

Minutes

THE CITY OF TUTTLE COUNCIL MEMBERS MET IN REGULAR SESSION ON **SEPTEMBER 9, 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, WENDY MARBLE, DON CLUCK, AARON SLATTERY, BRUCE ANTHONY, LAURIE KOELSCH, KARA BLEVINS, KAYLEY GORDON, MATT MEARS AND SEAN FAIRBAIRN

OTHERS PRESENT: BEN OGLESBY, CHRISTOPHER HOPPIS, ASHLEY HOPPIS, JANET BURRIS, CB BURRIS, KENNETH BOMGARDNER, GWENDOLYN BOMGARDNER, JANE BRYANT, BUDDY FITZPATRICK, GARY AND MARY HARPER, CHARLES GUTHERY, NELL HOWERY, LESLIE WALKER, DANNY WATTERS, JUDY HOGAN, RON WILLIAMS AND OTHERS THAT DID NOT SIGN IN

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

None

2. PRESENTATIONS, PROCLAMATIONS AND RECOGNITION

None

3. Discussion and questions regarding items on the consent docket

McLeroy asked that Item 4m be removed from the consent docket and voted on separately.

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 August 12, 2019
- b. APPROVAL minutes for City Council Workshop meeting August 12, 2019
- c. APPROVAL minutes for City Council Workshop meeting August 26, 2019

- d. APPROVAL minutes for Special City Council meeting August 26, 2019
- e. ACKNOWLEDGMENT receipt of payroll and claims for August 2019
- f. APPROVAL and RATIFICATION all action taken by the Tuttle Public Works Authority for August 2019
- g. APPROVAL and RATIFICATION all action taken by the Tuttle Development Authority for August 2019
- h. APPROVAL purchase of (5) Zoll Cardiac Monitors for EMS Department
- i. APPROVAL surplus of (5) used Philips Cardiac Monitors for EMS Department
- j. APPROVAL authorization to apply for Justice Assistance grant for Police Department
- k. APPROVAL authorization to apply for OK 911 management authority grant for Police Department
- l. APPROVAL of **PC Petition 2019-30**, request of Mary and Gary Harper, for approval of a Final Plat for Castle Rock Addition, replatting parts of Block 10 or the Parks Addition AND Parks-Smith Addition
- m. APPROVAL contract with Hornbeek Blatt Architects for architectural services for new Tuttle Law Enforcement Center

Motion was made by Smith, seconded by Dickson 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

McLeroy stated Item m is not a good use of City funds. Should not approve contract until we know the bond passes. Smith stated we would not get the information before the bond issue vote, so she agrees with the Mayor.

Motion was made by Smith, seconded by McLeroy to Strike consent docket Item 4m. Motion carried as follows:

Aye: Dickson, Littleton, Hughes, Smith and McLeroy

Nay: None

6. GENERAL GOVERNMENT

- a. DISCUSSION and related CONSIDERATION update regarding Tuttle Historical Society

Marble thanked the City Council for allowing her to present the update of the Tuttle Historical Society. She presented the group has met four times in the last few weeks. Officers were elected, bylaws were adopted, a media consultant was chosen, and a regular meeting date was set for the fourth Tuesday of the month at 6:00 pm at the Christian Church. Marble stated the Society is excited to begin the process of preserving Tuttle history and the preservation and relocation of the Odd Fellows building.

Littleton asked how will funding be raised. Marble stated donations, membership fees, fund raising events and advertising.

Bomgardner presented he placed some information on Facebook and many have expressed interest in membership or donations. He stated he has received reply from an individual to possibly donate \$10,000. This is all without much information provided to the public. Bomgardner presented Carla Sparks has experience

building websites, facebook and working with google searches; all the behind the scenes marketing experience that will be very effective to promote the organization.

Mayor stated this is exactly what he was looking for in his request and members agreed.

No Action Taken

- b. 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

Mears presented quotes for the concrete footing building foundation came in at \$4500 to \$4800. This does not include connection of utilities. He will ask Department of Environmental Quality to analyze the building for lead paint and asbestos which will need to be remediated before it becomes the City's building. Mears stated he will work on costs for utilities. The Mayor asked where the location will be. Marble stated the Society likes the lot behind the old gas station rather than all the way back to the lumber yard property. Marble stated it is more visible from main street and the gas station could be part of the historical area. Staff and Council discussed possible locations. Slattery asked to take Public Works use of are into consideration. Young stated staff will meet with the Historical Society to discuss and come back next month with a recommendation for the location. Dickson stated the least cost is probably behind the gas station.

Perryman stated the City Council should include in the vote who will pay for utilities and the footing. Williams presented the Tuttle Christian Church will pay \$18,000 to move the building but they cannot pay more if the cost increases, due to a different location. Young stated the City will cover the utility connection fees and any cost above \$18,000 to move. The bigger cost will be getting it to the building and updating the electrical and plumbing to meet City code. Smith stated the society should be able to work out some labor for the utilities inside the building.

Motion was made by Smith, seconded by Littleton to accept donation of Tuttle Christian Church Oddfellows building with the City providing funds for moving cost if in excess of \$18,000, explore and provide foundation cost not to exceed \$5,000, provide utility connections and updated electrical within the building all contingent upon Department of Environment Quality's findings and approval.

Motion carried as follows:

Aye: Dickson, Littleton, Hughes, Smith and McLeroy

Nay: None

Perryman stated you are not committing to making this open to the public. If cost is excessive this may be a historical building owned by the City that is not open to the public.

- c. CONSIDER AND TAKE ACTION WITH RESPECT TO A RESOLUTION (**Resolution 2019-11**) AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION IN THE CITY OF TUTTLE, OKLAHOMA, ON TUESDAY, NOVEMBER 12, 2019, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED, QUALIFIED VOTERS OF SAID CITY THE QUESTION OF THE ISSUANCE OF THE REGISTERED BONDS OF SAID CITY IN THE SUM OF TWO MILLION DOLLARS (\$2,000,000) TO PROVIDE FUNDS FOR THE PURPOSE OF ACQUIRING AND/OR CONSTRUCTING AND FURNISHING AND EQUIPPING A PUBLIC SAFETY FACILITY FOR THE CITY OF TUTTLE, OKLAHOMA, ALL TO BE EXCLUSIVELY OWNED BY SAID CITY, AND TO BE

COMPLETED WITH OR WITHOUT THE USE OF OTHER FUNDS, AND LEVY AND COLLECT AN ANNUAL TAX, IN ADDITION TO ALL OTHER TAXES, UPON ALL THE TAXABLE PROPERTY IN SAID CITY SUFFICIENT TO PAY THE INTEREST ON SAID BONDS AS IT FALLS DUE, AND ALSO TO CONSTITUTE A SINKING FUND FOR THE PAYMENT OF THE PRINCIPAL THEREOF WHEN DUE; PROVIDING FOR ELECTION PROCEDURES; AUTHORIZING PROFESSIONAL SERVICES AGREEMENTS IN CONNECTION WITH THE FINANCING; AND PROVIDING FOR SEVERABILITY

Oglesby presented Resolution 2019-11 calling for the special election.

Motion was made by Smith, seconded by Littleton to adopt Resolution 2019-11 authorizing the calling of a special election.

Motion carried as follows:

Aye: Dickson, Littleton, Hughes, Smith and McLeroy

Nay: None

- d. 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 and 8/12/19)**

Perryman presented he asked the director to provide any other cities waiving the fees. He did not receive a response. He stated the City can't waive ad valorem taxes since the City does not receive these taxes.

Charles Guthery spoke on behalf of the Tuttle Housing Authority, stating the request was made because of cuts to their budget. He stated the THA has been paying these fees to the City.

Motion was made by Littleton, seconded by Smith to TABLE this until the October 14, 2019 meeting.

Motion carried as follows:

Aye: Dickson, Littleton, Hughes, Smith and McLeroy

Nay: None

- e. DISCUSSION and related CONSIDERATION appointment of Position 3 on the Parks & Recreation Advisory Board for a term ending June 30, 2021 **(tabled 7/8/19 and 8/12/19)**

McLeroy asked if there has been any response to this item. Marble stated there are no applicants for this position. Smith stated she directed someone to call the City that is interested in volunteer position.

No Action Taken

- f. DISCUSSION and related CONSIDERATION appointment of Position 1 on the Board of Adjustment for a term ending June 30, 2022 **(tabled 7/8/19 and 8/12/19)**

McLeroy asked if there has been any response to this item. Marble stated there are no applicants for this position. Marble stated human resources will contact the applicant that wishes to renew their position and discuss the conduct policy.

No Action Taken

7. COMMUNITY DEVELOPMENT

- a. DISCUSSION, and related CONSIDERATION approval of **Ordinance 2019-05** (PC 2019-07) amending zoning code regarding residential facades

Young presented the rules do not apply on agricultural land. Smith asked why send exceptions to Board of Adjustment. Young stated OML recommends this should be a Board of Adjustment function rather than Planning Commission. McLeroy stated it takes the politics out of zoning. Young stated it will be presented as a special exception to the code.

Motion was made by Littleton, seconded by Dickson to approve Ordinance 2019-05 (PC 2019-07) amending zoning code regarding residential facades

Motion carried as follows:

Aye: Dickson, Littleton, Hughes, Smith and McLeroy

Nay: None

- b. DISCUSSION, and related CONSIDERATION approval of **Resolution 2019-12** (PC Petition 2019-29), request of Ashley & Christopher Hoppis, for a Specific Use Permit at 5810 E. SH-37 for a single-family residence in a commercial district

Ashley & Christopher Hoppis presented request to live in the house on the commercial property. Young stated this is zoned C-5 and requires this SUP for living in commercial district.

Motion was made by Dickson, seconded by Littleton to approve Resolution 2019-12 (PC Petition 2019-29), request of Ashley & Christopher Hoppis, for a Specific Use Permit at 5810 E. SH-37 for a single-family residence in a commercial district

Motion carried as follows:

Aye: Dickson, Littleton, Hughes, Smith and McLeroy

Nay: None

- c. DISCUSSION and related CONSIDERATION approval of **Ordinance 2019-14** (PC Petition 2019-33) regarding amending the Tuttle Zoning Code updating the industrial and/or transportation land use regulations regarding heavy truck sales and rental land uses

Young presented this is for rental to operate in C-5 district. Dickson asked if we are allowing this amendment rather than addressing the problem. He stated he does not agree with the situation being handled this way. Perryman stated this did not come about because of an attorney. He stated it is logical to change the zoning code for the limited industrial but not change to I-1 district. McLeroy stated a line was crossed and he is not happy that the City did not issue citations. He stated that changing the zoning is correct. He stated he does not like the SUP process.

Motion was made by Smith, seconded by Littleton to approve Ordinance 2019-14 (PC Petition 2019-33) regarding amending the Tuttle Zoning Code updating the industrial and/or transportation land use regulations regarding heavy truck sales and rental land uses

Motion carried as follows:

Aye: Dickson, Littleton, Hughes, Smith and McLeroy

Nay: None

- d. DISCUSSION and related CONSIDERATION approval of **Ordinance 2019-15** (PC Petition 2019-34) establishing a moratorium on granting approvals for the operation of medical marijuana businesses (except for retail marijuana establishments)

Perryman presented there is confusion on locations and regulations and some bills have been approved that will address this. Municipalities can now determine the location of facilities and amend their code accordingly. They can determine where and under what conditions facilities can locate. This does not apply to dispensaries.

Motion was made by Hughes, seconded by Smith to approve Ordinance 2019-15 (PC Petition 2019-34) establishing a moratorium on granting approvals for the operation of medical marijuana businesses (except for retail marijuana establishments)

Motion carried as follows:

Aye: Dickson, Littleton, Hughes, Smith and McLeroy

Nay: None

Motion was made by Hughes, seconded by Dickson to approve Ordinance 2019-15 with an Emergency Clause.

Motion carried as follows:

Aye: Dickson, Littleton, Hughes, Smith and McLeroy

Nay: None

Motion was made by Littleton, seconded by Smith to recess the City Council Meeting at 8:10 p.m. and begin the Tuttle Development Authority meeting.

Motion carried as follows:

Aye: Dickson, Littleton, Hughes, Smith and McLeroy

Nay: None

Motion was made by Littleton, seconded by Hughes to begin Executive Session for the City Council, Tuttle Development Authority and Tuttle Public Works Authority Meetings at 8:21 p.m. following a 5-minute break.

Motion carried as follows:

Aye: Dickson, Littleton, Hughes, Smith and McLeroy

Nay: None

Motion was made by Littleton, seconded by Dickson to reconvene the City Council Meeting at 9:41 p.m.

Motion carried as follows:

Aye: Dickson, Littleton, Hughes, Smith and McLeroy

Nay: None

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

8. 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 regarding the purchase/acquisition of real estate for new Tuttle Law Enforcement Center. (Proposed Executive Session pursuant to 25 O.S. Section 307(B)(3) to discuss and negotiate the possible purchase of real estate. The Governing Body shall make a determination as to its intent to enter into executive session 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 8a

2. CONSIDERATION regarding a real estate purchase contract for a new Tuttle Law Enforcement Center

3. CONSIDERATION regarding a lease contract with First National Bank and Trust

9. INFORMATION AND REPORTS

a. City Manager and Department Reports

Cluck presented complaints have come in about high amounts of truck traffic on no truck route roads. He stated officers were assigned to those areas and over a two-week period only three citations have been written.

Slattery presented ODOT completed an overlay west of the railroad tracks. Water plant damage repairs are completed. Pipe burst repair from Highway 92 to SW 3rd Street are completed.

Mears presented working on REAP grant for funding to replace more sewer lines from SW 3rd to SW1st Street. CBDG grant funding has been de-obligated. Mears stated he and Young are looking into this to see what has happened and if it can be resolved. Mears stated he is helping with building inspections and will be involved in interviews for the position.

Young presented tax report for last month, stating sales tax is up 3% and use tax is up over previous months. Young presented the City will be producing a video series called Tuttle Talk. He stated a tour of the Police Department facilities will be the first video.

Young stated his is working with surrounding cities on developing oil and gas ordinances. He stated the group has been discussing what is needed to maintain the roads and concluded they need to be built to industrial standards. He stated he will provide the Council with a report of where money received from oil and gas is being spent.

Young presented the City will be looking at putting some of the oil and gas royalty money the Cemetery fund receives into a CD.

b. Council Member Report

Littleton reminded all about the town hall meeting at Heritage Family Church tomorrow night at 7:00 p.m. regarding the Hollowbrook development.

McLeroy asked about the Chisholm Trail addition annexation and Young stated he has not created all the documents requested.

NEW BUSINESS

ANNOUNCEMENTS

ADJOURNMENT

Motion was made by Littleton, seconded by McLeroy to adjourn the City Council Meeting at 10:23 p.m.

Motion carried as follows:

Aye: Dickson, Littleton, Hughes, Smith and McLeroy

Nay: None

Attest:

Wendy Marble, City Clerk

Aaron McLeroy, Mayor