

**MUSTANG CITY COUNCIL
DECEMBER 20, 2016**

The Mustang City Council met in regular session on Tuesday, December 20, 2016, at 7:00 p.m. in the Mustang Municipal Building Council Chambers. Notice of the meeting was posted on the Bulletin Board outside the Mustang Municipal Building on Friday, December 16, 2016, at 1:30 p.m. in compliance with the Open Meeting Law, 25 O.S., Section 301, et. seq.

A. CALL TO ORDER

Mayor Adams called the meeting to order at **7:00 p.m.**

B. PLEDGE OF ALLEGIANCE/INVOCATION (Jim Harris, Pastor, Clear Springs Free Will Baptist Church)

Pastor Harris led the assembly in the Pledge and Invocation. He thanked the Council for the opportunity to be a part of the Council meetings stating he has been representing Clear Springs Church for just over 21 years in Mustang. He stated the Church has their traditions for the Christmas season such as caroling on Wednesday evening and holding services on Christmas Eve and Christmas Day.

C. ROLL CALL

Councilmembers Present:	Riley
	Leete
	Grider
	Jones
	Hagan
	Schweinberg
	Adams

Councilmembers Absent:	None
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D. INTRODUCTION OF GUESTS/HEARING OF CITIZENS OR DELEGATES

None

E. NEW BUSINESS, DELETIONS OR CONTINUANCES TO THE AGENDA

None.

F. CONSENT AGENDA

1. Approval of **12/06/16** City Council Minutes.
- *2. Claims List for **FY'17**.
3. **Acknowledgement of Transfer** of City Property, Glock Mod. 23 C .40 Caliber S/N HVM237, to Captain James Davis, Comm. #304 upon his Honorable Retirement Effective December 30, 2016, in compliance with Police Department Policy, PERSONNEL 02.03-RETIREMENT Item 5, which has been the historical past practice of the Department.
4. Approval of **Resolution No. 17-029**, making changes in the Library Fund Budget by making a Supplemental Appropriation to Increase the 2016-2017 Fiscal Year Budget by \$633.
5. Approval of **Oklahoma Highway Safety Grant** AL-17-03-07-03 for Targeting Impaired Driving to Reduce Alcohol Related Crashes, October 01, 2016 thru September 30, 2017.
6. Approval of **Resolution No. 17-030**, making changes in the General Fund Budget by making a Supplemental Appropriation to Increase the 2016-2017 Fiscal Year Budget by \$26,500.

MOTION was made by **Councilman Schweinberg**, seconded by **Councilman Grider**, to approve Items F-1 through F-6 of the Consent Agenda.

AYE: Riley, Leete, Grider, Jones, Hagan, Schweinberg, Adams
NAY: None

G. INFORMATION/REPORTS

1. City Manager

City Manager Rooney stated he did not have anything to report in addition to the City Manager Report provided in the agenda packet and available online.

Mayor Adams stated he was happy to see the Sara Road project engineering information in the City Manager's Report.

Rooney stated the City of Mustang and the City of Oklahoma each submitted five engineering firms stating three of the firms submitted by Mustang were in the Turnpike Authority's top four.

2. City Council

Mayor Adams asked the Councilmembers if they had anything to report in their respective Wards:

Councilman Riley did not have anything to report at this time.

Councilman Leete stated he received a letter at the last meeting from Ms. Lindsay Selvey regarding issues with drainage ditches stating he would get with the City Manager to discuss.

Councilman Grider stated he received a call from the schools thanking the Fire Department for their help after a sprinkler head had burst. He also stated the annual "Shop with a Cop" had a great response. He reminded everyone of Captain Davis' retirement party on Friday, December 30th and congratulated Detective Mike Wallace on his promotion.

Councilman Jones asked Pastor Harris to extend their appreciation to all the pastors for their participation in the meetings and that the City appreciates them.

Councilwoman Hagan did not have anything to report at this time.

Councilman Schweinberg wished **Councilman Riley** a Happy Birthday and also congratulated Councilwoman Hagan for having another three years on Council.

Mayor Adams also thanked the Fire Department stating he got to see them in action as a neighbor's house had caught fire. He stated to remember those who will be working for us on Christmas Day such as Firefighters and Policemen. He stated "Shop with a Cop" was a great time and asked everyone to remember the reason for the season.

The Council also wished everyone a Merry Christmas.

H. DISCUSSION ITEMS

1. **Discussion** regarding Proposed Appointment of Municipal Judge Steve Huddleston and Alternate Judge Chris Box in accordance with Chapter 26, Section 26-62 of the City of Mustang, Oklahoma Municipal Codes.

City Manager Rooney stated no action was needed in this meeting stating the term of the Municipal Judge runs for a two year period with renewal needed on odd numbered years. He stated the current Judge and Alternate Judge, Steve Huddleston and Chris Box, have expressed a desire to continue in these positions if the Council chooses to reappoint them. **Rooney** stated the appointment would be made in the next City Council meeting, January 3, 2017.

2. **Discussion, Consideration and Possible Action** regarding Approval of **Ordinance No. 1141**, an Ordinance of the City of Mustang, Oklahoma, Amending Chapter 90, of the Code of Ordinances of the City of Mustang, Oklahoma, by Adding Section 90-6, Partially Vacating a Portion of West Rancho Drive as dedicated to the City of Mustang and reflected on the Plat of Rancho Addition, an Addition to the City of Mustang, Canadian County, Oklahoma, According to the Recorded Plat Thereof, as more particularly described herein; Declaring Repealer; and Providing for Severability.

Community Development Director Helsel stated the applicant submitted this request to vacate a portion of the City's right-of-way easement for the west 15 feet of W. Rancho Drive in the Rancho Addition stating the application was submitted by the property owners on the south and north sides of the street. She stated the purpose for the vacation was to preserve the peace and harmony of Rancho Estates and to provide the continuance of the utility easement.

Helsel stated recently, the property owner at 302 S. Owen Dr applied for, and was granted, an application to place a gate along their rear property line as an access point to W. Rancho Drive stating this vacation action would restrict her access to W. Rancho Drive.

Helsel stated several utility companies have lines in this area stating Oklahoma Natural Gas submitted a letter of objection to the easement vacation and CK Energy (formerly Caddo Electric) called to voice concerns. She stated Staff does not recommend approval of this Ordinance as they do not see this benefits the City of Mustang to release this right-of-way stating Staff does not see a direct correlation between the purpose of the request and the best interests of the City.

MOTION was made by **Councilman Schweinberg**, seconded by **Councilwoman Hagan**, to Open the Public Hearing.

AYE: **Riley, Leete, Grider, Jones, Hagan, Schweinberg, Adams**
NAY: **None**

Oscar Codapony, Director of Operations at CK Energy, 14089 State Highway 152, addressed the Council stating he spoke with one of the landowners and inspected the property and CK Energy, depending on how you look at it, conditionally opposes or conditionally approves this request stating they do not wish to lose any rights they have to either access or locating of their facilities that go through this property. He stated if an easement in perpetuity is granted to the utilities to maintain its facilities there, then CK Energy would not have an objection to it, but under that condition only.

Joe Weaver, Bass Law Firm, Box 57, El Reno, OK, on behalf of the Applicants, addressed the Council stating if the Ordinance is enacted, it will close the last 15 feet of that road; however, without judicial action, the property would not go the applicants, stating that would be another step. He stated Staff recommends to deny the Ordinance as it doesn't benefit the City, but he stated he begged to differ as it does benefit the two applicants who are Mustang residents as well as others on Rancho Dr.

Weaver stated Rancho Dr is very small and has no curbs or gutters and dead ends to Ms. Jansak's property, which is agricultural. He stated his clients' concern is having a residential area here, Rancho Estates, then unplatted property which is agricultural stating they are incompatible uses and Mustang's Comprehensive Plan is trying to separate incompatible uses. He stated his clients knew when they purchased the property it was next to agricultural, but when in a residential area, there are things you don't have to worry about such as farm animals, equipments, trucks, etc running up and down your road and if a gate is installed at that location, there would be no separation, but instead opening up an avenue to connect incompatible properties.

Weaver stated his clients are not asking to restrict access, but to leave it the way it is stating there is other access to the property. If the gate is there, any number of people could use it for ropings, combines, tractors, etc. and we are trying to protect the neighborhood and the residential aspects of it.

Weaver stated they are asking to pass the Ordinance and asking to be consistent with the overall theme of the Mustang 20/20 Comprehensive Plan showing there are areas reserved for agriculture and areas reserved for residential. He stated by passing the Ordinance to close the last 15 feet of the road, nothing could happen with any of the utilities in place by law and stated his clients are willing to provide whatever easements are needed in that 15 feet for utilities. Weaver also stated this road is actually a cul de sac as it has one entrance and exit, and not a stub street. (Handout was provided and is located in the City Clerk's office.) Weaver stated his clients were also willing to install a wooden gate with lock, at their expense, to protect her property where emergency services could enter if needed. He asked if this Ordinance is not passed, then his clients request the permit be revoked.

Deborah Jansak, 302 S. Owen Dr, addressed the Council to clarify inadvertent statements made at the last meeting. (Handout was provided and is located in the City Clerk's office.) She stated the following misstatements were made by Sarah Moore, attorney for the applicants:

- Access road to the north
Ms. Jansak stated this was a private road and was informed their subdivision covenants precludes access;
- Large farm equipment brought in
Ms. Jansak stated both property owners drive pickups, a large motorhome as well as previously had a large tractor. She stated she has a utility trailer, a couple of small trailers, zero turn mower and a pickup stating she has no intention or need to bring in large agricultural equipment, but does reserve the right to have hay delivered;
- A precedent would be set if Ordinance is denied
Ms. Jansak stated this would not set a precedent, rather the opposite would be true.

Jansak stated she would like to use the gate as an escape route to the east and the ability to have hay delivered and stated the fence has been there since 1999. She stated everyone knows the land is zoned agricultural and the City has a multitude of current ordinances precluding her from developing it. She stated as for the peace and harmony, she stated there was a lot split of four where the applicants live and Rancho Dr was extended to accommodate the additional homes. She also stated the road was a stub street and not a cul de sac.

Jansak pleaded the Council deny the Ordinance with prejudice stating the installation of the gate has been started. She stated she would request to preserve the right to have hay delivered and in case of fire, remove her horses that direction.

Michelle Fuller, 448 E Carson Lane, addressed the Council stating she had been following this item in the news stating she lives at the end of a dead-end street which butts up to agricultural land stating there was a strip of land that belongs to the City. She stated she has mowed and performed weed-eating on that strip for 20 years and if this Ordinance is approved, she will be next in line asking the City to vacate that strip of property. She stated she heard the attorney mention the applicants building a wood gate and asked how that was any different than Ms. Jansak wanting to build one.

Jeff Lindsay, 1250 W. Rancho Dr, Applicant, addressed the Council stating they were not looking to block development, but would welcome it, and also stated with the gate, there would be an issue with the dirt and mud flowing onto Rancho Dr and they already have flooding issues. He provided handouts and stated four houses were developed at the same time on the north side of Rancho Dr and the street was designed to have a cul de sac stating this is the only piece of paper in the building files showing how the road was to be constructed. Lindsay stated a cul de sac is considered to be a minor street traffic circulation for residential property that has access to it and City ordinances state thru traffic is to be discouraged. He stated Chris Preston who developed the land stated he never filed any plats, deeds, etc. in 2003 and all building permits were let within nine months of each other stating this would preclude that from being a short form subdivision and by law should have been platted into Rancho Addition.

Lindsay provided pictures to the Council of a gate at the back end of Magnolia Trace. He stated the gate has a padlock on it that only the Fire Department can access stating this could serve to keep the agricultural and residential property temporarily separated. He stated if the Ordinance passes, they would build the gate at their expense and provide signage to not block the emergency exit. Lindsay stated this would ensure codes aren't violated, keep agricultural & residential property separated, conserve the peace and harmony of Rancho Addition, and provide Ms. Jansak an emergency gate healing the situation with the codes and take the responsibility off the Council to not break the law. He stated the gate breaks Chapter 106 in the Comprehensive Plan if allowed vehicular access.

Mayor Adams stated the Comprehensive Plan was not law, but is a plan that guides Council for future decisions and by denying this Ordinance, Council would not be breaking a law or getting arrested. He stated he understood the importance of what he is putting forward, and the gate might be non-conforming to the plan, but there was a significant difference between plans and laws.

Lindsay stated the Comprehensive Plan puts the apportionment of the Plan on the Council as they are the public policy making body.

Councilman Grider asked if he was telling them they would be breaking the law if they do not vote his way.

Lindsay stated that was not what he said, but stated testing the issue before you deny it would be the simplest way to make sure Chapter 106 and the Comprehensive Plan are followed. He stated he didn't want to file this vacation, but just wanted to stop the gate so Chapter 106 would not be broken.

Grider stated he did file for a vacation of the easement and asked why he didn't file a stop work order if that is what he was wanting.

Lindsay stated he filed for a vacation of the west 15 feet of Rancho Dr, not vacation of the easement, in order to establish the utility easement and preserve the peace and harmony of Rancho Estates. He stated he asked about the stop work order, but **Community Development Director Helsel** stated there was no way it would be turned over and had to search for other options. He stated they would install the gate and everybody would be satisfied stating Ms. Jansak would get an emergency escape gate and they would get peace and harmony and not have vehicles driving up and down the street tracking dirt and mud.

Shawn Tidwell, 1255 W. Rancho Dr., Applicant, addressed the Council stating he was a neighbor of Ms. Jansak with his driveway being the closest to her property stating they do not see eye to eye. He stated he has medical problems and has had to have emergency services come to the house and worries hay trucks may block his driveway blocking the emergency service. He also stated he had a couple of surveys done and both surveys state her fence is on his property, but stated this was another action.

Norma Brown, 230 S. Owen Dr, addressed the Council stating she is a neighbor to everyone involved and had read an article in the paper which caught her attention. She stated she was the landowner to the north of Ms. Jansak and to the north and east of the Tidwells. She stated the paper said Ms. Jansak could have access to her property on the north side stating that is not possible as there are three houses and all are in a covenant and this road is a private road, therefore, she would not be able to enter and exit her property from the north side.

Jeff Lindsay stated it did not matter if it was a private or public road and in the event of an emergency, police, fire and any other public agency that needs access to that has free access.

Deborah Jansak stated the fence was put in by survey and would plead Council not to include this in their decision about the gate as this would be dealt with appropriately in another venue. She stated she would still have to install another gate as she would not want to bother the Fire Department for a key. She stated she was asking as a citizen to have access to a public road.

It was stated Ms. Jansak has access to a public road from the west.

Jimmy Rodriguez, 1247 W. Rancho Dr, addressed the Council stating their houses sit south of Rancho Dr and are lower than street level and was concerned about the mud and other debris that could be tracked down the road by farm trucks, etc stating it could get very messy.

Jansak stated she was planning on putting gravel down and stated she was also downhill of everybody.

MOTION was made by **Councilman Schweinberg**, seconded by **Councilman Jones**, to Close the Public Hearing.

AYE: Riley, Leete, Grider, Jones, Hagan, Schweinberg, Adams
NAY: None

Councilman Grider asked what zoning would be an appropriate buffer for agriculture. **Community Development Director Helsel** stated R-E which is a combination of some agricultural uses and residential.

Mayor Adams asked when looking at the platting for this little extension, they are saying it is part of the original Rancho plat, is this correct. **Helsel** stated it is part of the original plat of Rancho Estates stating the original Rancho Estates plat did not show a cul de sac. **Adams** stated he believes this was platted around 1961.

Adams stated he is a proponent of following staff recommendation, but also makes sure he looks at all of it. He stated he has been a planner all his life and is surprised there is such division between R-E and Agricultural stating usually it is High Density Residential or Commercial. He stated this is the first time in his 12+ years there has been concern about the compatibility of R-E and Agricultural stating they are basically alike except for acreages. **Adams** stated utility companies have issue with this as does Staff. He stated Ms. Fuller from earlier was right, if the Council allows the vacation of property at the end of any street, people would be hitting the Council with requests on a regular basis, plus additional phases of a subdivision could not be built.

MOTION was made by **Councilman Schweinberg**, seconded by **Councilwoman Hagan**, to Deny **Ordinance No. 1141**, an Ordinance of the City of Mustang, Oklahoma, Amending Chapter 90, of the Code of Ordinances of the City of Mustang, Oklahoma, by Adding Section 90-6, Partially Vacating a Portion of West Rancho Drive as dedicated to the City of Mustang and reflected on the Plat of Rancho Addition, an Addition to the City of Mustang, Canadian County, Oklahoma, According to the Recorded Plat Thereof, as more particularly described herein; Declaring Repealer; and Providing for Severability.

AYE: Riley, Leete, Grider, Jones, Hagan, Schweinberg, Adams
NAY: None

J. CITY ATTORNEY'S REPORT

None.

K. ADJOURNMENT

MOTION was made by **Councilman Grider**, seconded by **Councilman Jones**, to adjourn.

AYE: Riley, Leete, Grider, Jones, Hagan, Schweinberg, Adams

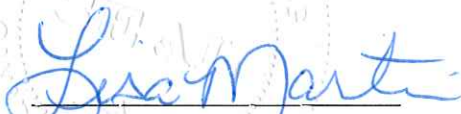
NAY: None

The meeting was adjourned at **7:56 p.m.**



Jay Adams, Mayor

Attest:



Lisa Martin, City Clerk



**MUSTANG IMPROVEMENT AUTHORITY
DECEMBER 20, 2016**

The Mustang Improvement Authority met in regular session on Tuesday, December 20, 2016, at 7:00 p.m. in the Mustang Municipal Building Council Chambers. Notice of the meeting was posted on the Bulletin Board outside the Mustang Municipal Building on Friday, December 16, 2016, at 1:30 p.m. in compliance with the Open Meeting Law, 25 O.S., Section 301, et. seq.

A. CALL TO ORDER

Chairman Adams called the meeting to order at **7:56 p.m.**

B. ROLL CALL

Trustees Present: Riley
Leete
Grider
Jones
Hagan
Schweinberg
Adams

Trustees Absent: None

C. NEW BUSINESS

None.

D. CONSENT AGENDA

1. Approval of **12/06/16** MIA Minutes
- *2. Claims List for **FY'17**

MOTION was made by **Trustee Grider**, seconded by **Trustee Leete**, to approve Items D-1 thru D-2 of the Consent Agenda.

AYE: Riley, Leete, Grider, Jones, Hagan, Schweinberg, Adams

NAY: None

E. INFORMATION/REPORTS

1. **Trustee Manager**
None
2. **Trustees**
None.

F. DISCUSSION ITEMS

None.

G. ADJOURNMENT

MOTION was made by **Trustee Grider**, and seconded by **Trustee Jones**, to adjourn.

AYE: Riley, Leete, Grider, Jones, Hagan, Schweinberg, Adams

NAY: None

Meeting was adjourned at **7:57 p.m.**



Jay Adams, Chairman

Attest:



Lisa Martin, Secretary