MUSTANG CITY COUNCIL
OCTOBER 6, 2015

The Mustang City Council met in regular session on Tuesday, October 6, 2015, 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, October 2, 2015, at 2:15 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 (Terry Armstrong, Pastor, Mustang Church of the Nazarene)

Pastor Armstrong led the assembly in the Pledge and Invocation. He stated the Church had just hosted its annual 5K run with over 125 runners with 60-75% of those being from outside of Mustang so was able to bring in people from other areas to our City. He thanked the Police and Fire Departments for their assistance with the run. He also stated the Church was in the process of adding a splash pad to its campus which would be open to the community as well as adding a walking path in the near future.

C. ROLL CALL

Councilmembers Present: **Riley**
Staples
Grider
Jones
Hagan
Schweinberg
Adams

Councilmembers Absent: **None**

D. INTRODUCTION OF GUESTS/HEARING OF CITIZENS OR DELEGATES

Mr. John Winkelman, 1947 E Cottonwood Terr, Bronco Towing – addressed the Council stating last month, the Council had voted to create a rotation system for wrecker service in the City; however, the City is utilizing wrecker services outside of Mustang stating this was hurting business for the two wrecker services who actually reside in the Mustang city limits. He stated the Yukon wrecker services take the vehicles back to Yukon where the vehicle owners have to go to retrieve their vehicle and while there, may purchase gas in Yukon, eat in Yukon, etc., hurting Mustang businesses. He stated utilizing the two wrecker services in Mustang help not only their businesses, but other Mustang businesses, and keeps tax dollars in the City, plus is more convenient for the residents when retrieving their vehicles.

Mayor Adams stated he would discuss the rotation schedule with the City Manager and Police Chief and see if any changes needed to be made.

Josh Drew, 1416 E Eaglenest Terr, addressed the Council stating he was speaking on behalf of the building owner of Stage, Hibbett's, and Mattress Furniture Gallery located in the shopping center on Mustang Road and Hwy 152 stating they have a problem with one of the City's ordinances stating one ton trucks cannot park in the parking lot. He stated the Mattress Furniture Gallery utilizes a one ton truck as their delivery truck stating they had given them permission to park in the parking lot; however, it has been cited with a ticket. He asked how the company can do business if they are not able to park their truck and make deliveries to customers in the City.

City Manager Rooney stated the delivery truck parks overnight in the parking lot and the complaint was made by one of the business owners in the same area and due to the City Ordinance, a ticket had to be given.

Mayor Adams advised Mr. Drew to make an appointment with the City Manager to discuss and the City Manager will discuss with the applicable Councilmember to see if an Ordinance change was needed.

Ben VanVactor, 709 N. Chisholm Trail Way, addressed the Council stating as a member of Chisholm Trail Neighborhood Association, we would like to thank and give our gratitude to Councilman Grider and the four church youth groups for their hard work cleaning out the vegetation and debris in the drainage ditch in their neighborhood. He stated they did a great job and they are very thankful for their service.

E. NEW BUSINESS, DELETIONS OR CONTINUANCES TO THE AGENDA

None.

F. CONSENT AGENDA

1. Approval of **09/15/15** City Council Minutes.
*2. Claims List for **FY'16**
*3. Approval to Turn **Past Due Utility Accounts** over to the Collection Agency.
4. Approval of **Resolution No. 16-015** Making Changes in the Park Improvement Fund Budget by Making a Supplemental Appropriation to Increase the 2015-2016 Fiscal Year Budget by $8,052.

5. Approval of **Resolution No. 16-016** Making Changes in the General Fund Budget by Making a Supplemental Appropriation to Increase the 2015-2016 Fiscal Year Budget by $26,500.
6. Approval of **Resolution No. 16-017** Making Changes in the General Fund Budget by Making a Supplemental Appropriation to Increase the 2015-2016 Fiscal Year Budget by $20,250.
7. Approval of **Resolution No. 16-018** Making Changes in the General Fund Budget by Making a Supplemental Appropriation to Increase the 2015-2016 Fiscal Year Budget by $2,489.
8. Approval of **Interlocal Agreement** between the City of Mustang and Canadian County District #2.
9. Approval to Grant **Easement** to OG&E to Serve Community Garden Storage and Future Pavilion for Wild Horse Park.

*10. Acknowledgement of **Receipt of DEQ Permit** No. WL000009150384 to Construct Water Lines and Appurtenances for Hunter's Springs Addition, Phase I.

MOTION was made by **Councilman Grider,** seconded by **Councilman Schweinberg,** to approve Items F-1 thru F-10 of the Consent Agenda.

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

G. INFORMATION/REPORTS

1. City Manager

City Manager Rooney stated the City Manager's report was delivered to Council this evening and if anyone had any questions after reading it, to let him know and he would be happy to provide further information. He stated the report was also available on the City's website at www.cityofmustang.org.

Councilman Grider asked if the City had received any quotes from Silver Star Construction regarding debris removal from drainage canals at the other subdivisions discussed in the Work Session.

Rooney stated none had been received at this time, but would obtain quotes and review them with Council at the November Work Session.

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.

Councilwoman Staples asked what the status was regarding sidewalk completion between Kingdom Hall and Family Video.

> **City Manager Rooney** stated he would try to get a date from Silver Star Construction and let her know.

Staples also stated she had received a complaint regarding a business, CNET, on Cedar Branch Way with bright lights shining into a resident's home and/or yard.

> **Community Development Director Helsel** stated they had spoken with the business before, but would contact them again

Councilman Grider thanked the four youth groups from the First Baptist Church Mustang, the Nazarene Church, the Methodist Church, and Chisholm Heights Baptist Church for taking their day out of school to help the community and clean drainage ditches. He stated it was no cost to the City or to the churches, with different people making donations stating approximately 75 students participated.

Councilman Jones stated he had been in contact with Mr. Winkelman stating he would be happy to help with the situation.

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

Councilman Schweinberg congratulated Councilman Grider and his wife on the birth of their daughter. He also stated his eight year old grand-daughter was crowned the 2015-16 Oklahoma Czech Princess over the weekend.

Mayor Adams stated the street lights on Hwy 152 were having trouble again and asked the City Manager to contact OG&E. He also congratulated Councilman Grider and his wife on the new baby and thanked the Council for their hard work and commitment.

H. DISCUSSION ITEMS

1. **Public Hearing, Discussion, Consideration and Possible Action** regarding Approval or Denial of **Ordinance No. 1131** 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 an Easement Dedicated to the City of Mustang, which Easement is Located in Lot 53, Block 5 of Hunter's Glenn Phase 3, an Addition to the City of Mustang, Canadian County, Oklahoma, According to the Recorded Plat Thereof, as more Particularly Described in the Ordinance; Declaring Repealer; and Providing for Severability.

   Community Development Director Helsel stated this request was being made by the property owner, Charles Mosley, to vacate the north 10 feet of the 20 foot easement at the south boundary of his property in order to construct a swimming pool in that area stating the Community Development Department does not issue swimming pool permits on easements. She stated the property was located at 542 W. Alamo Court Way in Hunters Glenn Addition, Section 3 and stated when this addition was platted in March, 2006, easements to the City of Mustang and its franchisees were granted.

   Helsel stated the City contacted the pertinent utility companies and each said they would not agree to vacate the easement, but would grant the property owner permission to build a pool in the easement as long as he would sign a waiver of responsibility for any damage done to the property or any relocation required. She stated Severn Trent did not recommend the vacation of this easement due to needing the extra space for their equipment to work on the line if there was a problem. She stated One Gas does not object to the vacation as they do not have any facilities or equipment in that easement.

   Helsel stated staff does not recommend approval of the vacation stating it could be a dangerous precedent to set and feels that it is the home-buyer's responsibility to know where their easements are located and their construction restrictions.

MOTION was made by **Mayor Adams,** seconded by **Councilman Schweinberg,** to open the matter for Public Hearing.

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

Charles Mosley, 542 W. Alamo Court Way, Property Owner, addressed the Council stating he was a school teacher and recently moved to Mustang and has plans to stay in Mustang. He stated he had purchased an above ground swimming pool not realizing there would be any issues with placing it in his backyard as neighbors also have above ground pools. He stated he had a letter from his doctor stating he had health issues and the pool would be beneficial to him. Mr. Mosley stated he would gladly sign anything giving permission to go into his backyard, empty, and/or move the pool if needed for any utility work.

Discussion was held concerning if the pool would be in the easement with Mr. Mosley stating currently where he would like to place it, it would be in the easement, but would not be on top of any utility lines. Other discussion included possibly purchasing a smaller pool or moving the pool to a different location in the yard.

Discussion was also held regarding other means that could be used besides vacating an easement in order for Mr. Mosley to have the pool such as a revocable permit or temporary permit. Other discussion included the time it would take to empty the pool in order for utility work to be performed.

MOTION was made by **Mayor Adams**, seconded by **Councilman Schweinberg**, to close the Public Hearing.

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

Councilman Riley stated he was torn on this item stating Mr. Mosley did answer most of his questions and if he was willing to tear down the pool if required, he was kind of in favor of vacating the easement; however, he also understood Staff's concerns regarding precedence.

Mayor Adams stated vacating an easement is giving the property away and was not in favor of using that method and asked ***City Attorney Miller*** if a temporary license would be possible.

City Attorney Miller stated Council could consider a temporary license for non-permanent structures with imposed restrictions. He stated an ordinance would have to be developed, but did not think it would take long if requested by Council.

Councilman Grider requested an item be placed on the next Work Session to discuss temporary licenses with restrictions for these types of situations.

Councilman Schweinberg stated he was not in favor of vacating the easement, especially with all the issues regarding easements and homeowner associations the City is dealing with right now stating this needed to be thoroughly thought out in order to not create a liability years down the road.

Councilwoman Hagan stated her Ward had a similar issue where a storm shelter was installed in the front yard on an easement and the property owner was required to move it. She stated she did not like messing with City easements.

MOTION was made by **Councilwoman Hagan,** seconded by **Councilman Schweinberg,** to Deny **Ordinance No. 1131** 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 an Easement Dedicated to the City of Mustang, which Easement is Located in Lot 53, Block 5 of Hunter's Glenn Phase 3, an Addition to the City of Mustang, Canadian County, Oklahoma, According to the Recorded Plat Thereof, as more Particularly Described in the Ordinance; Declaring Repealer; and Providing for Severability.

AYE: Staples, Grider, Jones, Hagan, Schweinberg, Adams
NAY: Riley

*2. **Discussion, Consideration and Possible Action** regarding Acceptance of Bids for Project labeled Waste Water Treatment Plant Improvements.

City Manager Rooney stated the Waste Water Treatment Plant Improvements project will address the headworks of the waste water plant, site piping modifications, SCADA/SBR communications, aerators in storm water and waste activated sludge basin, and adding flow meter to/from storm holding basin. He stated the project was placed out to bid with four qualified bids being received: HCCCo. @ $915,000; Rudy Box & Associates @ $1,517,000; Walters-Morgan Construction @ $946,000; and Wynn Construction @ $1,040,000 stating the Engineer's Estimate was $990,000. **Rooney** stated Staff recommends acceptance of all the bids.

MOTION was made by **Councilman Schweinberg,** seconded by **Councilman Jones,** to Accept the Bids for Project labeled Waste Water Treatment Plant Improvements.

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

*3. **Discussion, Consideration and Possible Action** regarding Awarding Bid for Project labeled Waste Water Treatment Plant Improvements.

City Manger Rooney stated four bids were received for the project labeled Waste Water Treatment Plant Improvements stating the Engineer (Cowan Engineering) was comfortable with the low qualified bidder, HCCCo., stating they had worked with them before. He stated Staff recommends awarding the bid to the low qualified bidder HCCCo. at $915,000.

Councilman Schweinberg asked how long it was expected to take.

Rooney stated up to one year with six to seven months being required for the custom built bar screen.

MOTION was made by **Councilman Schweinberg,** seconded by **Councilwoman Hagan,** to Award the Bid for Project labeled Waste Water Treatment Plant Improvements to the low qualified bidder, HCCCo. at $915,000.

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

J. CITY ATTORNEY'S REPORT

None.

K. ADJOURNMENT

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

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

The meeting was adjourned at **7:47 p.m.**

Jay Adams, Mayor

Attest:

Lisa Martin, City Clerk

MUSTANG IMPROVEMENT AUTHORITY
OCTOBER 6, 2015

The Mustang Improvement Authority met in regular session on Tuesday, October 6, 2015, 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, October 2, 2015, at 2:15 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 **7:47 p.m.**

B. ROLL CALL

Trustees Present: **Riley**
Staples
Grider
Jones
Hagan
Schweinberg
Adams

Trustees Absent: **None**

C. NEW BUSINESS

None.

D. CONSENT AGENDA

1. Approval of **09/15/15** MIA Minutes
*2. Claims List for **FY '16**
*3. Approval to Turn **Past Due Utility Accounts** over to the Collection Agency.
*4. Acknowledgement of **Receipt of DEQ Permit** No. WL000009150384 to Construct Water Lines and Appurtenances for Hunter's Springs Addition, Phase I.

MOTION was made by **Trustee Grider,** seconded by **Trustee Staples,** to approve Items D-1 thru D-4 of the Consent Agenda.

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

E. INFORMATION/REPORTS

1. **Trustee Manager**
   None.

2. **Trustees**
   None.

F. DISCUSSION ITEMS

*1. **Discussion, Consideration and Possible Action** regarding Acceptance of Bids for Project labeled Waste Water Treatment Plant Improvements.

MOTION was made by **Councilman Schweinberg,** seconded by **Councilman Jones,** to Accept the Bids for Project labeled Waste Water Treatment Plant Improvements.

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

*2. **Discussion, Consideration and Possible Action** regarding Awarding Bid for Project labeled Waste Water Treatment Plant Improvements.

MOTION was made by **Councilman Schweinberg,** seconded by **Councilwoman Staples,** to Award the Bid for Project labeled Waste Water Treatment Plant Improvements to the low qualified bidder, HCCCo. at $915,000.

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

G. ADJOURNMENT

MOTION was made by **Trustee Schweinberg** and seconded by **Trustee Riley** to adjourn.

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

Meeting was adjourned at **7:48 p.m.**

Jay Adams, Chairman

Attest:

Lisa Martin, Secretary