

**Minutes of the Claremore Cultural Development Authority Regular Meeting
Council Chambers, City Hall, 104 S. Muskogee Ave.
Claremore, Oklahoma October 20, 2014**

CALL TO ORDER

Meeting called to order by Mayor Bill Flanagan at 6:03 P.M.

Mayor Bill Flanagan asked City Clerk Sarah Sharp to note that members are present/absent as indicated below:

Present: Terry Willis, Buddy Robertson, Mark Lepak, Will DeMier, Bill Flanagan, Don Purkey, Brian Callender, Susan Kirtley

Absent: David McComb

Staff Present: Jim Thomas, Matt Ballard, Sarah Sharp, Susy Collins, Tim White, Jeri Koehler, Jill Ferenc, Stan Brown, Daryl Golbek, Chris Cochran, Sean Douglas, Donnie Burgess, Bryan Drummond, Jeremy Ledbetter

Pledge of Allegiance by all.

Invocation by: Councilman Purkey

CALL TO THE PUBLIC

None

ACCEPTANCE OF THE AGENDA

Motion by Willis, second by Robertson to approve the agenda for the regular CCDA meeting of October 20, 2014, as written. Roll call vote: Willis, yes; Robertson, yes; Lepak, yes; DeMier, yes; Flanagan, yes; Callender, yes; Purkey, yes; and Kirtley, yes. Motion carried.

ITEMS UNFORESEEN AT THE TIME AGENDA WAS POSTED

None

CURRENT BUSINESS

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

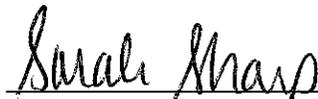
- (a) Minutes of the Regular Claremore Cultural Development Authority meeting on October 06, 2014, as printed.
- (b) All claims as printed.

Motion by Willis, second by Robertson 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; and Kirtley, abstain. Motion carried.

ADJOURNMENT

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

Meeting adjourned at 6:05 P.M.



Sarah Sharp, City Clerk

**Minutes of the Claremore Public Works Authority Regular Meeting
Council Chambers, City Hall, 104 S. Muskogee Ave.
Claremore, Oklahoma October 20, 2014**

CALL TO ORDER

Meeting called to order by Mayor Bill Flanagan at 6:05 P.M.

Mayor Bill Flanagan asked City Clerk Sarah Sharp to note that members are present/absent as indicated below:

Present: Terry Willis, Buddy Robertson, Mark Lepak, Will DeMier, Bill Flanagan, Don Purkey, Brian Callender, Susan Kirtley

Absent: David McComb

Staff Present: Jim Thomas, Matt Ballard, Sarah Sharp, Susy Collins, Tim White, Jeri Koehler, Jill Ferenc, Stan Brown, Daryl Golbek, Chris Cochran, Sean Douglas, Donnie Burgess, Bryan Drummond, Jeremy Ledbetter

ACCEPTANCE OF THE AGENDA

Motion by Willis, second by Lepak to approve the agenda for the regular CPWA meeting of October 20, 2014, as written. Roll call vote: Willis, yes; Robertson, yes; Lepak, yes; DeMier, yes; Flanagan, yes; Callender, yes; Purkey, yes; and Kirtley, 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 October 06, 2014, as printed.
- (b)** All claims as printed.

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

ADJOURNMENT

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

Meeting adjourned at 6:07 P.M.



Sarah Sharp, City Clerk

**Minutes of the Claremore City Council Regular Meeting
Council Chambers, City Hall, 104 S. Muskogee Ave.
Claremore, Oklahoma October 20, 2014**

CALL TO ORDER

Meeting called to order by Mayor Bill Flanagan at 6:07 P.M.

Mayor Bill Flanagan asked City Clerk Sarah Sharp to note that members are present/absent as indicated below:

Present: Terry Willis, Buddy Robertson, Mark Lepak, Will DeMier, Bill Flanagan, Don Purkey, Brian Callender, Susan Kirtley

Absent: David McComb

Staff Present: Jim Thomas, Matt Ballard, Sarah Sharp, Susy Collins, Tim White, Jeri Koehler, Jill Ferenc, Stan Brown, Daryl Golbek, Chris Cochran, Sean Douglas, Donnie Burgess, Bryan Drummond, Jeremy Ledbetter

ACCEPTANCE OF THE AGENDA

Motion by Willis, second by Lepak to approve the agenda for the regular City Council meeting of October 20, 2014. Roll call vote: Willis, yes; Robertson, yes; Lepak, yes; DeMier, yes; Flanagan, yes; Callender, yes; Purkey, yes; and Kirtley, yes. Motion carried.

AWARDS, PRESENTATIONS, AND COMMUNICATIONS

None

MAYOR'S REPORT & APPOINTMENTS

(1) Discussion and vote to Approve/Reject the appointment of Dr. Keith Ballard as Trustee to the Claremore Industrial and Economic Development Authority (CIEDA), to serve a 7 year term to expire June 30, 2021. **(Jim Thomas)**

Motion by Purkey, second by Kirtley to approve the appointment of Dr. Keith Ballard as Trustee to the Claremore Industrial and Economic Development Authority (CIEDA), to serve a 7 year term to expire June 30, 2021. Roll call vote: Willis, yes; Robertson, yes; Lepak, yes; DeMier, yes; Flanagan, yes; Callender, yes; Purkey, yes; and Kirtley, yes. Motion carried.

STAFF REPORTS

None

CURRENT BUSINESS

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

- (a) Minutes of the Regular Council Meeting on October 06, 2014, as printed.
- (b) All claims as printed.
- (c) Actual salary claims for pay periods ending **October 10, 2014**, in the amount of **\$438,146.88** 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.
- (d) Approve soliciting bids for structural firefighting protective ensembles.
(**Sean Douglas**)
- (e) Acceptance of 5 drainage easements from Destiny Life Church regarding their property located on Southaven Road. (**Chris Cochran**)
- (f) Award of bid for materials for the John Carle Blvd. project to Fensco in the amount of \$32,288.00 for pipe and Scurlock in the amount of \$18,574.50 for concrete products. (**Chris Cochran**)
- (g) Approval of Quarterly 911 Report and Monthly Activity Report from Claremore Police Department. (**Stan Brown**)
- (h) Approval of Agreement with Claims Recovery Specialists, LLC for damage claims recoveries. (**Sarah Sharp**)

Motion by Willis, second by Robertson to approve the consent items as listed. Roll call vote: Willis, yes; Robertson, yes; Lepak, yes; DeMier, yes; Flanagan, yes; Callender, yes; Purkey, yes; and Kirtley, abstain. Motion carried.

- (3) Consideration and possible action regarding Resolution #2014-_____, approving the issuance by the Claremore Industrial and Economic Development Authority of its "Tax Apportionment Note, Series 2014B (Taxable) (Promise Hotels Increment District Project)" and its "Tax Apportionment Note, Series 2014C (Taxable) (Promise Hotels Increment District Project)" (The "Series 2014 Notes"); waiving competitive bidding on the sale of the Series 2014 Notes; Approving a Security Agreement by and between the City of Claremore and the Claremore Industrial and Economic Development Authority; approving a Development Financing Agreement, by and among the Claremore Industrial and Economic Development Authority, the City of Claremore, Promise Hotels, Inc. and RC Hospitality, LLC; and containing other matters relating thereto. (**Dan McMahan**)

Motion by Purkey, second by Lepak to approve Resolution #2014- 11, approving the issuance by the Claremore Industrial and Economic Development Authority of its "Tax Apportionment Note, Series 2014B (Taxable) (Promise Hotels Increment District Project)" and its "Tax Apportionment Note, Series 2014C (Taxable) (Promise Hotels Increment District Project)" (The "Series 2014 Notes"); waiving competitive bidding on the sale of the Series 2014 Notes; Approving a Security Agreement by and between the City of Claremore and the Claremore Industrial and Economic Development Authority;

approving a Development Financing Agreement , by and among the Claremore Industrial and Economic Development Authority, the City of Claremore, Promise Hotels, Inc. and RC Hospitality, LLC; and containing other matters relating thereto. Roll call vote: Willis, yes; Robertson, yes; Lepak, yes; DeMier, yes; Flanagan, yes; Callender, yes; Purkey, yes; and Kirtley, yes. Motion carried.

- (4) Discussion and vote to Approve/Reject award of Construction Bid for the John Carle Blvd. Project to MAC Construction in the amount of \$126,530.00.
(Chris Cochran)

Motion by Willis, second by DeMier to approve award of Construction Bid for the John Carle Blvd. Project to MAC Construction in the amount of \$126,530.00. Roll call vote: Willis, yes; Robertson, yes; Lepak, yes; DeMier, yes; Flanagan, yes; Callender, yes; Purkey, yes; and Kirtley, yes. Motion carried.

- (5) Discussion and vote to Approve/Reject Ordinance #2014-_____, changing the zoning of land in the Southeast quarter (SE/4) of Section 19, Township 21 North, Range 16 East of the I.B. & M., Rogers County, State of Oklahoma, from Agricultural District (AG) and Commercial High Intensity District (CH) to Commercial High Intensity District (CH) and directing the appropriate amendment to the zoning map of the City of Claremore, Oklahoma. **(Jill Ferenc)**

Motion by Purkey, second by Lepak to approve Ordinance #2014- 28 , changing the zoning of land in the Southeast quarter (SE/4) of Section 19, Township 21 North, Range 16 East of the I.B. & M., Rogers County, State of Oklahoma, from Agricultural District (AG) and Commercial High Intensity District (CH) to Commercial High Intensity District (CH) and directing the appropriate amendment to the zoning map of the City of Claremore, Oklahoma. Roll call vote: Willis, yes; Robertson, yes; Lepak, yes; DeMier, yes; Flanagan, yes; Callender, yes; Purkey, yes; and Kirtley, yes. Motion carried.

- (6) Discussion and vote to Approve/Reject Special Use Permit to allow modifications to the 160 monopole located at 1302 S. Holiday Lane. **(Jill Ferenc)**

Motion by Callender, second by Willis to approve the Special Use Permit to allow modifications to the 160 monopole located at 1302 S. Holiday Lane. Roll call vote: Willis, yes; Robertson, yes; Lepak, abstain; DeMier, yes; Flanagan, yes; Callender, yes; Purkey, yes; and Kirtley, yes. Motion carried.

- (7) Discussion and vote to Approve/Reject Ordinance #2014-_____, changing the zoning of a parcel of land in the South 180' of the East 480' Southeast Quarter (SE/4), the Southeast Quarter (SE/4) of the Northeast Quarter (NE/4) of Section 17, Township 21 North, Range 16 East of the I.B. & M., Rogers County, Oklahoma, from Agricultural District (AG) to Commercial Shopping Center District (CS) and directing the appropriate amendment to the zoning map of the City of Claremore, Oklahoma. **(Jill Ferenc)**

Motion by Robertson, second by Lepak to approve Ordinance #2014- 29 , changing the zoning of a parcel of land in the South 180' of the East 480' Southeast Quarter (SE/4), the Southeast Quarter (SE/4) of the Northeast Quarter (NE/4) of Section 17, Township 21 North, Range 16 East of the I.B. & M., Rogers County, Oklahoma, from Agricultural District (AG) to Commercial Shopping Center District (CS) and directing the appropriate amendment to the zoning map of the City of Claremore, Oklahoma. Roll call vote: Willis, yes; Robertson, yes; Lepak, yes; DeMier, yes; Flanagan, yes; Callender, no; Purkey, no; and Kirtley, yes. Motion carried.

- (8) Discussion and vote to Approve/Reject Ordinance #2014-_____, amending the City of Claremore-Rogers County Metropolitan Area Zoning Ordinance by replacing “Chapter 11-Signs” to include revisions and additions to the chapter. **(Jill Ferenc)**

Motion by DeMier, second by Purkey to approve Ordinance #2014- 30 , amending the City of Claremore-Rogers County Metropolitan Area Zoning Ordinance by replacing “Chapter 11-Signs” to include revisions and additions to the chapter. Roll call vote: Willis, yes; Robertson, yes; Lepak, yes; DeMier, yes; Flanagan, yes; Callender, yes; Purkey, yes; and Kirtley, yes. Motion carried.

- (9) Discussion and vote to Approve/Reject Ordinance #2014-_____, establishing a sunset for the provisions of Section 1107(C), as amended by Ordinance #2014-_____, regarding temporary signs. **(Jill Ferenc)**

Motion by Flanagan, second by Willis to reject the proposed Ordinance, establishing a sunset for the provisions of Section 1107(C), as amended by Ordinance #2014- 30 , regarding temporary signs. Roll call vote: Willis, yes; Robertson, yes; Lepak, yes; DeMier, yes; Flanagan, yes; Callender, yes; Purkey, yes; and Kirtley, yes. Motion carried.

- (10) Discussion and vote to Approve/Reject purchase of rock salt from Bingham Sand and Gravel at \$89.50 per ton or Frank N. Bills Trucking at \$85.42 per ton, depending on availability. **(Jeremy Ledbetter)**

Motion by Callender, second by DeMier to approve the purchase of rock salt from Bingham Sand and Gravel at \$89.50 per ton or Frank N. Bills Trucking at \$85.42 per ton, depending on availability. Roll call vote: Willis, yes; Robertson, yes; Lepak, yes; DeMier, yes; Flanagan, yes; Callender, yes; Purkey, yes; and Kirtley, yes. Motion carried.

- (11) Discussion and vote to Approve/Reject the purchase of a 310SK John Deere Backhoe from Yellowhouse Machinery Co. at Oklahoma State Contract pricing, in the amount of \$108,583.12. **(Jeremy Ledbetter)**

Motion by Purkey, second by Callender to approve the purchase of a 310SK John Deere Backhoe from Yellowhouse Machinery Co. at Oklahoma State Contract pricing, in the amount of \$108,583.12. Roll call vote: Willis, yes; Robertson, yes; Lepak, yes; DeMier, yes; Flanagan, yes; Callender, yes; Purkey, yes; and Kirtley, yes. Motion carried.

(12) Discussion and vote to Approve/Reject the annual audit for Fiscal Year ending June 30, 2014. **(Susy Collins)**

Motion by Purkey, second by DeMier to table item #12. Roll call vote: Willis, yes; Robertson, yes; Lepak, yes; DeMier, yes; Flanagan, yes; Callender, yes; Purkey, yes; and Kirtley, yes. Motion carried.

(13) Discussion and vote to Approve/Reject award of bid for the Sanitation Truck Chassis and Refurbish Packer Body Project to Waste Research, Inc. in the amount of \$209,710.00. **(Donnie Burgess)**

Sanitation Supervisor Donnie Burgess stated the truck chassis and refurbished packer comes with a 5 year warranty. A new packer body and truck would cost \$265,000.00.

Motion by DeMier, second by Lepak to approve the award of bid for the Sanitation Truck Chassis and Refurbish Packer Body Project to Waste Research, Inc. in the amount of \$209,710.00. Roll call vote: Willis, yes; Robertson, yes; Lepak, yes; DeMier, yes; Flanagan, yes; Callender, yes; Purkey, yes; and Kirtley, yes. Motion carried.

(14) Discussion and vote to Approve/Reject Resolution #2014-____, approving the First Amendment to the Amended and Restated Declaration of Trust of Rogers County Criminal Justice Authority, amending Paragraph (a) of Article VIII of the Trust by adding the Town of Verdigris as a beneficiary. **(Jim Thomas/Bill Flanagan)**

City Attorney Matt Ballard stated agenda item #14 needs to be withdrawn, as the language is not correct.

Motion by Purkey, second by Willis to reject item #14. Roll call vote: Willis, yes; Robertson, yes; Lepak, yes; DeMier, yes; Flanagan, yes; Callender, yes; Purkey, yes; and Kirtley, yes. Motion carried.

EXECUTIVE SESSION

1. Proposed executive session for the purpose of confidential communications between the City Council and its attorney(s) concerning (1) *Ward Lee & Coats, P.L.C. vs. City of Claremore; Sarah Sharp, City Clerk*, Supreme Court of the State of Oklahoma, Case No. 113,173; (2) a pending investigation concerning an action or litigation against Ward, Lee & Coats, P.L.C. related to a request for law enforcement records; and (3) tort claims submitted to the City of Claremore by

Janice Steidley, Kirt Thacker and David Iski, the City Council having been advised by its attorney(s) that disclosure will seriously impair the ability of the City to process the claim or conduct the pending investigation, litigation, or proceeding in the public interest, pursuant to OKLA. STAT. tit. 25, § 307(B)(4).

a. Vote to convene in executive session.

Motion by Lepak, second by Willis to enter into executive session to discuss executive session item #1. Roll call vote: Willis, yes; Robertson, yes; Lepak, yes; DeMier, yes; Flanagan, yes; Callender, yes; Purkey, yes; and Kirtley, yes. Motion carried.

Council entered executive session: 7:06 p.m.

Council exited executive session: 7:47 p.m.

b. Vote to acknowledge return to open session.

Motion by Willis, second by Lepak to acknowledge return to open session. Roll call vote: Willis, yes; Robertson, yes; Lepak, yes; DeMier, yes; Flanagan, yes; Callender, yes; Purkey, yes; and Kirtley, yes. Motion carried.

c. Statement of executive session minute.

Statement of executive session minutes was read by Mayor Flanagan:

While in executive session, only the items listed were discussed. No votes were cast and no action was taken. All Council members present met in executive session, along with the City's attorneys Matt Ballard and Bryan Drummond, Police Chief Stan Brown, and City Manager Jim Thomas.

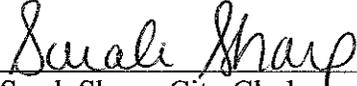
2. Discussion, consideration and possible action to authorize the City Manager, in consultation with the city's attorney(s), to take any actions that he determines to be appropriate regarding the pending litigation *Ward Lee & Coats, P.L.C. vs. City of Claremore; Sarah Sharp, City Clerk*, Supreme Court of the State of Oklahoma, Case No. 113,173; (2) a pending investigation concerning an action or litigation against Ward, Lee & Coats, P.L.C. related to a request for law enforcement records; and (3) tort claims submitted to the City of Claremore by Janice Steidley, Kirt Thacker and David Iski.

Motion by Lepak, second by DeMier to authorize the City Manager, in consultation with the City's attorney (s) to take any action as written in the agenda. Roll call vote: Willis, yes; Robertson, yes; Lepak, yes; DeMier, yes; Flanagan, yes; Callender, yes; Purkey, yes; and Kirtley, yes. Motion carried.

ADJOURNMENT

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

Meeting adjourned at 7:51 P.M.



Sarah Sharp, City Clerk