

Minutes

THE CITY OF TUTTLE COUNCIL MEMBERS MET IN REGULAR SESSION ON **JUNE 14, 2021, at 7:00 P.M.** IN THE TUTTLE CITY HALL LOCATED AT 221 W. MAIN STREET.

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

MEMBERS ABSENT: TODD LITTLETON AND AUSTIN HUGHES

STAFF PRESENT: TIM YOUNG, DAVID PERRYMAN, WENDY MARBLE, DON CLUCK, AARON SLATTERY, BRYAN BALENSEIFEN, AMBER RILEY, RYAN ALLEN, AND SEAN FAIRBAIRN

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

CALL TO ORDER Mayor McLeroy called the meeting to order at 7:04 p.m.

ROLL CALL Marble called the roll and declared a quorum present

PLEDGE OF ALLEGIANCE McLeroy led the pledge

INVOCATION Dickson 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.)

McLeroy stated a request from Tuttle Roundup Club to speak

Princess Haley and Ambassador Joley presented the Rodeo is July 9th & 10th with a Carnival and games for 10 & under kids

2. PRESENTATIONS, PROCLAMATIONS AND RECOGNITION

a. INTRODUCTION of new employees

Chief Allen presented new full time employee Kyle Main and volunteer Steven Kimrey

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 May 10, 2021

b. APPROVAL minutes for City Council Workshop meeting May 10, 2021

c. ACKNOWLEDGE receipt of payroll and claims for May 2021

d. APPROVAL and RATIFICATION all action taken by the Tuttle Public Works Authority for May 2021

- e. APPROVAL and RATIFICATION all action taken by the Tuttle Development Authority for May 2021
- f. APPROVAL to surplus ammunition no longer used for Police Department
- g. APPROVAL to surplus 1991 case 580 backhoe for Cemetery Department
- h. ACKNOWLEDGE of DTV Rate Changes for Pioneer Telephone Cooperative, Inc., effective July 1, 2021
- i. ACCEPTANCE of donation of perpetual easement from Peggy & Billy Copeland located at 220 W. Tyler Dr.
- j. APPROVAL authorizing purchase of 2021 CAT 420 AE4 Backhoe loader from Warren CAT for state contract price of \$91,000 for Cemetery Department
- k. APPROVAL Grady County Criminal Justice Authority Agreement for Inmate Housing for July 1, 2021, through June 30, 2022
- l. APPROVAL to declare surplus and dispose of miscellaneous property from Police Department evidence room using auction website
- m. APPROVAL to declare US Currency from Police Department evidence room as surplus and deposit in City's General fund account
- n. APPROVAL to declare surplus miscellaneous property from Police Department evidence room and allow to be used by City
- o. APPROVAL of Budget Amendment 2021-014 re-allocating funds to construct a Futsal Court with the Tuttle Public School and updating budget regarding the purchase of new mowers
- p. APPROVAL of Budget Amendment 2021-014 re-allocating funds to create a new Executive Assistant position for the Administration Department
- q. APPROVAL of conversion of the Guaranteed Maximum Price WITH Flintco to a Lump Sum Price in the amount of \$1,877,667.00
- r. APPROVAL to spend \$271,000 to repair/overlay streets according to the Neighborhood Street Tax Repair Plan – Phase II
- s. APPROVAL to spend \$850,000 to repair/overlay section line roads according to the submitted plan (N Richland Rd patch; N Frisco Rd patch; N Cimarron Rd patch; E Tyler Dr patch; N Gregory Rd patch; E Silver City Ridge overlay between N Richland Rd and N Frisco Rd; N Cemetery Rd patch and overlay between E SH-37 and the Tuttle Soccer Complex; E Silver City Ridge overlay between N Cemetery Rd & Riviera; and E Tyler Dr patch and overlay between N Cemetery Rd & Riata Dr.)
- t. APPROVAL of PC 2021-20 request of Barry Bayliff for a final plat located at 2105 E. Hwy 37 to be named Bayliff Addition
- u. APPROVAL of PC 2021-07 request for approval of a preliminary plat for Hollow Brook Phase 2
- v. APPROVAL of PC 2021-28 request of First National Bank final plat located at 5335 E SH-37 to be name First National Bank
- w. ACCEPTANCE of donation of an access easement from The First National Bank and Trust Co located at 5311 E SH-37
- x. ACCEPTANCE of donation of a utility easement from The First National Bank and Trust Co located at 5311 E SH-37

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

Aye: Dickson, Smith, and McLeroy

Nay: None

5. CONSIDERATION of Items Removed from Consent Docket

Strike

6. 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 2021-04 (PC 2021-19) request of Johnny Scott, to rezone from General Agriculture (A-1) to Urban Estates Residential (R-1B) approximately 4.26 acres located at 1211 N. Morgan Rd

Balenseifen presented staff report explaining the property makes 10 acres into 3 parcels – rezone to be approved before plat. Balenseifen explained they all have legal access and water/fiber is available. McLeroy asked if Sawmill Rd is legal rd., Balenseifen answered yes.

Motion was made by Smith, seconded by Dickson to approve Ordinance 2021-04 (PC 2021-19) request of Johnny Scott, to rezone from General Agriculture (A-1) to Urban Estates Residential (R-1B) approximately 4.26 acres located at 1211 N. Morgan Rd

Aye: Dickson, 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 of PC 2021-23 request of Johnny Scott & Joshua Rinken for a final plat located at 1200 Block of N. Morgan Rd. to be named Scott Rinken Addition

Balenseifen presented final plat information for Item 6a.

Motion was made by Dickson, seconded by Smith to approve PC 2021-23 request of Johnny Scott & Joshua Rinken for a final plat located at 1200 Block of N.

Morgan Rd. to be named Scott Rinken Addition

Motion carried as follows:

Aye: Dickson, 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 of Resolution 2021-08 (PC 2021-21) request from Citizen Energy, LLC requesting Specific Use Permit (SUP) to drill five (5) oil & gas wells to be located SE of Intersection of E Silver City Ridge & N Sara Rd.

Dickson stated he will be recusing himself from this item. McLeroy stated there is no quorum. Perryman stated to announced time & date in the motion. Young stated item will be postponed to July.

Motion was made by Smith, seconded by Dickson to Table Resolution 2021-08 (PC 2021-21) request from Citizen Energy, LLC requesting Specific Use Permit (SUP) to drill five (5) oil & gas wells to be located SE of Intersection of E Silver City Ridge & N Sara Rd. to the July 12, 2021 meeting and 7:00 p.m.

Aye: Dickson, Smith, and McLeroy

Nay: 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 of an Interlocal Agreement with the Chickasaw Nation regarding the City's relationship with the Chickasaw Nation Lighthorse Police Department

Perryman requested to execute cross deputizing of officers, but not in best interest to execute because of liability, and the use of manpower that could require transport to Waurika, Sulphur, Tishomingo, Marrietta or Ada. We possibly have no jurisdiction to arrest a member of Indian Tribe.

Dickson asked how about other 4 tribes – besides the Chickasaw? Perryman said accepted because Creek & Chickasaw were treated as like group of tribes – this is an evolving issue – Chickasaw will advertise this is good for Oklahoma. Perryman said they will need to provide cross deputization agreement to City Council Members. Perryman stated DUI is most concerning issue – can't write citation and let them go. Chickasaw Legislature has written new laws. McLeroy asked what do we do now? Cluck said we currently write due to Curtis Act rules. Perryman said subject to municipal law. Smith said we would need this agreement with all tribes. Perryman said need agreement with Chickasaw Nation because that is where we are located. McLeroy asked what can fix this. Perryman said Congressional issue and concerned about how our state representatives handle this as a member of the Chickasaw Nation.

No Action Taken

- b. DISCUSSION, CONSIDERATION and POSSIBLE ACTION, including, but not limited to, Approval, Denial, Amendment, Revision or Conditional Approval, in Whole or in Part of notification received from the United States Department of Interior Bureau of Indian Affairs regarding an application from the Chickasaw Nation to place 5.542 acres of land into trust by the United States for use and benefit of the Chickasaw Nation, said land located at the southwest corner of E SH-37 and S Mustang Rd/SH-4

Perryman stated the City received notice from Chickasaw Agency that Bureau of Indian Affairs land to be placed in trust for non-gaming retail facility. Request to exempt land from ad valorem taxes. The current General Obligation Bond for Police Department would be minimal impact and they would not be subject to paying sales tax. How does the city want to respond? McLeroy asked what can be done to keep from becoming gaming. Perryman stated he doesn't know. Dickson stated he is concerned with gaming. Perryman said some of these collect sales tax but do not remit to the state. Smith said gaming would put strain on law enforcement, but they have every right to develop property. Young said Newcastle gets a monthly fee from the Nation and assistance with some infrastructure. Dickson said make suggestions in response such as the impact on infrastructure, payment in lieu of taxes or other options.

No Action Taken

- c. DISCUSSION, and related CONSIDERATION appointment of Position 4 & 5 on the Board of Adjustment for a term ending June 30, 2024

McLeroy suggested Board of Adjustment go through training. Marble verified the members want to be reappointed.

Motion was made by Dickson, seconded by Smith to reappoint Elberta Jones to position 5 and Richard Schwalbach to position 4 for term ending June 30, 2024.

Motion carried as follows:

Aye: Dickson, Smith, and McLeroy

Nay: None

- d. DISCUSSION and related CONSIDERATION appointment of Position 4 & 5 on the Cemetery Advisory Board for a term ending June 30, 2024

McLeroy suggested training for all boards.

Motion was made by Dickson, seconded by Smith to reappoint Connie Delno to position 4, and appoint Judy McGee to position 5 for term ending June 30, 2024.

Motion carried as follows:

Aye: Dickson, Smith, and McLeroy

Nay: None

- e. DISCUSSION and related CONSIDERATION appointment of Positions 4 & 5 on the Planning Commission for term ending June 30, 2024

Motion was made by Smith, seconded by Dickson to reappoint Brad Traxler to position 5, and appoint Chad Heathco to position 4 for term ending June 30, 2024.

Motion carried as follows:

Aye: Dickson, Smith, and McLeroy

Nay: None

- f. DISCUSSION and related CONSIDERATION appointments of Position 3 & 4 on the Parks & Recreation Advisory Board for a term ending June 30, 2024

McLeroy asked why members did not want to continue on board. Riley stated they did not have time to take off for a lunch meeting. Young stated board could change time of meeting.

Motion was made by Smith, seconded by Dickson to appoint Trey Buck to position 3 for term ending June 30, 2024. Motion carried as follows:

Aye: Dickson, 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 removing the 4-way stop at S Cimarron Rd and Locust, adding a 3-way stop at S Cimarron Rd and W Oak Street

Chief Cluck stated he has discussed with the school and the buses currently have turn issues at Oak. Perryman stated could close Locust and vacate the street.

Motion was made by Dickson, seconded by Smith to remove the 4-way S Cimarron & Locust Street stop sign, close W Locust Street, and adding a 3-way stop at S Cimarron Rd and W Oak Street. Motion carried as follows:

Aye: Dickson, Smith, and McLeroy

Nay: None

- b. PUBLIC HEARING, DISCUSSION, CONSIDERATION and POSSIBLE ACTION, including, but not limited to, Approval, Denial, Amendment, Revision or Conditional Approval, in Whole or in Part of **Ordinance 2021-03** regarding closing portion of the alley in Block 42 bounded to North by Lots Five (5) through Twelve (12) and to the South by Lots Thirteen (13) through Fourteen (14), Original Townsite of Tuttle

Perryman said inadvertently placed on agenda last month.

Open Public Hearing at 8:14 pm

Close Public Hearing at 8:14 pm

Motion was made by Smith, seconded by Dickson to approve item 8b Ordinance 2021-03 regarding closing portion of the alley in Block 42 bounded to North by Lots Five (5) through Twelve (12) and to the South by Lots Thirteen (13) through Fourteen (14), Original Townsite of Tuttle.

Motion carried as follows:

Aye: Dickson, 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 request of property owner for the City of Tuttle to adopt the portion of the roadway in front of 518 E Cedar Dr and to overlay said section

Young stated Cedar Springs annexation is ½ mile South of SH-37. In 2013 annexed parcel but road maintenance remains with county, property owner wants their side overlaid. Smith asked why in 2013 did we choose to do this. Perryman and Young stated they do not remember. Smith requested more information on this. McLeroy stated County Commissioner has stated he would pave County portion. Perryman said not accepting maintenance was to protect the city. Smith suggested communicating with County Commissioner. McLeroy said he will call.

No Action Taken

9. INFORMATION AND REPORTS

- a. City Manager and Department Reports

Koelsch gave report on fiber stating down on daily appointments, have not hired fulltime due to no qualified applicants. Young stated may offer higher pay for the position. Koelsch said redundant line was used when another accidental cut outside City Limits and department working on cut currently at Czech Hall. Young mentioned attending fiber conference in July. Dickson stated that is a good idea. He asked about Hollowbrook, is 92 homes all that is added to the mapping system. Koelsch stated most want fiber but wait list is 3-4 weeks out.

Fairbairn gave report – Started lift station at SH-4/SH-37 will be ready for First National Bank & Domino Store. McLeroy asked about repair at Farm Credit. Young, stated when sprinkler is on it pools a little on Tyler but goes away quickly.

Chief Allen discussed overlapping calls – 2 go out before 1st call is cleared and Department went 58 hours without staff coverage. The storm sirens are going down and will need repair for 3 sirens at a cost of \$4,500-\$6,000 for all. Dickson stated constantly repairing and replacing can we get some quality sirens that work.

Perryman said regarding 522 contracts, need to make sure EMS is staffed. Allen said staffed but not able to run all calls. McLeroy said 3 ambulances – Allen stated 5th person to each shift could staff 3rd ambulance. McLeroy asked about Stryker Cots and why we have purchased several. Young said new ambulances paid by 522 monies every 18 months and provides all new equipment.

Leslie Walker – Next Wednesday Legislative review at Coal Creek, next Thursday new funeral home ribbon cutting, July 14 multi-chamber in Blanchard.

Marble presented open enrollment for employee health insurance is complete and the meetings went well.

Young mentioned hiring new building inspector - booking inspections a week out, struggling to get candidates. McLeroy explained 8-day wait is too long. Young presented EEO report was submitted and rejected and must be resubmitted.

b. Council Member Reports

Smith – No

Dickson – No

McLeroy – Building inspections time need to improve

NEW BUSINESS

ANNOUNCEMENTS

1. No City Council Special Workshop Meeting on Monday, June 28, 2021
2. City Council Meeting on Monday, July 12, 2021, at 7:00 pm (workshop at 6:00 pm)

ADJOURNMENT

Motion was made by Smith, seconded by Dickson to adjourn the City Council Meeting at 9:06 p.m.

Motion carried as follows:

Aye: Dickson, Smith, and McLeroy

Nay: None

Attest:

Wendy Marble, City Clerk

Aaron McLeroy, Mayor