

## Minutes

THE CITY OF TUTTLE COUNCIL MEMBERS MET IN REGULAR SESSION ON **April 12, 2021 at 7:00 P.M.** IN THE TUTTLE CITY HALL LOCATED AT 221 W. MAIN STREET.

MEMBERS PRESENT: SCOTT DICKSON, MARY SMITH, TODD LITTLETON, AND AARON MCLEROY

MEMBERS ABSENT: AUSTIN HUGHES

STAFF PRESENT: TIM YOUNG, DAVID PERRYMAN, WENDY MARBLE, DON CLUCK, AARON SLATTERY, WILL SMITH, BRYAN BALENSEIFEN, LAURIE KOELSCH, WJ MORGAN, AMBER RILEY, RYAN ALLEN, SEAN FAIRBAIRN, WILL RILEY, RICKY RICHARDSON AND MIKE POMEROY

OTHERS PRESENT: LESLIE WALKER, JAYSON KNIGHT, JAMES COBBLE, STEVE HENDRICKSON AND OTHERS WHO DID NOT SIGN IN.

**CALL TO ORDER** Mayor McLeroy called the meeting to order at 7:00 p.m.

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

**PLEDGE OF ALLEGIANCE** Mayor led the pledge

**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.)

**James Cobble – 506 SW 5<sup>th</sup> – complaint about 2<sup>nd</sup> round of limbs not picked up, limbs are all still around town, estimate of \$750 for clean up – cannot afford, will citations be given, a lot still needs to be picked up.**

#### 2. PRESENTATIONS, PROCLAMATIONS AND RECOGNITION

a. Proclamation declaring April 2021 as Autism Awareness Month

**Mayor read the proclamation**

b. INTRODUCTION of new employees

**Young introduced new employees: Mike Pomeroy – Streets Dept., Ricky Richardson – Gas Dept., Cash Perry – Construction (not here), Ryan Allen – Fire Chief, Will Riley – Police Officer**

c. SWEARING IN of new Police Officer Will Riley by Judge Hendrickson

**Judge Hendrickson swore in Will Riley – City Council congratulated.**

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 March 8, 2021
- b. APPROVAL minutes for City Council Workshop meeting March 8, 2021
- c. APPROVAL minutes for City Council Workshop meeting March 22, 2021
- d. ACKNOWLEDGMENT receipt of payroll and claims for March 2021
- e. APPROVAL and RATIFICATION all action taken by the Tuttle Public Works Authority for March 2021
- f. APPROVAL and RATIFICATION all action taken by the Tuttle Development Authority for March 2021
- g. APPROVAL Budget Amendment 2021-010 regarding the 2020 Neighborhood Streets Debt Service
- h. APPROVAL of Memorandum of Understanding between the City of Elmer Smith Oil Company regarding reconstructing a portion of Timbercreek Drive.
- i. ACCEPTANCE of donation of fiber utility easement from Charles David Lassiter located at 105 E. Oak Street
- j. ACCEPTANCE of donation of street and utility easement from Jami Elise Gustafson located at 324 N. Czech Hall Road
- k. APPROVAL Budget Amendment 2021-009 regarding carryover for the E Silver City Ridge Culvert Replacement Project
- l. APPROVAL Budget Amendment 2020-017 regarding 911 CAD Software carryover
- m. APPROVAL Budget Amendment 2020-018 regarding programming for new Tuttle Police Station construction
- n. APPROVAL Budget Amendment 2020-019 regarding Municipal Court Software carryover
- o. APPROVAL surplus of 2008 Food Escape VIN FMCU92Z28KA30355 used by Public Works Department
- p. APPROVAL Resolution 2021-02 declaring April 2021 as Fair Housing Month
- q. ACKNOWLEDGEMENT of Change Order #1 in the amount of \$2,762.40 for Silver City Ridge Road Culvert Project
- r. APPROVAL award of Daily Rate bid for asphalt repairs to SWH Construction in the amounts of \$4,000 for daily rate fee, \$8.75 per ton transportation fee, 70 cents per square yard for tack oil, \$125 per load for transportation fee for spoils, 25 cents per linear foot for weed killer, \$1.25 per line foot for crack sealing, 20 cents per square foot for seal coating and 50 cents per line foot for paint striping

- s. APPROVAL of Memorandum of Understanding between Farm Credit of Western Oklahoma and the City for drainage improvements to Tyler Drive
- t. APPROVAL Resolution 2021-05 declaring the week of April 11-17, 2021 to be National Public Safety Telecommunicator Week
- u. APPROVAL Budget Amendment 2021-011 regarding replacement of roof at ballfield concession stand.

**Motion was made by Littleton, seconded by Smith to approve Items 4a through 4u on consent docket. Motion carried as follows:**

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

**Nay: None**

5. CONSIDERATION of Items Removed from Consent Docket

**Strike**

6. GENERAL GOVERNMENT

- a. DISCUSSION and introduction of Jim Vellezza, our new Health Insurance Consultant Gallagher Benefit Services

**Jim Vellezza presented he is the new consultant for City. He is a Tuttle resident. Gallagher 3<sup>rd</sup> or 4<sup>th</sup> largest benefits provider in US, and largest in OK. Serving businesses from 2-200 employees. He stated he is ready to work with the City team to provide benefits that fit your needs.**

- b. DISCUSSION and related CONSIDERATION regarding impact of McGirt v. Oklahoma and Bosse v. Oklahoma court cases

**Perryman presented congress never dissolved 5 nations – so still exist as Indian country – concerned about Chickasaw Nation could apply to all five even though it was a Creek Nation member, Indian cannot be tried in Oklahoma Court only tribal court, whether suspect or victim, district court do not have jurisdiction. 1898 Curtis Act states regardless of race, municipal courts have jurisdiction to enforce their ordinances. Question of what do you do with DUI? Working on ways to resolve issue, only transport to jails in Marietta, Tishomingo, Sulphur, Ada. Proposing ordinances, OMAG is working to release liabilities, we want control of our officers and only their liability, not that of other departments. Met with District Attorney last week, talked about satellite courts or having a Grady County Court. McLeroy said what happens today if police stop Native American for DUI. Perryman said detain until able to drive if Lighthorse Police is not available. Will visit with Judge about Section 14 of Curtis Act covers ordinances of Municipalities. Smith asked about breathalyzer. Cluck said Chickasha is the closest. McLeroy asked about MOU to hold in our jail. Perryman said could do that or would be interlocal agreement**

**No Action Taken**

- c. DISCUSSION and related CONSIDERATION of Election of two Trustees for Oklahoma Municipal Assurance Group Board of Trustees

**Smith stated all are qualified for the position.**

**Motion was made by Dickson, seconded by Smith to vote to elect Mike Bailey and Craig Stephenson as Trustees for Oklahoma Municipal Assurance Group Board of Trustees.**

**Motion carried as follows:**

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

**Nay: None**

7. COMMUNITY DEVELOPMENT

- a. DISCUSSION and related CONSIDERATION of Ordinance 2021-02 (PC Petition 2021-11) request of Tuttle Christian Church to pave the alley as part of the parking lot

**Balenseifen stated it is not an ordinance. This passed 3-0 by Planning Commission.**

**McLeroy asked Slattery & Fairbairn if they are okay with this and both stated yes.**

**Motion was made by Littleton, seconded by Dickson to approve request of Tuttle Christian Church to pave the alley as part of the parking lot**

**Motion carried as follows:**

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

**Nay: None**

8. STREETS

- a. DISCUSSION and related CONSIDERATION regarding use of remaining funds for neighborhood streets project

**Slattery talked about 2019 Street Bond repair plan – surplus remaining fund \$200-\$300,000, next agenda will provide plan to spend remaining funds for phase II.**

**Dickson asked would it make sense to put back for later repairs? Young said borrowed money should be spent, other money coming in can be held back for repairs.**

**No Action**

**Motion to Recess was made by Littleton and seconded by Smith to begin Tuttle Development Authority meeting at 7:51 p.m.**

**Motion carried as follows:**

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

**Nay: None**

9. INFORMATION AND REPORTS

- a. City Manager and Department Reports

**Koelsch stated we have reached 1500 customers. There are some software issues and looking at router possibilities. Dickson asked about same vendor for router. Koelsch said yes, patch was promised 4/9/21 for problem but not yet, services not out, just change band on a few devices.**

**Cluck gave his report of 41 arrests last month – have not had this ever, fully staffed, and accidents are down.**

**Slattery talked about Diamond Maps, the new software public works is using for all utilities. All are mapped out, guys did this in about 2 months. Dickson asked about cost. Slattery said \$900 a year for unlimited users.**

**Allen asked about using mapping for hydrants and with active 911**

**Walker talked about Chamber cookout on April 28<sup>th</sup> at Winery for Lunch.**

**Marble said she is excited about insurance consultant and ready to start working on the insurance renewal.**

**Young said sewer for convenience store almost complete, start working toward Warm Springs – will verify before commencing. 2<sup>nd</sup> floor bids – no participation – may need to take project out for bid, will require additional engineering and design – should do entire floor. McLeroy asked about cost. Young said from \$130,00 up to \$200,000. Perryman said negotiate with 3 construction managers to choose. Young asked about new format to projects reporting and any thoughts from council members.**

b. Council Member Reports

**Littleton asked about damage to 2 block section of Richland North of Tyler. Slattery said North 60-70 yards – snowstorm peeled up asphalt. He stated this will be the first location the contractor will repair in 2-3 weeks.**

**Smith talked about road condition on Cemetery received letter and forwarded to Tim. McLeroy announced student recognition at school tomorrow at noon.**

**Motion was made by Smith, seconded by Littleton to enter into Executive Session at 8:52 p.m. after a five-minute break. Motion carried as follows:**

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

**Nay: None**

**Mayor McLeroy reconvened the meeting at 11:45 p.m.**

## 10. 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 Consideration of Annual Review of Performance of City Manager per Paragraph 3(a) of Current City Manager Contract mandating that such review occur between January 1 and March 31 of each year. Proposed Executive Session Pursuant to 25 O.S. Section 307(B)(1) for discussions. Any action taken on this item shall be taken in Open Session.

1. CONSIDERATION action related to Executive Session Item 10a

**Perryman stated only items on the agenda were discussed in Executive Session and no action was taken**

**Young talked about employee compensation and asked what the Council would like to see in our report.**

**Dickson asked how do we compare? Smith stated adequate pay and benefits package for employees that also serves taxpayers. McLeroy said so much is spent**

in raises, approximately \$100,000 increase to raises each year but we are not fully staffed in our departments. Dickson said if that is comparable then maybe okay.

Littleton asked how we evaluate employees; some departments do it differently. Compare how other cities retain, hire and evaluate employees. Look at entire compensation plan including all benefits.

**NEW BUSINESS**

**ANNOUNCEMENTS**

- 1. City Council Workshop Meeting on Monday, April 26, 2021 at 6:00pm
- 2. City Council Meeting on Monday, May 10, 2021 at 7:00 pm (workshop at 6:00pm)

**ADJOURNMENT**

**Motion was made by Littleton, seconded by Smith to adjourn the City Council Meeting at 11:56 p.m.**  
**Motion carried as follows:**  
**Aye: Dickson, Littleton, Smith, and McLeroy**  
**Nay: None**

Attest:

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Wendy Marble, City Clerk

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Aaron McLeroy, Mayor