

**MUSTANG CITY COUNCIL
OCTOBER 4, 2022**

The Mustang City Council met in regular session on Tuesday, October 4, 2022, at 7:00 p.m. in the Mustang Municipal Building Council Chambers. Notice of the meeting was posted as required on Friday, September 30, 2022, at 10:15 a.m. in compliance with the Open Meeting Law, 25 O.S., Section 301, et. seq.

A. CALL TO ORDER

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

B. PLEDGE OF ALLEGIANCE/INVOCATION Nate Burns, Pastor, Mustang Church of the Nazarene.

Pastor Burns led the assembly in the Pledge and Invocation. He stated one of the church's emphases is Community on a Mission stating they have adopted several opportunities, one being Community Cookies. He stated they have gone to several businesses on Highway 152 and given cookies asking how they can pray for them and their business stating it has been really effective and helpful. Pastor Burns stated the Church's campus is used frequently by football little leagues, basketball teams, etc. and has a community room open for parties and receptions for all to use stating they try not to charge except for a cleaning fee. He also stated the campus has a pavilion, park and splash pad open to everyone as well.

C. ROLL CALL

Councilmembers Present:	Leete
	Waugh
	Sholund
	Grider

Councilmembers Absent:	Ray
	Wald
	McKenzie

D. INTRODUCTION OF GUESTS/HEARING OF CITIZENS OR DELEGATES

None.

E. NEW BUSINESS, DELETIONS OR CONTINUANCES TO THE AGENDA

None.

H. CONSENT AGENDA

- F.1 Approval of 09/06/2022 City Council Minutes.
- F.2 *Claims List for FY 2022.
- F.3 *Claims List for FY 2023.
- F.4 *Approval to Turn Past Due Utility Accounts over to Collection Agency.
- F.5 Approval to Turn Past Due Library Accounts over to Collection Agency.
- F.6 Acceptance of Quit Claim Deed for 30.00 ft Strip of Property from MidFirst Bank.

MOTION was made by **Councilman Sholund**, seconded by **Councilman Waugh**, to Approve the Consent Agenda Items F.1 thru F.6.

AYE: Leete, Waugh, Sholund, Grider

NAY: None

G. INFORMATION/REPORTS

G.1 City Manager Report

City Manager Rooney reminded Councilmembers of the Special Meeting to be held October 11, 2022 at 6:00 p.m. in the Council Chambers at City Hall.

Police Chief Groseclose administered the Oath of Office to Officer Brock Childs.

G.4 City Council

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

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

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

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

Mayor Grider stated the ACOG Electrical Vehicle Showcase event held recently went well with 15-16 vehicles and 75-100 people in attendance. He also stated Western Days was a wonderful event again this year and thanked the Chamber for all their hard work. He stated Positive Posse on Tuesday mornings has been a great opportunity to meet candidates stating November 1st, Representative Frank Lucas would be in attendance.

H. DISCUSSION ITEMS

- H.1 Consideration of Preliminary Plat Application, PP-8-23-22-1-26, Arbor Creek, Premium Land, LLC, Crafton Tull, 500-700 Block of N. Morgan Ave, 207 Residential Lots, 79.99 Acres.

Senior City Planner Conner provided background information regarding the Preliminary Plat application for Arbor Creek Subdivision stating the PUD was approved by City Council in February, 2022, stating the only difference between the PUD and this application was the removal of two lots. He stated the plat has been reviewed by the City Engineer, City Attorney, Fire Marshall, and Community Development Staff stating amendments have been made to accommodate requested changes. **Conner** stated Planning Commission recommended approval at the September 13, 2022 regular meeting and Staff also recommends approval.

Discussion was held regarding the removal of the two lots due to drainage concerns.

Councilman Waugh stated there had been difficulties with the creek and thanked Crafton Tull for working on that issue as well as addressing concerns from Bitter Creek subdivision residents.

MOTION was made by **Councilman Leete**, seconded by **Councilman Sholund**, to Approve the Preliminary Plat Application.

AYE: Leete, Waugh, Sholund, Grider

NAY: None

- H.2 Consideration of Final Plat Application, FP-8-22-22-1-30, Hunters Hill Section 5, Manco Enterprises, LLC, Crafton Tull, Hunters Hill Area Near N. Clear Springs Rd, 68 Residential Lots, 18.00 Acres.

Senior City Planner Conner provided background information regarding the Final Plat application for Hunters Hill Section 5 stating this phase comes roughly 3 ½ years after the submission and completion of Hunters Hill Section 4. He stated with approval for this phase, the developer plans to submit all of the infrastructure improvement plans needed to build out the development according to our subdivision and engineering standards stating the final plat has been reviewed by the City Engineer, Fire Marshall, City Attorney and City Staff with corrections and revisions made before this version was officially submitted in order to adhere to the City's standards. **Conner** stated Planning Commission recommended approval at the September 13, 2022 regular meeting and Staff also recommends approval.

MOTION was made by **Councilman Leete**, seconded by **Councilman Waugh**, to Approve the Final Plat Application.

AYE: Leete, Waugh, Sholund, Grider

NAY: None

- H.3 *Consideration of Resolution No. 23-012, a Resolution of the City Council of the City of Mustang, Oklahoma and the Mustang Improvement Authority Establishing the Process for Residents to Address the City Council and/or Trustees on Agenda Items Coming on for Consideration Before the City Council and/or Trustees.

City Manager Rooney stated in the July City Council Work Session, Staff presented the City Council with the attached rules and procedures as well as presented them to City Council and Mustang Improvement Authority in their September meetings and were approved by both bodies. He stated Resolution No. 23-012 would formally adopt these rules and procedures. **Rooney** stated there had been some confusion over what the approval and adoption of the proposed rules and procedures do and do not accomplish stating as outlined in the adopting resolution, it requires residents that want to speak to the City Council regarding an agenda item to sign-up to do so on a sign-up sheet that will be located as residents enter the Council Chambers. He stated if the meeting has already started and the resident missed signing in, they can still request to address either body until such time that the agenda item has been acted upon.

Councilman Sholund stated he could not support this stating he felt it important the citizens have an opportunity to be heard stating he would like to propose a compromise where "Hearing of Citizens" would be placed at the end of the agenda as some other cities do which would allow those truly wanting to address the Council to be able to do so keeping the three minute time limit.

Mayor Grider clarified stating this item was to approve rules and procedures for citizens wishing to address the Council on an agenda item stating the other was not before the Council this evening. **Sholund** asked if the other would be removed with **Grider** stating that could be removed at any time.

Sholund stated he then digressed and agreed with this item.

MOTION was made by **Councilman Waugh**, seconded by **Councilman Leete**, to Approve Resolution No. 23-012.

AYE: Leete, Waugh, Sholund, Grider

NAY: None

- H.4 Consideration of Ordinance No. 1274, an Ordinance of the City of Mustang, Oklahoma, Amending Chapter 78 of the Mustang Code of Ordinances by Repealing Article VII, Division 2 in its Entirety and Enacting a New Article VII, Division 2 Regulating the Sale and Distribution of Tobacco, Nicotine and Vapor Products to Minors, Defining Terms, Establishing Offenses, Creating Penalties, and Providing for Reports; Declaring Repealer; Providing for Severability; and Declaring an Emergency.

City Attorney Miller stated in May, 2022, the State Legislature signed House Bill 3315 into law effective November 1st removing state law provisions that imposed fines for minors possessing tobacco and similar products stating the only punishment would be required attendance at an educational or cessation program. He stated the House Bill also struck the provision authorizing municipalities to enact laws punishing minors in possession of tobacco products stating this Ordinance removes minors in possession of tobacco products as an offense. **Miller** stated the Ordinance also updates remaining provisions of the Code that continue to make it illegal to sell tobacco products to minors.

MOTION was made by **Councilman Leete**, seconded by **Councilman Sholund**, to Approve Ordinance No. 1274.

AYE: Leete, Waugh, Sholund, Grider

NAY: None

The Emergency Clause was not acted upon due to the lack of Councilmembers present.

- H.5 *Consideration of Ordinance No. 1276, an Ordinance of the City of Mustang, Oklahoma, Amending the Municipal Code to Revise and Clarify Various Provisions relating to Provision of Public Utilities by Amending: (1) Chapter 98, Section 98-66 to Provide that Rates and Deposits shall be Determined by Resolution of the City Council; (2) Chapter 98, Section 98-69 to Provide Remedies for Failure to Pay for Service and for Damage to Carts; (3) Chapter 118, Section 118-1 to Clarify Requirement to Use Public Water and Sewer; (4) Chapter 118, Section 118-2 to Include a Provision that Disconnection of Service for Nonpayment does not Relieve the Obligation to Obtain and Maintain Public Water and Sewer Service; (5) Chapter 118, Section 118-3, to Update Remedies for Noncompliance with the Terms of Utility Service; (6) Chapter 118, Section 118-4(b) to Change Reference to the Appropriate Consumer Price Index; (7) Chapter 118 to Add New Section 118-7 Providing Exceptions to Utility Connection Requirements; (8) Chapter 118, Section 18-134 to Include Current Sewer Rate and Include Reference to Consumer Price Index for Adjustment of Rate; (9) Chapter 118, Section 18-135 to Refer to the Current Sewer Rate, Clarify Rate for Landlords, and Remove Reference to Consumer Price Index

Adjustment, and Renumber Subsections; and (10) Chapter 118, Section 18-141 to Provide Remedies; Declaring Repealer; Providing for Severability; and Declaring an Emergency.

City Attorney Miller stated he had worked with *Tammi Noblitt*, Utilities Supervisor, to revise current utility ordinances to accomplish several goals, including, updating current water, sewer, and utility ordinances making the remedy provisions consistent; updating ordinance language to refer to the current name of the appropriate consumer price index for the local region; and removing unused remedy provisions. He stated the ordinance also brings provisions found in other code sections that require residents to connect and remain connected to municipal utilities into the utility code provisions to avoid any confusion, such as in planning and zoning.

MOTION was made by **Councilman Waugh**, seconded by **Councilman Sholund**, to Approve Ordinance No. 1276

AYE: Leete, Waugh, Sholund, Grider
NAY: None

The Emergency Clause was not acted upon due to the lack of Councilmembers present.

- H.6 *Consideration of Resolution No. 23-013, a Joint Resolution of the City Council of the City of Mustang, Oklahoma and the Mustang Improvement Authority Establishing Sanitation Rates; Providing an Effective Date; and Providing for Repealer.

City Attorney Miller stated this Resolution establishes the current rates for sanitation services, omits services no longer provided, and changes the reference to the appropriate CPI Index.

Miller stated on Schedule A, the 3-yard Roll-Off Container shows a rate of \$75.17 stating this rate should be \$95.17.

MOTION was made by **Councilman Waugh**, seconded by **Councilman Sholund**, to Approve Resolution No. 23-013 with the 3-Yard Roll-Off Container Rate being Changed to \$95.17.

AYE: Leete, Waugh, Sholund, Grider
NAY: None

- H.7 *Consideration of Resolution No. 23-014, a Joint Resolution of the City Council of the City of Mustang, Oklahoma and the Mustang Improvement Authority Establishing Water Rates and Guidelines; Providing an Effective Date; and Providing for Repealer.

City Attorney Miller stated the proposed Resolution will update water rates to the current rates and update certain provisions to reflect current practices.

MOTION was made by **Councilman Sholund**, seconded by **Councilman Waugh**, to Approve Resolution No. 23-014.

AYE: Leete, Waugh, Sholund, Grider

NAY: None

- H.8 *Consideration of Ordinance No. 1275, an Ordinance of the City of Mustang, Oklahoma, Establishing Water and Sewer Rate Increases for the Period of October 1, 2022 through September 30, 2023; Providing for Repealer; Providing for Severability; and Declaring an Emergency.

City Manager Rooney stated Ordinance 1106, approved in 2014, states there will be an annual increase to water, sewer, and refuse rates on October 1st each year that is equal to the CPI (Consumer Price Index) or 2%, whichever is greater. He stated the adoption of this ordinance was to ensure the utility costs keep pace with the cost of doing business as well as to clearly articulate to citizens/customers what they could anticipate their water, sewer, and refuse rates being moving forward.

Rooney stated in 2021, the CPI increase came in at an increase of 5.9% and due to the financial health of the Mustang Improvement Authority (MIA) and the former pandemic, Staff recommended an increase to the City Council of only 3.26% which was the percentage increase of the Inframark contract at that time. He stated now, in 2022, the CPI increase came in at an increase of 8.6% stating with all of the above factors still holding true – MIA financial health being strong and many residents still recovering from the former pandemic - Staff is recommending the period of October 1, 2022 through September 30, 2023 have a rate increase of only 2%. He stated this would be 6.6% less than what is required by Ordinance No. 1106, but would allow us to take into consideration, costs that we will experience with water and sewer supplies, employee benefits, etc.

Rooney stated the sanitation rate is not included in this ordinance stating that increase will be incorporated into the new joint resolution setting sanitation rates listed in this agenda, Resolution No. 23-013. He stated that Resolution incorporates a rate that is 4% higher which is the cost of the increase coming from OEMA. He stated the CPI rate increase is in the sanitation resolution as well, so Staff will be recommending an increase that is 4.6% less than what would have been permissible.

Discussion was held regarding how this could affect future years with **Rooney** stating it is reviewed each year and depending on the MIA reserves or other problems, the CPI Index could be utilized.

MOTION was made by **Councilman Waugh**, seconded by **Councilman Sholund**, to Approve Ordinance No. 1275.

AYE: Leete, Waugh, Sholund, Grider

NAY: None

The Emergency Clause was not acted upon due to the lack of Councilmembers present.

I. MATTERS FOR EXECUTIVE SESSION:

None.

J. ADJOURNMENT

MOTION was made by **Councilman Sholund**, seconded by **Councilman Leete**, to adjourn.

AYE: Leete, Waugh, Sholund, Grider

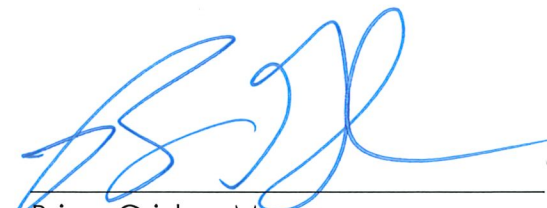
NAY: None

The meeting was adjourned at **7:31 p.m.**



Attest:


Lisa Martin, City Clerk


Brian Grider, Mayor