MUSTANG CITY COUNCIL
JULY 12, 2022

The Mustang City Council met in regular session on Tuesday, July 12, 2022, at 7:00 p.m. in the Mustang Municipal Building Council Chambers. Notice of the meeting was posted as required on Friday, July 8, 2022, at 10:50 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 Jeremy Davis, Associate Pastor, First Baptist Church Mustang.

Pastor Davis led the assembly in the Pledge and Invocation. He stated he has been the Associate Pastor at the First Baptist Church since March stating he grew up in Mustang and graduated from Mustang High School and was great to be back home. He said he leads the college ministry class stating they average about 40 students stating he felt that was a healthy number considering there were no colleges in Mustang. He stated he also leads other ministries as well as taking over the adult education at First Baptist stating the church was growing.

C. ROLL CALL

Councilmembers Present: **Ray**
Leete
Wald
Waugh
McKenzie
Sholund
Grider

Councilmembers Absent: **None**

D. INTRODUCTION OF GUESTS/HEARING OF CITIZENS OR DELEGATES

Angela McKenzie, 639 W. Linden Dr., addressed the Council regarding fireworks stating she understands it is a celebration, but has concerns regarding how it affects others such as animals, people with PTSD, elderly, children, etc. She stated people are not abiding by the timeframe in the ordinance stating if the ordinance could not be regulated, then perhaps shorten the number of days or lessen the number of hours fireworks are permitted.

Mark Rehbine, 6717 S. Frisco Rd., addressed the Council stating he had conducted a seven month investigation at 620 S Frisco Road (property owned by Teddy and Nadia Parker) stating there were various nuisances created endangering the comfort, health and safety of others. He gave the following examples: 1) a fence being erected in violation of code without an application or permits; 2) construction of a metal structure without plans, application or permits; and 3) conducting business from the metal structure in violation of code.

Harry Weatherford, 1107 N Morgan Rd., addressed the Council stating the City needs to invest in new speakers and sound system as you cannot hear what anyone says stating he even sits in the front row.

E. NEW BUSINESS, DELETIONS OR CONTINUANCES TO THE AGENDA

None.

H. CONSENT AGENDA

F.1 Approval of 06/07/2022 City Council Minutes.
F.2 *Claims List for FY2022.
F.3 *Claims List for FY2023.
F.4 *Approval to Turn Past Due Utility Accounts over to Collection Agency.
F.5 Approval of Resolution No. 23-001 making Changes in the Library Fund Budget by Making a Supplemental Appropriation to Increase the 2022-2023 Fiscal Year Budget by $9,772.
F.6 Acceptance of a New Park Bench In Wild Horse Park Adopted by Clara McVay through the Mustang Parks and Recreation "Adopt a Bench" Program.
F.7 Acknowledgement of Transfer of City Property, Glock Mod. 17 9mm S/N BGEU915, to Sergeant Nathan Petts, Comm. #354 upon his resignation in good standing effective June 25, 2022, after more than 7 years of honorable service to the City of Mustang, which has been the historical past practice of the Police Department.
F.8 Approval to Renew Excess Workers' Compensation Insurance with Midwest Employers Policy.

MOTION was made by **Vice Mayor Ray,** seconded by **Councilman McKenzie,** to Approve the Consent Agenda Items F.1 thru F.8.

AYE: Ray, Leete, Wald, Waugh, McKenzie, Sholund, Grider
NAY: None

G. INFORMATION/REPORTS

G.1 City Manager Report

City Manager Rooney reminded Council of the Work Session scheduled for July 26th at the Police Department Community Room.

G.2 Oath of Office for Police Officer Michael Bobbitt

Police Chief Groseclose administered the Oath of Office to Officer Michael Bobbitt.

G.3 City Council

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

Vice Mayor Ray thanked the Planning Commission members in attendance for their hard work and told them they were appreciated. He stated Coach Walker, Cheer Head Coach, thanked the City for their support in regards to fireworks stating they sold over $22,000 which would help purchase uniforms and help members who may not be able to afford certain parts of the program. He stated the Cheer team had over 30 students and parents cleaning in the park.

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

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

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

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

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

Mayor Grider stated he received some emails regarding the rezoning item tonight and stated he did not receive any comments or calls regarding fireworks.

H. DISCUSSION ITEMS

H.1 Consideration of Municipal Lease/Purchase of Ten (10) Police Vehicles with RCB Bank for a Three (3) Year Term; documents to include, but not limited to, Lease/Purchase Agreement, Resolution No 23-002, and Statement of Essential Use; and Authorizing Staff to Execute Documents.

Police Chief Groseclose stated this was the standard information to purchase police vehicles including all equipment. He stated RCB Bank was the only bank who would guarantee the interest rate through July 12th.

Councilman Wald asked if another bank had a lower rate with **Groseclose** stating one was a quarter of a percent lower, but would not lock in the rate through July 12th.

MOTION was made by **Councilman Leete,** seconded by **Councilman Sholund,** to Approve the Lease/Purchase of Ten Police Vehicles with RCB Bank for a Three Year term, documents to include, but not limited to, Lease/Purchase Agreement, Resolution No. 23-002, and Statement of Essential Use; and Authorize Staff to Execute Documents.

AYE: Ray, Leete, Wald, Waugh, McKenzie, Sholund, Grider
NAY: None

H.2 Public Hearing and Consideration of Ordinance No. 1261, an Ordinance of The City of Mustang, Oklahoma, Amending the Zoning Ordinance of The City Of Mustang, Oklahoma, as Amended, to Change Certain Property Located in Canadian County, Oklahoma, from "A-1" General Agricultural and Oil and Gas District to "C-3, R-1 and R-2 PUD", Commercial General, Single Family and Two Family Planned Unit Development District and, Declaring Repealer; Providing for Severability; and Declaring an Emergency.

Senior City Planner Conner provided background information on this property stating the developer, STK Development, was requesting to rezone a 160 acre parcel from A-1 to a Mixed-Use PUD. He stated the request went before Planning Commission four times beginning November 9, 2021, stating the Planning Commission in their June 14, 2022 meeting ultimately made a recommendation to approve the Rezoning Application with the contingency that all of the City Attorney's comments from the May 10, 2022 Staff Report, excluding the issues already addressed, be added and that the medical marijuana related aspects and monument only signs be addressed in a new PUD Design Statement. **Conner** provided an overview of the Development Design stating there would be four different tracts: 1) C-3 Commercial; 2) R-1 Single Family, minimum 7,200 SF lots; 3) R-2 Two-Family (Duplexes) with 55+ age restriction; and 4) R-1 Single Family, minimum 8,200 SF lots.

Conner provided zoning and uses of nearby property, the Character of Neighborhood, and stated the Long-Range Plan calls for Small Density Residential Development in this area stating the PUD does in some ways conform to the plan. He stated public water and sanitary sewer is available to serve this property and the roads will also be public and will feature a collector street that will intersect Morgan Road and SW 59th Street with a light curved 60 foot ROW, 32-ft wide street, and an 8 ft sidewalk/trail. **Conner** stated not including the separate oil and gas well entrance on the far southwest corner of the property, there will be two entrances off Morgan Road and three entrances of SW 59th Street stating the commercial area will have an interconnected parking lot.

Conner stated the City received a petition in opposition of the development signed by more than 50% of properties within 300 feet; therefore, requiring a 3/5 majority vote to pass. He stated several residents attended the Planning Commission meetings in protest to the development with concerns being additional traffic, privacy, strain on infrastructure, and the impact on Mustang Public Schools to name a few.

Councilman Sholund asked how many houses would be included in this development with **Conner** stating approximately 400-450 dwelling units total.

Councilman Wald asked about the square footage of the houses with **Conner** stating Code provides minimum lot sizes, but does not address house square footage stating the R-1 tracts would have minimum lot size of 7,200 SF for one tract and 8,200 SF for another tract.

Councilman Waugh asked if the property was developed as just R-1 with 7,200 SF lots, how many houses could be placed on 160 acres. **Conner** stated it could exceed 400 lots.

Councilman McKenzie asked if the lots were acre lots and if it was a gated community with **Conner** stating the lot sizes have a minimum 7,200 SF in one tract and 8,200 SF in another tract and stated the duplexes and the 8,200 SF lot tract would be gated stating the vast majority of the streets in the gated areas are private.

Sholund asked how the City can ensure the duplexes rent only to those 55+ with **Conner** stating the restriction would be part of the PUD Design Statement.

Waugh asked if the duplexes would be leased out and/or owned by one entity with **Conner** stating the PUD cannot specify, but the indication from the application is there would be one leasing agent and would also take care of the property.

Derek Turner, Turner & Co., 3856 S. Boulevard, Suite 240, Edmond, OK, on behalf of the Developer, addressed the Council and provided a PowerPoint presentation of the proposed property. He stated it would be called The Vineyard, 160 acres on Morgan and SW 59th Street. He stated the two oil platform areas would be going away stating there would be two active wells left and have planned around them. **Turner** stated the total lot count was 362 including the duplexes stating one R-1 tract would have a 7,200 SF minimum lot size with the other R-1 tract having a 9,000 SF minimum lot size stating the larger lot size tract would be gated as would the duplexes tract. He stated the collector street is a public street making it a wider street and no homes on it. He stated the Developer agreed with the neighbors behind the larger R-1 tract regarding privacy stating the houses would be no more than one and one half stories and would include a six foot privacy fence.

Turner stated the duplexes would have a 55+ age restriction stating this can be legally restricted and there would be one company owning, maintaining, and leasing. He stated the Commercial tract would not include big box type stores or a strip mall, but would be specialized retail, restaurant, office space and possibly a daycare stating it would be a place for people to gather and would have a play area as well as a dog area.

Turner stated there would be a couple of walking trails and stated there would be two entrances off of Morgan Road and three entrances off of SW 59th Street. He stated the HOA would maintain the complex. Turner stated the Developer was requesting a variance for a 15 foot rear yard setback for the duplexes instead of 20 foot and discussed the façade of the duplexes.

Waugh asked if the streets could include speed tables to help slow down any traffic cutting through the development, and asked if the streets on the north and west side be three lane. **Turner** stated he would think the three lanes would be mandatory and stated installing speed tables would be fine with them.

Wald asked if the same well operators were still there with **Turner** stating there were two. **Wald** also asked if they damage the roads, will they repair them with **Turner** stating they would be required to repair them and stated there were radius requirements stating the Developer was accustomed to working around that.

Waugh asked if the fencing on the south side was just for that area or for the whole length. **Turner** stated currently for just that area as there are a lot of trees and best to leave those stating if required, however, the fencing could be extended.

Mayor Grider opened the Public Hearing.

Mr. Don Hubbs, 2019 E. Ensey Terr., addressed the Council stating he was opposed to the rezoning as it will increase traffic, impact the schools, and put a strain on the infrastructure. He stated the petition was signed by 700 people within 300 feet of the property, but did not know it could go further than the 300 feet; if so, may have been closer to 1,000 signatures. He stated the Developer is here for one reason only and that is to make money and then will be gone stating the residents put you in office and you are there to take care of us, not him. He stated he knew someone would want to do something with that property, but an additional 416-417 houses was not appropriate.

Ms. Arlene Randall, 1631 E. Twin Brook Terr., addressed the Council stating she was opposed to the rezoning. She stated the number of houses was too much for that area stating Prairie View Elementary was over-crowded now. She stated SW 59th Street has hills and blind spots making it dangerous for the children at the bus stops and increasing the number of cars traveling there would be even worse. She stated a development such as Bittercreek would be more appropriate. She stated she was an attorney and would not open a business in their commercial tract as the traffic was too heavy.

Ms. Wendy Ripley, 330 N. Morgan Rd., addressed the Council stating she was opposed to the rezoning. She stated she walked the neighborhoods getting signatures for the petition stating a lot of homes in the area are already going up for sale as they do not want to stay in that area. She stated when looking at Google, it states Mustang is a good place to live and very safe, but states it is crowded. She stated Mustang as of the 2020 census shows 20,000 plus residents in 12 square miles stating Yukon has 27,000 plus, but is twice the size of Mustang, and adding 400 plus homes would make it even worse and cause more issues with infrastructure. She stated putting commercial on the corner was not a good idea as Oklahoma City will put in an OnCue or something across the street. She was also concerned about the duplexes stating it looks great on paper, but like Canadian Estates who used to have an HOA, there is no guarantee that the leasing company will remain around and we need to look at the future. She urged Council to look out for the residents of Mustang and vote no.

Hubert and Jean Daniel, 413 N. Morgan Rd., addressed the Council stating they were opposed to the rezoning. Ms. Hubert stated they live near the new development, Arbor Creek, which added 200 plus homes to the area already and now this development would add an additional 400 plus homes stating 600 homes was too much. She stated traffic is a nightmare now and would be even worse with this development and would change the face of Mustang. She stated the Mustang Comprehensive Plan begins with the word "Imagine" and asked everyone to ask themselves, what were they thinking when they said that. She stated to look 10 years from now and see what you have done and will see the hardships all of these developments are causing. She urged Council to work with the Developer to do something great with this property as it is 160 acres; that something much better than an additional 400 homes could be done there.

Ms. Desiree Webber, 322 N. Country Club Terr., addressed the Council stating she was opposed to the rezoning stating she has lived in Canadian Estates for 19 years. She stated Morgan Road and SW 59th Street are both two lane roads and adding 400 additional houses would create an additional 800 vehicles driving through the community each day and would be too much and too hard on the City's infrastructure. She stated she was asking Council, as our elected officials, to vote no stating the school district is behind now on the number of schools needed and this could create an additional burden on property taxes. She stated she loves this community, that it is very supportive and would like to keep it this way.

Mr. Harry Weatherford, 1107 N. Morgan Rd., addressed the Council stating he was opposed to the rezoning stating it took over seven months to come out of Planning Commission and in every meeting, people spoke against the rezoning, that no one was for it. He stated first, Planning Commission is supposed to look at traffic, which did not happen, and second, Planning Commission is supposed to listen to the citizens and provide to Council the finding of the citizens who are the owners of this City. He stated Planning Commission still voted to send to Council with approval of the rezoning even though the citizens said no. He stated he spoke to the Fire Marshall who stated they do not look to see if the development complies with Fire Code until it goes through Planning Commission and Council and will make changes if required. He stated more roads are also needed. He also stated it was not right to disregard the citizens stating it was all no's asking where does Planning Commission and Council find to say yes.

Ms. Melissa Griffin, 10117 S. Morgan Rd., addressed the Council stating she was 1,000% opposed to the rezoning stating she has five children, with three who graduated from Mustang schools and two being seniors now. She stated the high school is over-crowded now and if you have never seen the stairwells between classes, you should, as you would be shocked on how crammed in they are. She stated traffic is terrible now and would bring in more children to the schools. She stated her son drives from the Heights to Bricktown every day and will add an additional hour to his commute stating everyone drives backroads to try and get anywhere. She stated driving the backroads can be dangerous stating her husband was almost killed at the intersection of SW 89th Street and Sara Rd. She stated Council needs to think things through stating Mr. Turner lives in Edmond, this does not affect him, only benefits him, but not us. She stated she loves this town and prays Council takes serious consideration in all of this on how it affects our lives stating our future was at stake. She stated to solve current problems first before considering adding more.

Mr. Steve Webber, 322 N. Country Club Terr., addressed the Council stating he was opposed to the rezoning stating Council represents the people of Mustang and he agrees with all the comments said. He stated he remembers Mustang 10-15 years ago and the sign coming into Mustang states "Mustang, a City with a Vision" stating he hopes this is not the vision. He stated this could create another 1,500 cars on those two roads and urged Council to vote no, stating this is where we live.

Ms. Jane Jones, 1315 N. Locust Terr., addressed the Council stating she was opposed to the rezoning stating she has lived in Mustang for 10 years. She stated "City with a Vision" speaks volumes and stated she hopes each Council Member goes out and drives this area and sees the hills on SW 59th Street, the blind spots, the school bus stops, then picture the 160 acres with all the houses, buildings, all on two lane roads. She stated to picture this in your mind. She stated cramming so much into it will change the dynamic and does not want people to say we had it perfect, the perfect rectangle, then we cram it full. She stated that is not living, not quality, not how the people want it. She stated Council represents us and to think about that when you vote and thanked Council for representing them.

Mr. Jeff Landrith, 611 S. Ebeling Dr., addressed the Council stating he was opposed to the rezoning and Council needs to balance the needs of the Developer with the needs of the citizens. He stated the density seems to be too high to support this and asked if fire trucks or school buses could turn around stating it is almost impossible to get out on those streets. He also stated the Developer may tell you something and be untrue stating "would", "should", means nothing unless it is part of the motion.

Ms. Monica Russell, 1600 N. Locust Terr., addressed the Council stating she was opposed to the rezoning and agreed with what has been said by everyone this evening stating she knows at some point, this land will be developed, but now is not the right time. She stated the schools cannot handle it, nor can the infrastructure. She stated Council needs to address the issues we have now first.

Mr. Turner stated issues regarding school buses, fire trucks, access points, etc. are well addressed by Mustang Codes stating they are the best as any community they have worked in and stated they spent several times going back and forth with Planning Commission, making changes to get it right. He stated everything that has been said is in that document and is filed of record stating it will be lived up to. He stated 530 plus houses could be built on the property as it is currently zoned stating they are proposing approximately 362 homes and stated a large part of the development is designed for people with no children. He stated the development as they are proposing, would have about half the number of children attending school as what it could be under the current zoning. He stated the development would be laid out as stated in the plan stating it had been thoroughly thought through and easy to follow stating they would meet and abide by those plans. **Turner** stated they are the owner of the property and requested Council honor them as the owner of the property.

Mayor Grider closed the Public Hearing.

Councilman Sholund stated although the application does conform to some of the Long Range Plan, the majority of it does not as it calls for small density. He stated another development had already been approved on Morgan Road adding 212-214 houses and with this one adding an additional 400 houses, that is a total of 600 more homes. He stated with two cars per home, that's an additional 1,200 vehicles on the roads. He stated he lives in Prairie Hills and is only a matter of time until a disaster happens with the school being right there. He stated vehicles come speeding over the hill stating there is a crossing from the neighborhood crossing 59th Street to the school, he's afraid something terrible will happen. He stated with the current infrastructure on SW 59th Street and Morgan Roads, he was not in favor of this rezoning application and will vote no.

Councilman McKenzie stated the City already has issues with infrastructure and this will add more. He stated his wife has to go a different route home now from work and cannot get home at her normal time and this will only make it worse. He stated the added traffic and people having to deal with it is not good and would be voting no.

Vice Mayor Ray thanked the Developer for continuing to work with Planning Commission stating they could have gone around them and to Council a couple of months ago, but instead, chose to work with them. He stated he understands the concerns stating when Prairie Hills was developed, people were probably against it too. He said he liked the look of the homes and the plans look well done, but does understand the concerns with traffic. He stated growth is going to happen and never will be able to make everyone happy stating people need a place to live. **Ray** stated Oklahoma City will not stop building and Mustang would consume that traffic and stated with children living in Mustang, they are guaranteed to go to Mustang schools stating he is raising his boys here. He said on the commercial side, he did feel it would be a good location for a small business as they would be supported by traffic. He stated it was one of the best development plans he has seen and would not be opposed.

Councilman Waugh stated he was on Planning Commission before being appointed to Council stating it was rare that the Commission ever saw a development with a total of 160 acres stating it is usually divided in sections. He stated this development is a 10 year plan and in that 10 years, streets will change. He stated with a PUD, everything about that development is written down and gave the example of no marijuana businesses stating it will be there for eternity. He stated it was a great plan worked out by Planning Commission with the developer stating it could be worse and could include a lot more housing and density. **Waugh** stated he attended three of the four Planning Commission meetings and was impressed with Planning Commission and their thoroughness and will be a very good development. He stated the property will be developed and could be a lot worse. He stated he was for the rezoning.

Councilman Leete asked the approximate timeline with **Turner** stating approximately 10 years.

Leete asked if the money associated with new homes go to the schools with **Grider** stating yes, directly to the schools, none to the City.

Ray asked if a daycare would be available with **Turner** stating it depends who goes in to the commercial spaces. **Ray** stated it would be good to have daycare available on that side of town.

Sholund stated if it is to be a premier development, then let's make it the best we can make it, but stated he does not see it with this.

McKenzie asked what was the ratio of Police Officers to residents with **City Manager Rooney** stating the numbers from the recent census were not in, but currently, the City is within recommended number of Officers per people.

Ray stated Fire Station No. 2 should be completed within a year.

Leete stated he ran for Council by, for and of the people and hears everyone. He stated something will come into that property and would expect Morgan to expand.

Rooney stated eventually all section line roads would see all four lanes with lights stating 59th and County Line roads were Oklahoma City responsibility.

Leete stated something is coming to that property eventually and it is Council's responsibility to make the best we can for the residents. He stated ideally, he wished they were all still dirt roads, but knows expansion is coming. He stated this went to Planning Commission four times and has been adjusted to Planning Commission's requests. He stated he has had a difficult time with this one stating he does not know if it could be made better.

Councilman Wald stated from where this application started until now, it was originally appealed and then pulled back and the Developer pursued it the correct way. He stated as a landowner and developer himself, this is a very nice development. He stated he knows a lot of people are against duplexes, but there are also a lot of people trying to get into those stating it is mostly older people with one vehicle. He stated he likes the commercial tract and the outdoor area and gathering place feel.

Leete asked if speed tables could be required with **Waugh** stating it would need to be a part of the motion and would also suggest adding the entrances/exits having three lanes.

Sholund stated using Prairie Hills as an example, the developer sells off lots to different developers and may look grand, but then again, may not be. Some will just meet the minimum requirements.

Wald stated the Developer still must meet the requirements in the PUD.

MOTION was made by **Councilman Sholund**, seconded by **Councilman McKenzie**, to Deny the Application.

AYE: McKenzie, Sholund,
NAY: Ray, Leete, Wald, Waugh, Grider

MOTION was made by **Councilman Waugh**, seconded by **Councilman Wald**, to Approve the Application with the following Stipulations: (1) Speed Tables be included as well as (2) the Entrances and Exits being Three Lanes off of Morgan Road and off of SW 59th Street.

Discussion was held regarding if the number of speed tables should be stated.

City Attorney Miller gave the recommendation the number of speed tables be stated as well as speed table construction specifications stating this could be left up to the discretion and approval of the Community Development Director if desired or Council may specify the construction specifications.

Councilman Waugh amended his **MOTION,** seconded by **Councilman Wald,** to Approve the Application with the following Stipulations: (1) Two Speed Tables be included and the Construction Specifications of the Speed Tables be left up to the Discretion and Approval of the Community Development Director; and (2) the Entrances and Exits be Three Lanes off of Morgan Road and off of SW 59th Street.

AYE: Ray, Leete, Wald, Waugh, Grider
NAY: McKenzie, Sholund

Mayor Grider called for a five minute break and called Council back into Session at 8:51 pm.

H.3 Public Hearing and Consideration of Special Use Permit Application SUP-5-17-22-1-30, 524 N. Frisco Road, Lion's Club of Mustang, in R-E Rural Estates, Requesting Use as Civic Headquarters and Public Event Center.

Senior City Planner Conner stated this Special Use Permit (SUP) was requested by Rob Estes on behalf of the Mustang Lion's Club, to allow the use of a Civic Organization Headquarters and Public Event Center on the R-E, Rural Estates District zoned property located at 524 N. Frisco Road. He stated the building is 3,200 square feet and built in 1982. The Lion's Club obtained ownership of the property by deed in 1965 and includes a water feature (pond).

Conner stated the Lions Club wants to utilize the property as their official headquarters for meetings and for events open to the public sponsored by the Lion's Club as well as to rent the facility and grounds to third parties for private events. He stated these uses are not included as permitted uses in any zoning district within the City and is the reason this applicant has requested a SUP. **Conner** stated over the past several months, there have been public events sponsored by the Lion's Club held at the location as well as private events held by persons renting the facility and grounds. He stated the adjoining property owner to the North has submitted complaints and opposition to the use of the building and grounds for any type of gathering/public event space stating they believe the area should be residential use only and object to the continued use of gatherings/events such as fishing derbies, weddings, etc.

Conner stated Council may make stipulations to the SUP, if approved, and stated the SUP would be reviewed by Planning Commission and Council every two years. He also stated the SUP stays with that property owner only so if the property was to change hands, the SUP would no longer continue to exist and the new property owner would have to apply for a new SUP.

Conner provided the Character of Neighborhood and the Zoning and Uses of Property nearby and stated the Long Range Plan calls for Small Residential Use of this property and surrounding properties. He stated the property has been owned by the Lion's Club for a few decades, predating some zoning ordinances and has been used for civic meetings and a small number of sponsored events open to the public as well as rented out by the Lion's Club for private events and gatherings.

Conner stated the Planning Commission voted to approve the SUP with the following conditions:

- There will be allowed both events open to the public and private events/gatherings rented out from the Lion's Club on the property;
- There will be no limit to the amount of public events as long as special event permits are obtained per the City's current practice;
- The building has to pass inspections suitable for the use of the public for building codes, fire codes, and safety codes;
- The sealed surface parking for ADA spaces (1 per 25 parking spaces) and ADA ramps and railings have to be installed prior to the two year evaluation period.

Conner stated Staff's recommendations to Planning Commission was to approve the SUP for the Civic Organization Headquarters and a small number of Lion's Club sponsored events, with attention to special requirements such as the following examples:

- The building or grounds shall not be rented out or otherwise made available for private events or gatherings within the building or on the grounds of the property. Any use shall be limited to official Lion's Club sponsored events and gatherings;
- There can be a maximum number of four events per year open to the public and sponsored by the Lion's Club;
- The building must pass inspections for compliance with the current building, fire and other applicable codes and life safety features;
- Inspection of the private water well by a 3rd party contractor;
- Inspection of the private septic system by a 3rd pary contractor;
- Sealed surface ADA accessible parking spaces – 1 per 25 parking spaces;
- ADA accessible ramps and railings into the building

Conner stated Staff did not recommend approving the facility or grounds on the premises for private events/gatherings as this would not match the character of the surrounding area, which is predominantly, if not 100%, residential in use.

Councilman McKenzie asked if the City has a copy of the lateral lines on that facility based on the septic with **Conner** stating he did not recall seeing that in the file. **City Manager Rooney** stated they could possibly be available through the Health Department, but was not sure about that.

Vice Mayor Ray stated he knows the City will be informed when those inspections have been approved, but will Council be informed with **Rooney** stating that can be made a requirement if wanted.

McKenzie asked if any inspections had been done at this time with **Conner** stating none during this process, but prior to him starting work with the City, he was told there may have been some inspections completed such as fire extinguishers, exit lights, etc requiring an electrical permit be pulled.

Ray stated he understands there will be no green light until inspections are done, but asked if there was a timeline when the inspection will be done with **Conner** stating if approved, preliminary investigations, re-inspections, etc. will be performed and will begin soon afterwards.

Councilman Waugh stated Planning Commission gave them two years to install the ADA ramps and railings and asked if the SUP would still be reevaluated by this committee every two years regardless with **Conner** saying yes, no matter what, it will be reevaluated every two years.

Mayor Grider opened the Public Hearing.

Carl Hughes, 1218 E. 9th Street, Edmond, OK, legal representative for Teddy Parker, addressed the Council stating his client lives across the pond from the Lion's Club and the area is zoned residential. He stated the Parkers purchased the house believing it was a private pond and lived there for a year and a half before any activity by the Lion's Club started happening. He stated the pond is on Bennett Creek, which is a tributary, and provided information regarding tributaries and associated rights such as landowners on either side have access to the water to a certain extent. He stated the Lion's Club has car shows, fishing tournaments, people floating in inner tubes in their underwear stating it was not conducive to having children there. He stated there are two cases in District Court as well as cases in two state agencies stating one State agency and one Federal agency say Mr. Parker can remove dirt and stated this is when it all went sideways. Mr. Hughes stated the property has always been zoned private stating the City tried to put restrictions on the SUP and Planning Commission took them off and basically rezoned it commercial stating this allows the Lion's Club to do what they want in my client's backyard. He stated with this SUP as approved by Planning Commission, the Lion's Club can have a large amount of people on the property and lined around the pond stating they litter his client's side of the pond and is not good.

Glenda Jennings, 1839 W. Laura Dr., addressed the Council stating her husband Bob Jennings was a very active member of the Lion's Club over the last 40 years. She stated he helped to keep the building and property in good shape and stated for over 40 years, the property was used for events. She stated her husband made a good connection with the schools and eye doctors in order for the Lion's Club to be able to provide glasses for students.

McKenzie asked if those were public or private funds and were they running as a business with **Ms. Jennings** stating she did not know, as she was not a member, he was and he handled all of it.

Barbara Leatherwood, 927 Hampton Circle, Yukon, OK, addressed the Council on behalf of the Lion's Club and provided background and historical information regarding Lion's Club nationwide. She stated the Lion's Club provides services to others and supports the community and neighbors. She stated this property provides a place for the community to meet and gather stating they are blessed to have this building. She stated rental funds raised go to public services and towards community projects stating the Lion's Club does not pocket any of it. She stated our Constitutional Amendments provide the right to peacefully assemble and the right to be secure when we meet. She stated the Lion's Club has complied with the recommendations requested stating an ADA inspection was performed yesterday and are currently in the process of having the water and septic inspected. **Ms. Leatherwood** also stated she could obtain the lateral line report from DEQ and will provide it to the City. She stated it was not Council's job to decide if we can meet, but how to meet and in a way for it to work for everybody stating they have been meeting since the late 60s, early 70s, stating the reason there was no activity over the last couple of years was due to Covid.

McKenzie asked how the Lion's Club can make it work with the Parkers with **Ms. Leatherwood** stating they have to come to a meeting of the minds stating they did not have a problem with them using the lake, but they need to understand the Lion's Club owns the property and needs to be able to use it.

McKenzie asked if the Parkers have rights to the lake too with **City Attorney Miller** stating this is an issue pending in District Court and advised not to discuss.

Victoria Workman, 808 N. Frisco Rd., addressed the Council stating she lives 400 feet from the property. She stated the Lion's Club received the property in 1965 stating the deed stipulates it be used as a public park; however, the Lion's Club has posted No Trespassing signs throughout it not allowing any public use whatsoever. She stated with the rental of the property, it increases traffic, people speeding, disturbing neighbors, flying drones in our yard, disrupting everyday life, stating it is not good. She stated she did not have confidence in the inspections being done and that the building was a safety hazard. **Ms. Workman** stated the Lion's Club did kind of solicit the neighbors for membership at $170 per person stating with the membership, they could use the pond, but the deed states the property will be used as a public park. She stated other clubs meet in churches or restaurants so there are other places to meet stating this was not conducive to a residential area.

Gary Haines, 110 N. Frisco Rd., addressed the Council stating the Lion's Club has been in that location at least since 1972 stating they have always done city projects and gave examples. He stated there had not been any complaints or problems until in the last four years, so what is the difference from 1972 to the last four years. He stated he has not seen any issues or any issues with partying or anything else.

Jennifer Southern, 321 W. Maple Branch Way, addressed the Council informing *Councilman McKenzie* she had a corrected 501C3 for him and anyone else that would like a copy as well as copies of the inspections and the lateral line report. She stated *Councilman McKenzie* asked earlier what we could do to make peace with the Parkers stating the Lion's Club has had a lot of issues with Mr. Parker and provided examples such as gun threatening, running boats over fishing lines, moving the fence, and taking videos of moms and their children fishing, stating stopping the harassment would help. She stated the City has the right to decide if the Lion's Club can rent out the building or not, but would urge the Council to still allow the public to come out and fish. **Ms. Southern** stated Planning Commission voted in favor of approving the SUP with some stipulations asking why the Council would vote against their Planning Commission. She stated as for the No Trespassing signs, those were put up after Mr. Parker threatened others with guns and were put up to keep him off the property and stated people fish out there all the time that are not members.

Stacey Puckett, 608 N Bluebird Way, addressed the Council asking why Staff would go against the Planning Commission with **Mayor Grider** stating Staff made a recommendation first to Planning Commission and Planning Commission also made a recommendation stating Council has both in front of them.

Ms. Puckett stated she spoke with *Councilman Waugh* stating the Lion's Club, which is a non-profit organization, is a good steward to this community. She stated penalizing the Lion's Club on behalf of a few neighbors would be a detriment to the community and stated if the community is looking for growth in community spirit, the Lion's Club is that.

Mark Rehbine, 6717 S. Frisco Rd., addressed the Council stating he has lived there for 36 years and has seen it all. He stated he felt the best way to address the issue was to request it be rezoned with **Grider** stating that was not the request before Council this evening.

Mr. Rehbine stated he supports the Lion's Club and wants it to stay. He stated the fence erected by the Parkers make the property look like a compound, although not installed legally.

Karen Stone, 800 N. Frisco Rd., addressed the Council stating she lives about 100 yards to the north of the Lion's Club stating it was basically dormant up to about three years ago. She stated about three years ago, Lion's Club representatives stopped by and wanted to get the club restarted and elected officers and started improving the property. She stated the Planning Commission had concerns there were not enough places to hold private events stating she does not agree. She stated Mustang has done well and there are places to hold private events such as at the Community Center where you can meet indoors or outdoors, churches, and the Masonic Lodge. She understands there are nostalgic feelings from days past, but now you cannot let children be on the pond or anywhere by themselves. **Ms. Stone** stated she was disappointed with Planning Commission for ignoring Staff stating she stands by the Staff's recommendations including they bring the property to a certain standard and no private events.

Margaret Rehbine, 6717 S. Frisco Rd., addressed the Council stating she lives across the street from the Lion's Club stating the Lion's Club is a benefit and is nice to see it come back to life. She stated over the years, the Lion's Club has provided the lake and property to others in the community to enjoy stating it was nice to see fathers with their sons fishing. She stated all the residents who have lived where the Parkers live now have never had an issue with the property or the Club. She stated they have not had any issues with traffic, people bothering them, or noise. She questioned why the Parkers felt there was a safety issue to them since they have that large fence where people could not get over to them. **Ms. Rehbine** stated they have people coming to their house looking for the Parkers and trying to collect money. She stated the Lion's Club has been there for a long time and working hard to get the property built back up and asked Council to let them use it. She stated they charge a fee to be a member, but stated all clubs do.

Councilman Sholund asked if there was a fee charged to fish with a representative from the Lion's Club stating no, just a membership fee stating any civic organization has that fee.

Ms. Workman stated the sign on the property states only active members may fish with a Lion's Club representative stating that was not true.

Nadia Parker, 620 N. Frisco Rd., addressed the Council and provided examples of what has changed in the last three years such as the Lion's Club President. She stated she has nothing against the Lion's Club wanting to serve the community, but that there were a few of them wanting to harass her family and herself. She stated the Lion's Club was served with a cease and desist letter stopping events until a permit could by obtained stating the Lion's Club has not complied with the letter and people are still being invited to the property. She stated she was advised to take pictures and recordings to show how they were not complying with the letter. She stated drones fly over their property after 9:00 p.m. and people are purposely taking their boats to their deck and jumping on and off of it as late as 8:00/9:00 p.m. **Ms. Parker** stated at this point, she is concerned for their safety and she and her children mentally cannot take it anymore. She stated if Council lets the Lion's Club do what they want to do, they will feel they can legally keep on harassing us stating they have asked the Lion's Club to put it behind us and be good neighbors, but they do not want peace.

Justin Davis, 400 N. Frisco Rd., addressed the Council stating his property abuts to the south side of the Lion's Club property stating his family has lived there for over 40 years. He stated he grew up fishing there and have had events on the property for as long as he can remember. He stated speeding vehicles in that area is not due to Lion's Club events, they are there regardless and stated he has never had a noise problem, people on his property, nor a problem with privacy while holding events.

McKenzie asked if there was noise from the fishing events with **Mr. Davis** stating no, and also not from the car show. He stated you can sometimes hear people talking, but can hear that on other streets as well.

Jeff Landrith, 611 S. Ebeling Dr., addressed the Council stating he was not sure why the Lion's Club property was not grandfathered in stating they had been there and holding events for decades and before Mustang became a City. He stated he could prove events have been happening at least since the 70s stating he has photos to prove it. He stated the property has been used as a public community space with the Club for decades. **Mr. Landrith** also stated he has fished there, taken his children to fish there, and has never seen or heard of any wild parties stating the property is a community place and the Lion's Club is a non-profit and trying to operate and has been this way 50 plus years.

Scott Brown, 809 W. Cabillo Way, addressed the Council stating he was the Boy Scout Leader for Boy Scout Troop 396 stating the Lion's Club approached him about helping to clean up the property stating the Scouts did. He stated he built a relationship with the Club stating it has been a benefit for them all where the Scouts help clean the property and the Lion's Club provides us with use of the building. **Mr. Brown** stated he tends to judge people by Scout oath and law and stated the Lion's Club stands up to it. He stated the Lion's Club is community oriented and helps other organizations.

Mr. Teddy Parker, 620 N. Frisco Rd., addressed the Council stating his property is the only one in the room that is affected as it directly adjoins the Lion Club's property stating other neighbors are so far out and covered with trees, they do not hear the noise. He stated a couple of Council Members came out and looked at the property and they understand what he is talking about. He stated the Lion's Club was nonexistent when he bought his house and there was privacy stating soon after the purchase of his house, the Lion's Club President, Rob Estes, came into tenure. **Mr. Parker** stated he helped Mr. Estes to clean out the property and trees, to grind stones, etc., and paid for it personally to help as a good neighbor stating the Lion's Club turned into a bad neighbor. He stated Mr. Estes asked him to run people off the property stating he did not mind as his property is 84 feet from the Club's property. **Mr. Parker** then read a text from Mr. Estes dated June 13, 2020 stating it would be great if he (Mr. Parker) would like to put up a fence stating the Lion's Club did not have money to help pay for it, but would try to help. **Mr. Parker** stated Mr. Estes wanted him to put up a fence to keep people from trespassing stating it has always been private property, not public property. He stated there were signs put up, some by Mr. Estes, some not, stating "Private Property". He stated the newspaper printed an article on all of this and had a picture in the paper with a sign that says "Mustang Members Only Fishing". He stated when the Lion's Club holds a car show, the property is only one acre and all grass, so the hot rods are on the streets burning rubber stating there is noise. He stated the lake is joint private property between the two of them and is zoned residential, single family. He also stated Mr. Estes has invited even more people to the property since the City issued the cease and desist letter stating they intimidate and harass the family. **Mr. Parker** also stated the Lion's Club has stated on their taxes they have no members and are not making any money, but stated the Club is lying as it shows they are a business and stated they are making money.

Mayor Grider stated there obviously are issues in regards to the land and is important stating, however, the issues regarding taxes is a State and Federal issue and not for Council to discuss. **Mr. Parker** stated he was trying to make the point that the Lion's Club was running a business in a residential zoned area.

Mayor Grider closed the Public Hearing.

Councilman Sholund stated the City has the SUP process to help clear issues like this, but with it being zoned R-E, if Council approves it based on Planning Commission's recommendations, he feels the City would be setting a precedent where others in the future who are zoned R-E would try to obtain a SUP in order to run a business or something like this out of their home. He stated if Council approves this SUP, he would recommend it be approved with Staff's recommendations with no private events and limiting the number of public events.

Councilman McKenzie stated he attended the Planning Commission meeting stating it was a very contentious meeting and did not like a lot of it. He stated a crack was left open and would be left open even more by allowing a SUP. He stated the Lion's Club is operating now as a 501C3 not for profit, but at the time, was listed as a private entity or business being run out of that area. He stated he could not vote for that based on the logistics of just that.

Grider stated the SUP exists for situations like this stating essentially, a SUP could be approved and if the Lion's Club wanted to, could then look at rezoning it and go through that process like everyone else.

Councilman Leete stated the Lion's Club and this property existed before Mustang was a City and there appears to be issues being dealt with in litigation. He asked if the City would have to step back with this matter being in litigation with **City Attorney Miller** stating no and provided information regarding the deeds to the Lion's Club, but stated for now, the Council should look at the property as being owned by the Lion's Club.

Leete stated he liked Staff's original recommendation if the SUP is approved.

Vice Mayor Ray stated he appreciates anyone who is part of a club or organization who gives back to the community. He stated he was in favor of the SUP with Staff's recommendations.

Leete stated he did not feel anyone intended to do wrong.

Councilman Waugh stated we cannot pick our neighbors and all have to get along and find a way to exist and coexist. He stated there are a lot of legal issues currently with the property and agrees with Staff recommendations.

MOTION was made by **Vice Mayor Ray,** seconded by **Councilman Sholund,** to Approve the Special Use Permit with Staff Recommendations.

AYE: Ray, Leete, Wald, Waugh, Sholund, Grider
NAY: McKenzie

Mayor Grider called for a three minute break and called Council back into Session at 10:08 pm.

H.4 Consideration of Ordinance No. 1262, an Ordinance of The City of Mustang, Oklahoma, Amending Chapter 18, Article II, Section 18-33B(12) to Remove Ice Barrier Underlayment Requirement for Purposes of IRC Table R302(1); Providing for Repealer; Providing for Severability; and Declaring an Emergency.

City Attorney Miller stated a few years ago, the City received notice from the Oklahoma Uniform Building Code Commission that they must adopt the requirement of an ice-barrier underlayment on all residential roofs. The City later found out this was not correct and not a State requirement, therefore, requesting it be removed from Code.

Discussion was held regarding the ice-barrier underlayment requirement.

MOTION was made by **Councilman Waugh**, seconded by **Councilman McKenzie**, to Approve Ordinance No. 1262.

AYE: Ray, Leete, Wald, Waugh, McKenzie, Sholund, Grider
NAY: None

MOTION was made by **Vice Mayor Ray**, seconded by **Councilman Wald**, to Declare an Emergency.

AYE: Ray, Leete, Wald, Waugh, McKenzie, Sholund, Grider
NAY: None

H.5 Public Hearing and Consideration of Ordinance No. 1257, an Ordinance of The City of Mustang Vacating and Closing an Easement Lying within the Southwest Quarter Of Section 25, Township 11 North, Range 5 West, I.M., City of Mustang, Oklahoma, as More Particularly Described Below; Declaring Repealer; And Providing for Severability

City Attorney Miller stated this item was continued from the June 7, 2022, City Council meeting stating the easements have still not been corrected and completed and Staff is recommending this item be continued to the August 2, 2022, City Council meeting.

Mayor Grider opened the Public Hearing.

There being none, **Mayor Grider** Closed the Public Hearing.

MOTION was made by **Vice Mayor Ray**, seconded by **Councilman Sholund**, to Continue Ordinance No. 1257 to the August 2, 2022, City Council meeting.

AYE: Ray, Leete, Wald, Waugh, McKenzie, Sholund, Grider
NAY: None

H.6 *Consideration of Contract and Bonds for Project Labeled Forster Drive Waterline Relocation.

Assistant City Manager Battles stated bids were accepted and project awarded in the June City Council meeting to Pathfinder HDD, LCC in the amount of $67,668 stating the project has a timeline of roughly 60 days.

MOTION was made by **Councilman Sholund**, seconded by **Councilman McKenzie**, to approve the Contract and Bonds with Pathfinder HDD, LLC for Project Labeled Forster Drive Waterline Relocation.

AYE: Ray, Leete, Wald, Waugh, McKenzie, Sholund, Grider
NAY: None

H.7 *Consideration of Acceptance of Bids for Project Labeled W. Forster Drive Roadway Reconstruction.

Assistant City Manager Battles stated two bids were received for the construction of the roadway for W. Forster Dr. He stated Staff recommends accepting both bids.

MOTION was made by **Councilman Wald,** seconded by **Councilman Sholund,** to Accept All Bids for the Project Labeled W. Forster Drive Roadway Reconstruction.

AYE: Ray, Leete, Wald, Waugh, McKenzie, Sholund, Grider
NAY: None

H.8 *Consideration of Award of Bid for Project Labeled W. Forster Drive Roadway Reconstruction.

Assistant City Manager Battles stated Staff is recommending award to the lowest bidder, Rudy Construction, in the amount of $298,644.40 stating the contract and bonds will be brought to Council in the August meeting. He stated he has been in contact with the school regarding the timeline.

Councilman Wald asked what the big line item was with **Battles** stating he would have to go back and look but did know mobilization was high on the bid by Silver Star Construction.

MOTION was made by **Councilman Sholund,** seconded by **Councilman McKenzie,** to Award the Project Labeled W. Forster Drive Roadway Reconstruction to Rudy Construction Co. in the Amount of $298,644.40.

AYE: Ray, Leete, Wald, Waugh, McKenzie, Sholund, Grider
NAY: None

H.9 *Consideration of Acceptance of Bids for Project Labeled Lift Station No. 4.

Assistant City Manager Battles stated this Lift Station was near Zaxby's on State Highway 152 and was identified as an area that needed upgraded in order to handle increased flow. He stated bids were received from three contractors and Staff recommends accepting all three. **Battles** stated as to the large costs, not only does this affect that Lift Station, but under Department of Transportation requirements, the City cannot have a force main in ODOT right of way, so will have to relocate that line to the south.

MOTION was made by **Councilman McKenzie**, seconded by **Councilman Waugh**, to Accept All Bids for the Project Labeled Lift Station No. 4.

AYE: Ray, Leete, Wald, Waugh, McKenzie, Sholund, Grider
NAY: None

H.10 *Consideration of Award of Bid for Project Labeled Lift Station No. 4.

Assistant City Manager Battles stated Staff recommends awarding to Young Contracting in the amount of $796,363 stating Young Contracting has won several bids in the past and Staff is confident with them.

MOTION was made by **Councilman Wald**, seconded by **Councilman Sholund**, to Award the Bid for the Project Labeled Lift Station No. 4 to Young Contracting, LLC in the amount of $796,363.

AYE: Ray, Leete, Wald, Waugh, McKenzie, Sholund, Grider
NAY: None

I. MATTERS FOR EXECUTIVE SESSION:

I.1 *Consideration of Potential Purchase and Acceptance of Permanent Easement and Authorization for Mayor and City Staff to Execute Necessary Documents to Accomplish the Same; and proposed Executive Session as Authorized by 25 Okla. Stat. 307 (B) (3).

I.2 Discussion and Consideration of DHD Corp. v. City of Mustang and the City Council for the City of Mustang, Case No. CV-2022-79, District Court, Canadian County, Oklahoma; and, Proposed executive session as authorized by 25 Okla. Stat. § 307(B)(4).

MOTION was made by **Mayor Grider,** seconded by **Councilman Sholund** to adjourn to Executive Session.

AYE: Ray, Leete, Wald, Waugh, McKenzie, Sholund, Grider
NAY: None

TIME ADJOURNED to Executive Session: **10:19 p.m.**

Mayor Grider called the meeting back into Session.

TIME RETURNED from Executive Session: **10:43 p.m.**

In reference to Item I.1 –

MOTION was made by **Councilman Sholund,** seconded by **Councilman McKenzie** to Approve the Acceptance of Utility Easement from Charlie Iman Properties and Authorization for the Mayor and Staff to Execute necessary Documents to Complete Acceptance of the Easement.

AYE: Ray, Leete, Wald, Waugh, McKenzie, Sholund, Grider
NAY: None

In reference to Item I.2 –

MOTION was made by **Mayor Grider,** seconded by **Councilman Sholund** to Proceed as Discussed in Executive Session.

AYE: Ray, Leete, Wald, Waugh, McKenzie, Sholund, Grider
NAY: None

J. ADJOURNMENT

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

AYE: Ray, Leete, Wald, Waugh, McKenzie, Sholund, Grider
NAY: None

The meeting was adjourned at **10:44 p.m.**

Brian Grider, Mayor

Attest:

Lisa Martin

Lisa Martin, City Clerk