

Minutes of Claremore Cultural Development Authority Meeting
Council Chambers, City Hall, 104 S. Muskogee,
Claremore, Oklahoma December 07, 2009

CALL TO ORDER

Meeting called to order by Mayor Brant Shallenburger at
6:00 P.M.

ROLL CALL

Nan Pope called roll. The following were:

Present: Brant Shallenburger, Buddy Robertson, Don Myers,
Tony Mullenger, Flo Guthrie, Mick Webber, Terry
Chase, Tom Lehman, Paula Watson

Absent: None

Staff Present: Troy Powell, Matt Mueller, Nan Pope, Randy
Elliott, Ruby Maline, Mickey Perry, Chris Cochran, Tim Miller,
Phil Stowell, Joe Perez, **Others Present:** Rickey Hayes

Pledge of Allegiance by all.

CALL TO THE PUBLIC

None

ACCEPTANCE OF AGENDA

Motion by Mullenger, second by Lehman that the agenda for the
regular CCDA meeting of December 07, 2009, be approved as
written. 9 yes, Mullenger, Lehman, Myers, Robertson, Guthrie,
Shallenburger, Webber, Chase, Watson.

ITEMS UNFORESEEN AT THE TIME AGENDA WAS POSTED

None

CURRENT BUSINESS

Motion by Mullenger, second by Lehman that the CCDA approve the
following consent items:

- (a) Minutes of Claremore Cultural Development Authority
meeting on November 16, 2009, as printed.
- (b) All claims as printed.

9 yes, Mullenger, Lehman, Robertson, Guthrie, Shallenburger,
Webber, Chase, Watson, Myers.

Chase - who is watching?

Randy - I can tell you, the first person charged will face
dismissal and prosecution and they will be held personally
liable - first culprit going to jail

Myers - Sign additional release - waiver - for liability?

Troy - I like that

Webber - who will have them? We would like a list.

Motion by Mullenger, second by Lehman to approve Agreement and **CCDA Resolution #2009-01** obtaining financial accommodations from J.P. Morgan Chase, N.A. (the "Bank") pursuant to the use of a number of commercial card account numbers, the related accounts and cards bearing such account numbers (collectively the "Cards"). 9 yes, Mullenger, Lehman, Robertson, Guthrie, Shallenburger, Webber, Chase, Watson, Myers.

ADJOURNMENT

Motion by Mullenger, second by Lehman to adjourn. 9 yes, Mullenger, Lehman, Guthrie, Shallenburger, Webber, Chase, Watson, Myers, Robertson.

Meeting adjourned at **6:11 P.M.**

Minutes of Claremore Public Works Authority Meeting Council Chambers, City Hall, 104 S. Muskogee, Claremore, Oklahoma December 07, 2009

CALL TO ORDER

Meeting called to order by Mayor Brant Shallenburger at **6:11 P.M.**

Mayor Shallenburger asked Nan Pope to note that members are present/absent as indicated below:

Present: Brant Shallenburger, Buddy Robertson, Don Myers, Tony Mullenger, Flo Guthrie, Mick Webber, Terry Chase, Tom Lehman, Paula Watson

Absent: None

Staff Present: Troy Powell, Matt Mueller, Nan Pope, Randy Elliott, Ruby Maline, Mickey Perry, Chris Cochran, Tim Miller, Phil Stowell, Joe Perez, **Others Present:** Rickey Hayes

ACCEPTANCE OF AGENDA

Motion by Mullenger, second by Lehman that the agenda for the regular CPWA meeting of December 07, 2009, be approved as written. 9 yes, Mullenger, Lehman, Shallenburger, Webber, Chase, Watson, Myers, Robertson, Guthrie.

ITEMS UNFORESEEN AT THE TIME AGENDA WAS POSTED

None

CURRENT BUSINESS

Motion by Mullenger, second by Lehman to approve the following consent items:

- (a) Minutes of Claremore Public Works Authority meeting on November 16, 2009, as printed.
- (b) All claims as printed.

9 yes, Mullenger, Lehman, Shallenburger, Webber, Chase, Watson, Myers, Robertson, Guthrie.

Randy - Assigned

(1) No change in personnel

(2) Have furnished new bonds

Webber - everything stays the same?

Myers - Chris, are you comfortable?

Chris - yes.

Motion by Mullenger, second by Lehman to approve assignment of Wastewater Treatment Plant construction contract from Garney Companies, Inc. to its subsidiary, Grimm Construction Company, Inc. 9 yes, Mullenger, Lehman, Chase, Watson, Myers, Robertson, Guthrie, Shallenburger, Webber.

Motion by Mullenger, second by Lehman to approve Agreement and **CPWA Resolution #2009-03** obtaining financial accommodations from J.P. Morgan Chase, N.A. (the "Bank") pursuant to the use of a number of commercial card account numbers, the related accounts and cards bearing such account numbers (collectively the "Cards"). 9 yes, Mullenger, Lehman, Watson, Myers, Robertson, Guthrie, Shallenburger, Webber, Chase.

EXECUTIVE SESSION

Motion by Mullenger, second by Lehman to approve going into executive session to discuss the following item(s):

- (a) Confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or processing in the public interest - Oklahoma Plaza, L.L.C. **(RDI)**. 25 O.S. Section 307 B.4.
- (b) For the purpose of conferring on matters pertaining to economic development, including the transfer of property, financing, or the creation of a proposal to entice a business to locate within their jurisdiction if public disclosure of the matter discussed would interfere with the development of products or services or if public disclosure would violate the confidentiality of the business - Rickey Hayes, Retail Attractions, LLC. 25 O.S. Section 307 C.10.

9 yes, Mullenger, Lehman, Watson, Myers, Robertson, Guthrie, Shallenburger, Webber, Chase. **TIME 6:16 P.M.**

Council came out of executive session at 7:15 P.M.

Motion by Mullenger, second by Lehman to approve returning to regular session. 9 yes, Mullenger, Lehman, Watson, Myers, Robertson, Guthrie, Shallenburger, Webber, Chase.

Randy - discussions fine tuning - appropriate - amend economic agreement - assumes road building materials - road construction materials - certain benchmarks Council's pleasure as discussed.

Motion by Mullenger, second by Guthrie to approve item (a) amend economic agreement with RDI as described by City Attorney. 9 yes, Mullenger, Guthrie, Myers, Robertson, Shallenburger, Webber, Chase, Lehman, Watson.

Council took no action on item (b) concerning matters pertaining to economic development.

Motion by Mullenger, second by Lehman to adjourn. 9 yes, Mullenger, Lehman, Myers, Robertson, Guthrie, Shallenburger, Webber, Chase, Watson.

Meeting adjourned at 7:16 P.M.

**Minutes of Regular Council Meeting
Council Chambers, City Hall, 104 S. Muskogee,
Claremore, Oklahoma December 07, 2009**

CALL TO ORDER

Meeting called to order by Mayor Brant Shallenburger at 7:16 P.M.

ROLL CALL

Mayor Shallenburger asked Nan Pope to note that members are present/absent as indicated below:

Present: Brant Shallenburger, Buddy Robertson, Don Myers, Tony Mullenger, Flo Guthrie, Mick Webber, Terry Chase, Tom Lehman, Paula Watson

Absent: None

Staff Present: Troy Powell, Matt Mueller, Nan Pope, Randy Elliott, Ruby Maline, Mickey Perry, Chris Cochran, Tim Miller, Phil Stowell, Joe Perez, **Others Present:** Rickey Hayes

ACCEPTANCE OF AGENDA

Motion by Mullenger, second by Lehman that the agenda for the regular council meeting of December 07, 2009 be approved as written. 9 yes, Mullenger, Lehman, Robertson, Guthrie, Shallenburger, Webber, Chase, Watson, Myers.

ITEMS UNFORESEEN AT THE TIME AGENDA WAS POSTED

None

AWARDS, PRESENTATIONS, AND COMMUNICATIONS

None

MAYOR'S REPORT & APPOINTMENTS

None

STAFF REPORTS

Troy - Employer Appreciation Banquet - 6-8 P.M. at RSU - New Student Center - Choir singing - quick - informal event - FYI - changing date next year - too much stuff going on

Council Retreat - date doesn't work - early January - work on strategic plan - I will shoot dates to you - Monday night, Saturday

Chase - non-Council Monday

CURRENT BUSINESS

Motion by Mullenger, second by Lehman to approve the following consent items:

- (a) Minutes of Regular Council meeting on November 16, 2009, as printed.
- (b) All claims as printed.
- (c) Actual salary claims for pay period ending November 14, 2009 in the amount of \$380,833.27 and estimated salary claims for next pay period in the amount of \$500,000.

9 yes, Mullenger, Lehman, Guthrie, Shallenburger, Webber, Chase, Watson, Myers, Robertson.

Motion by Mullenger, second by Lehman to approve conducting a Public Hearing concerning ordinance annexing certain real property to the City of Claremore (part of the S/2 NW/4 SW/4 NE/4 and part of the East 412.50 feet of the SE/4 NW/4 of Section 3, Township 21 North, Range 16 East of the IB&M, Rogers County, State of Oklahoma). - Property previously owned by Latham which now belongs to the City of Claremore, containing 4.85 acres +/-.

9 yes, Mullenger, Lehman, Guthrie, Shallenburger, Webber, Chase, Watson, Myers, Robertson.

No one spoke against ordinance.

Motion by Mullenger, second by Lehman to approve closing Public Hearing. 9 yes, Mullenger, Lehman, Watson, Myers, Robertson, Guthrie, Shallenburger, Webber, Chase.

Motion by Mullenger, second by Lehman to adopt Ordinance #2009-29 annexing certain real property to the City of Claremore (part of the S/2 NW/4 SW/4 NE/4 and part of the East 412.50 feet of the SE/4 NW/4 of Section 3, Township 21 North, Range 16 East of the IB&M, Rogers County, State of Oklahoma). -

Property previously owned by Latham which now belongs to the City of Claremore, containing 4.85 acres +/- . 9 yes, Mullenger, Lehman, Webber, Chase, Watson, Myers, Robertson, Guthrie, Shallenburger.

Motion by Mullenger, second by Lehman to approve conducting a Public Hearing concerning ordinance detaching certain real property from the City of Claremore (part of the SE/4 NW/4 of Section 3, Township 21 North, Range 16 East of the IB&M., Rogers County, State of Oklahoma). Latham property previously owned by the City of Claremore - containing 13.13 acres +/- . 9 yes, Mullenger, Lehman, Myers, Robertson, Guthrie, Shallenburger, Webber, Chase, Watson.

No one spoke against ordinance.

Motion by Mullenger, second by Lehman to close public hearing. 9 yes, Mullenger, Lehman, Myers, Robertson, Guthrie, Shallenburger, Webber, Chase, Watson.

Motion by Mullenger, second by Guthrie to adopt **Ordinance #2009-30** detaching certain real property from the City of Claremore (part of the SE/4 NW/4 of Section 3, Township 21 North, Range 16 East of the IB&M., Rogers County, State of Oklahoma). Latham property previously owned by the City of Claremore - containing 13.13 acres +/- . 9 yes, Mullenger, Guthrie, Watson, Myers, Robertson, Shallenburger, Webber, Chase, Lehman.

Troy - discussed ad nauseum over past month - nothing different - like to add line item on utility bill - notating GRDA pass through - temporary

Myers - on website - letter from Easley
Troy - good idea for letter on website for our public to see.
Troy - Don't know if our software can handle - amount increased - June - July 2014 - on every bill

Motion by Mullenger, second by Lehman to adopt **Ordinance #2009-31** relating to electric service with the City of Claremore; amending Section 50.05 (A)(3), Section 50.05 (B)(3), and Section 50.05 (C)(3) of the Code of Ordinances of the City of Claremore, Oklahoma regarding the charges for electric service, repealing ordinances in conflict herewith and providing for severability. - (rate increase) 9 yes, Mullenger, Lehman, Myers, Robertson, Guthrie, Shallenburger, Webber, Chase, Watson.

Randy - it's against the law to obtain municipal services without paying for them - state not against municipality - D.A.'s office is not prosecuting so it's not working out - develop ordinance to prohibit obtaining without paying
Mullenger - where are we going to prosecute?

Randy - in municipal court

Lehman - chief, is this a real problem?

Perry - yes, cable companies want us to prosecute

Motion by Mullenger, second by Guthrie to adopt **Ordinance #2009-32** amending Title XIII, Chapter 130, Section 131.06 of the Claremore Municipal Code regarding tampering with or damaging public utilities, providing for repealer and severability. -(theft of cable television, internet, etc.)
9 yes, Mullenger, Guthrie, Robertson, Shallenburger, Webber, Chase, Lehman, Watson, Myers.

Motion by Mullenger, second by Lehman to adopt **Resolution #2009-20** obtaining financial accommodations from J.P. Morgan Chase, N.A. (the "Bank") pursuant to the use of a number of commercial card account numbers, the related accounts and cards bearing such account numbers (collectively the "Cards"). 9 yes, Mullenger, Lehman, Guthrie, Shallenburger, Webber, Chase, Watson, Myers, Robertson.

The following item was pulled from agenda:

Discuss/Approve/Reject granting to Safenet Services, Inc., an option to purchase described real property for the sum of \$155,000 for a period of six (6) months. - Property description - A tract of land in Harper Addition to the City of Claremore, Rogers County, Oklahoma, and being a part of the SE/4 of the SW/4 of Section 8, Township 21 North, Range 16 East of the IB&M., According to the U.S. Government survey thereof containing 2.4 acres +/-.

AND

A twenty-five (25) foot wide easement for walking trail purposes in Harper Addition to the City of Claremore, Rogers County, Oklahoma, and being a part of the SE/4 of the SW/4 of Section 8, Township 21 North, Range 16 East of the IB&M., According to the U.S. Government survey thereof containing 10,125 sq.ft. +/- . **(Troy Powell/Randall Elliott)**

Discussion Only - on proposed ordinance with accompanying resolution and disclosure form regarding ethics within city government:

Randy - some discussion for quite some time regarding ethics in effect for employees

Troy - my idea - my thought - I would like to get Ethics Committee - myself, Matt, HR Director - recent updates to the employee handbook covers ethics issues for city employees and we must be careful not to limit every thing.

Staff - brainstorm - bring a good document back to Council - it will need to be a Charter change to establish rules and changes

John Cary - volunteered to help - we currently have checks & balances "whistle blowers clause" to report problems.

Discussion/Consideration/Possible Action concerning amendment to Agreement with retail Attractions, L.L.C. (Rickey Hayes - January 2010 to January 2011).

Troy - as we discussed - Rickey is contract with us - we would be blind if we didn't realize economic downturn - his

contract ends in January - he has agreed to reduce his base rate by 50% - he will come to every 4th Council meeting - to executive session to involve you - and to begin to include industrial and commercial development.

Shallenburger - any questions or comments?

Mullenger - I like direction - I appreciate

No action taken on Rickey Hayes item.

EXECUTIVE SESSION

City Attorney said no need to have the following executive session item: Approve/Reject going into executive session to discuss the following item(s): **(Randall Elliott)**

- (a)** Confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or processing in the public interest - Auditors, Archambo & Mueggenborg. 25 O.S. Section 307 B.4.

ADJOURN

Motion by Mullenger, second by Lehman to adjourn. 9 yes, Mullenger, Lehman, Watson, Myers, Robertson, Guthrie, Shallenburger, Webber, Chase.

Meeting adjourned at **7:35 P.M.**