

## Minutes

THE BOARD OF TRUSTEES OF THE TUTTLE PUBLIC WORKS AUTHORITY MET IN REGULAR SESSION ON **FEBRUARY 13, 2023, 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: DANA SCHOENING, DAVID PERRYMAN, WENDY MARBLE, AARON SLATTERY, DON CLUCK, RYAN ALLEN, AMBER RILEY, LAURIE KOELSCH, JULIE MOWDY AND WJ MORGAN

OTHERS PRESENT: LESLIE WALKER, TYLER GUTHERY, CHARLES GUTHERY, JAYSON KNIGHT AND OTHERS WHO DID NOT SIGN IN

**CALL TO ORDER** McLeroy called the meeting to order at 8:02 p.m.

**ROLL CALL** Marble called roll and declared a quorum present

### **ORDER OF BUSINESS**

1. Discussion and questions regarding items on the consent docket
2. CONSENT DOCKET

(This item is placed on the agenda so that the Board of Trustees, 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 Board members, that item will be removed from the consent docket and considered in regular order)

- a. APPROVAL minutes for TPWA meeting January 9, 2023
- b. ACKNOWLEDGMENT receipt of payroll and claims for January 2023
- c. APPROVAL PSO (Public Service Company of Oklahoma) Underground easement to serve power to the Wastewater Treatment Plant (WWTP)
- d. APPROVAL Wastewater Treatment Plant waterline material purchase from Core & Main in an amount not to exceed \$62,816.02
- e. APPROVAL Wastewater Treatment Plant Contracted Waterline Creek Bore quote of \$64.00 per foot price from B & H Construction
- f. APPROVAL Lift Station #3 pump repairs with Haynes Equipment at a cost not to exceed \$13,625.50
- g. APPROVAL OF BRB Contractors, Inc. Pay Application No. 1 in the amount of \$852,077.40 for the Wastewater Treatment Plant project

**Motion was made by Hughes, seconded by Smith to approve items 2a, b, c, d, e, f and g on the consent docket. Motion carries as follows:**

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

**Nay: None**

3. CONSIDERATION of Items Removed from Consent Docket

**Strike**

Mayor McLeroy opened the Tuttle Development Authority meeting at 8:03 p.m.

Motion was made by Smith, seconded by Dickson to enter executive session at 8:43 p.m. after a five-minute break. Motion carries as follows:

Aye: Dickson, Buck, 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.

Motion was made by Smith, seconded by Dickson to reconvene the Tuttle Public Works Authority meeting at 9:14 p.m.

Motion carried as follows:

Aye: Dickson, Buck, Hughes, Smith and McLeroy

Nay: None

4. 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. Discuss and Take Appropriate Action on Pending Litigation in District Court of Grady County, Oklahoma styled Richard Matthew Iorio, Robert Anthony Iorio Revocable Trust dated 11/23/16, and Russell Joseph Iorio Revocable Trust dated 9/1/00 and Tuttle Public Works Authority v. DCP Operating Company, LP, Case No. CV-2021-7. Proposed Executive Session Pursuant to 25 O.S. Section 307(B)(4) for confidential communications between the Tuttle Public Works Authority if the governing body determines that disclosure will seriously impair the ability of the TPWA Board of Trustees to proceed toward resolution of the pending litigation in the public interest. No action will be taken by the TPWA Board in executive session. Any action taken by the Board will be taken by publicly recorded vote in open session and could include the approval of an Agreement that would resolve all issues and authorize the parties to execute Mutual Dismissals of the Pending Litigation.

- 1. CONSIDERATION action related to Executive Session Item 4a

Motion was made by Smith, seconded by Hughes to approve as amended the Pending Litigation in District Court of Grady County, Oklahoma styled Richard Matthew Iorio, Robert Anthony Iorio Revocable Trust dated 11/23/16, and Russell Joseph Iorio Revocable Trust dated 9/1/00 and Tuttle Public Works Authority v. DCP Operating Company, LP, Case No. CV-2021-7 and amended to settle the pending litigation and approve the partial release of rights of way and stipulation and agreement as presented by the City Attorney with the modifications in paragraph 9 indicated on his report that the word ditching be removed and water wells be clarified and the word modified be added as shown on the document.

Motion carried as follows:

Aye: Dickson, Buck, Hughes, Smith and McLeroy

Nay: None

**NEW BUSINESS**

**ANNOUNCEMENTS**

**ADJOURNMENT**

Motion was made by Hughes, seconded by Dickson to adjourn Tuttle Public Works Authority meeting at 9:15 p.m. Motion carries as follows:

Aye: Dickson, Buck, Hughes, Smith and McLeroy

Nay: None

Attest:

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TPWA Secretary, Wendy Marble

Chairman, Aaron McLeroy