

Minutes

THE CITY OF TUTTLE COUNCIL MEMBERS MET IN REGULAR SESSION ON **MAY 9, 2022, 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: LARRY MITCHELL, DAVID PERRYMAN, WENDY MARBLE, AARON SLATTERY, DON CLUCK, AMBER RILEY, JULIE MOWDY, BRYAN BALENSEIFEN, MIKE FAY AND SEAN FAIRBAIRN

OTHERS PRESENT: WINSTON ROSE, BETTY SMITH, DEBRA JONES, LORI DENNIS, VIVIAN SLOAN, ETHAN ARNOLD, JESSICA MALONE, WES MALONE JANE BRYANT, STEVEN OLIVIERI, TYLER GUTHERY, CHARLES GUTHERY, JAYSON KNIGHT, LESLIE WALKER AND OTHERS WHO DID NOT SIGN IN

SWEARING IN OF MAYOR FOR TERM ENDING MAY 31, 2026

Judge Hendrickson presented the swearing in of Mayor Aaron McLeroy

CALL TO ORDER McLeroy called the meeting to order at 7:09 p.m.

ROLL CALL Marble called the roll and declared a quorum present

PLEDGE OF ALLEGIANCE McLeroy led the pledge

INVOCATION Hughes 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.)

Winston Rose of 115 Pinewood Dr. presented concern over Warm Springs development water runoff. He stated it is coming through his property to the pond and the pond is now very muddy. Fairbairn presented the developer began the grading work and did not have a permit. He stated the work has halted and staff will be working with the developer on the clean-up.

Kip Smith of 1300 Mustang Rd asked questions about the rules for drainage, erosion control, floodplains and channels. He states there is trash from the construction site in the ditches and his pond is bright orange from the erosion and drainage after the rain. He stated he wants the City Council to be familiar with the promises made and not kept. He stated the silt is coming over the hill and running toward the river. He states he has photographs to share. Perryman requested that he provide those to Bryan Balenseifen, Community Development Manager.

Slattery stated he spoke to 3 or 4 property owners last week and he shared their concerns with the developer. Developer stated he will address this as soon as possible.

Stephen Olivieri of 5406 E Tyler Dr. states he received the brunt of the silt and dirt runoff. He stated this alters his 5 acres to marshland. He stated the developer is continuously pumping water on my land, because the grading caused the water to funnel to my property.

He stated issues with the well having silt in the water. He stated buckets of hydraulic oil washed on his land and he has concerns about the land and the safety of his livestock.

2. PRESENTATIONS, PROCLAMATIONS AND RECOGNITION

- a. INTRODUCTION of new employees

Slattery introduce new employee Ethan Arnold that was hired April 18, 2022.

- b. RECOGNITION of Assistant Police Chief Michael Scott for twenty years of service

McLeroy presented this will be on next month agenda.

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. 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 City Council meeting April 11, 2022
- b. APPROVAL minutes for City Council workshop meeting April 11, 2022
- c. APPROVAL minutes for City Council workshop meeting April 25, 2022
- d. ACKNOWLEDGMENT receipt of payroll and claims for April 2022
- e. APPROVAL and RATIFICATION all action taken by the Tuttle Public Works Authority for April 2022
- f. APPROVAL and RATIFICATION all action taken by the Tuttle Development Authority for April 2022
- g. ACCEPTANCE of donation of perpetual easement from David and Jenny Sinning located at 921 Spruce Drive, Section 33, Township 10 North, Range 5 West
- h. APPROVAL of Gov domain registration letter requesting tuttleok.gov to replace cityoftuttle.com
- i. APPROVAL adopting the agreement for administrative services with Pension Solutions, including fee schedule addendum for City of Tuttle Money Purchase Plan 401(a) retirement
- j. APPROVAL renewal of agreement with Keystone Flex Administrators for administrating the city's Section 125 Cafeteria Plan, Section 105 HRA Plan, and COBRA
- k. APPROVAL of Environmental Review for Tuttle Housing Authority
- l. APPROVAL of upgrade to 14 Storm Sirens under the approval of state contract SW0404F by Goddard Enterprises for a cost not to exceed \$101,226.36

Motion was made by Hughes, seconded by Smith to approve Items 4a through 4l on the consent docket. Motion carried as follows:

Aye: Dickson, Buck, Hughes, Smith and McLeroy

Nay: None

5. CONSIDERATION of Items Removed from Consent Docket

Strike

6. COMMUNITY DEVELOPMENT

- a. None

7. 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 regarding amendment to Tuttle Youth Soccer Club (TYSC) agreement

Mitchell presented staff met with soccer club and he thinks this is ready to approve. Dickson stated he noticed only minimal changes. McLeroy asked about concession stand. Slattery stated the westside of the structure could be a concession stand but nothing was built during construction for that use.

Motion was made by Hughes, seconded by Dickson to approve amendment to Tuttle Youth Soccer Club (TYSC) agreement. Motion carried as follows:

Aye: Dickson, Buck, Hughes, Smith 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 regarding Inter-local agreement with South Central Planning and Development Commission through Association of Central Oklahoma Governments (ACOG) for use of My Gov Online software

Balenseifen presented this will be used by Community Development and Public Works. It is less expensive than the two systems used currently and has better features. Hughes commented the city will save \$3300 annually for better software. Mitchell stated this is a standard agreement with ACOG (Association of Central Oklahoma Governments). Dickson asked if ACOG owns the software. Mitchell stated they offer this through their agency as a partnership program for cities. Balenseifen stated Louisiana company owns the software, it was created by government for government. Smith asked if this is better than what we use. Slattery stated it is as good or better. It will put all departments on the same platform, and it has some advantages that other software does not have.

Motion was made by Dickson, seconded by Smith to approve Inter-local agreement with South Central Planning and Development Commission through Association of Central Oklahoma Governments (ACOG) for use of My Gov Online software.

Motion carried as follows:

Aye: Dickson, Buck, Hughes, Smith 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 regarding Election of two Trustees for Oklahoma Municipal Assurance Group Board of Trustees

Marble presented the council will need to choose and nominate two from the list of five nominees. She stated two sent letters requesting your support. Smith asked if the incumbents are doing there jobs well and Marble stated yes, as far as we know. Smith asked City Manager if he knew any of the candidates and he stated he knows some and any on the list would be capable. Hughes stated he would have a hard time picking anyone that did not send a letter explaining why they want the position.

Motion was made by Hughes, seconded by Dickson to approve nomination of Vickie Patterson and Lindsey Grigg-Moak as Trustees for Oklahoma Municipal Assurance Group Board of Trustees. Motion carried as follows:

Aye: Dickson, Buck, Hughes, Smith 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 regarding appointment to Position 2 of the Board of Adjustment for a term ending June 30, 2023

No Action Taken

- e. DISCUSSION, CONSIDERATION and POSSIBLE ACTION, including, but not limited to, Approval, Denial, Amendment, Revision or Conditional Approval, in Whole or in Part

regarding appointment to Position 1 of the Board of Adjustment for a term ending June 30, 2022

No Action Taken

- f. DISCUSSION, CONSIDERATION and POSSIBLE ACTION, including, but not limited to, Approval, Denial, Amendment, Revision or Conditional Approval, in Whole or in Part regarding appointment to Position 4 of the Tuttle Planning Commission for a term ending June 30, 2024

McLeroy stated he did not contact the applicant. Dickson stated prefers to wait for interview before appointing.

No Action Taken

- g. DISCUSSION, CONSIDERATION and POSSIBLE ACTION, including, but not limited to, Approval, Denial, Amendment, Revision or Conditional Approval, in Whole or in Part regarding selection of the representative to Tuttle Area Chamber of Commerce's Board of Directors

Motion was made by Smith, seconded by Dickson to approve the nomination of Austin Hughes as the representative to Tuttle Area Chamber of Commerce's Board of Directors. Motion carried as follows:

Aye: Dickson, Buck, Hughes, Smith and McLeroy

Nay: None

- h. DISCUSSION, CONSIDERATION and POSSIBLE ACTION, including, but not limited to, Approval, Denial, Amendment, Revision or Conditional Approval, in Whole or in Part regarding selection of representatives to the Association of Central Oklahoma Government's Technical Committee (TC) and Areawide Planning and Technical Advisory Committee (APTAC)

Smith stated Tim Young served on these committees. She said it should be a staff member on these boards not a council member. Mitchell stated there are two boards the need a representative.

Motion was made by Smith, seconded by Dickson to nominate Bryan Balenseifen as the representatives to the Association of Central Oklahoma Government's Technical Committee (TC) and Areawide Planning and Technical Advisory Committee (APTAC). Motion carried as follows:

Aye: Dickson, Buck, Hughes, Smith and McLeroy

Nay: None

- i. DISCUSSION, CONSIDERATION and POSSIBLE ACTION, including, but not limited to, Approval, Denial, Amendment, Revision or Conditional Approval, in Whole or in Part of Employee Health Insurance renewal

Marble stated this was placed on the agenda in the event the Council is ready to make a decision. McLeroy stated he has questions and asked if this should be continued or discuss now. Dickson asked when does enrolment start. Marble stated we have not set the date, but we can start as early as June 1st. Dickson asked how long the enrollment process lasts and how long it takes to complete the changes. Marble stated enrollment is a week and it takes about a week after to get all changes made. We could wait until the next meeting on June 13th and then have enrollment that week, still giving time for all to be complete by July 1st. Hughes stated that would rush things and be stressful. McLeroy is concerned that we are not enforcing the rules we have currently, with people on the policy that are not eligible because they have other insurance available to them. Perryman stated there is a question about whether there is a policy in place. Mitchell stated if the policy is in place, then we can enforce it. Perryman stated, let us look at the

policy and determine if it is in place and enforceable and if it is, staff will enforce the policy. Perryman stated job-based plans must provide a thirty-day enrollment period. Perryman stated he will look at the policy and communicate with staff if there is an enforceability issue. Hughes stated in the handbook the employer-based plan is not clear. He stated the spouse monthly premium cost is incorrect in the handbook. Mowdy stated the HRA section in the handbook needs to be updated. Dickson asked if those changes would be independent of the plan. Perryman stated yes. Smith presented as we discussed there is a 15% increase this year and we have 20% budgeted. Handbook change is severable from the plan, so probably no reason not to renew the plan. Hughes agreed but would like to figure out the spousal coverage; if they have access to another plan, and they should not be on our plan then that needs to be enforced. Dickson agreed that we should accept this. Dickson asked should handbook be updated. Hughes stated yes before July 1, because it is violation of our rules. Perryman stated even if we don't do an in-depth revision, we need to update those sections discussed and eliminate that maximum cost number. Marble stated she and Julie will work on this to present at the June meeting. Dickson stated we need to look at options during budget time. Hughes stated it is unfortunate that the renewal does not coincide with the budget year, but we have to go with what we have and we will have knowledge for budget planning in the fall.

Motion was made by Dickson, seconded by Smith to approve the Employee Health Insurance renewal as it was presented. Motion carried as follows:

Aye: Dickson, Buck, Hughes, Smith and McLeroy

Nay: None

- j. DISCUSSION, CONSIDERATION and POSSIBLE ACTION, including, but not limited to, Approval, Denial, Amendment, Revision or Conditional Approval, in Whole or in Part regarding **Ordinance 2022-09** providing for a Library Service to the City of Tuttle

Smith presented budget for library was provide by the librarian Vivian Sloan. Smith stated we need to get something going or we won't be eligible for state grants. Dickson asked if this is coming from the operating budget and what will be the funding source. Smith stated it is in the budget to fund. Mitchell stated grants would only make up about 20% of the budgeted amount. He stated the city would have to maintain their obligation once they take this on. Hughes asked how much is budgeted and Mitchell stated \$57,000. Hughes stated that is not enough for one full time employee. Sloan stated she is only working part time and it would allow for her, an assistant and an intern all working part time. Hughes asked how much income the library makes. Sloan stated very little, just some revenue from fines and printing. Smith stated most funds come from the community. Sloan stated the friends of the library will continue to be involve in fund raising and helping with purchases. Dickson asked how much the library receives in contributions and it was stated approximately \$30,000. Bryant stated the friends' group will continue to support the needs of the library that the city budget does not support. Hughes stated concerns that the budget amount will continue to increase and asked if the city is ready to keep up with this. Smith stated Tuttle is the largest town in Oklahoma that does not have a library funded by municipal government. She stated a library is a resource for the community. Dickson stated what is budgeted is only .003 percent of the \$20 million city budget. Sloan stated that people moving here set up their utilities and then visit the library. McLeroy presented his concern that our employee budget is already busted for the year. Mitchell stated these funds have not been spent, so there is \$57,000 for the remainder of this year. Dickson stated we need to provide more amenities as a city, for quality of life, for employees, for goodwill and this is worthwhile. Hughes stated he is not against the library, but we just approve a \$44,000 increase for health insurance and with every yes there has to be a no. Dickson stated he disagrees because these things are budgeted. He stated we need to find solutions

and it does not have to be a win-loss, it could be win-win. McLeroy discussed the loss of control for employee hiring and pay from previous management and he is concerned about tax revenues decreasing and lack of other funding. Dickson asked when the right time would be to do the library and Hughes stated when we have 10% in reserves. Hughes stated he does not want to vote on this until a permanent city manager is in place. Kip Smith presented the library provides a valuable service. He stated the city should understand the value of the service and not be so concerned about the cost. McLeroy stated he has 2 concerns and will be a no vote because of getting locked into funding and the potential increase of funding. He stated he would like to come up with a funding source. He discussed the city making a donation each year. Sloan stated that would help but still not eligible for grants. Buck stated he would vote no because he has not been involved in budgeting, so he is not comfortable creating a new department. Smith asked that we find a revenue source to fund the library. McLeroy asked that the city do a survey to see if citizens are in favor of a municipal library.

**Motion was made by Smith, seconded by Dickson to TABLE Ordinance 2022-09 providing for a Library Service to the City of Tuttle. Motion carried as follows:
Aye: Dickson, Buck, Hughes, Smith and McLeroy
Nay: None**

8. STREETS

- a. DISCUSSION, CONSIDERATION and POSSIBLE ACTION, including, but not limited to, Approval, Denial, Amendment, Revision or Conditional Approval, in Whole or in Part regarding Street Improvement plan for FY2022

Slattery stated this is the continuation of our discussion from the April 2, 2022 meeting. He presented crosswalk memo, stated section line cost is higher than what was presented, and the one mile of gravel cost increased. Perryman stated since the last meeting the city was served a petition asking for \$1.5 million in road assessment fees. He stated we should pause on section line roads on this until litigation is resolved.

**Motion was made by Dickson, seconded by Hughes to approve the crosswalk striping and neighborhood street improvement plan for FY2022 as presented, deleting the section line roads. Motion carried as follows:
Aye: Dickson, Buck, Hughes, Smith and McLeroy
Nay: None**

**Motion was made by Hughes, seconded by Smith to recess the city council meeting at 9:12 p.m. and resume after TPWA and TDA meetings.
Motion carried as follows:
Aye: Dickson, Buck, Hughes, Smith and McLeroy
Nay: None**

**Motion was made by Hughes, seconded by Dickson to reconvene the city council meeting at 9:14 p.m.
Motion carried as follows:
Aye: Dickson, Buck, Hughes, Smith and McLeroy
Nay: None**

9. INFORMATION AND REPORTS

- a. City Manager and Department Reports

Fairbairn presented update on WWTP and waiting on DEQ for permit approval. Balenseifen presented Warm Springs halted grading until DEQ approval. Stated the developer paid the engineering fees but had no erosion control in place. McLeroy ask how they were able to start project and Fairbairn stated the city does not get any notification about DEQ permits. Perryman stated we should push DEQ for fines and remediation.

McLeroy asked about a shop building and water drainage on onto a neighbor's property. Perryman stated that is a civil matter and possibly city ordinance has been violated, but these are private matters.

Cluck presented in the process of hiring and animal control officer and losing one police officer this month.

Marble presented the new credit card bill pay system has been launched. She stated the directions to sign up are on the website, posted in the newsletter and on social media. Everyone will need to cancel Xpress bill pay and sign up to use the new system.

Mitchell presented he is working with Newcastle on a new water contract that David is reviewing. Need to address water conservation and review our options with the possibility of a dry summer.

b. Council Member Reports

Smith presented TNT fireworks will be doing fireworks at the rodeo grounds on June 11th.

Motion was made by Smith, seconded by Dickson to enter Executive Session at 9:39 after a five-minute break.

Motion carried as follows:

Aye: Dickson, Buck, Hughes, Smith and McLeroy

Nay: None

Motion was made by Dickson, seconded by Smith to reconvene the City Council Meeting at 10:39 p.m.

Motion carried 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.

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. Discussion and Consideration and Possible Action in Response to Pending Litigation filed by Citizen Energy and Roan Resources. Potential Executive Session for Confidential Communications between the City Council and City Manager of the City of Tuttle and the City Attorney pursuant to 25 O.S. Section 307(B)(4) if the City Council with the advice of its attorney determines that disclosure will seriously impair the ability of the City of Tuttle to process the pending litigation and protect the interest of the City in said litigation and related claims and investigation in the best interest of the City of Tuttle and the public, including its citizens and taxpayers.

Motion was made by Smith, seconded by Hughes to approve the advice of its attorney to respond to pending litigation and protect the interest of the City in said litigation and related claims and investigation in the best interest of the City of Tuttle and the public, including its citizens and taxpayers.

Motion carried as follows:

Aye: Dickson, Buck, Hughes, Smith 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 to authorizing the acquisition of a Perpetual Easement or Easements needed for the Wastewater Treatment Plant Discharge lines. Proposed Executive Session pursuant to 25 O.S. Section 307(B)(3). Any action taken will be in Open Session with a Publicly Announced and Recorded Vote.

Motion was made by Smith, seconded by Hughes to approve authorizing the acquisition of a Perpetual Easement or Easements needed for the Wastewater Treatment Plant Discharge lines.

Aye: Dickson, Buck, Hughes, Smith and McLeroy

Nay: None

NEW BUSINESS

ANNOUNCEMENTS

1. No City Council Workshop Meeting for May 2022
2. City Council Meeting on Monday, June 13, 2022 at 7:00 pm (workshop at 6:00 pm)

NEW BUSINESS

ANNOUNCEMENTS

1. City Council Workshop Meeting on Monday, April 25, 2022 at 6:00 p.m.
2. City Council Meeting on Monday, May 9, 2022 at 7:00 pm (workshop at 6:00 pm)

ADJOURNMENT

Motion was made by Hughes and seconded by Dickson to adjourn City Council meeting at 10:46 p.m. Motion carries as follows:

Aye: Dickson, Buck, Hughes, Smith and McLeroy

Nay: None

Attest:

Wendy Marble, City Clerk

Aaron McLeroy, Mayor