

**MUSTANG CITY COUNCIL
NOVEMBER 1, 2022**

The Mustang City Council met in regular session on Tuesday, November 1, 2022, at 7:00 p.m. in the Mustang Municipal Building Council Chambers. Notice of the meeting was posted as required on Friday, October 28, 2022, at 10:51 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 Daniel Ross, Pastor, Christ Lutheran Church.

Pastor Ross led the assembly in the Pledge and Invocation. He stated the Church has had a busy month and are currently very busy with their Food Pantry assisting families in need. He stated they had over 500 kids at their Trick or Treat event as well as a lot of people in attendance for the picnic and craft fair. Pastor Ross stated he was excited to be a part of a growing community and loves being in Mustang and thanked Council for their service.

C. ROLL CALL

Councilmembers Present:	Ray
	Leete
	Wald
	Waugh
	McKenzie
	Sholund
	Grider

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

Roger Boatman, 2124 E. Karen Terr., addressed the Council thanking Council for their service and appreciated all they were doing for the community. He stated he has been a long time residence of Mustang and can remember Mustang Road being a dirt road.

E. NEW BUSINESS, DELETIONS OR CONTINUANCES TO THE AGENDA

None.

H. CONSENT AGENDA

- F.1 Approval of 10/04/2022 City Council Minutes.
- F.2 Approval of 10/11/2022 City Council Special Meeting Minutes.
- F.3 *Claims List for FY2023.
- 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 Approval of Resolution No. 23-015, a Resolution of the City Council of the City of Mustang calling for a Municipal Election for the City of Mustang, Oklahoma, pursuant to Article 6 of the Charter of the City of Mustang, Oklahoma and providing for Dates for Elections and Filing Periods; Providing for Qualifications; and Providing for the Election to be Conducted by the Canadian County Election Board.
- F.7 Approval of Resolution No. 23-016, Requesting the Oklahoma Department of Transportation to Consider Funding an Emergency Vehicle Traffic Control Signal on State Highway 152 at Fire Station No. 2 in Mustang, Oklahoma.
- F.8 Approval of Resolution 23-017, Establishing the Nine-One-One (9-1-1) Emergency Telephone Fee Rate for Calendar Year 2023.

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 stated a Special Reception for Board and Commission Members and other volunteers would be held at Town Center on November 15th.

- G.2 Recognition of City Employee Veterans.

City Manager Rooney recognized City Employee Veterans including *Councilmen Leete and Sholund* presenting them all with a cookie decorated in the branch of service in which they served.

G.3 City Council

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

Vice Mayor Ray stated he had the opportunity to meet the new owners of Orange Leaf stating he was excited not to see it shut down. He also visited another local small business, Okie Print Barn, stating he really enjoys the small businesses and encourages everyone to support them.

Councilman Leete stated he was thankful for City Staff stating it makes his job easy.

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

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

Councilman McKenzie stated he received one phone call and referred them to the City Manager and Mayor.

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

Mayor Grider thanked all of our veterans stating he appreciated their service. He stated he also visited Okie Print Barn stating they had a cool story and he was excited to have them and other small businesses in Mustang. He stated he was thankful to see the Fire Department's fire prevention show back live in the schools stating it is always a huge success. He also stated Spooktacular was again very successful with a huge turnout and thanked Staff for all their hard work. **Grider** updated events with Positive Posse and encouraged everyone to get out and vote.

G.4 Consideration of Proclamation declaring Wednesday, November 16, 2022 as "Zonta Says NO to Violence Against Women Day" in the City of Mustang.

Mayor Grider read the Proclamation out loud and presented it Zonta Central Oklahoma President Elaine Dockray and Service Committee Chair Amy Gillis.

President Dockray thanked the Council and provided background and history of Zonta stating there were clubs in 60 plus countries. She stated Zonta wishes to build a better world for women and girls through service projects and advocacies.

MOTION was made by **Councilman McKenzie**, seconded by **Councilman Wald**, to Approve the Proclamation.

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

H. DISCUSSION ITEMS

- H.1 Consideration of Ordinance No. 1277, an Ordinance of the City of Mustang, Oklahoma, Amending the Code of Ordinances of the City of Mustang, Oklahoma, Chapter 38, Article V: (1) Section 38-131 to Add and Update Definitions; (2) Section 38-134 to Include Section References; (3) Section 38-136(4)(B) and (6) to Require an Air Curtain Incinerator for Certain Land Clearing Operations; and (4) Section 38-138 to Require a State Permit, if required, and Exclude Air Curtain Incinerators from those Incinerators Excepted from Permit Requirements; Declaring Repealer; Providing for Severability; and Declaring an Emergency.

Fire Captain Halter provided background for air curtain uses and stated in 2013, the Oklahoma Department of Environmental Quality (ODEQ) required air curtains for commercial land clearing stating in November, the State changed it to only those counties with a population of 500,000 or more which would exclude Canadian County. He stated they did that because a lot of counties border rural areas and did not have a need for air curtains stating Mustang does not quite fit that mold.

Halter stated they brought it before ODEQ requesting the air curtain requirement for the City stating ODEQ agreed stating it would need to be brought to City Council for approval, then back to them. He stated this would require air curtains for commercial land clearing stating the ordinance would include the State wording except for the population of 500,000 or greater.

Councilman Wald asked if this also included residential land clearing with **Halter** stating no, but would suggest when burning off big green trees, to use an air curtain.

Councilman McKenzie asked if this applied to those entities building now with **Halter** stating there currently were not any, but if it is commercial land clearing, it would be required.

MOTION was made by **Councilman Leete**, seconded by **Councilman McKenzie**, to Approve Ordinance No. 1277.

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

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

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

- H.2 Consideration of Ordinance No. 1278, an Ordinance of the City of Mustang, Oklahoma, Amending Chapter 34, Article IV, Section 34-105(a)(4) to Change the Reference to the Ambulance Service Provider; Providing for Repealer; Providing for Severability.

City Attorney Miller stated the Emergency Medical Services Code was substantially revised when the City selected a new ambulance service provider stating *Chief Carruth* noticed recently that Section 34-105(a)(4) failed to remove a reference to the prior ambulance service provider. He stated this ordinance removes the name of the previous provider and replaces it to state "ambulance service provider" (not a specific company name) consistent with the previous changes.

MOTION was made by **Councilman Waugh**, seconded by **Councilman Wald**, to Approve Ordinance No. 1278.

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

- H.3 Public Hearing and Consideration of Ordinance No. 1272, an Ordinance of the City of Mustang Vacating and Closing an Easement Lying in Part of Lot 2 and Lot 3, Block 3, of Carroll Acres, an Addition to the City of Mustang, Oklahoma, as more particularly described in such Ordinance; Declaring Repealer; and Providing for Severability.

Senior City Planner Conner stated the initial reading for this ordinance was held in the September 6, 2022 City Council meeting stating notices were sent out to surrounding property owners. He stated a few phone calls were received, but none seemed opposed to the request.

Conner stated the applicant, Roger Boatman, mistakenly built a storage building on top of the easement stating he owns both lots and did not realize there was a utility/drainage easement on the property line. He stated Mr. Boatman was trying to sell the property and is seeking to vacate the easement instead of moving the 60x40 storage building to appease mortgage lenders. **Conner** stated 811 Okie Locate states no utilities appear within the easement and Mr. Boatman attests that historical drainage for stormwater does not follow this platted drainage easement, but instead flows in a different direction. He stated the City does not utilize or plan to utilize this easement in the future.

Mayor Grider opened the Public Hearing.

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

MOTION was made by **Councilman Leete**, seconded by **Councilman Wald**, to Approve Ordinance No. 1272.

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

NAY: None

- H.4 Public Hearing and Consideration of Ordinance No. 1279, 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 "R-E" Rural Estates District to "I-2" Moderate Industrial District and, Declaring Repealer; Providing for Severability; and Declaring an Emergency.

Senior City Planner Conner provided background information and description of the property as well as surrounding property stating Planning Commission voted 4:2 in their October 11, 2022, Planning Commission meeting to approve the rezoning. He stated the applicant's intent for the property was to build a 100,000 SF building for warehousing and other purposes stating less restricted outdoor storage and more overall flexibility allowed within the I-2 Zoning District was the reason for the I-2 zoning request.

Conner stated Staff feels a more appropriate zoning for the property would be I-1 Light Industrial District stating it considers many factors with its relation to adjacent residential properties with clear outlines that development must follow within the Municipal Code.

Discussion was held regarding the zoning of the surrounding property.

Mayor Grider opened the Public Hearing.

Mark Grubbs, 1800 S. Sara Road, addressed the Council on behalf of the potential buyers of the property, David and Daniel Hire, provided surrounding property information stating property to the north is zoned C-5 with metal buildings and a more industrial feel. He stated his client needs I-2 zoning in order to invest in Mustang stating his intention is to build a 100,00 SF industrial warehouse building and would bring jobs to Mustang. He stated the client takes on unique projects that could require I-2 zoning and gave examples of projects the client takes on at another location such as a contract with the City of Oklahoma City storing trash cans, another project is assembling cell towers, stating it is not your day-to-day type of projects, but are unique. He stated many of the projects may fall under I-1 zoning, but not all, and does not want to invest here if he is not able to have the I-2 zoning and that flexibility.

Discussion was held regarding fencing with Mr. Grubbs stating it would be 8 foot and would follow Code requirements.

Mr. Grubbs provided pictures of buildings owned by his client for this type of use stating they were concrete tilt up buildings.

Daniel Hire, 932 W. Camellia Way, addressed the Council stating he was born and raised in Mustang and would like to invest in Mustang and bring jobs here. He stated the warehouse would not be used for manufacturing, but is a logistics company for warehouse and distribution and provided some uses in other locations.

Discussion was held regarding the number of jobs the company may bring to Mustang with Mr. Hire stating it varies, but normally 20 day to day employees with some projects bringing in 30.

Discussion was held regarding how long it would take to build the warehouse and start operations once approved with David Hire stating it would probably take a little longer than they would like, but most likely around two years.

Other discussion was held regarding the property being used for outside storage while waiting with Mr. Hire stating that would not happen due to legal liabilities stating it would need to be a fully functional facility to do so.

Mayor Grider closed the Public Hearing.

MOTION was made by **Vice Mayor Ray**, seconded by **Councilman McKenzie**, to Approve Ordinance No. 1279.

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

NAY: None

Emergency Clause was removed from the Ordinance.

- H.5 Consideration of Preliminary Plat Application, PP-8-18-22-2-26, Mustang Marketplace, Cedar Creek Consulting, INC, 1200 Block of E. State Highway 152, 5 Commercial Lots, 20.47 Acres.

Senior City Planner Conner provided a description of the preliminary plat that is part of a 2003 approved Planned Unit Development (PUD) called the Borneman Addition located east of Walmart with frontage along E. State Highway 152. He stated the property was given multiple zoning designations on the approved PUD with the majority of this phase of the development having C-5 zoning along the frontage of State Highway 152 and some C-2 zoning in the back. He stated Lots 1-4 each would have direct access from East State Highway 152 and Lot 5 having access from N. Hunker Terrace and through the planned common access driveway.

Conner stated the City Engineer, Fire Marshall, City Attorney and Staff have approved the plat and changes have been made to accommodate infrastructure and subdivision code requirements. He stated Planning Commission voted unanimously to recommend approval of the preliminary plat at their October 11, 2022 Planning Commission meeting.

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

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

- H.6 *Consideration of Resolution 23-018, a Resolution of the City Council of the City of Mustang Relating to the Retention of Public Records of the City and Related Entities and Providing for Reproduction of Records on Film or Optical Disk and Retention of Such Reproductions as Originals, as Authorized by State Law.

City Attorney Miller stated the City does not have a formal records retention policy stating Oklahoma law establishes record retention periods for certain municipal records, but allows each municipality the right to determine the retention policy for records not specifically regulated by state law. He stated working with each Department Head, as well as the City Manager, Assistant City Manager, and City Clerk, records were identified and retention periods selected for those records not governed by state law.

Miller stated Oklahoma law also allows a municipality to microphotograph, photostat, reproduce on film or store on optical disk, municipal records and to retain such reproduced copies as the originals and dispose of or destroy the originals. He stated allowing the City to retain electronic copies in lieu of original paper copies will free up space that is currently required for storage of documents.

Discussion was held regarding how far back the City's records go with **Miller** stating a long time, probably into the 60s stating some records were destroyed in a flood incident in the 70s.

Councilman Leete asked what determines if a record is a permanent record with **Miller** stating it was the nature of the record, such as ordinances.

Other discussion included the cost of outside storage as well as the cost to digitize the records.

Mayor Grider stated he attended an interim study at the Capitol over Open Records stating especially after Covid, it is a digital world and the State is looking into making changes to meetings, records, etc.

MOTION was made by **Councilman Leete**, seconded by **Councilman Sholund**, to Approve Resolution No. 23-018.

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

H.7 *Consideration of Acceptance of Bids for Project Labeled Ross Terrace Road Improvements.

Assistant City Manager Battles stated bids were accepted for the project labeled Ross Terrace Road Improvements which extends Ross Terrace to the new Fire Department Station #2 stating three contractors attended the pre-bid meeting, with one bid being received from Silver Star Construction. He stated Staff recommends accepting the bid.

MOTION was made by **Councilman McKenzie**, seconded by **Councilman Leete**, to Accept the Bid for the Project Labeled Ross Terrace Road Improvements.

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

- H.8 *Consideration of Award of Bid for Project Labeled Ross Terrace Road Improvements.

Assistant City Manager Battles stated one bid was received for the Ross Terrace Road Improvements project from Silver Star Construction Co., Inc. in the amount of \$299,825.00. He stated the bid amount is greater the amount budgeted, \$275,000.00; however, based on current sales tax and other projects being bid under the budgeted amount, there was money available to cover the difference.

MOTION was made by **Councilman Sholund**, seconded by **Vice Mayor Ray**, to Award the Bid for the Project Labeled Ross Terrace Road Improvements to Silver Star Construction Co., Inc. in the Amount of \$299,825.00.

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

I. MATTERS FOR EXECUTIVE SESSION:

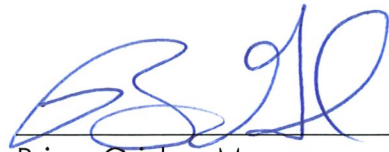
None.

J. ADJOURNMENT

MOTION was made by **Vice Mayor Ray**, seconded by **Councilman Sholund**, to adjourn.

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

The meeting was adjourned at **8:06 p.m.**



Brian Grider, Mayor

Attest:




Lisa Martin, City Clerk