

## Minutes

THE CITY OF TUTTLE COUNCIL MEMBERS MET IN REGULAR SESSION ON **SEPTEMBER 13, 2021, at 7:00 P.M.** IN THE TUTTLE CITY HALL LOCATED AT 221 W. MAIN STREET.

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

MEMBERS ABSENT: NONE

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

OTHERS PRESENT: CHARLES GUTHERY, TYLER GUTHERY, BRENT PATTERSON, DIRK O'HARA, STACY MCCORMACK, TRAVIS MCCORMACK JIM KING, JEANIE KING, JEFF FISH, MARCY WASHBURN, MIKE MEDRANO, LESLIE WALKER AND OTHERS WHO DID NOT SIGN IN

**CALL TO ORDER** Mayor McLeroy called the meeting to order at 7:02 p.m.

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

**PLEDGE OF ALLEGIANCE** McLeroy 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.)

**Marble stated no citizen requests were received**

#### 2. PRESENTATIONS, PROCLAMATIONS AND RECOGNITION

##### a. INTRODUCTION of new employees

**Young stated no new employees to introduce**

#### 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 August 9, 2021
- b. APPROVAL minutes for City Council workshop meeting August 9, 2021
- c. APPROVAL minutes for City Council workshop meeting August 23, 2021
- d. ACKNOWLEDGMENT receipt of payroll and claims for August 2021
- e. APPROVAL and RATIFICATION all action taken by the Tuttle Public Works Authority for August 2021

- f. APPROVAL and RATIFICATION all action taken by the Tuttle Development Authority for August 2021
- g. ACCEPTANCE of donation of perpetual easement from William and Kimberly Friesen located at 1508 N. Sara Road
- h. APPROVAL request of Tuttle Housing Authority to waive payment in lieu of taxes (PILOT) for 2021 in the amount of \$1,389.09
- i. APPROVAL of appointment of Jeannie King as commissioner on the Tuttle Housing Authority Board for a term ending August 31, 2024
- j. APPROVAL surplus of property from Tuttle Police Department
- k. APPROVAL of **Resolution 2021-13** establishing the 9-1-1 Emergency Telephone Fee Rate beginning January 1, 2022
- l. APPROVAL **Resolution 2021-14** approving the June 24, 2021 amendments to the agreement creating the 9-1-1 Association of Central Oklahoma Governments
- m. APPROVAL removal of the stop sign on S. Cimarron Road at W Oak
- n. APPROVAL to apply for 2021 Local Law Enforcement Justice Assistance Grant
- o. ACCEPTANCE of FY 2020 audit
- p. ACCEPTANCE of Change Order regarding new flooring at the Police Station building
- q. APPROVAL surplus of property from Tuttle Fire Department
- r. APPROVAL to apply for OK Community Fire Assistance 80/20 reimbursement Grant
- s. APPROVAL to apply for Plains First Responder Grant program
- t. APPROVAL Zoll maintenance agreement to be reimbursed 50% by Grady County 522 EMS District

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

**Aye: Dickson, Littleton, 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 **Ordinance 2021-02 (PC 2021-17)** request for a Planned Unit Development (PUD) in the 3900 Block of Silver City Ridge including rezoning of existing R-1A Parcels to PUD with a base R-1 zoning (tabled 8/9/2021 meeting)

**Mayor McLeroy stated he spoke to the developer, and he would like to table this until the October meeting, stating he will be going back to original 70 lot development.**

**Motion was made by Littleton, seconded by Smith to TABLE Ordinance 2021-02 (PC 2021-17) request for a Planned Unit Development (PUD) in the 3900 Block of Silver City Ridge including rezoning of existing R-1A Parcels to PUD with a base R-1 zoning until the October 11, 2021 meeting. Motion carried as follows:**

**Aye: Dickson, Littleton, 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 of **Ordinance 2021-07 (PC 2021-32)** request of Tribute Memorial Care Southwest LLC to rezone property

from Convenience Commercial (C-2) to the General Employment (C-5) located at 5311 E SH-37

**Dirk O'Hara presented the rezoning request. McLeroy stated this is a wonderful plan use for this building. Dickson asked how the funeral processions will affect traffic. O'Hara stated a police escort will be used to stop traffic for procession. Smith asked how the Planning Commission voted on this. Young stated 3-0 in favor.**

**Motion was made by Littleton, seconded by Dickson to approve Ordinance 2021-07 (PC 2021-32) request of Tribute Memorial Care Southwest LLC to rezone property from Convenience Commercial (C-2) to the General Employment (C-5) located at 5311 E SH-37. Motion carried as follows:**

**Aye: Dickson, Littleton, 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 of **Ordinance 2021-08 (PC 2021-37)** regarding an amendment to the Tuttle Subdivision Regulations clarifying language regarding improvements to adjacent section-line roads

**Young presented adding to subdivision code for developers to improve their part of the public road at the entrance to subdivisions. Smith asked if we are requiring concrete. Young stated the code will need work to clarify the requirements.**

**Motion was made by Hughes, seconded by Littleton to approve Ordinance 2021-08 (PC 2021-37) regarding an amendment to the Tuttle Subdivision Regulations clarifying language regarding improvements to adjacent section-line roads.**

**Motion carried as follows:**

**Aye: Dickson, Littleton, 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

**Riley stated she has a candidate is waiting for the application and will present at the October meeting.**

**No Action Taken**

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

**Young explained the vacancy and pursuing applicants. Marble stated the vacant position is posted on the website.**

**No Action Taken**

- c. PUBLIC HEARING, DISCUSSION, CONSIDERATION and POSSIBLE ACTION, including, but not limited to, Approval, Denial, Amendment, Revision or Conditional Approval, in Whole or in Part regarding **Ordinance 2021-09** adjusting City Ward Boundaries in accordance with Article X-2 of the City Charter of the City of Tuttle, the Code of Ordinances of the City of Tuttle and Article 20 of Title 11 of the Statutes of the State of Oklahoma, amending Chapter 20, Article 1, Section 20-1 of the Code of Ordinances of the City of Tuttle, Oklahoma; repealing all provisions of the Code of Ordinances of the City of Tuttle inconsistent with this ordinance; providing for severability and declaring an emergency

**Young presented this Ordinance is assuming option three was selected.**

**Mayor McLeroy opened the Public Hearing at 7:16 p.m. No response from public.**

**Mayor McLeroy closed the Public Hearing at 7:17 p.m.**

Perryman presented and explained the map.

Motion was made by Dickson, seconded by Hughes to approve Ordinance 2021-09 adjusting City Ward Boundaries in accordance with Article X-2 of the City Charter of the City of Tuttle, the Code of Ordinances of the City of Tuttle and Article 20 of Title 11 of the Statutes of the State of Oklahoma, amending Chapter 20, Article 1, Section 20-1 of the Code of Ordinances of the City of Tuttle, Oklahoma; repealing all provisions of the Code of Ordinances of the City of Tuttle inconsistent with this ordinance; providing for severability and declaring an emergency. Motion carried as follows:

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

**Nay: None**

Motion was made by Smith, seconded by Dickson to approve Emergency Clause for Ordinance 2021-09. Motion carried as follows:

**Aye: Dickson, Littleton, 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 **Resolution 2021-15** establishing a filing period for a Regular and a Special Municipal Election to be held concurrently in 2022 and calling for a 2022 Regular Municipal Election to elect a Mayor for a term of four (4) years and calling for a 2022 Special Municipal Election to elect a Ward 3 Councilperson to fill the three (3) years remaining on an unexpired term

**Perryman presented both elections can take place at the same time, the regular and the special election. If 2 or more candidates file there will be a primary election, if only one files for either position, they will be appointed. Smith stated the filing period is December 6-8, 2021 at Grady County.**

Motion was made by Littleton, seconded by Smith to approve Resolution 2021-15 establishing a filing period for a Regular and a Special Municipal Election to be held concurrently in 2022 and calling for a 2022 Regular Municipal Election to elect a Mayor for a term of four (4) years and calling for a 2022 Special Municipal Election to elect a Ward 3 Councilperson to fill the three (3) years remaining on an unexpired term. Motion carried as follows:

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

**Nay: None**

Motion was made by Littleton, seconded by Hughes to recess the City Council meeting at 7:23 p.m. and begin Tuttle Development Authority meeting. Motion carried as follows:

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

**Nay: None**

Motion was made by Smith, seconded by Littleton to reconvene the City Council meeting at 7:26 beginning with Item 8 staff of City Council Meeting agenda. Motion carried as follows:

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

**Nay: None**

8. STREETS

**No Action Taken**

9. INFORMATION AND REPORTS

- a. City Manager and Department Reports

**Chief Allen presented call volume remains flat. No budget concerns. Possible hiring of 2 new employees by next month. Dickson asked if any concerns about vacant positions. Allen stated the paramedic positions could be more difficult to fill.**

**Chief Cluck presented fire department helped with move to new building and stated he appreciates the help.**

**Koelsch presented 1655 customers installed. Hughes asked what the install backlog is. Koelsch stated 40-50 people are waiting for installation. Only doing two installs a day because of the heat.**

**Walker presented Senator Lankford will be at the Chamber Lunch Thursday. Marble stated no report. Perryman stated nothing more.**

**Young presented sales tax is looking great. Budget prep for 2022 is underway. American Rescue Plan Act funds will soon be available for water and sewer projects. Futsal court dedication is tomorrow at 6:00 p.m. Working on plan to partner with ACOG to update N. Cimarron Road.**

b. Council Member Reports

**Littleton thanked staff for signage at Timbercreek. He stated the neighborhood is concerned about trash that is coming from convenience store dumpster. Young stated Balenseifen is looking into the drainage and trash issues.**

**Dickson thanked staff for “no truck traffic” signs and enforcing the routes.**

**Motion was made by Littleton, seconded by Hughes to recess the City Council meeting at 7:41 p.m., take a ten-minute break and enter Executive Session. Motion carried as follows:**

**Aye: Dickson, Littleton, 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. CONSIDERATION to conduct an EXECUTIVE SESSION regarding collective bargaining with the Fraternal Order of Police Lodge #197 (Proposed Executive Session pursuant to 25 O.S. Section 307 (B)(2) to discuss negotiations between the City of Tuttle and representatives of an employee group. The City Council shall make a determination as to its intent to enter into executive session in open session. No action shall be taken in executive session and any action taken at the conclusion of the executive session must be taken in open session.)

1. DISCUSSION, CONSIDERATION and POSSIBLE ACTION, including, but not limited to, Approval, Denial, Amendment, Revision or Conditional Approval, in Whole or in Part related to Executive Session Item 10a

b. CONSIDERATION to conduct an EXECUTIVE SESSION regarding collective bargaining with the International Association of Fire Fighters Local 5017 (Proposed Executive Session pursuant to 25 O.S. Section 307 (B)(2) to discuss negotiations between the City of Tuttle and representatives of an employee group. The City Council shall make a determination as to its intent to enter into executive session in open session. No action shall be taken in executive session and any action taken at the conclusion of the executive session must be taken in open session.)

1. DISCUSSION, CONSIDERATION and POSSIBLE ACTION, including, but not limited to, Approval, Denial, Amendment, Revision or Conditional Approval, in Whole or in Part related to Executive Session Item 10b

c. 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. The City Council shall make a determination as to its intent to enter into executive session in open session. No action shall be taken in executive session and any action taken at the conclusion of the executive session must be taken in open session.)

1. DISCUSSION, CONSIDERATION and POSSIBLE ACTION, including, but not limited to, Approval, Denial, Amendment, Revision or Conditional Approval, in Whole or in Part related to Executive Session Item 10c

d. Consideration of Notice of Tort Claim of Leslie Lockett. (Proposed Executive Session pursuant to 25 O.S. Section 307 (B)(4) for confidential communications between the City Manager, the City Council and the City Attorney concerning this pending claim upon the advice of the City Attorney and if the City Council determines that public disclosure would seriously impair the ability of the City of Tuttle to process the claim or conduct an investigation. The City Council shall make such determination in open session. No action shall be taken in executive session and any action taken at the conclusion of the executive session must be taken in open session.)

1. DISCUSSION, CONSIDERATION and POSSIBLE ACTION, including, but not limited to, Approval, Denial, Amendment, Revision or Conditional Approval, in Whole or in Part to Executive Session Item 10d

**Perryman announced for the record that only items on the agenda were discussed in Executive Session and no action was taken in Executive Session.**

**Motion was made by Littleton, seconded by Smith to reconvene the City Council Meeting at 10:14 p.m.**

**Motion carried as follows:**

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

**Nay: None**

#### **NEW BUSINESS**

#### **ANNOUNCEMENTS**

1. City Council Workshop Meeting on Monday, September 27, 2021 at 6:00 pm
2. City Council Meeting on Monday, October 11, 2021 at 7:00 pm (workshop at 6:00 pm)

#### **ADJOURNMENT**

**Motion was made by Littleton, seconded by Smith to adjourn the City Council Meeting at 10:16 p.m.**

**Motion carried as follows:**

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

**Nay: None**

Attest:

\_\_\_\_\_  
Wendy Marble, City Clerk

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Aaron McLeroy, Mayor