

## Minutes

THE CITY OF TUTTLE COUNCIL MEMBERS MET IN REGULAR SESSION ON **September 14, 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, KAYLEY GORDON, BRYAN BALENSEIFEN, AMBER RILEY, BREVIN GHORAM, AND SEAN FAIRBAIRN

OTHERS PRESENT: LESLIE WALKER, BRENT ZERBY, ELIZABETH PROBEST, DAVID ALLRED, ARNOLD ALLRED, JAKE MOORE, MACEY HAMES & FAMILY, JUDY & TOM HAMILTON, STEVE & SHERRY HENDRICKSON, ABBY, ANITA AND KATIE SOUTHARD, ALLEN WALLACE, MARK LARSEN, MARK MATHES, WJ MORGAN, RONNIE PARKER, DANA HARRIE, JAYSON KNIGHT & DAUGHER, MIKE MEDRANO, JENNIFER & MACY HAMETT, CALEB PRESTON, WILL SMITH, DREW GRAHAM, AUSTIN PUCKETT, RAY HATCHER, DILLON LONG, SAM BROWN, JAMES JOHNSON, VICKI ALLRED & FAMILY, SHANE & JUDY PRESTON, LARRY, LYNDI & SUSAN STEVERSON, CHRIS DARKINS & OTHERS WHO 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

a. RECOGNITION of Fred Yaeger, Sr. for 11 years of service on the Planning Commission

**Marble stated Fred was not able to attend and will attend next month.**

b. RECOGNITION of Larry Steverson for 20 years of service to the City of Tuttle Fire and EMS

**Mayor presented plaque to Steverson and the Council and staff thanked him for his service and wished him the best in his retirement.**

c. RECOGNITION of Towana Smith for 28 years of service to the City of Tuttle EMS

**Marble stated Smith is out of town and will attend next month.**

d. RECOGNITION of Jennifer Hamett for 25 years of service to the City of Tuttle EMS

**Mayor presented plaque to Hamett and the Council and staff thanked her for her service.**

e. SWEARING IN of new police officer – Ronnie Parker

f. SWEARING IN of new police officer – Timothy Kuchera

g. SWEARING IN of new police officer – Macey Hames

**Judge Hendrickson swore in each of the officers and the Council congratulated them.**

3. Discussion and questions regarding items on the consent docket

**No questions**

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 10, 2020

b. APPROVAL minutes for City Council Workshop meeting August 10, 2020

c. APPROVAL minutes for City Council Workshop meeting August 24, 2020

d. ACKNOWLEDGEMENT receipt of payroll and claims for August 2020

e. APPROVAL and RATIFICATION all action taken by the Tuttle Public Works Authority for August 2020

f. APPROVAL and RATIFICATION all action taken by the Tuttle Development Authority for August 2020

g. APPROVAL of Resolution 2020-10 approval of June 28, 2018 Weighted Voting Amendment to Agreement creating the 9-1-1 Association of Central Oklahoma Governments

h. APPROVAL of PC Petition 2020-11, establishing the Nine-One-One Emergency Telephone Fee rate for Calendar Year 2021 (revised from fiscal year to calendar year)

i. ACCEPTANCE of Perpetual Easement from Murray Family Revocable Trust in Section 27, Township 10 North, Range 5 West

j. APPROVAL of Environmental Review for Tuttle Housing Authority

k. APPROVAL of Resolution 2020-12 authorizing municipal elections to elect Council Persons for Ward 3 and Ward 4 for term ending May 2025

l. APPROVAL of Resolution 2020-14 Requesting and Authorizing CARES Act and Coronavirus Relief Fund Reimbursement

m. APPROVAL of Resolution 2020-13 State of Oklahoma 911 Management Authority Grant Application

n. APPROVAL of Budget Amendment 2020-009 regarding reimbursement of cardiac monitors from 522 Board

o. APPROVAL of Budget Amendment 2020-011 regarding auction of fire department and community development vehicles

- p. APPROVAL of prohibiting standing/stopping/parking on North and South Cimarron Rd between Southpointe Ave & Englebretson Lane.

**Motion was made by Littleton, seconded by Dickson to approve Items 4a through p on consent docket.**

**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 regarding Ordinance 2020-13 (PC Petition 2020-28), request of Mark Mathes to rezone 5.0 acres from Urban Estates Residential (R-1A) District to the Residential Estates (R-1B) District and 15.0 acres from the Urban Estates Residential (R-1A) District to the General Agricultural (A-1) District located at 7216 Ethan Lane and repeal the existing Planned Unit Development on said tract (PD-009)

**Young stated it was approved by Planning Commission. This is retracting from previous zoning. McLeroy asked if contingencies have been met? Young stated yes. Mathes stated he is not doing ten 2 acres lots and has plans for two 2 ½ acre lots at front of property.**

**Motion was made by Dickson, seconded by Smith to approve item 6a regarding Ordinance 2020-13 (PC Petition 2020-28), request of Mark Mathes to rezone 5.0 acres from Urban Estates Residential (R-1A) District to the Residential Estates (R-1B) District and 15.0 acres from the Urban Estates Residential (R-1A) District to the General Agricultural (A-1) District located at 7216 Ethan Lane and repeal the existing Planned Unit Development on said tract (PD-009).**

**Motion carried as follows:**

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

**Nay: None**

- b. DISCUSSION and related CONSIDERATION regarding Ordinance 2020-08 amending the Tuttle Code of Ordinances adopting medical marijuana business regulations; adopting fees for medical marijuana business permits; repealing the moratorium on issuing new permits for medical marijuana businesses; and providing for severability.

**Young stated to combine items 6b & 6c together.**

- c. DISCUSSION and related CONSIDERATION regarding Ordinance 2020-09 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 it was referred back to Planning Commission and they have made substantial changes. Young presented and read changes to Council for business license and zoning code. Noticed typo correction to be made to districts. Lot size was important and facility size. Smith talked about commercial and industrial requiring indoor growing – why not applied to residential. Young said that was not addressed, people in the crowd might help with some direction of what they want to see. McLeroy stated Council could make changes. He stated he wants to reduce 20,000 sq ft building, 50ft setback to 100ft, reduce 5% to ½-2% and then make**

changes as we go. Mathes talked about outdoor grow with 8ft fence. Balenseifen stated the outside structure must have fence per OBN Rules. Perryman stated City able to enforce in municipal court with citation for fine. He stated OMMA can revoke permit. Mathes talked about setbacks and agreed with 50ft – said 100ft is too far out for a 5-acre tract. McLeroy stated SUP would allow to decrease. Littleton talked about editing ordinance. Dickson talked about how it may discourage potential businesses because they don't understand SUP process. Littleton asked why put limits if we are going to change by SUP. Perryman said SUP on all – this gives some guidance and gives starting point. Mathes talked about being concerned about notifying residences withing 300ft due to SUP process. He stated his building will be 2800 ft and double to 5600 if successful. Smith talked about how notifying is part of the process. Dickson stated SUP makes sense in short term. Hughes talked about SUP triggers notifications. Perryman stated could use Board of Adjustment as special exception, this could be looked at in the future. Young stated business would be allowed by right if it meets building requirements.

City Council agreed on the 50 ft set back and 5000 sq ft building.

Perryman if any objection to use by right if you meet criteria and not go thru SUP. Balenseifen stated OBN rules on outdoor fence has to be obscure so it cannot be seen through.

Motion was made by Smith, seconded by Hughes to adopt Ordinance 2020-08 amending the Tuttle Code of Ordinances adopting medical marijuana business regulations; adopting fees for medical marijuana business permits; repealing the moratorium on issuing new permits for medical marijuana businesses; and providing for severability.

Motion carried as follows:

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

Nay: None

Motion was made by Smith, seconded by Hughes to adopt Ordinance 2020-09 amending the Tuttle Zoning Code amending the use table to add medical marijuana commercial uses; adopting medical marijuana business regulations; and providing for severability as amended by the City Council.

Motion carried as follows:

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

Nay: None

## 7. GENERAL GOVERNMENT

- a. DISCUSSION and related CONSIDERATION regarding Ordinance 2020-16 amending membership of the Parks & Recreation Advisory Board and elimination of the Permanent Parks Users Committee.

Young mentioned last parks meeting was in February – decided to disband users committee board. Dickson asked if it could be added back? McLeroy stated lack of participation.

Motion was made by Littleton, seconded by Smith to approve Ordinance 2020-16 amending membership of the Parks & Recreation Advisory Board and elimination of the Permanent Parks Users Committee.

Motion carried as follows:

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

Nay: None

- b. DISCUSSION and related CONSIDERATION appointments of Positions 2 on the Board of Adjustment for a term ending June 30, 2023

**Marble stated no applicants. No action taken**

- c. DISCUSSION and related CONSIDERATION of Memorandum of Understanding regarding IOOF Building between the Tuttle Christian Church and the City of Tuttle

**McLeroy asked if this was already approved. Marble stated this was approved by the City Council last year, but the MOU was not written at that time. This is the formal written agreement.**

**Motion was made by Littleton, seconded by Hughes to adopt the Memorandum of Understanding regarding IOOF Building between the Tuttle Christian Church and the City of Tuttle**

**Motion carried as follows:**

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

**Nay: None**

8. STREETS

**No Business**

9. INFORMATION AND REPORTS.

- a. City Manager and Department Reports

**Slattery presented monthly report. Dickson asked about sod that washed away by the rain. Zerby stated the release of the pond the next day washed the sod away. He thanked the council for all work. He stated concern in maintaining the ditch – cannot mow bottom. Dickson said the plan is to take care of this once it dries out. Littleton stated at the end of project it will be responsibility of homeowner once this sod issue is corrected. It cannot be ongoing maintenance for the City.**

**Fairbairn presented Silver City Ridge Road Culvert project – Advertised Thursday – Bid opening is October 5<sup>th</sup>.**

**Leslie Walker talked about making headway on easements.**

**Young introduced Brevin Ghoram, City Planner to the Council.**

**Perryman stated he has nothing to report. Cluck, Anthony, Marble stated no reports.**

- b. Council Member Reports

**Dickson received complaints about street crew creating ruts in Cottonwood. He also received an email about lack of speed limit control in Riata Ranch.**

**Hughes received Marble’s report about Incode updates stating the cost savings make sense. Marble stated she will provide more details to the Council.**

**McLeroy talked about looking into lapel microphones. Koelsch stated she will research.**

**Motion was made by Littleton, seconded by Dickson to recess the City Council meeting at 8:49 p.m. and begin the Tuttle Development Authority meeting.**

**Motion carried as follows:**

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

**Nay: None**

**Motion was made by Littleton, seconded by Smith to reconvene the City Council meeting at 9:28 p.m. keeping the Tuttle Public Works Authority meeting open and go into executive session after a 5-minute break.**

**Motion carried as follows:**

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

**Nay: None**

**Motion was made by Littleton, seconded by Smith to reconvene the Tuttle Public Works Meeting and City Council meeting at 10:52 p.m.**

**Motion carried as follows:**

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

**Nay: None**

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

10. EXECUTIVE SESSION

a. CONSIDERATION to conduct an EXECUTIVE SESSION regarding collective bargaining with Fraternal Order of Police Lodge #197.

1. CONSIDERATION action related to Executive Session Item 10a
2. CONSIDERATION and related CONSIDERATION approval of Collective Bargaining Agreement with the Fraternal Order of Police Lodge #197

**No Action**

**NEW BUSINESS**

**ANNOUNCEMENTS**

1. New Police Station Groundbreaking/City Council Workshop Meeting on Monday, September 28, 2020 at 6:00pm
2. City Council Meeting on Monday, October 12, 2020 at 7:00 pm (workshop at 6:00 pm)

**ADJOURNMENT**

**Motion was made by Dickson, seconded by Littleton to adjourn the City Council Meeting at 10:55 p.m.**

**Motion carried as follows:**

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

**Nay: None**

Attest:

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Wendy Marble, City Clerk

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Aaron McLeroy, Mayor