

**MUSTANG CITY COUNCIL
OCTOBER 2, 2018**

The Mustang City Council met in regular session on Tuesday, October 2, 2018, at 7:00 p.m. in the Mustang Municipal Building Council Chambers. Notice of the meeting was posted as required on Friday, September 28, 2018, at 8:55 a.m and Amended Agenda posted as required on Monday, October 1, 2018 at 8:15 a.m. both in compliance with the Open Meeting Law, 25 O.S., Section 301, et. seq.

A. CALL TO ORDER

Mayor Schweinberg 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 it was a joy to be a part of this community and appreciated Council in helping make this city a comfortable place for churches to reside. He stated the Church's splash pad and park area were a big hit this summer and was a way for the Church to connect with the community stating they placed emphasis on being open to the community. He stated in the past, the Church held a Fall Festival around this time stating this year, it was being changed to Family Fun Night and stated the Christmas light program would be presented again this year from December 7th through the 9th stating the community was invited.

C. ROLL CALL

Councilmembers Present:	Pratt
	Leete
	Grider
	Jones
	McKenzie
	Noblitt
	Schweinberg

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

Gary Mertens, 911 S. Czech Hall Way, addressed the Council regarding a drainage problem stating when it rains, all the water runs into his yard. He stated he had talked to the City Manager several years ago and was told it was not in the budget.

Mayor Schweinberg asked Mr. Mertens to contact *City Manager Rooney* and discuss with him and *Assistant City Manager Battles* to see what might could be done.

E. NEW BUSINESS, DELETIONS OR CONTINUANCES TO THE AGENDA

None.

F. CONSENT AGENDA

1. Approval of **09/04/2018** City Council Minutes.
2. Approval of **09/17/2018** City Council Special Meeting Minutes.
3. Approval of **09/18/2018** City Council Special Meeting (Work Session) Minutes.
- *4. Claims List for **FY 2018**.
- *5. Claims List for **FY 2019**.
- *6. Approval to Turn **Past Due Utility Accounts** over to the Collection Agency.
7. Approval to Turn **Past Due Library Accounts** over to the Collection Agency.
8. Approval of **Resolution No. 19-016** making Changes in the General Fund Budget by making a Supplemental Appropriation to Increase the 2018-2019 Fiscal Year Budget by \$1,349.
9. Approval of **Resolution No. 19-017** making Changes in the General Fund Budget by making a Supplemental Appropriation to Increase the 2018-2019 Fiscal Year Budget by \$137,700.

MOTION was made by **Councilman Noblitt**, seconded by **Councilman McKenzie**, to Approve Items F-1 thru F-9 of the Consent Agenda.

AYE: Pratt, Leete, Grider, Jones, McKenzie, Noblitt, Schweinberg

NAY: None

G. INFORMATION/REPORTS

1. City Manager Report

- a. **Oath of Office** for Police Officer Derek Hunt and Police Officer Caleb Pinley.

Police Chief Groseclose administered the Oath of Office to new Police Officers Derek Hunt and Caleb Pinley.

- b. City Manager Report

City Manager Rooney stated the City Manager's report was posted online today and a hard copy provided to Councilmembers.

- a. Approval of **Proclamation** declaring the Second Monday in October of 2018 and henceforth as "Native American Day".

Mayor Schweinberg invited Dr. Lancer Stephens and his family to the front where Dr. Stephens introduced himself and his family. Dr. Stephens read the Proclamation and thanked everyone.

MOTION was made by **Councilman Jones**, seconded by **Councilman Grider**, to Approve the Proclamation declaring the Second Monday in October of 2018 and henceforth as "Native American Day".

AYE: Pratt, Leete, Grider, Jones, McKenzie, Noblitt, Schweinberg

NAY: None

- b. City Council Reports

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

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

Councilman McKenzie stated residents were happy regarding the driveway repairs on Highland and thanked the City for doing this.

Councilman Jones stated it was a pleasure to speak with Mr. Mertens who addressed the Council earlier stating he recommended he come tonight and address the Council.

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

Councilman Leete congratulated and welcomed the two new Police Officers and thanked the Police and Fire Departments for all they do.

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

Mayor Schweinberg stated the Color Fun Run was phenomenal and thanked all the volunteers and City Staff for their hard work.

H. DISCUSSION ITEMS

1. **Discussion, Consideration and Possible Action** regarding Approval of Exception to City of Mustang Code of Ordinances, Section 106-371(c) and (d), Allowing a Secondary Gravel Driveway in R-E District (1408 N. Sara Rd).

Community Development Director Helsel stated the City received a written request from property owners at 1408 N. Sara Road to place a secondary dirt/gravel drive to access their property from E. Diane Terrace stating they are concerned about access into their property once construction begins on Sara Rd. **Helsel** stated this would require a waiver from the City's code which requires the driveway be paved in R-E Districts and stated this request does not go to the Board of Adjustment since it's located in the subdivision section of the code.

Helsel stated the property owners would like to install a tin horn in the ditch along Diane Terrace to facilitate storm water management stating they would place a cement cap on the tinhorn, but would like to use dirt/gravel for the rest of the surface area. She stated there are exposed tree roots in the area of the drive and they are concerned the trees may not survive if they are required to install a hard surface or remove any of the roots.

Helsel stated Staff recommends approval on the condition the drive is gravel and not dirt stating there are several other gravel drives along this street and this would be a secondary, not a primary, access point to the property.

Mayor Schweinberg asked in regards to the drainage issues, who accepts responsibility stating by code, drainage cannot be made worse.

Helsel stated the City would inspect the drive throughout installation stating that typically comes into play in larger areas. She stated the property owner would be responsible as well. **City Manager Rooney** stated it would probably be more of a problem if there was no tin horn.

Councilman McKenzie asked what size of tin horn with **Helsel** answering 18 inches or greater.

The applicants, Gordon Elton and Dottie Deerwester addressed the Council stating when the decision was made to move to Mustang, they wanted property with trees stating preserving them was a big priority to them. They stated they were advised by contractors in the business that the trees would have very little chance of survival if a cement or asphalt driveway was installed.

Councilman Noblitt asked the property owners if they created the condition asking for a variance in this situation. Mr. Elton stated, "no".

MOTION was made by **Councilman Noblitt**, seconded by **Councilman Leete**, to Approve the Exception to City of Mustang Code of Ordinances, Section 106-371(c) and (d), Allowing a Secondary Gravel Driveway in R-E District (1408 N. Sara Rd).

AYE: Pratt, Leete, Grider, Jones, McKenzie, Noblitt, Schweinberg

NAY: None

2. **Discussion, Consideration and Possible Action** regarding Approval of **Ordinance No. 1176**, an Ordinance of the City of Mustang, Oklahoma, Amending Chapter 122, Article IX, Section 122-834 to Allow Fences to be Located on Side Property Lines on Corner Lots in Residential Zoning Districts; Providing for Repealer and Severability; and Declaring an Emergency.

Community Development Director Helsel stated this item was discussed at the last Work Session stating over the last several years, the Community Development Department has received numerous variance requests for side yard fences stating the City code currently does not allow a fence over the side building line on corner lots in residential districts. She stated Staff researched this issue and felt it was appropriate to allow the fence to the side building line.

City Manager Rooney stated this was a project to which Edigar Kajirwa, the City's Intern, contributed.

MOTION was made by **Councilman McKenzie**, seconded by **Councilman Leete**, to Approve Ordinance No. 1176, an Ordinance of the City of Mustang, Oklahoma, Amending Chapter 122, Article IX, Section 122-834 to Allow Fences to be Located on Side Property Lines on Corner Lots in Residential Zoning Districts; Providing for Repealer and Severability.

AYE: Pratt, Leete, Grider, Jones, McKenzie, Noblitt, Schweinberg

NAY: None

MOTION was made by **Councilman McKenzie**, seconded by **Councilman Leete**, to Declare an Emergency.

AYE: Pratt, Leete, Grider, Jones, McKenzie, Noblitt, Schweinberg

NAY: None

J. CITY ATTORNEY'S REPORT

1. **Discussion, Consideration and Possible Action** regarding Potential Purchase and Acceptance of Permanent and Temporary Easements 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).
2. **Discussion, Consideration and Possible Action** regarding *Cottonwood Development, L.L.C. v. City of Mustang*, Case No. CV-2018-142, District Court of Canadian County, State of Oklahoma, to include potential settlement of the lawsuit; and, Proposed Executive Session as authorized by 25 Okla. Stat. §307(B)(4).
3. **Discussion, Consideration and Possible Action** regarding City Manager's Evaluation and Employment Contract; and, proposed Executive Session as authorized by 25 Okla. Stat. 307(B)(1).

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

AYE: Pratt, Leete, Grider, Jones, McKenzie, Noblitt, Schweinberg

NAY: None

TIME ADJOURNED to Executive Session: **7:30 p.m.**

MOTION was made by **Mayor Schweinberg**, seconded by **Councilman Noblitt** to return from Executive Session.

AYE: Pratt, Leete, Grider, Jones, McKenzie, Noblitt, Schweinberg

NAY: None

TIME RETURNED from Executive Session: **8:02 p.m.**

In reference to Item J-1 –

MOTION was made by **Councilman Leete**, seconded by **Councilman Grider** to Approve the Acceptance of Permanent and Temporary Easements from Lonnie and Karen Calvert and Authorization for the Mayor and Staff to Execute necessary documents to complete Acceptance of the Easements.

AYE: Pratt, Leete, Grider, Jones, McKenzie, Noblitt, Schweinberg

NAY: None

In reference to Item J-2 –

Informational purposes only.

In reference to Item J-3 –

MOTION was made by **Councilman Noblitt**, seconded by **Councilman Leete** to Approve the City Manager's Employment Contract as proposed in Executive Session.

AYE: Pratt, Leete, Grider, Jones, McKenzie, Noblitt, Schweinberg

NAY: None

K. ADJOURNMENT

MOTION was made by **Councilman Grider**, seconded by **Councilwoman Pratt**, to adjourn.

AYE: Pratt, Leete, Grider, Jones, McKenzie, Noblitt, Schweinberg

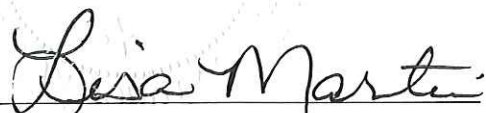
NAY: None

The meeting was adjourned at **8:04 p.m.**



Brian Grider, Vice Mayor

Attest:



Lisa Martin, City Clerk

**MUSTANG IMPROVEMENT AUTHORITY
OCTOBER 2, 2018**

The Mustang Improvement Authority met in regular session on Tuesday, October 2, 2018, at 7:00 p.m. in the Mustang Municipal Building Council Chambers. Notice of the meeting was posted as required on Friday, September 28, 2018, at 8:55 a.m. and Amended Agenda posted as required on Monday, October 1, 2018 at 8:15 a.m. both in compliance with the Open Meeting Law, 25 O.S., Section 301, et. seq.

A. CALL TO ORDER

Chairman Schweinberg called the meeting to order at **8:04 p.m.**

B. ROLL CALL

Trustees Present: Pratt
Leete
Grider
Jones
McKenzie
Noblitt
Schweinberg

Trustees Absent: None

C. NEW BUSINESS

None.

D. CONSENT AGENDA

1. Approval of **09/04/2018** City Council Minutes
- *2. Claims List for **FY 2018**
- *3. Claims List for **FY 2019**
- *4. Approval to Turn **Past Due Utility Accounts** over to the Collection Agency.

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

AYE: Pratt, Leete, Grider, Jones, McKenzie, Noblitt, Schweinberg

NAY: None

E. INFORMATION/REPORTS

1. **Trustee Manager**
None.
2. **Trustees**
None.

F. DISCUSSION ITEMS

None.

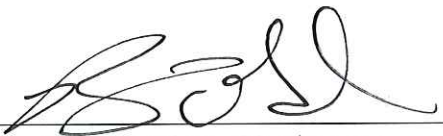
G. ADJOURNMENT

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

AYE: Pratt, Leete, Grider, Jones, McKenzie, Noblitt, Schweinberg

NAY: None

Meeting was adjourned at **8:04 p.m.**



Brian Grider, Vice Chairman

Attest:




Lisa Martin, Secretary