

Minutes

THE CITY OF TUTTLE COUNCIL MEMBERS MET IN REGULAR SESSION ON **AUGUST 12, 2019 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: TIM YOUNG, DAVID PERRYMAN, DON CLUCK, AARON SLATTERY, KARA BLEVINS, KAYLEY GORDON, MATT MEARS AND SEAN FAIRBAIRN

OTHERS PRESENT: STEVE SCHLOSSER, BILLY JACK TRAXLER, KENNETH BOMGARDNER, ADAMA ALLMOND, KAMDEN ALLMOND, MIKE BRUM, RICK THORPE, JANE BRYANT, CARL STONEBARGER, DAVID SITTON, BRENT ZERBY, JAYSON KNIGHT AND OTHERS THAT DID NOT SIGN IN

CALL TO ORDER Mayor McLeroy called the meeting to order at 7:02 p.m.

ROLL CALL Young 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.)

None

2. PRESENTATIONS, PROCLAMATIONS AND RECOGNITION

- a. PRESENTATION, DISCUSSION, and related CONSIDERATION request of Nathan Dennis to construct ADA-accessible improvements at the Tuttle Soccer Complex for his Eagle Scout Project

Dennis presented he would like to add a concrete pad to a bench at the soccer complex so people with disabilities can attend. Smith asked where will bench be located. Dennis stated a single bench located 40-50 feet off the walking path, out by the picnic benches.

Motion was made by Dickson, seconded by Littleton to approve request of Nathan Dennis to construct ADA-accessible improvements at the Tuttle Soccer Complex for his Eagle Scout Project.

Aye: Dickson, Littleton, Hughes, Smith and McLeroy

Nay: 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 July 8, 2019
- b. APPROVAL minutes for City Council Workshop meeting July 8, 2019
- c. ACKNOWLEDGMENT receipt of payroll and claims for July 2019
- d. APPROVAL and RATIFICATION all action taken by the Tuttle Public Works Authority for July 2019
- e. APPROVAL and RATIFICATION all action taken by the Tuttle Development Authority for July 2019
- f. APPROVAL to surplus Police Department radios
- g. APPROVAL of agreement with Local Government Testing Consortium to administer employee substance abuse prevention program
- h. APPROVAL lease agreement with Standley Systems for City Hall and Police Department copiers
- i. APPROVAL of **Resolution 2019-10** authorizing the submittal of Rural Economic Assistance Plan (REAP) grant application for pipe-bursting and related rehabilitation of portions of the sanitary sewer system
- j. APPROVAL of Fiscal Year 2020 Rural Economic Assistance Plan (REAP) Authorization Form
- k. APPROVAL of Fiscal Year 2020 Rural Economic Assistance Plan (REAP) Capital Needs Summary/5-Year Plan
- l. APPROVAL of Fiscal Year 2020 Rural Economic Assistance Plan (REAP) Partner in-Kind Agreement

Motion was made by Hughes, seconded by Smith to approve Consent Docket

Items a,b,c,d,e,f,g,h,i j,k and l. 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 and related CONSIDERATION of PC Petition 2019-31, request of Jaden Court, LLC, for approval of a preliminary plat and construction plans for Jaden Court Phase 1

Wyatt, the engineer for the applicant presented the subdivision was designed in accordance to the City regulations and they also added 2 detention ponds. Littleton asked if the City Manager had a chance to review the plans. Young presented he has not had a chance to review after it went before the Planning

Commission. He stated he needs to get more clarification on the roads connecting.

Dickson asked what are the requirements for the greenspace? Young stated we need to get more descriptive on our Ordinance. McLeroy asked how you get to the lift station? Wyatt stated we have a road that goes to it, a 16' lane. McLeroy asked about \$160,000 wanting to be paid back for their oversized sewer improvements. Perryman presented it is not a liability to the City. Property owners have the right to not agree or use the sewer improvement. Wyatt stated that is not good for us. McLeroy stated other two parties have agreed they will pay for improvement. Smith presented she doesn't think anyone is against improving sewer.

Motion was made by Hughes, seconded by Smith to approve PC Petition 2019-31, request of Jaden Court, LLC, for approval of a preliminary plat and construction plans for Jaden Court Phase 1

Motion carried as follows:

Aye: Dickson, Littleton, Hughes, Smith and McLeroy

Nay: None

- b. DISCUSSION and related CONSIDERATION of **Ordinance 2019-__** (PC Petition 2019-22), request of Jaden Court, LLC., for approval of a Planned Development to be located in the 4300 Block of E Tyler Dr

Wyatt presented everyone has in their packet the original doc. We are happy with it and hope for approval.

Dickson asked what changes were made? Wyatt stated is it not shown in Red. Changes are Item 7-8 on landscaping. If City changes the ordinance they will be covered one way or the other. 6 on modified facades. 7 Exterior building should be same as the main structure, no metal frame or sheds. 8 changed to equivalent. Traxler said we would like everything to be covered by the covenants. Young stated HOA is required.

Motion was made by Smith, seconded by Littleton to approve Ordinance 2019-13 (PC Petition 2019-22), request of Jaden Court, LLC., for approval of a Planned Development to be located in the 4300 Block of E Tyler Dr

Motion carried as follows:

Aye: Dickson, Littleton, Hughes, Smith and McLeroy

Nay: None

- c. APPROVAL of **PC Petition 2019-18**, request of Deer Ridge Run, LLC, for approval of a preliminary plat and construction plans for Deer Ridge Run Phase 3

Gary Keen - Engineer for Developer. We have met all the requirements the City has asked us. Looking forward to getting approved.

Fairbairn stated some of the changes now are Curb drainage and detention ponds.

Dickson asked of all the drainage issues in the last few years, Phase 3 better?

Fairbairn stated Phase 2 goes to the east. Phase 3 goes to West.

Dickson asked are there any issues to get resolved with this.

Fairbairn stated no. Jaden Court will help due to this.

Littleton asked are lots smaller in Deer Ridge 1 and 2.

Fairbairn stated they are larger. More acreage than first 2 phases.

Dickson presented he is leery of all the drainage in the first 2 phases and the chaos it caused, why not fix that before approving this.

Keen presented the drainage is the way the previous developer built, and did the landscaping etc. Drainage situation isn't just the fault of the developer it's a combination of things.

Dickson asked if residents are not getting anywhere from the developer helping them with their drainage issues.

Keen stated some of the drainage issues could be from the builder excavating and building pad up.

McLeroy asked if drainage flows to the street?

Keen stated lots that are downhill from the street. Those will drain to the west. The ones on the East will drain to the street. Have quite a bit of protection.

Dickson has no issues with 3rd phase. Only concern developer still has issues with lingering issues with previous phases that he's yet to fix.

Keen not trying to argue, I've witnessed and been a part of several drainage issues, developer is not totally responsible for what happened over there.

Brent Zerby of 1600 Excaliber Dr. North/South Channel running in backyard. Clarification that Deer Ridge will drain to the East.

McLeroy asked what issues the developers need to resolve.

Fairbairn stated street hasn't been approved by City. South of the Oil Well should be heading to the East.

McLeroy asked when do you plan to break ground?

Keen stated we plan to break ground once we get DEQ approvals and approvals by City.

Keen stated early on in the design of Phase 3. Had discussion about drainage, thinking about what could be done to fix the problem. Add a concrete structure-along the back of the lots and take the water North. Have to get an easement from the property owners, some have lower ground and needs regraded, this situation is very unfortunate. No good or easy solution.

Motion was made by Smith, seconded by McLeroy to approve request of Deer Ridge Run, LLC, for approval of a preliminary plat and construction plans for Deer Ridge Run Phase 3.

Motion carried as follows:

Aye: Littleton, Hughes, Smith and McLeroy

Nay: Dickson

7. STREETS & DRAINAGE

- a. DISCUSSION and related CONSIDERATION regarding improving the north-south drainage channel located between Excaliber Dr in Silver Ridge and Bayside Dr in River Ridge Estates

Perryman stated using the term improving in the agenda is a bit vague.

Originally the City felt it was necessary to obtain the drainage easements in Silver Ridge - we've been discussing with property owners and Lawyers - Existing drainage channel will carry 50 cubic feet per second. Property owners would rather do license instead. Allows us to make the necessary improvements, the 2 detention ponds that will take care of the Deer Ridge 1 and 2 and Jaden Court max flow will be 30 cubic feet. The detention pond will hold a 100 year rain without any discharge. Drainage will be on the Licensed area.

Smith asked only difference is that it's a license and not an easement?

Perryman stated yes, If property owner does something to jeopardize the flow, they will potentially be liable for impeding flow.

Littleton asked for Clarification - we are going to address the drainage, and once we address the drainage, we will never be liable, it'll be the responsibility of the homeowner

Perryman presented I'm not saying it would be just the property owner. There could potentially be silting that happened upstream that caused it. There could be other liabilities. We will document it. The City should never be liable if it ever silts in.

Hughes asked about maintenance. Perryman stated Property owners do not want the City to maintain it. Young stated it is property owner's responsibility to mow. HOA could mow, but not mandated to.

Perryman stated there is nothing in this arrangement, if another occurrence happens can always relicense.

By decreasing the flow to 30 cfs. It's a positive thing for everyone.

Dickson stated if we as a City reshape the channel, assuming the property owner moves fences so we can do that? -

Perryman stated Engineer will answer that. Require any moving of the fencing.

Fairbairn stated 30 cfs is based on the current state of how the channel is.

Brent Zerby stated we have agreed as homeowners that fences will have to be taken down. Not speaking for all, but the majority agreed.

Perryman stated the City is going to make sure there's not pooling along fence, consistent grade. Currently it will carry 30-50 cfs we want to make sure it's a good consistent flow.

Dickson asked if right now there is no determination - no plans on what the channel will look like. But everyone agreed to this license?

Brent Zerby stated that is correct.

Perryman stated correct.

Brent Zerby asked about silting issue?

Fairbairn stated they will do the detention pond first.

Motion was made by Smith, seconded by Hughes to approve request regarding improving the north-south drainage channel located between Excaliber Dr in Silver Ridge and Bayside Dr in River Ridge Estates

Motion carried as follows:

Aye: Dickson, Littleton, Hughes, Smith and McLeroy

Nay: None

- b. DISCUSSION and related CONSIDERATION award of contract for crack sealing streets

Slattery presented memo that goes over each neighborhood - overdue preventive maintenance. Did Whispering Pines. Prior to that we were getting a lot of calls. crack sealing is not cheap but not as expensive as overlaying another neighborhood. All are in need of this. McLeroy asked which need it the most? Slattery stated my suggestion would be River Ridge needs it most. We received two contractor's quotes - 1 contractor quoted- doing the worst of the worst and but not everything. 2nd contractor - doing every crack in the neighborhood, more expensive but more work.

Dickson asked If we do this now, assuming we award this tonight would it be squared away in a month?

Slattery stated 1 Contractor could do it in that time frame and get there quicker.

Hughes asked if this includes the sealing?

Dickson asked if we approve this tonight and go with your recommendation and 2-3 years later do an overlay. Is that money just thrown away?

Slattery stated it makes overlay less expensive.

**McLeroy asked what made you choose these 4 areas.
Slattery stated nothing particularly, just more traffic areas mainly.**

Motion was made by Dickson, seconded by Littleton to approve award of contract for crack sealing streets

Motion carried as follows:

Aye: Dickson, Littleton, Hughes, Smith and McLeroy

Nay: None

- c. DISCUSSION and related CONSIDERATION approval to spend up to \$200,000 on asphalt, fuel, and other road repair materials to repair damaged oil & gas roads that will be jointly repaired in partnership with Grady County District #1

McLeroy stated he has been in contact with County Commissioner for several months, asked if he would partner with us to repair some roads in City limits and he has agreed to partner with us.

He went over and looked at repairs on Tyler. He said he would dig them back out and put stabilizer in them and pack them and put hot patch on it and then come in and do a long term repair.

Motion was made by Littleton, seconded by Smith to approve to spend up to \$200,000 on asphalt, fuel, and other road repair materials to repair damaged oil & gas roads that will be jointly repaired in partnership with Grady County District #1

Motion carried as follows:

Aye: Dickson, Littleton, Hughes, Smith and McLeroy

Nay: None

8. GENERAL GOVERNMENT

- a. DISCUSSION and related CONSIDERATION request of Tuttle Housing Authority to waive payment in lieu of taxes for 2019 in the amount of \$2,211.19 **(tabled 7/8/19)**

Perryman stated I forgot I was the one who was supposed to do this. If you would table that again and I will do that.

Motion was made by Smith, seconded by Littleton to TABLE request of Tuttle Housing Authority to waive payment in lieu of taxes for 2019 in the amount of \$2,211.19

Motion carried as follows:

Aye: Dickson, Littleton, Hughes, Smith and McLeroy

Nay: None

- b. DISCUSSION and related CONSIDERATION appointments of Positions 3 & 4 on the Parks & Recreation Advisory Board for a term ending June 30, 2021 **(tabled 7/8/19)**

Motion was made by Littleton, seconded by Dickson to approve appointment of Justin Battles to Position 4 on the Parks & Recreation Advisory Board for a term ending June 30, 2021

Motion carried as follows:

Aye: Dickson, Littleton, Hughes, Smith and McLeroy

Nay: None

Motion was made by Littleton, seconded by Smith to TABLE appointment of Position 3 on the Parks & Recreation Advisory Board for a term ending June 30, 2021

Motion carried as follows:

Aye: Dickson, Littleton, Hughes, Smith and McLeroy

Nay: None

- c. DISCUSSION and related CONSIDERATION appointment of Position 1 on the Board of Adjustment for a term ending June 30, 2022

Motion was made by Littleton, seconded by Smith to TABLE appointment of Position 1 on the Board of Adjustment for a term ending June 30, 2022

Motion carried as follows:

Aye: Dickson, Littleton, Hughes, Smith and McLeroy

Nay: None

- d. ITEM REMOVED

- e. DISCUSSION and related CONSIDERATION regarding request of Tuttle Christian Church to donate the former Oddfellows Building to the City of Tuttle and for assistance in relocation of the building

Ron Williams - Representing Church, new building is going to finish in a couple months, we have to move the old building we are trying to save history. Make a historical center out of it. We will pay the cost of \$18k to move it to the Lumber Yard area. Other towns have historical places and Tuttle does not. We are here to see if you all will help with that. It means something to a lot of people.

Smith asked once moved to that location - what are the plans for the building?

CB Burris - We think we will get enough money to fix it up and completely remodel it.

Jane Bryant- Making it more like a museum. Town would donate.

Lonnie Paxton - State Revenue Historical Society reward money is an option he will look into.

Ron Williams - Asking City to prepare the site and foundation.

Young stated he feels like the number for preparing the property (foundation, site) is more than the amount of moving. City owns other locations - next to the historic gas station on 5th street. Across from the Old Co-op.

Smith stated she thinks it's a worthy project. If we can get the cost hammered down.

Littleton stated his only concern is if it is worked right is the issue, who is going to do that, what group will do that?

McLeroy asked Young to reach out to Blanchard and see who is doing theirs.

Young stated he will

Littleton stated if you commit to getting the numbers, we are on board.

Young stated yes

Motion was made by Smith, seconded by Littleton to TABLE this item until the next meeting.

Aye: Dickson, Littleton, Hughes, Smith and McLeroy

Nay: None

9. 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. CONSIDERATION to conduct an EXECUTIVE SESSION to discuss a potential claim against the City of Tuttle regarding drainage issues. (Proposed Executive Session pursuant to 25 O.S. Section 307 (B)(4) for confidential communications between the City Manager, the City Council and the City Attorney concerning this pending claim upon the advice of the City Attorney and if the City Council determines that public disclosure would seriously impair the ability of the City of Tuttle to process the claim or conduct an investigation. The City Council shall make such determination 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.)

1. CONSIDERATION action related to Executive Session Item 9a

Strike

10. INFORMATION AND REPORTS

a. City Manager and Department Reports

Financial report was given in workshop meeting.

**McLeroy asked if we will get the fiber update later.
Young stated yes.**

McLeroy asked if Cluck had anything to add? Cluck stated department will be losing officer in September. Kortney is taking job in Midwest City. Thomas Cooper will finish training in the next couple weeks and be on his own.

**McLeroy stated he received positive and appreciative comments from 5K Run organizers. He appreciated the follow up meeting.
Young presented the main thing that came from the after-action review, is we need to update our policy.**

Slattery noted on the monthly report, he did include the water consumption report.

b. Council Member Reports

None

NEW BUSINESS

ANNOUNCEMENTS

ADJOURNMENT

Motion was made by Littleton, seconded by Dickson to adjourn the City Council Meeting at 11:02 p.m.

Motion carried as follows:

Aye: Dickson, Littleton, Hughes, Smith and McLeroy

Nay: None

Attest:

Wendy Marble, City Clerk

Aaron McLeroy, Mayor