

**Minutes of the Claremore Cultural Development Authority Regular Meeting  
Council Chambers, City Hall, 104 S. Muskogee Ave.  
Claremore, Oklahoma February 17, 2014**

**CALL TO ORDER**

Meeting called to order by Mayor Bill Flanagan at 6:00 P.M.

Mayor Bill Flanagan asked Deputy City Clerk Karen Clay to note that members are present/absent as indicated below:

**Present:** Terry Willis, Buddy Robertson, Mark Lepak, Will DeMier,  
Bill Flanagan, Brian Callender, Don Purkey, David McComb,  
Paula Watson

**Absent:** None

**Staff Present:** Jim Thomas, Matt Ballard, Karen Clay, Stan Brown, Sean Douglas,  
Tim White, Daryl Golbek, Joe Kays, Susy Collins, Suzan Malloy,  
Larry Hughes

Pledge of Allegiance by all.

Invocation by Pastor Paul Simpson, Memorial Heights Baptist Church

**CALL TO THE PUBLIC**

Attorney Larry Rahmeier-210 S. Florence Ave.- Rahmeier states that he is present to represent in part Pixley Lumber. Rahmeier was asked by Paul Pixley in October to review the Ordinance after it had been passed. Rahmeier was surprised to find an exemption for railroad right-of-way. The Pixley's have leased property from the railroad for a number of years. In January they were still charged a fee like all customers. According to the terms of the ordinance, Mr. Pixley objected to the assessment made by the City and entered into negotiations with the City. Those City officials suggested the plain language of the ordinance be ignored and the intent of the Council perceived by staff be accepted. We believe that is a violation of the law this country was founded on. We are here tonight to explain that position and to explain what the fee is doing to the business and citizens of Claremore.

Paul Pixley- owner of Pixley Lumber Company

Pixley stated he believes the Ordinance has created a burden on a number of entities and citizens. Some of the large businesses with large amounts of impervious areas have already spent a large amount of money to address water retention concerns. Pixley stated that he does not have a solution, but doesn't believe things are as dire as represented in the Meshek presentation at RSU.

Marty Quinn-State Representative and owner of Shelter Insurance  
Quinn states that he is present on behalf of the citizens that have contacted him. He believes this policy is not conducive to the community and that it takes thousands of dollars out of local organizations hands. Many of these organizations have spent \$40,000 on water retention required by the City, to now be assessed another fee. Quinn states this is not conducive to invite or attract industry to the City and feel the fee is unfair. Quinn states that he has been asked to approach the Attorney General for an opinion on this matter and that is what he plans on doing at this time.

#### **ACCEPTANCE OF THE AGENDA**

Motion by Purkey, second by Watson to approve the agenda for the regular CCDA meeting of February 17, 2014, as written. Roll call vote: Willis, yes; Robertson, yes; Lepak, yes; DeMier, yes; Flanagan, yes; Callender, yes; Purkey, yes; McComb, yes; and Watson, yes. Motion carried.

#### **ITEMS UNFORESEEN AT THE TIME AGENDA WAS POSTED**

None

#### **CURRENT BUSINESS**

**(1) Approve/Reject** the following consent items:

- (a)** Minutes of the Regular Claremore Cultural Development Authority meeting on February 03, 2014, as printed.
- (b)** All claims as printed.

Motion by Watson, second by Willis to approve the CCDA consent items as printed. Roll call vote: Willis, yes; Robertson, yes; Lepak, yes; DeMier, yes; Flanagan, yes; Callender, yes; Purkey, yes; McComb, yes; and Watson, yes. Motion carried.

#### **ADJOURNMENT**

Motion by Watson, second by Willis to adjourn. Roll call vote: Willis, yes; Robertson, yes; Lepak, yes; DeMier, yes; Flanagan, yes; Callender, yes; Purkey, yes; McComb, yes; and Watson, yes. Motion carried.

Meeting adjourned at 6:12 P.M.

**Minutes of the Claremore Public Works Authority Regular Meeting  
Council Chambers, City Hall, 104 S. Muskogee Ave.  
Claremore, Oklahoma February 17, 2014**

**CALL TO ORDER**

Meeting called to order by Mayor Bill Flanagan at 6:13 P.M.

Mayor Bill Flanagan asked Deputy City Clerk Karen Clay to note that members are present/absent as indicated below:

**Present:** Terry Willis, Buddy Robertson, Mark Lepak, Will DeMier,  
Bill Flanagan, Brian Callender, Don Purkey, David McComb,  
Paula Watson

**Absent:** None

**Staff Present:** Jim Thomas, Matt Ballard, Karen Clay, Stan Brown, Sean Douglas,  
Tim White, Daryl Golbek, Joe Kays, Susy Collins, Suzan Malloy,  
Larry Hughes

**ACCEPTANCE OF THE AGENDA**

Motion by Watson, second by Willis to approve the agenda for the regular CPWA meeting of February 17, 2014, as written. Roll call vote: Willis, yes; Robertson, yes; Lepak, yes; DeMier, yes; Flanagan, yes; Callender, yes; Purkey, yes; McComb, yes; and Watson, yes. Motion carried.

**ITEMS UNFORESEEN AT THE TIME AGENDA WAS POSTED**

None

**CURRENT BUSINESS**

**(1) Approve/Reject** the following consent items:

- (a)** Minutes of Claremore Public Works Authority Regular Meeting on February 03, 2014, as printed.
- (b)** All claims as printed.
- (c)** Approve award of primary wire bid to Diversified Electric in the amount of \$5.25 per foot. **(Larry Hughes)**

Electric Superintendent Larry Hughes notated the price of the wire bid was \$5.52 per foot, the numbers were transposed on the agenda.

Motion by Watson, second by Willis to approve consent items, with the notation of the change in pricing to item (c). Roll call vote: Willis, yes; Robertson, yes; Lepak, yes; DeMier, yes; Flanagan, yes; Callender, yes; Purkey, yes; McComb, yes; and Watson, yes. Motion carried.

## **ADJOURNMENT**

Motion by Watson, second by Purkey to adjourn. Roll call vote: Willis, yes; Robertson, yes; Lepak, yes; DeMier, yes; Flanagan, yes; Callender, yes; Purkey, yes; McComb, yes; and Watson, yes. Motion carried.

Meeting adjourned at 6:16 P.M.

**Minutes of the Claremore City Council Regular Meeting  
Council Chambers, City Hall, 104 S. Muskogee Ave.  
Claremore, Oklahoma February 17, 2014**

**CALL TO ORDER**

Meeting called to order by Mayor Bill Flanagan at 6:16 P.M.

Mayor Bill Flanagan asked Deputy City Clerk Karen Clay to note that members are present/absent as indicated below:

**Present:** Terry Willis, Buddy Robertson, Mark Lepak, Will DeMier,  
Bill Flanagan, Brian Callender, Don Purkey, David McComb,  
Paula Watson

**Absent:** None

**Staff Present:** Jim Thomas, Matt Ballard, Karen Clay, Stan Brown, Sean Douglas,  
Tim White, Daryl Golbek, Joe Kays, Susy Collins, Suzan Malloy,  
Larry Hughes

**ACCEPTANCE OF THE AGENDA**

City Attorney Ballard stated that items 1-4 were posted on 2/12/14 with the CCDA and CPWA agendas. An amended agenda was posted on Friday to add item #5. Due to today being a state holiday, the period for amending the agenda has expired. Ballard stated that Council will not be able to consider item #5, but will be able to address items 1-4, as they were posted at all times. Ballard recommends acceptance of the agenda with the exception of item #5.

Motion by Watson, second by Callender to approve the agenda for the regular City Council meeting of February 17, 2014, with the exception of item #5. Roll call vote: Willis, yes; Robertson, yes; Lepak, yes; DeMier, yes; Flanagan, yes; Callender, yes; Purkey, yes; McComb, yes; and Watson, yes. Motion carried.

**MAYOR'S REPORT & APPOINTMENTS**

**(1)** Report from Deputy Mayor Terry Willis regarding the Council of Mayors Conference.

Willis attended the Mayors Council of Oklahoma Congress of Mayors January 24<sup>th</sup> in the House Chambers at the State Capitol. This was a gathering of state Mayors and Deputy Mayors. There were sub-committees on Municipal Finance, Transportation and Infrastructure, Municipal Operations, Community and Economic Development, and Public Safety. Each sub-committee submitted a resolution regarding their subject that was presented to the full group. Willis' full notes will be made part of the minutes.

## STAFF REPORTS

None

## CURRENT BUSINESS

(2) **Approve/Reject** the following consent items:

- (a) Minutes of the Special Council Meeting on January 29, 2014, as printed.
- (b) Minutes of the Regular Council Meeting on February 03, 2014, as printed.
- (c) All claims as printed.
- (d) Actual salary claims for pay periods ending **January 31, 2014**, in the amount of **\$405,558.21** and estimated salary claims to include contractual agreements for Fire Union Dues, Flexible Spending Accounts, Life Insurance, Fire Pension, Police Pension, Oklahoma Municipal Retirement Fund, Supplemental Vision, and Short/Long Term disability plans, Employee Recreation Center Fees, and United Way Contributions for next pay period in the amount of \$500,000.00. Payroll at \$500,000.00 amount to include payables.
- (e) Approve award of playground equipment for Will Rogers Park from Miracle Recreation Equipment Company in the amount of \$22,325 and to accept the installation alternate of \$10,420 for a total estimated price of \$32,751.00.  
(**Joe Kays**)

Parks Director Joe Kays notated the add alternate in item (e) should be \$10, 426.

Motion by Watson, second by Willis to approve the consent items with the correction to the pricing in item (e). Roll call vote: Willis, yes; Robertson, yes; Lepak, yes; DeMier, yes; Flanagan, yes; Callender, yes; Purkey, yes; McComb, yes; and Watson, yes. Motion carried.

(3) Discussion, review, and vote to approve/reject the E 911 fee. (Emergency Telephone System Fee). (**Stan Brown**)

Motion by Watson, second by Willis to approve the continuation of the E 911 fee at the current rate. Roll call vote: Willis, yes; Robertson, yes; Lepak, recuse; DeMier, yes; Flanagan, yes; Callender, yes; Purkey, yes; McComb, yes; and Watson, yes. Motion carried.

(4) Discussion and vote to approve/reject Ordinance #2014-\_\_\_\_\_, amending the City's Stormwater **System** Service Charge to remove and clarify exemptions for metered customers located within the right-of-ways. (**Jim Thomas/Matt Ballard**)

Thomas- Before this ordinance was passed; there was an informational meeting at RSU for the business owners. Letters were mailed to all business owners, less than 20 people were there. Meshek and Associates gave a presentation about the projects this fee would fund. The calculations of the fees were discussed, and after that meeting I recommended to the Council to reduce the rate from \$4.00. The stormwater fee has been studied and discussed since 2008, and has been through a lot of revisions over the years. We have looked at a number of communities. Tulsa has had their fee implemented since 1986.

There are more than \$30 million in projects that need done. Council approved the ordinance 8-0 and set an effective date of January 1. Letters were mailed again to the business owners notifying them of their fee and urging them to contact staff if they had any questions or saw any errors in their property's assessment. Staff and I have also met with the Ministerial Alliance and discussed their concerns. The fee is fair. We need to address our stormwater problems. These funds will be designated for only stormwater repairs; it will not be co-mingled with the general fund. The Ordinance was not intended to exclude anyone. Property owners are responsible to clear any debris or obstructions from any waterway that flows through or adjacent to their property. This is not being done. These funds will allow the City to clear some of those areas. We still need to address long term issues.

Ballard- The stormwater ordinance was based on the Tulsa ordinance that was imposed after the 1984 Memorial Day floods that killed several persons. Tulsa has been a leading authority in stormwater issues. Their ordinance has been a model throughout the state for many communities, After Council passed the ordinance, it was brought to my attention that it excluded properties on the railroad right-of-way. There are currently 6 or businesses that are not subject to this ordinance. We are here tonight for this specific amendment. This ordinance amendment is to address those exemptions and clarify the intent of the Ordinance. ODOT, the Oklahoma Turnpike Authority, and the railroad right-of-way are not subject to the fee, but all City utility customers are. This amendment clarifies that.

Motion by Flanagan, second by Purkey to table the item until the March 3<sup>rd</sup> regular council meeting. Roll call vote: Willis, yes; Robertson, yes; Lepak, yes; DeMier, yes; Flanagan, yes; Callender, yes; Purkey, yes; McComb, yes; and Watson, yes. Motion carried.

Of those 6 businesses that are exempt by the ordinance, I will issue an administrative order tomorrow to have those fees pulled out of their bill until the Ordinance is amended. The way the Ordinance reads today is that they are exempt.

**(5) Discussion and vote to approve/reject the nomination of Mayor Bill Flanagan to the Claremore Local Development Act Review Committee. (Jim Thomas)**

No action was taken on item #5.

## **ADJOURNMENT**

Motion by Watson, second by Willis to adjourn. Roll call vote: Willis, yes; Robertson, yes; Lepak, yes; DeMier, yes; Flanagan, yes; Callender, yes; Purkey, yes; McComb, yes; and Watson, yes. Motion carried.

Meeting adjourned at 7:00 p.m.