

Minutes

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

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

MEMBERS ABSENT: TODD LITTLETON

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

OTHERS PRESENT: PHILLIP GUNDERSON, FINA NETT, BILLY GRIFFIN, TYLER GUTHERY, CHARLES GUTHERY, JUSTIN COOPER, ELLAN BLACK, WILLIAM MOLLER, MARK MCCALED, JIM KING, JOANIE KING, LESLIE WALKER, PRESTON PAUL, JAYSON KNIGHT, BRANDI RIDDLE, PHILIP STEWART AND OTHERS WHO DID NOT SIGN IN

CALL TO ORDER Mayor McLeroy called the meeting to order at 7:03 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 asked if the guest wanted to speak now or wait until the agenda item. They stated they would wait.

2. PRESENTATIONS, PROCLAMATIONS AND RECOGNITION

a. INTRODUCTION of new employees **Young stated no new employees.**

b. Recognition of Sergeant Andrew Graham for 15 years of continuous service on the Tuttle Police Department

Mayor McLeroy presented plaque to Sgt Graham and stated this is a special day that we celebrate an employee that has stayed with us because he loves our city. Staff and councilmembers congratulated Graham.

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 June 14, 2021

- b. APPROVAL minutes for City Council workshop meeting June 14, 2021
- c. ACKNOWLEDGMENT receipt of payroll and claims for June 2021
- d. APPROVAL and RATIFICATION all action taken by the Tuttle Public Works Authority for June 2021
- e. APPROVAL and RATIFICATION all action taken by the Tuttle Development Authority for June 2021
- f. APPROVAL of **Budget Amendment 2021-016** regarding receipt of a grant from Oklahoma Electric Cooperative for Fire Department Equipment
- g. APPROVAL of **Resolution 2021-09** authorizing participation in the OMAG Recognition Program
- h. APPROVAL to purchase two vehicles from the City of Mustang at a price not to exceed \$16,000 each
- i. APPROVAL to surplus a 2015 Chevy Tahoe in the Police Department
- j. APPROVAL to surplus a 2008 Ford Crown Victoria from the General Government Department
- k. APPROVAL Change Order #3 with Flintco, LLC regarding the addition of landscaping, sod, and irrigation for the new Tuttle Police Station
- l. ACCEPTANCE of a grant from Oklahoma Electric Cooperative for Fire Department Equipment in the Fire Department
- m. APPROVAL naming Fire Chief Ryan Allen as the City's representative to the annual REAP workshop put on by the Association of South Central Oklahoma Governments
- n. APPROVAL of **Budget Amendment 2021-018** regarding receipt of additional capital funding from 522 Board for EMS operations
- o. APPROVAL of 522 Annual Provider Agreement, Capital Outlay Allocation Agreement and Zoll AEV Portable Ventilator Loan Agreement with Grady Emergency Medical Services District for July 1, 2021 to June 30, 2022
- p. APPROVAL request of Tuttle Housing Authority to waive payment in lieu of taxes for 2020 in the amount of \$1,619.77
- q. APPROVAL of appointment of Gwendolyn Bomgardner as commissioner on the Tuttle Housing Authority Board for a term ending July 31, 2024

**Motion was made by Hughes, seconded by Smith to approve Items 4a through 4q on consent docket. Motion carried as follows:
Aye: Dickson, Hughes, 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 **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 Road (Tabled from 6/14/2021 meeting).

Dickson recused himself from this item due to conflict of interest.

Stephen Clayman presented the request for permit to drill five wells.

Young stated this is the first time the City Council is hearing the request. He stated the Resolution consists of the bare minimum requirements. He presented concerns

of the location of the site, flood plain, noise concerns and the applicant has no intention to provide sound barriers. He stated these are the main concerns.

Billy Griffin of 1611 N Morgan Rd. presented the company has no right to easement access on my property without monetary value. He asked how they can get a permit if they have no access to the site. Clayman stated the mineral owner has rights, surface owner has less rights than mineral owner per the surfaces damage act. Smith asked who owns the proposed site. Clayman stated Mrs. Todd and Griffin is the adjacent owner. Perryman stated any permission by permit would need to address access issues, granting permit would not limit property owner rights. Griffin stated they will have a legal battle over the rights and he prefers the City not grant the permit.

Jamie Ferguson of 1701 N Morgan Rd. presented they have been patient with the trucks coming through that are 15 feet from their house, they don't obey the speed limit, and the oil company has built the road up so his property floods. He stated oil company not willing to compromise for the homeowners. He asked why the city would allow this. McLeroy stated the oil field road is private. Perryman stated it is not a city road, or public, and the City has no jurisdiction. He further explained that the state legislature pre-empts municipalities from engaging in anything the Corporation Commission has issued. The City has stepped forward with as much authority as the state allows. We can only enforce our code and that has nothing to do with property owner rights. McLeroy and Perryman discussed the truck routes. Ferguson stated the current contractors are not following the truck routes, so why would the City give a permit if they are not obeying the law. Perryman stated only revocation is to issue traffic citations and have the ability to revoke Special Use Permit only during the drilling process but not during production.

McLeroy asked if they have any ideas to enforce truck routes. Cliff Frates from Citizen stated they can put out more signage, tell vendors to use the routes but still can't completely control them. He stated the city should right traffic citations.

David Vint of 1216 N Sara Rd. asked Citizen Energy to do the right and honorable thing. He stated he has no interest in relocating since this would be significant cost to homeowners. He is asking the City to protect the citizens. He asked for a different site location and noise control.

Preston Paul of 1300 Paul Dr. presented several things were not addressed at the Planning meeting. He stated trespassing on private property, affect on the wildlife, not legal to divert the flow of water; he is asking for compromise and for protection for the residents. He stated they could move the site to the north end of the property near the river. He stated this is not unreasonable and asking that they work together.

Clayman state Citizen Energy is opposed to moving the site. He stated they have legal right to access the surface during the staking and of the well, they do have an easement and stating they were there illegally is wrong. Smith asked why this pad site. Frates explained economic reasons and a pipeline in the way.

Perryman asked if residents received notification of these wells. Clayman stated the notices were sent to the mineral owners.

Staff discussed other entrance locations and truck routes. Perryman stated you cannot dictate where the trucks go after they leave the public road. Clayman stated the intention was always to enter site from the East.

Smith stated that the people here will be affected for the rest of their lives and she hoped that Citizen Energy would compromise and the City can only do what we can under state law. Hughes stated that no action speaks loudly and not acknowledging any concern.

McLeroy stated the City Council has been trying to protect residents with 15-20 bills that have been brought to the House floor because of Tuttle, but lobbyists are fighting bills.

Perryman stated no one has addressed the sound mitigation plan. McLeroy agrees with Griffin and not in favor until access is granted. He asked what the plan for sound mitigation is. Frates stated they don't think the sound will be an issue, but there are options for sound barriers and blankets. Clayman stated they have had dozens of wells in the city limits and have not been notified of any violations.

Staff and Council members discussed sound mitigation and options for site access. Clayman stated the surface damages act gives us legal access to the site.

Vint stated he expected someone would consider the human impact of this project. Smith stated we have to follow the law. McLeroy stated the City Council is not disagreeing with anything the residents are saying. He stated the state said the cities cannot regulate. Perryman stated the legislature cut the municipalities ability to regulate. Young, stated Citizen Energy pushes the City to get what they want. He stated the sound issue is difficult to regulate. He presented adding sound as an amendment to the SUP. Clayman stated they agree to the Ordinances as written and can't bind the company to this amendment. Perryman stated the city has jurisdiction to determine noise mitigation plan.

Motion was made by Hughes, seconded by Smith to approve 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 Road

Aye: Hughes, Smith, and McLeroy

Nay: Dickson (recused)

- b. DISCUSSION, CONSIDERATION and POSSIBLE ACTION, including, but not limited to, Approval, Denial, Amendment, Revision or Conditional Approval, in Whole or in Part redistricting of all City Council Wards

Young presented there is no urgency on this item. Dickson asked what dates required for this in place before the election. Perryman stated effective before the filing period in December.

Motion was made by Hughes, seconded by Smith at 10:01 to extend the meeting one hour. Motion carried as follows:

Aye: Dickson, Hughes, Smith, and McLeroy

Nay: None

Motion was made by Smith, seconded by Dickson to accept Planning Commission recommended proposal for redistricting of all City Council Wards and directing City Staff to provide public notice to adopt at the September 13, 2021 meeting.

Motion carried as follows:

Aye: Dickson, Hughes, Smith, and McLeroy

Nay: None

7. GENERAL GOVERNMENT

- a. DISCUSSION and related CONSIDERATION appointment of Position 4 on the Parks & Recreation Advisory Board for a term ending June 30, 2023

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 regarding the hiring of a construction manager for the City Hall 2nd Floor project

Young, presented interviews were conducted last week with three contractors and he recommends using Flintco for construction manager.

Motion was made by Dickson, seconded by Smith to enter into negotiations with Flintco as the Construction Manager for the 2nd Floor of City Hall build out. Motion carried as follows:

Aye: Dickson, 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 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 presented last month more information was requested. Slattery presented the request to extend the overlay to the south end of the property, because the residents were annexed in the city limits in 2018. Ordinance states the City did not accept maintenance of the roadway. McLeroy stated he remembers they annexed to be able to get flood insurance. Slattery stated this would leave ½ of the road and the cul-de-sac unpaved because it is not in city limits. McLeroy stated he would call the county commissioner to see if this could be a joint project.

No Action Taken

Motion was made by Smith, seconded by Dickson at 10:25 to recess the City Council meeting after a five-minute break. Motion carried as follows:

Aye: Dickson, Hughes, Smith, and McLeroy

Nay: None

Mayor reconvened the City Council meeting in a joint session with the Tuttle Public Works Authority meeting at 10:38 p.m.

9. INFORMATION AND REPORTS

- a. City Manager and Department Reports

Balenseifen reported a new building inspector has been hired.

Koelsch presented Fiber report. Dickson asked why no installs during heat of day. Young presented a lot of turnover in the department and trying to do what is right for the employees. He stated they are doing other work in the afternoon. Dickson asked how much of backlog has this caused. Koelsch stated only doing 2 installs per day and 40 on waiting list.

McLeroy asked Chief Allen what a good intent call is. Allen replied there is no reason EMS is needed on the call. Dickson stated he appreciates the reports.

Young presented the financial report stating sales and use tax is great.

- b. Council Member Reports

McLeroy attended rural water meeting and stated we should have an emergency Memorandum of Understanding between the two districts. Perryman stated he will draft something before the next meeting.

Smith stated the rodeo was a success and she thanked staff and attendees.

McLeroy stated the fireworks were awesome and liked it taking place at the school. Young, stated staff worked as a team, especially Amber Riley to get this move organized.

Motion was made by Dickson, seconded by Smith to jointly enter Executive Session for City Council meeting and Tuttle Public Works Authority meeting at 11:03 p.m.

Motion carried as follows:

Aye: Dickson, Hughes, Smith, and McLeroy

Nay: None

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 Process, Procedure and Substance 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 announced for the record that only items on the agenda were discussed in Executive Session and no action was taken in Executive Session.

Mayor reconvened the City Council meeting at 11:39 p.m.

NEW BUSINESS

ANNOUNCEMENTS

- 1. City Council Workshop Meeting on Monday, July 26, 2021
- 2. City Council Meeting on Monday, August 9, 2021 at 7:00 pm (workshop at 6:00 pm)

ADJOURNMENT

Motion was made by Dickson, seconded by Hughes to adjourn the City Council Meeting at 11:40 p.m.

Motion carried as follows:

Aye: Dickson, Hughes, Smith, and McLeroy

Nay: None

Attest:

Wendy Marble, City Clerk

Aaron McLeroy, Mayor