

**MUSTANG CITY COUNCIL  
MARCH 19, 2013**

The Mustang City Council met in regular session on Tuesday, March 19, 2013 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, March 15, 2013 at 2:45 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 (Pastor Dave Bryan, Chisholm Heights Baptist Church)**

**Associate Pastor David Baker** led the assembly in the Pledge and Invocation. Pastor Baker talked about their Easter program and a musical that they are doing the last Sunday of April. They also have a youth group in Seattle, Washington doing a mission project and about 20 just came back from Israel.

**C. ROLL CALL**

|                                |                                                                             |
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| <b>Councilmembers Present:</b> | <b>Taylor<br/>Grubbs<br/>Bowers<br/>Jones<br/>Hagan<br/>Mount<br/>Adams</b> |
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| <b>Councilmembers Absent:</b> | <b>None</b> |
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**E. NEW BUSINESS, DELETIONS OR CONTINUANCES TO THE AGENDA**

**Item E was considered before Item D so that Interim City Manager, Justin Battles** could let the assembly know that the applicant for the rezoning on H-1 has withdrawn his application. He explained that he is **withdrawing** the rezoning application, it is **not a continuance**. Therefore, he asked that Item H-1 be pulled from the agenda.

**D. INTRODUCTION OF GUESTS/HEARING OF CITIZENS OR DELEGATES**

**After the Mayor** explained that Item H-1 was withdrawn from the Agenda several citizens still asked to speak to Council regarding the rezoning. **Brenda Schwartz, 1304 Quail Lake Way** stated that she has lived in Quail Lake Estates for 14 years. She stated that she has given this a lot of thought since the Planning Commission Meeting. She had a plan that the Council might want to pass on to the developer. She pointed out that she is only speaking for herself and no one else.

She talked about the pros and cons of opening up the street to Quail Lake Estates and if it is done it should be done favorably to all parties. She suggested annexing the property owned by the developer which is 19 homes to the Quail Lake Estates Addition. They would pay dues and be a part of Quail Lake Estates and she explained further. She asked if Council would propose that to the developer.

**Mayor Adams** explained that if that proposal came from the Homeowners Association it would carry more weight.

**Ann Wada, 1431 Grandview Way** the Homeowner's Association President spoke to Council and stated that they have discussed that with the developer and he was very open.

**Terry Scrivener** spoke to Council regarding the property on Carlisle. He stated that the staff, Gayla, Melissa and Jerry in the Community Development Department are good to work with and they have helped him out repeatedly. He wondered how this could happen when they are so good at what they do. He stated that he appreciated Justin Battles calling him back to discuss this issue. He stated that the previous City Manager told him that this just slipped through the cracks and the developers pulled a fast one on the City. He talked about the water line and having to have permission from DEQ but he can't find where DEQ gave permission to the Streeters or to the City of Mustang. He couldn't find that information anywhere. He went over everything that was wrong with the project, all the researching that he did and he stated that he just felt that it needed to be investigated because the same guys who built these two on these two properties are building on Lily Lane. I don't mind following all of the rules as long as everyone else has to do the same.

**Scrivener** stated that Councilman Mount is his Councilman and he spoke with him and he wrote a letter to Council with all the information that he spoke about. He passed the letter out to the City Council for their review.

**Battles** stated that he did speak with Scrivener and he told him that it all starts with the City Manager's office. He stated that we have very confident and capable people working for the City and we will be nothing but open and everyone will be held to the same standards. He stated that he appreciated Scrivener's time in coming here this evening.

**Councilman Mount** stated that he has been working with Scrivener on this and he prepared the letter that was given to Council. Mount also talked about what was wrong with the project and; he stated that it is one of those deals that needed to be an example to the City of things *not* to do. He stated that it should not have happened and he hopes it doesn't happen again. He stated that we have numerous ordinances that tell us what to do on a situation like this. He stated that Scrivener has been treated unfairly at this point and time. He stated for this Council to sit here and allow one party to do it one way and another guy trying to earn an honest living but not being treated fairly because he doesn't have pull with the City. He stated this has to be fixed at the City level.

**Councilman Taylor** introduced Chief Master Sargeant Elder to the assembly and thanked him for his service to our country.

**Interim City Manager Battles** explained what the withdrawing of the rezoning means to the citizens before they left the building. He stated that it will have to go through the exact same process as it did this time all over again and they will be notified.

**Mayor Adams** stated that everyone who is within 300 feet of the property will get a letter and it will also be published in the newspaper.

**Councilman Bowers** stated that the residents who live in Berkley Estates have a good way to communicate by setting up a website called [nextdoor.com](http://nextdoor.com). She suggested it might be a good idea for them to set up something like that where they could talk to their neighbors.

**Art Hassey** who lives at the corner of Whippoorwill and Centennial spoke to Council regarding the rezoning. He stated that he was relieved that it was withdrawn by the applicant then he talked about the school system bursting at the seams and low and high density use in Mustang. He pointed out that the high density is not too wise.

**Tim Mount 1409 S. Nelms** talked about the property that Scrivener was referring to when he spoke to Council and he talked about the roads in Mustang being an issue. He stated that Lily Lane is an issue with him and he hopes to meet with the Interim City Manager again soon. He met with him three weeks ago.

**Coeta Morrell** who lives on 1500 Lily Lane talked about Scrivener talking about some builders we have in this City who have lived here all their lives and who are good honest people in her opinion. She didn't think it was right that Scrivener would talk about them the way he did and it made her very angry. She stated that she knows where these houses are built but she didn't see anything wrong with them. She stated that it's wrong for someone to chastise them like that.

**F. CONSENT AGENDA**

1. Approval of **03/05/13** City Council Minutes.
- \*2. Claims List for **FY '13**
3. Approval of Past Due Library Accounts to be Turned Over to Collection Agency,
4. Approval of **Resolution No. 13-034**, Directing Filing and Notification of the Publication of the 2013 Supplement to the Mustang City Code.
5. Approval of **Resolution No. 13-035**, Making Changes in the General Fund Budget by Making a Supplemental Appropriation to Increase the 2012-2013 Fiscal Year Budget by **\$12,533**.
6. Approval of **Resolution No. 13-036**, Making Changes in the General Fund Budget by Making a Supplemental Appropriation to Increase the 2012-2013 Fiscal Year Budget by **\$2,255**.
7. Approval of **Resolution No. 13-037**, Making Changes in the Employee Flex Spending Budget by Making a Supplemental Appropriation to Increase the 2012-2013 Fiscal Year Budget by **\$16,408**.
8. Approval of **Resolution No. 13-038**, Making Changes in the General Fund Budget by Making a Supplemental appropriation to Increase the 2012-2013 Fiscal Year Budget by **\$2,728**.

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**Councilman Mount** asked that Item *F-2 and F-4* be pulled for discussion.

**Councilman Taylor** stated that he had comments on *F-2* also.

**MOTION** was made by **Councilman Mount**, seconded by **Councilman Bowers** to approve Items 1, 3, 5, 6, 7 and 8 of the Consent Agenda.

**AYE: Taylor, Grubbs, Bowers, Jones, Hagan, Mount, Adams**

**NAY: None**

**In reference to Item F-2 – Mount** asked about page 4 under streets \$4,222.60 for tractor repair. What kind of tractor is it and what do we do with it?

**Battles** explained that the tractor has been missing and Silver Star tracked it down. A mechanic has had it for over a year or two for a total rebuild which was authorized by the previous City Manager. Because of fiscal year budget rollover there was no new purchase order opened so we are paying the bill.

**Mount** asked if this would be something that would be auctioned off in the future and Battles stated that is possible and he explained further.

**Taylor** asked about \$5.62 for inmate labor on first page of general government. What did we get for \$5.62?

**Battles** stated that there are work release inmates that come out of Union City about 8:00 a.m. through 1:00 p.m. on Monday through Thursday and work on ball fields.

**Taylor** also asked about under Police \$2,783.73 two tasers. How many officers carry a taser? Were these two replacements or what?

**Chief Foley** stated that all officers are trained and equipped with tasers and he explained what the department does have.

**Adams** asked about Page 3, easement search. Battles explained that it is a research that we are finishing up on Lilly Lane which is what Tim Mount was referring to.

**MOTION** was made by **Councilman Taylor**, seconded by **Councilman Mount** to approve Item *F-2*.

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**AYE: Taylor, Grubbs, Bowers, Jones, Hagan, Mount, Adams  
NAY: None**

**In reference to Item F-4 –**

**Mount** said he noticed Item F-4 is a supplement to our Municipal Code Book and he was wondering if Council was going to get copies of those supplements and **Battles** said, yes.

**Taylor** stated that he has a problem with voting for this if he hasn't seen the supplement. He is not sure what is in the supplemental to the Mustang Municipal Code.

**Battles** stated that once a year every ordinance that Council has approved is sent off to Municode by the City Clerk. It is everything you have seen throughout the year. It is nothing you have not seen or approved.

The **City Clerk** explained that the Supplement is the most recent ordinances that the Council has already passed.

**MOTION** was made by **Councilman Mount**, seconded by **Councilman Taylor** to approve Item F-4.

**AYE: Taylor, Grubbs, Bowers, Jones, Hagan, Mount, Adams  
NAY: None**

**G. INFORMATION/REPORTS**

**1. City Manager**

**Interim City Manager Justin Battles** reminded Council of the ground breaking at the south side of the Library at 10:00 a.m.

**Battles** introduced **Laura Anderson, Human Resources Director** and she spoke to Council regarding the number of resumes she has received for those interested in the City Manager's position. She has received 37 resumes as of today, 23 are out of state and 14 in state. Of the ones in state 9 have been City Managers. She stated that the deadline is March 29<sup>th</sup> and she will come back at the 1<sup>st</sup> meeting in April and Council can decide where to go from there.

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**Taylor** asked about the colleges if they were interested and **Anderson** stated that she tried to contact them but they did not respond. She stated that she didn't meet with much luck there and she explained further.

**Battles** stated that this will be on the April 2<sup>nd</sup> agenda to discuss in executive session.

**Battles** stated that OEMA trucks have been running late twice this week but he spoke to David Griesel with OEMA and they will rectify that situation.

**Battles** reported that the ODOT traffic signal project has started and will probably take about 6 weeks.

**Battles** also talked about DEQ NOV regarding lift station 3. We have to submit some information to DEQ and we have done so and we are way ahead of schedule.

**Battles** also mentioned the outfall line situation with DEQ and stated that there is an August 1 deadline to begin construction. We are aware of that and moving forward with this. The plans and the construction permit have been submitted to DEQ.

**Battles** stated the reason the baseball construction was not on the agenda tonight is due to the fact that there was more information needed from the apparent low bidder. It is just some minor details. He was told today that those questions have been answered and the awarding of the bid will be on the next agenda

**Battles** stated in reference to the Armory Road we have plans in hand and engineer's estimate. The Attorney and landowner wanted just a few more details in the agreement. More or less a map showing street lights, trees, etc. It is protecting both parties.

**Battles** stated again that he appreciated Mr. Scrivener who has already spoken. He stated that we will continue to review our early plat, how we go about the initial plat when plans come in. We will continue to look at this over the next few weeks and he and Robert Coleman will talk and come to some decisions that are best for the City.

**2.     City Council**

**Councilman Taylor** stated that he is missing the fancy tea party that is going on at the Town Center tonight with his beautiful wife and two girls. He stated that it is just another great program that our Parks and Recreation Department puts on.

**Taylor** talked about House Bill 1556 that he mentioned at the last meeting will not be heard this year.

**Taylor** talked about the rumor mill being very active when talking about the old ACE Hardware building and the activity going on in that building.

**Taylor** stated in terms of the rezoning application that we were going to discuss tonight but we're not going to he had a couple of constituents out of Ward III contact him about traffic control devices at Centennial and Diamond and Centennial and Agate . If you are not familiar with that it is an "S" curve street and residents are very concerned with speeding in that area. He plans to discuss some of those things at the next Traffic Commission Meeting of which he is a part of.

**Taylor** talked about items to go into Wild Horse Park way back when it was developed. He would like to get the original plans for Wild Horse Park to see what some of the things were that the citizens of Mustang would have liked to have seen in the Park. Were those items discussed and what led to what we have now in the Park.

**Grubbs** stated that Don Anderson who originally developed the Cedar Springs Industrial Park no longer owns any lots there but he still currently pays electric bill for the lights and he was wondering why he is still being required to do that. He stated Anderson asked him to look into that as to why he still has to do this. Nor should he have to take care of fireworks left in the streets in that area.

**Grubbs** stated that he would also like to say at the last meeting a rezoning request was discussed with Council and they applauded the defeat of the applicant and he thought that was inappropriate. He stated to the Mayor that he did not think that should be allowed nor was it appropriate.

**Grubbs** also talked about the three minute rule and how it is carried on too long here.



**Grubbs** stated developers who come here should be treated with respect and they are not.

**Bowers** stated that she has enjoyed getting out and meeting with people these last few weeks. She stated that it was good to see a lot of Ward III people here. She hopes to stay in contact with them and hopes the [nextdoor.com](http://nextdoor.com) will help them keep in touch.

**Jones** stated that he too has had many calls regarding the rezoning request and it is thrilling to see people come out on these issues and he has also talked to Don Anderson about his issue and thinks it is time to look into this. He stated that we do appreciate our builders and is time to treat them with respect.

**Hagan** commented on *Councilman Grubb's* statement. She stated that she didn't think anyone was being disrespectful by clapping at the developer's defeat on the rezoning but she stated when we say we can't allow someone to do something or won't allow is drawing a big line. She said financial is not everything, she thinks quality of life is very important and we should always keep that in mind.

**Adams** stated that he would get with the City Attorney regarding Roberts Rules of Order and see how that is addressed.

**Mount** stated that he too received a number of phone calls from citizens regarding the rezoning. He stated that he had several other phone calls that he turned over to Battles and he handled them very well. He stated that he always enjoys the calls.

**Adams** stated that he had 20 phone calls last night but they were good conversations. He stated that he will have a neighborhood meeting with them and talk a little more about that.

**Adams** asked the City Attorney to meet with him some time to look into these issues that have been brought up regarding Robert's Rules of Order. Also look at the three minute limitation and maybe work up a policy to use for this point forward.

H. DISCUSSION ITEMS

1. **Public Hearing, Discussion, Consideration and Possible Action**

Regarding Approval of **Ordinance No. 1080**, 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 "R-1" PUD Single Family Planned Unit Development District; Declaring Repealer; Providing for Severability and Declaring an Emergency.

**Item H-1 was withdrawn by the applicant.**

2. **Discussion, Consideration and Possible Action Regarding Approval**

**of Ordinance No. 1081**, An Ordinance Of The City Of Mustang, Oklahoma, Amending Chapter 18, Article II, By Repealing In Their Entirety Sections 18-31 Through 18-33 And: (1) Enacting Section 18-31.A **Adopting The 2009 International Building Code**, As It May From Time To Time Be Amended; (2) Enacting Section 18-31.B Adopting City And State Amendments To The 2009 International Building Code; (3) Enacting Section 18-32.A Adopting The 2009 International Existing Building Code, As It May From Time To Time Be Amended; (4) Enacting Section 18-32.B Adopting City And State Amendments To The 2009 International Existing Building Code; (5) Enacting Section 18-33.A Adopting The 2009 International Residential Code For One And Two Family Dwellings, As It May From Time To Time Be Amended; And (6) Enacting Section 18-33.B Adopting City And State Amendments To The 2009 International Residential Code For One And Two Family Dwellings; All For The Purpose Of Regulating And Governing The Conditions And Maintenance Of All Property, Buildings And Structures By Providing The Standards For Supplied Utilities And Facilities And Other Physical Things And Conditions Essential To Ensure That Structures Are Safe, Sanitary And Fit For Occupancy And Use, And The Condemnation of Buildings and Structures Unfit For Human Occupancy and Use, And The Demolition Of Such Structures In The City Of Mustang, Providing For the Issuance of Permits And

Collection of Fees Therefore, As Herein Provided and Including Amendments As May From Time To Time Be Made To Such Codes by The Oklahoma Uniform Building Code Commission Pursuant To 59 O.S. § 1000.23; Providing For Repealer and Severability; and Declaring an Emergency.

3. **Discussion, Consideration and Possible Action** Regarding Approval of **Ordinance No. 1082**, An Ordinance Of The City Of Mustang, Oklahoma, Amending Chapter 18, Article III, Division 1, Section 18-61 Of The Code Of Ordinances Of The City Of Mustang, By **Adopting The 2011 Edition Of The National Electrical Code**, As Published By The National Fire Prevention Association, And As It From Time To Time May Be Amended, Providing Standards For And Governing Electrical Systems, Wiring Design, Protection, And Installation Methods, Regulating Electrical Materials, Equipment, Special Equipment And Other Physical Things And Conditions Essential To Ensure That Such Systems Are Safe And Fit For Use As Herein Provided, And As Currently And From Time To Time May Be Amended By The Oklahoma Uniform Building Code Commission Pursuant To 59 O.S. §1000.23, And Providing For The Issuance Of Permits And Collection Of Fees Therefore; Repealing All Ordinances And Parts Of The Ordinances In Conflict Therewith; Providing For Severability; And Declaring An Emergency.
4. **Discussion, Consideration and Possible Action** Regarding Approval of **Ordinance No. 1083**, An Ordinance Of The City Of Mustang, Oklahoma, Amending Chapter 18, Section IV, Division 1 Of The Code Of Ordinances Of The City Of Mustang, By (1) Repealing Existing Section 18-171 And Enacting New Section 18-171 **Adopting The International Mechanical Code, 2009 Edition**, And As It From Time To Time May Be Amended, Regulating And Governing The Design, Construction, Quality Of Materials, Erection, Installation, Alteration, Repair, Location, Relocation, Replacement, Addition To, Use Or Maintenance Of Mechanical Systems As Herein Provided, And As Currently And As It From Time To Time May Be Amended By The Oklahoma Uniform Building Code Commission Pursuant To 59 O.S. §1000.23, And Providing For The Issuance Of Permits And Collection Of Fees Therefore; And (2) Repealing Existing Section 18-

172 And Enacting New Section 18-172 To Identify Amendments To the International Mechanical Code, 2009 Edition, As Adopted By the City Of Mustang, Oklahoma; Providing For Repealer And Severability; And Declaring An Emergency.

5. **Discussion, Consideration And Possible Action** Regarding Approval Of **Ordinance No. 1084**, An Ordinance Of The City Of Mustang, Oklahoma Amending Chapter 18, Article V, Division 1 Of The Code Of Ordinances Of The City Of Mustang, By (1) Amending Section 18-221 **To Adopt The 2009 Edition Of The International Plumbing Code**, And As From Time To Time Amended, Regulating And Governing The Standards For All Plumbing Fixtures, Piping, Appurtenances And Facilities And Other Physical Things And Conditions Essential To Ensure That Such Systems Are Safe, Sanitary And Fit For Use As Herein Provided, And As Currently And From Time To Time May Be Amended By The Oklahoma Uniform Building Code Commission Pursuant To 59 O.S. §1000.23, And Providing For The Issuance Of Permits And Collection Of Fees Therefore; And (2) Adding New Section 18-222 To Identify Amendments To The 2009 Edition Of The International Plumbing Code As Adopted By The City Of Mustang, Oklahoma; Providing For Repealer And Severability; And Declaring An Emergency.
6. **Discussion, Consideration And Possible Action** Regarding Approval Of **Ordinance No. 1085**, An Ordinance Of The City Of Mustang, Oklahoma Amending Chapter 18 Of The Code Of Ordinances Of The City Of Mustang, By (1) Creating Article VII, Fuel Gas Code, And Adding New Section 18-317 **Adopting The 2009 Edition Of The International Fuel Gas Code**, As It May Be From Time To Time Be Amended, And As Currently And From Time To Time May Be Amended By The Oklahoma Uniform Building Code Commission Pursuant To 59 O.S. §1000.23, Regulating And Governing Fuel Gas Systems And Gas-Fired Appliances, And Providing For The Issuance Of Permits And Collection Of Fees Therefore; And (2) Creating New Section 18-318 To Identify Amendments To The International Fuel Gas Code, 2009 Edition, As Adopted By The City Of Mustang, Oklahoma; Providing For Repealer And Severability; And Declaring An Emergency.

7. **Discussion, Consideration and Possible Action** Regarding Approval of **Ordinance No. 1086**, An Ordinance Of The City Of Mustang, Oklahoma, Amending Chapter 46, Article III Of The Code Of Ordinances Of The City Of Mustang, By (1) Amending Section 46-61 **To Adopt The 2009 Edition Of The International Fire Code**, Including Appendix Chapters B And C, As It May From Time To Time Be Amended, And As Currently And From Time To Time May Be Amended By The Oklahoma Uniform Building Code Commission Pursuant To 59 O.S. §1000.23, Regulating And Governing The Safeguarding Of Life And Property From Fire And Explosion Hazards Arising From The Storage, Handling And Use Of Hazardous Substances, Materials And Devices, And From Conditions Hazardous To Life Or Property In The Occupancy Of Buildings And Premises In The City Of Mustang, Oklahoma, Providing For The Issuance Of Permits And Collection Of Fees Therefore; (2) Amending Section 18-62 To Identify Amendments To The 2009 Edition Of The International Fire Code As Adopted By The City Of Mustang, Oklahoma; (3) Amending Section 46-63 Adopting Certain Geographic Limits For The 2009 International Fire Code; (4) Repealing Chapter 46, Article III Section 46-64 In Its Entirety; And (5) Renumbering Section 46-65 To Section 46-64; Providing For Repealer And Severability; And Declaring An Emergency.

**Item H-2 thru H-8** was presented to Council by the Community Development Director Robert Coleman. These items concern the adoption of the new construction and safety codes that we are now under a mandate to adopt. Because of state law architects and engineers are already accustomed to designing their plans according to the 2009 codes. In fact, we are expecting plans from the new St. Anthony Health Plex sometime in mid-May and those will be designed according to the 2009 code as well as the 2011 National Electric Code.

He stated in an effort to acclimate local builders and contractors to the new rules we sent an email blast out on or around April 16, 2012 and since then we have posted it to our website that we were looking at 2009 ICC Codes. Our inspectors have talked to contractors, etc. in the field and we have had an open door policy on any suggested amendments.

**Coleman** talked about annual testing to be done by plumbers, building inspectors, heat and air mechanics, etc. in order to retain their license. Most of us involved in those classes have been hearing about the 2009 codes for the past six years and some of the classes are already talking about the 2012 codes which we probably won't consider adopting for at least 3 years.

**Coleman** stated to keep in mind local governments are usually a few years behind the current code. 2009 are on the street right now but the 2012 is already being printed by the International Code Council. He stated that most of the changes in the code are subtle and we are asking the adoption date of the code be Monday, May 6, 2013 and we are also asking that you don't approve the emergency clause in these ordinances. Coleman explained that it gives them additional time to make necessary changes to forms and websites, etc.

**Mayor Adams** asked if Item H-8 is a resolution formally adopting the codes and Coleman said, yes.

**Bowers** stated that she has never seen these codes before and she noticed all are international codes except for the electrical code.

**Coleman** explained that there is a book that talks about the interaction between the International Electrical Code and the International Code.

**Bowers** stated that the State has mandated that we adopt these codes so is it talking about just the International Residential Code or all of these codes.

**Coleman** explained that the International Residential mandate was for May 2011 and the rest of the codes and national electrical code is for November of 2012.

**Battles** stated that he and Mr. Coleman have had several conversations and anytime he sees mandate from the state, we are going to conform. He stated and he had some good questions what is the fine or issue with not conforming. There is no dollar amount but there could be possible liability with not following the mandate of the State. It will fall back on the City.

**Battles** stated that even the design of Town Center and talks with the architect they wanted to follow the 2009 code because according to the State it was what we were going to have to adhere to.

**Mount** asked if these changes are significant changes from what we have now.

**Coleman** stated that we did not adopt the 2006 Code and a lot of people look at the 2003 and 2009 as being very similar. We don't have a lot of industrial type use here and that is where you see some of the changes.

**Battles** stated that most of your commercial builders are familiar with the 2009 code. He stated when the hospital agreed to build here that is the code they plan to use and they assumed that is what we required.

**Coleman** stated that we are not adopting residential sprinkler systems within the City of Mustang and that was an amendment by the OUBCC that is very unpopular with homeowners.

**Battles** stated that the Fire Chief has reviewed this as well.

**Taylor** asked who is the ICC and Coleman explained they are the International Code Council and he explained further.

The first International Code Council Codes came out in 2000 prior to creation of the ICC and we had the Southern Bldg Code, the Building Officials and Code Administrators and Universal Code so there were different codes in all parts of the country and some cities had their own code. So these organizations got together and they took the best of all three and combined them into one code as you see here tonight.

**Taylor** asked if the ICC is an extension of the federal government and Coleman said, not at all.

**Taylor** asked if they are a for profit corporation and Coleman stated he had no idea.

**Taylor** asked how much the City pays for these codes and Coleman stated he thought upwards of \$900 for books and \$600 for new electronic software so there is quite a bit of money involved every 3 or 4 years to update.

**Coleman** stated the ordinances as written along with City amendments have to be published which will be several hundred dollars for that too.

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**Taylor** asked if they update these every 3 years and Coleman stated yes, every 3 years.

**Taylor** stated that he thought this is a racket and he explained what he thought about nine books of code and how many municipalities are adopting some version of this. He stated that is a lot of money. He stated that he doesn't know what is in these 9 books but he trusts that Mr. Coleman does. He thinks ICC is out of California and he doesn't believe that they know what is best for the City of Mustang but he believes that Coleman and his staff know what is best for the City of Mustang.

**Taylor** talked about ICLA and Agenda 21 and encouraged everyone to research what Agenda 21 is all about. He has a problem that the same organization has created and working on 2012 and who knows what is in that. He mentioned the 5 codes that we are not going to adopt. He talked about the International Property Maintenance Code and Coleman stated that it can be controversial so he researched this himself. He stated that part of the code says that property owners and people in dwellings are to provide a key to their dwelling to the local police department in that municipality so he is glad we are not considering the International Property Maintenance Code tonight because of that. If things like that are in that Code what is in the ones we are considering approving tonight.

**Taylor** stated that he felt we should have a public hearing on this tonight and he understands that since 2012 they have talked to several people and his office is open to anyone who wants to discuss this. We should allow a public hearing for our local developers, etc to be able to address this council specifically and directly on these codes.

**Mount** stated that he concurred with what Taylor said. In his opinion we could get in touch with these trade organizations business agent for each one and they would be glad to come out and spend a couple of hours with us on each one of these and we would be much wiser and more capable to vote on something like this rather than sit here in the dark and not know and go ahead and approve it. He is not in favor of doing that.

**Adams** fully recommended that both of you all should put together points and comments and send to Representative Osborn, Senator Justice and Governor Fallon since it is the State that has mandated this. He holds the State responsible.



**Taylor** stated that the Mayor is absolutely right and he was happy to inform the Council that there is anti Agenda 21 legislation going through the House of Representatives right now. He stated that could change what we would be mandated to do with these codes. He doesn't know what power the Oklahoma Uniform Building Code Commission has on the City of Mustang to enforce those codes on us.

**Councilman Jones** stated that he is familiar with Agenda 21 and recognizes its frailties but would we be building this health plex if we didn't operate under these new codes.

**Coleman** stated that without having some benchmark or standard for D-construction there is a lot of ways you can build it better but that is the best we have and he explained further. These represent the only thing that the manufacturers agree on if they do. He doesn't know how we could reject a set of plans seeing that the whole state has adopted these codes. We were told if you are under the 2006 or what works best in your City and something happened where 2009 could have eliminated that situation with that code. It is a liability question. He stated that he doesn't know of any single person who knows every single word in that code.

**MOTION** was made by **Councilman Taylor**, seconded by **Councilman Mount** to table Item H-2 through H-7 until next meeting to allow for public hearing.

**Adams** stated that he understands Taylor's passion but he believes the level of intrigue that you are putting with this could be put on other groups such as DEQ, etc. We don't always agree with what governments do but having a set of standards to operate from is not a bad thing. These standards are reasonable for building in the State of Oklahoma.

**Taylor** stated he appreciated those comments but those are arms of the State of Oklahoma and will issue rules and regulations but the Oklahoma Uniform Building Code is just a commission.

**Adams** stated it is a Commission of the State of Oklahoma and appointed by the Governor.

**Coleman** said, yes and he read some information that talked about being empowered by the Governor.

**Jones** asked what Grubbs thought about this.

**Grubbs** stated that they are required to conform to the Code that the City adopts. He doesn't see an issue with the 2009 Code. It is a good thing.

**Battles** stated that they have mountains of Attorneys and these books are a reference and if we don't continue to grow in that manner then we outdate ourselves.

**Grubbs asked for a roll call vote.**

**AYE: Taylor, Bowers, Hagan, Mount**

**NAY: Grubbs, Jones, Adams**

**Items H2 through H-7 were tabled until the next meeting.**

8. **Discussion, Consideration and Possible Action** Regarding Approval of **Resolution No. 13-039**, Serving As Notice To The Public And To The State Of Oklahoma Uniform Building Code Commission That The City Of Mustang Has Formally Adopted The 2009 International Building Code.

**MOTION** was made by **Councilman Taylor**, seconded by **Councilwoman Bowers** to table Item H-8 until the next meeting.

**AYE: Taylor, Bowers, Hagan, Mount**

**NAY: Grubbs, Jones, Adams**

9. **Discussion, Consideration and Possible Action** Regarding Approval of **Resolution No. 13-040**, Amending Resolution No. 08-029, Changing the Aquatics Facility Season Pass Fees, After Hour Party Fees and Recreation Center Membership Fees Thereof; Declaring Repealer; Establishing Severability and Declaring an Effective Date.

**Battles** stated that 2007, 2008 and 2009 the City of Mustang continually saw an increase in the minimum wage that was mandated from the state of Oklahoma. He also talked about the various ways of maintaining the pool and the costs to do so. Since 2004 we have not raised the general membership fee and the aquatic season passes have not been adjusted since 2006.

**Battles** stated that this is a recommended change.

**MOTION** was made by **Councilman Grubbs**, seconded by **Councilman Jones** to approve.

**Councilwoman Bowers** asked about city residents and the school district. She would like to see the citizens of Mustang not see this increase since they pay more on property taxes.

**Battles** explained that in 2004 when this came up for an increase the Council at that time decided to recognize the school district as being a resident although not in our City limits since they have children in our school and pay taxes, etc.

**Mayor Adams** stated in 2006 there was a time when we had a different payment structure for residents and non-residents and we actually had lower participation.

**Bowers** asked how much the population changed since then.

**Battles** stated I believe Town Center was always built for a population of 10,000 to 12,000 but he didn't think anyone could imagine 17,000 people and his fear is that if we increase on non-resident only we will see a drop in revenue and he explained further. Then we would have to cut staff and then the things the City has to offer.

**Bowers** stated she would like to see \$45 remain the same inside the City and \$55 outside in school district.

**Battles** explained that 54% live in City limits with 11,825 members and that is 6,582 memberships. Out of 54% live in city limits with 42% living outside of city limits. The remaining is what they consider the non-resident rates such as Minco, Union City, etc. He stated that proposing what Bowers spoke of would cut those numbers in half. So instead of receiving \$17,000 in revenue we would probably be closer to \$7,000 or \$8,000. Those who have children in school and do their shopping here they feel like they are a part of this City.

**Bowers** questioned Battles numbers and how he came up with them.

The Motion to approve was voted on with a roll call vote.

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**AYE: Grubbs, Jones, Hagan, Mount, Adams  
NAY: Bowers  
ABSTAIN: Taylor**

10. **Discussion, Consideration and Possible Action** Regarding Approval to Solicit Bids for Baseball Field Lighting for Six (6) Field Baseball Complex.

**Battles** asked for authorization to go out for bid for the lighting for the six ball fields and stated that this will work hand in hand with the dirt work.

**MOTION** was made by **Councilman Grubbs**, seconded by **Councilman Jones** to approve.

**AYE: Taylor, Grubbs, Bowers, Jones, Hagan, Mount, Adams  
NAY: None**

**J. CITY ATTORNEY'S REPORT**

There were no reports.

**K. ADJOURNMENT**

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

**AYE: Taylor, Grubbs, Bowers, Jones, Hagan, Mount, Adams  
NAY: None**

The meeting was adjourned at 8:40 p.m.

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**MAYOR**

**ATTEST:**

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**CITY CLERK**

**MUSTANG IMPROVEMENT AUTHORITY  
MARCH 19, 2013**

The Mustang Improvement Authority met in regular session on Tuesday, March 19, 2013 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, March 15, 2013 at 2:45 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 8:40 p.m.

**B. ROLL CALL**

**Trustees Present:** Taylor  
Grubbs  
Bowers  
Jones  
Hagan  
Mount  
Adams

**Trustees Absent:** None

**C. NEW BUSINESS**

There was no new business.

**D. CONSENT AGENDA**

- \*1. Approval of **03/05/13** MIA Minutes.
- \*2. Claims List for **FY '13**

**MOTION** was made by **Trustee Taylor**, seconded by **Chairman Adams** to approve the Consent Agenda.

**AYE:** Taylor, Grubbs, Bowers, Jones, Hagan, Mount, Adams

**NAY:** None

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**E.     INFORMATION/REPORTS**

**1.     Trustee Manager**

**Battles** spoke with **Trustee Bowers** and he is making a full report on all Bonds that are out there right now.

**2.     Trustees**

No report.

**F.     ADJOURNMENT**

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

**AYE: Taylor, Grubbs, Bowers, Jones, Hagan, Mount, Adams**

**NAY: None**

The meeting was adjourned at 8:41 p.m.

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**CHAIRMAN**

**ATTEST:**

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**SECRETARY**