

Minutes

THE CITY OF TUTTLE COUNCIL MEMBERS MET IN SPECIAL SESSION ON **JUNE 19, 2023, at 7:00 P.M.** IN THE TUTTLE CITY HALL BUILDING LOCATED AT 221 W. MAIN STREET

MEMBERS PRESENT: SCOTT DICKSON, TREY BUCK, AUSTIN HUGHES, AND AARON MCLEROY

MEMBERS ABSENT: NONE

STAFF PRESENT: DANA SCHOENING, DAVID PERRYMAN, WENDY MARBLE, AARON SLATTERY, DON CLUCK, AMBER RILEY, LAURIE KOELSCH, BRYAN BALENSEIFEN, WILL SMITH AND SEAN FAIRBAIRN

OTHERS PRESENT: LARRY JONES, BONNIE JONES, DANNY JACKSON, PATTI JACKSON, SUSAN TURNER, LESLIE WALKER, JAYSON KNIGHT AND OTHERS WHO DID NOT SIGN IN

CALL TO ORDER McLeroy called the meeting to order at 7:03 p.m.

ROLL CALL Marble called roll and declared a quorum present

PLEDGE OF ALLEGIANCE McLeroy led the pledge

INVOCATION Hughes gave the invocation

SELECTION OF VICE MAYOR FOR A TERM ENDING APRIL 30, 2024

Move to the end of the agenda. Revised date due to Scrivener error.

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. INTRODUCTION of new employees

None

3. Discussion and questions regarding items on the consent docket

Dickson asked to move Item 4i to the end of the agenda

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 Special City Council meeting May 15, 2023

b. APPROVAL minutes for Special City Council workshop meeting May 15, 2023

c. ACKNOWLEDGMENT receipt of payroll and claims for May 2023

- d. APPROVAL and RATIFICATION all action taken by the Tuttle Public Works Authority for May 2023
- e. APPROVAL and RATIFICATION all action taken by the Tuttle Development Authority for May 2023
- f. ACCEPTANCE of donation of perpetual easement from Jaden Court LLC in Section 28, Township 10 North, Range 5 West
- g. APPROVAL for Fire Department to surplus and donate old fire hose
- h. APPROVAL of Service Agreement with Keystone Flex Administrators for Flexible Spending Account Plan/Section 125 Cafeteria Plan to provide employee benefits
- i. APPROVAL of Action taken by the TPWA and the TDA to satisfy the requirements of 60 O.S. Section 176 that requires that the beneficiary of any trust must (by a supermajority) approve any indebtedness incurred by a public trust

Motion was made by Hughes, seconded by Dickson to approve consent items 4a-h.

Motion carried as follows:

Aye: Dickson, Hughes and McLeroy

Nay: None

- 5. CONSIDERATION of Items Removed from Consent Docket

Strike – 4i moved to end of agenda

- 6. INFORMATION AND REPORTS

- a. City Manager and Department Reports
- b. Council Member Reports

Cluck stated interviewing two for open police officer position. Slattery stated nothing other than what is on monthly report. Fairbairn reported the application for the sidewalk to the park was not granted. He stated 135 applicants and 63 were awarded. He said we can try again. Balenseifen stated no report. Koelsch stated no report. Riley presented information about blood drives and stated we have impacted 2600 lives. Walker stated Wednesday if the legislative luncheon and July 12th is multi-chamber luncheon. Marble stated no report. Schoening stated the TSET grant was not approved, so we will reapply. Dickson stated the full sales tax report was not in the packet.

Motion was made by Dickson, seconded by Hughes to recess the City Council Meeting at 7:13 p.m. Motion carries as follows:

Aye: Dickson, Hughes and McLeroy

Nay: None

Motion was made by Dickson, seconded by Hughes to reconvene the City Council Meeting at 7:15 p.m. Motion carries as follows:

Aye: Dickson, Hughes and McLeroy

Nay: None

Perryman requested skipping Items 7a,b,c, d and 4i until Councilmember Buck arrives. Mayor began with Item 8a.

- 7. 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 2023-06** (PC 2023-07) rezoning from A-1 to R-1 located at the Northwest corner of Tyler Dr and Frisco Rd. (tabled May 15, 2023)

Balenseifen presented this is 241 acres. Dickson asked how many homes are in this development. Balenseifen stated possibility of 480, but the city has not seen a plat and this information came from the applicant.

Kaitlyn Turner presented for the developer stating there are no set number of units, and the planning commission did recommend this for approval. Dickson stated he has no issues with the idea, the issue is with water and sewer infrastructure that will need to be built. Perryman stated the property owner has been told that currently cannot serve with infrastructure. The city suggested they cannot serve based on minimum lot size, but developer could come back with larger lots that would not require city water and sewer. Turner stated the developer is fully aware of infrastructure issues and traffic issues.

Hughes stated the Wastewater Treatment plant that is under construction will likely be at capacity soon after it is complete, and we have issues with our current lagoon system. He stated future water sources and debt service are issues. Turner stated the developer is fully aware of issues, but stated the rezoning is compatible with the area. She stated meeting with the city will be an ongoing process. Hughes asked if rezoning affects the upcoming subdivision regulation changes and Perryman stated landowner has been made aware and acknowledges the city's current infrastructure would not support development at the current time.

McLeroy presented 2300 homes have applications for development. He stated the WWTP will not carry this many homes, and the gas system is maxed out. He stated the city needs to increase the building permits by \$400 to cover the debt service. He stated a plan is being worked on for water because the municipality we buy extra water from may not be willing to sell to us. These are the issues that are causing the hesitation and we need the developer to acknowledge the city is not accepting any plats.

Jason Spencer of Crafton Tull stated we understand the issues and that infrastructure is not available. He stated we understand the new fees will apply to this land. He stated the sale of the land depends on the rezoning. Perryman presented infrastructure fees will be applicable across the board, not just on new plats, all will be treated equally. He stated the plans for infrastructure have to be approved by ODEQ.

Motion was made by Dickson, seconded by Buck to approve Ordinance 2023-06 (PC 2023-07) rezoning from A-1 to R-1 located at the Northwest corner of Tyler Dr and Frisco Rd with amended language stating the landowner has been made aware and acknowledges the city's current infrastructure would not support development at current time. Motion carries as follows:

Aye: Dickson, Buck, Hughes 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 **PC Petition 2023-09** River Ridge Farms Lot Split/Final Plat for property located at 1808 Doris Avenue

Balenseifen presented this is a lot split by plat due to the parcel size. It is a ten-acre lot requesting to split into two five-acre lots. He stated no rezoning is required. Balenseifen stated this is near Morgan Road off Silver City Ridge. He stated there are no city utilities and the benefit is platted parcel and rights-of-way. Fairbairn stated this gives full access by easement to all parcels.

Motion was made by Dickson, seconded by Buck to approve PC Petition 2023-09 River Ridge Farms Lot Split/Final Plat for property located at 1808 Doris Avenue. Motion fails as follows:

**Aye: Dickson and Buck
Nay: Hughes and McLeroy**

Dickson asked how the property owner can fix this. McLeroy stated this does not follow the requirements, stating a wider road and easements are required. Dickson asked how did they go through the process, and it was denied? Balenseifen stated the applicant has given the easement. Perryman stated this may be granted based on compliance with a lot split. Balenseifen stated the applicant met all conditions of the code. He stated there is a 15-foot private drive. Perryman stated the original approved private drive property owner has control over the private drive and others can't over burden the use. Balenseifen stated documents from 1995 show the property owners agreed to the use. Perryman stated property owners need to provide proof of access. Fairbairn stated records show in 2020 access was granted to three property owners.

Motion was made by Hughes, seconded by Dickson to TABLE PC Petition 2023-09 River Ridge Farms Lot Split/Final Plat for property located at 1808 Doris Avenue and let property owner know the city is requesting proof of access. Motion carries as follows:

**Aye: Dickson, Buck, Hughes 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 Ordinance 2023-10 (PC 2023-16) rezoning property from A-1 to R-1B/R-1A located at 4501 E Silver City Ridge**

Balenseifen stated this is 5 acres west of SH-4 requesting to be split into one acre and four acres.

Motion was made by Dickson, seconded by Hughes to approve Ordinance 2023-10 (PC 2023-16) rezoning property from A-1 to R-1B/R-1A located at 4501 E Silver City Ridge. Motion carries as follows:

**Aye: Dickson, Buck, Hughes 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 Ordinance 2023-11 (PC 2023-17) to amend the City of Tuttle Subdivision Ordinance to add subdivision water and sewer design standards and requirements**

Balenseifen stated written at same time as lift station ordinance and another public hearing notice was sent. McLeroy asked if it includes specifications on water lines. Fairbairn stated yes and we cleaned up DEQ name to current. Dickson asked if in the future we could add red lines for changes to ordinances.

Motion was made by Hughes, seconded by Buck to approve Ordinance 2023-11 (PC 2023-17) to amend the City of Tuttle Subdivision Ordinance to add subdivision water and sewer design standards and requirements Motion carries as follows:

**Aye: Dickson, Buck, Hughes and McLeroy
Nay: None**

Move to Item 9a

8. 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 of selection of representatives to the Association of Central Oklahoma Government's Board of Directors, 9-1-1 Board of Directors, Intermodal Transportation Policy Committee and Garber Wellington Association Policy Committee (tabled May 15, 2023)

McLeroy presented the former Vice-Mayor Smith was on the board and she stated the city needs someone for the 911 and ACOG committees.

Councilmember Buck entered the meeting at 7:17 p.m.

Motion was made by McLeroy, seconded by Dickson to nominate Trey Buck as representatives to the Association of Central Oklahoma Government's Board of Directors, 9-1-1 Board of Directors, Intermodal Transportation Policy Committee and Garber Wellington Association Policy Committee. Motion carries as follows:

Aye: Dickson, Buck, Hughes and McLeroy

Nay: None

Motion was made by Hughes, seconded by Dickson to nominate Larry Watson as alternate representatives to the Association of Central Oklahoma Government's Board of Directors, 9-1-1 Board of Directors, Intermodal Transportation Policy Committee and Garber Wellington Association Policy Committee.

Motion carries as follows:

Aye: Dickson, Buck, Hughes and McLeroy

Nay: None

Return to Item 7

9. PUBLIC SAFETY

- a. DISCUSSION, CONSIDERATION and POSSIBLE ACTION, including, but not limited to, Approval, Denial, Amendment, Revision or Conditional Approval, in Whole or in Part of Grady County Criminal Justice Authority agreement for inmate housing

Cluck stated this is the annual jail agreement with changes highlighted.

Motion was made by Hughes, seconded by Buck to approve Grady County Criminal Justice Authority agreement for inmate housing. Motion carried as follows:

Aye: Dickson, Buck, Hughes and McLeroy

Nay: None

10. STREETS

- a. DISCUSSION, CONSIDERATION and POSSIBLE ACTION, including, but not limited to, Approval, Denial, Amendment, Revision or Conditional Approval, in Whole or in Part of proposal from Cowan Group Engineering in the amount of \$43,500 for engineering services related to the N. Cimarron Rd Overlay project.

Slattery presented this is the ACOG grant that was approved earlier this year. He stated ODOT requires it to be fully engineered. Hughes asked if we have the funds and Schoening stated yes. McLeroy asked what the future expenses will be for this and Fairbairn stated there will be no other expenses.

Motion was made by Hughes, seconded by Buck to approve proposal from Cowan Group Engineering in the amount of \$43,500 for engineering services related to the N. Cimarron Rd Overlay project. Motion carried as follows:

Aye: Dickson, Buck, Hughes 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 asphalt purchase from Haskell Lemon for the N. Richland Rd Overlay project in an amount not to exceed \$148,000

Slattery presented for the ODOT project on Richland, city required to purchase asphalt and at better rate than contractor.

Motion was made by Dickson, seconded by Hughes to approve asphalt purchase from Haskell Lemon for the N. Richland Rd Overlay project in an amount not to exceed \$148,000

Aye: Dickson, Buck, Hughes 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 Daily Rate and associated fees from SWH Construction, LLC for construction services related to the N. Richland Rd Overlay in an amount not to exceed \$110,000

Motion was made by Hughes, seconded by Buck to approve Daily Rate and associated fees from SWH Construction, LLC for construction services related to the N. Richland Rd Overlay in an amount not to exceed \$110,000

Aye: Dickson, Buck, Hughes 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 Wee Construction to complete drainage improvements on Edith Ln in an amount not to exceed \$15,000

Marble stated a scrivener's error on the dollar amount, it should be \$15,900.

Slattery presented this is the only entrance to Stone's Addition. He stated the water comes from the grocery store and the lumber store. We need to build a concrete headwall, add some rip rap at the bottom because the drainage easement has filled in.

McLeroy asked why the city is funding this project. Schoening stated there is no homeowner's association, so it is not unusual for the city to maintain the drainage and the easements. McLeroy stated this addition needs a secondary entrance/exit.

Motion was made by Hughes, seconded by Buck to approve Wee Construction to complete drainage improvements on Edith Ln in an amount not to exceed \$15,900

Aye: Dickson, Buck, Hughes and McLeroy

Nay: None

Return to Item 4i

Motion was made by Hughes, seconded by Buck to approve consent items 4i.

Motion carried as follows:

Aye: Dickson, Buck, Hughes and McLeroy

Nay: None

Return to SELECTION OF VICE MAYOR FOR A TERM ENDING APRIL 30, 2024

Scriveners error on the term (2024 not 2027)

Motion was made by McLeroy, seconded by Buck to nominate Hughes as the Vice-Mayor for a term ending April 30, 2024. Motion carried as follows:

Aye: Dickson, Buck, Hughes and McLeroy

Nay: None

Motion was made by Dickson, seconded by Hughes to enter Executive Session at 9:35 after a five-minute break. Motion carried as follows:

Aye: Dickson, Buck, Hughes 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.

Mayor McLeroy reconvened the City Council meeting at 11:01 p.m.

11. 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. Discuss and Take Appropriate Action regarding pending claims based on grievances of the FOP Lodge and FOP Lodge Members and possible negotiations to resolve outstanding issues which are subjects of and related to the pending grievances. (Proposed Executive Session for confidential communications between the City Council and its attorney concerning pursuant to 25 O.S. Section 307(B)(4) relating to pending claims if the City Council determines that disclosure will seriously impair the ability of the City to process the claim or conduct a pending investigation, litigation, arbitration or proceeding in the public interest and pursuant to 25 O.S. Section 307(B)(2) relating to negotiations of pending grievances of Employees of the City of Tuttle who are FOP Lodge members and representatives of FOP Lodge members. No action shall be taken in Executive Session and any action taken will be taken in open session by recorded vote at the conclusion of any executive session.)

Motion was made by Dickson and seconded by Hughes to give the City Manger the authority to negotiate the grievances of the FOP Lodge. Motion carries as follows:

Aye: Dickson, Buck, Hughes and McLeroy

Nay: None

- b. Discuss and Take Appropriate Action regarding pending claims based on grievances of the IAFF Local and IAFF Local Members and possible negotiations to resolve outstanding issues which are subjects of and related to the pending grievances. (Proposed Executive Session for confidential communications between the City Council and its attorney concerning pursuant to 25 O.S. Section 307(B)(4) relating to pending claims if the City Council determines that disclosure will seriously impair the ability of the City to process the claim or conduct a pending investigation, litigation, arbitration or proceeding in the public interest and pursuant to 25 O.S. Section 307(B)(2) relating to negotiations of pending grievances of Employees of the City of Tuttle who are IAFF Local members and representatives of IAFF Local members. No action shall be taken in Executive Session and any action taken will be taken in open session by recorded vote at the conclusion of any executive session.)

Motion was made by Dickson and seconded by Hughes to give the City Manger the authority to negotiate the grievances of the IAFF Local. Motion carries as follows:

Aye: Dickson, Buck, Hughes and McLeroy

Nay: None

ANNOUNCEMENTS

1. No City Council Workshop Meeting on Monday, June 26, 2023
2. City Council Meeting on Monday, July 10, 2023 at 7:00 p.m. (workshop at 6:00 p.m.)

ADJOURNMENT

Motion was made by Hughes, seconded by Dickson to adjourn the meeting at 11:08 p.m.

Motion carried as follows:

Aye: Dickson, Buck, Hughes and McLeroy

Nay: None

Attest:

Wendy Marble, City Clerk

Aaron McLeroy, Mayor