the City Hall second floor build-out project. 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 the approval of a construction contract with Affordable Construction in the amount of \$8,000 for Bid Package No. 5 – Painting work for the City Hall second floor build-out project

Mitchell stated this is materials and labor.

Motion was made by Dickson, seconded by Hughes to approve construction contract with Affordable Construction in the amount of \$8,000 for Bid Package No. 5 – Painting work for the City Hall second floor build-out project. Motion carried as follows:

Aye: Dickson, Buck, Hughes, Smith and McLeroy

Nay: None

- f. DISCUSSION, CONSIDERATION and POSSIBLE ACTION, including, but not limited to, Approval, Denial, Amendment, Revision or Conditional Approval, in Whole or in Part regarding the approval of a construction contract with Red Earth Electrical, LLC in the amount of \$49,500 for Bid Package No. 9 - Electrical work for the City Hall second floor build-out project

Mitchell stated no bids received for this. Contacted 2 companies for bid and Red Earth was low bid.

Motion was made by Dickson, seconded by Hughes to approve negotiated construction contract with Red Earth Electrical, LLC in the amount of \$49,500 for Bid Package No. 9 - Electrical work for the City Hall second floor build-out project. Motion carried as follows:

Aye: Dickson, Buck, Hughes, Smith and McLeroy

Nay: None

Mitchell stated the project will start by the end of the month and should be complete in 120 days.

8. STREETS

- a. None

Motion was made by Dickson and seconded by Hughes to recess City Council meeting at 10:20 p.m. and begin Tuttle Development Authority meeting. Motion carries as follows:

Aye: Dickson, Buck, Hughes and Smith

Nay: None

Mayor reconvened City Council meeting at 10:23 p.m.

9. INFORMATION AND REPORTS

- a. City Manager and Department Reports

Balenseifen stated no report

Allen stated he received three employee resignations. Leaving for Yukon, OKC and hospital.

Slattery stated no report.

Cluck stated no report

Koelsch stated still waiting on modems. She stated we will be advertising fiber on Tiger TV. She presented the difference in the fiber report and the clerk report regarding the number of customers.

Marble presented the new bill pay system is in place and the old system is obsolete. We sent much larger number of cutoff notices because many customers have not switched to the new system.

Mitchell stated nothing else to report

Fairbairn stated no report

b. Council Member Reports

McLeroy requested that we suspend all Board of Adjustment meetings until training is accomplished. Balenseifen stated we have 4 submissions pending. Dickson stated the training should be mandatory. Perryman stated yes that can be done.

10. 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 Appropriate Action to Interview, Select and/or Negotiate with and possibly Appoint a City Manager to fill an existing vacancy. Possible Action may include approval of an Employment Agreement between the City of Tuttle and a prospective City Manager Candidate.

Proposed Executive Session pursuant to 25 O.S. Section 307(B)(1) for the purpose of Discussing the Employment, Hiring and/or Appointment of a City Manager. Any action taken will be at the conclusion of the Executive Session in Open Session by a publicly recorded vote.

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 and seconded by Hughes to offer employment to Dana Schoening under the terms and conditions of the agreement with the City to include a start date of September 12, 2022. Motion carries as follows:

Aye: Dickson, Buck, Hughes, Smith and McLeroy

Nay: None

**NEW BUSINESS
ANNOUNCEMENTS**

1. City Council Workshop Meeting on Monday, August 22, 2022 at 6:00 p.m.
2. City Council Meeting on Monday, September 12, 2022 at 7:00 p.m. (workshop at 6:00 p.m.)

ADJOURNMENT

Motion was made by Hughes, and seconded by Dickson to adjourn City Council meeting at 10:46 p.m. Motion carries as follows:

Aye: Dickson, Buck, Hughes, Smith and McLeroy

Nay: None

Attest:

Wendy Marble, City Clerk

Aaron McLeroy, Mayor