

**MUSTANG CITY COUNCIL
OCTOBER 17, 2017**

The Mustang City Council met in regular session on Tuesday, October 17, 2017, 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 13, 2017, at 3:10 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 (Brett Armstrong, Pastor, The Church of the Nazarene).

Pastor Armstrong led the assembly in the Pledge and Invocation. He shared information regarding Crossfit RWOL (Restoring Wholeness of Life) which partners with the church, but is its own entity stating they not only serve the physical needs, but emotional, relationship, financial and spiritual needs as well. He stated classes such as marriage enrichment and partner work out are provided and try to incorporate therapy, counseling and group sessions as an option too.

C. ROLL CALL

Councilmembers Present:	Ward I - Vacant
	Leete
	Grider
	Jones
	Hagan
	Adams

Councilmembers Absent:	Schweinberg
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D. INTRODUCTION OF GUESTS/HEARING OF CITIZENS OR DELEGATES

None.

E. NEW BUSINESS, DELETIONS OR CONTINUANCES TO THE AGENDA

None.

F. CONSENT AGENDA

1. Approval of **10/03/2017** City Council Minutes.
- *2. Claims List for **FY 2018**.
3. Approval to **Deny Tort Claim** by Joyel Frank, Date of Incident August 12, 2017, in the Amount of \$6,500.

MOTION was made by **Councilman Grider**, seconded by **Councilman Leete**, to approve Items F-1 through F-3 of the Consent Agenda.

AYE: Leete, Grider, Jones, Hagan, Adams
NAY: None

G. INFORMATION/REPORTS

1. City Manager

City Manager Rooney introduced *Captain Craig Carruth* as the new City of Mustang Fire Chief replacing *Chief Carl Hickman* who is retiring November 30, 2017.

Fire Chief Hickman introduced Mr. Yogi Cole, ISO Field Coordinator, with the Oklahoma State Insurance Department who presented to *Mayor Adams* a "Citation of Congratulations" from the Oklahoma State Insurance Board. He provided background regarding the City's ISO rating as well as other cities stating the City of Mustang is in the top 1% by having a Class 2 rating.

2. City Council

Mayor Adams asked the Councilmembers if they had anything to report in

Councilman Leete congratulated *Captain Carruth* for being named the new Fire Chief and thanked *Fire Chief Hickman* as well for his service.

Councilman Grider congratulated *Captain Carruth* as well. He stated he had the privilege to attend one of the Fire Department's Fire Safety programs at the elementary schools stating it was great to watch. He stated it was on YouTube and currently has over 10.5 million views.

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

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

Mayor Adams stated he was thankful for the big trash pick-up service provided by the City.

H. DISCUSSION ITEMS

1. **Public Hearing, Discussion, Consideration and Possible Action** regarding Approval of Conditional Use Permit Application CUP-8-30-17-1-30, NW/4 Section 30, T11N, R5W, I.M. Citizens Energy II, LLC, Application to Drill Production Well, Mustang 1H-30-31.

Community Development Director Helsel stated the applicant, Citizens Energy II, LLC, is submitting an application for (1) a Conditional Use Permit and (2) a Permit to drill a production well at the corner of SW 59th Street and Frisco Road. She provided background information regarding the well and stated two items were not provided with the application packet, but were provided to her this evening, (1) name of agent in Canadian County and (2) naming the City of Mustang as an additional insured on their insurance, stating they would be reviewed and a permit would not be granted without all requirements being met. She stated the applicant had posted surety and the application packet contains the details of the site and they are in compliance stating the Code requires oil & gas well sites be 300 feet from homes.

Discussion was held as to whether or not the item could be discussed if all documents had not been received with **City Attorney Miller** stating Council could table the item, but would encourage them to go through the Public Hearing process.

Helsel stated the Planning Commission voted 3:1 on a motion to recommend approval at their October 10, 2017 meeting with the corrections indicated by the City Attorney; however, motion was not approved as four yay votes were needed.

Mayor Adams stated he reviewed the survey map and found several errors stating the map would need to be redone.

Wayne Smith, on behalf of the applicant, stated the map came from the survey company and would take it up with them.

MOTION was made by **Mayor Adams**, seconded by **Councilman Grider**, to Open the Matter for Public Hearing.

AYE: Leete, Grider, Jones, Hagan, Adams
NAY: None

The following individuals addressed the Council in opposition to the permits:

- Karen Stone, 800 N. Frisco Road
- Brandi Combs, 321 E. Twelve Oaks Terrace
- Rachel Anderson, 2064 SW 59th Street
- Mary Huntington, 14001 SW 62nd Street
- JoAnne Levine, 334 W. Birch Dr. on behalf of herself and Mr. Jim Hughes, founders of the Canadian County Safe Water Coalition
- William Pope, 13601 SW 59th Street
- Darrell Sharp, 402 S. Ebeling Drive
- Jeff Chappell, 5200 S. Frisco Road
- George Cicoria, 620 N. Frisco Road
- Andy Pryor, 5400 S. Frisco Road
- Michael Griswold, 5350 S. Frisco Road
- Rebecca Pryor, 5400 S. Frisco Road

They stated they had many concerns including, but not limited to:

- Road damage;
- Heavy truck traffic and speeding;
- Noise issues;
- Safety of children at bus stops - eight bus stops on route suggested;
- Well site possibly located on historic Chisholm Trail;
- House and property damage;
- Health concerns (which some state are already happening from other wells) such as:
 - o Rashes;
 - o Nose bleeds;
 - o Asthma;
- Lights 24 hours;
- Two wells already built in area;
- Water contamination as most property owners have well water;
- Lack of regulation for issues such as leaks – was stated DEQ had required oil company to repair tanks that were leaking at current sites;
- Black substance from faucet;
- Terrible smell;
- Breathing difficulties;
- Oppose fracking;
- Oil company in and out and leave property owners and City with damage and cost;
- City code violations;
- Generator noise and vibration, and diesel generators;
- Decrease in property values;
- Danger to animals and pets

It was stated Mustang was voted in top 100 places to live and the City needs to respect and protect our resources.

Requests were made that if the permits were granted, the oil company would be required to install speed limit signs, bus stop signs, be responsible for the payment for road repair, place sound barriers around the well site, and change the truck route where there would not be so many bus stops.

Mayor Adams declared a brief recess at 8:02 pm and called the meeting back into session at 8:10 pm.

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

AYE: **Leete, Grider, Jones, Hagan, Adams**
NAY: **None**

Wayne Smith, on behalf of applicant, stated safeguards are in place in regards to ground water and explained that process. He also had a map prepared in 1933 regarding the Chisholm Trail stating the trail splits and the well site is not located on the Trail.

Curtis Johnson, on behalf of the applicant, stated Citizens Energy cares about the citizens of Mustang and is committed to road and child safety stating he has two small children of his own and safety would be a priority. He stated the well pads would not be on the Chisholm Trail stating a lot of research had been completed to make sure this did not happen. He also stated the company could not put up road signs, but would pay for the signs and would also be willing to change the truck route if there was an alternative route with less bus routes and was safer.

Discussion was held concerning State Statute limiting the City's authority in regards to what can be governed in these areas with it being stated the City cannot tell an oil company if they can or cannot frack even if it is a concern. It was also stated the City cannot say no to drilling or fracking as it would be overturned by the Corporation Commission or a lawsuit stating the City is allowed, however, to place conditional uses such as truck route, noise, odors, fencing, set-backs, etc.

Discussion was held regarding application meeting all Mustang ordinances and requirements. **Helsel** stated *City Attorney Miller* and she reviewed the application packet very carefully and it does meet all Mustang ordinances. It was stated some of the conditions that could be added to the CUP are (1) applicant provide proper survey map; and (2) truck route adjusted.

Discussion was held concerning the well site being in contradiction to the City's noise ordinance, especially with the well site being in operation 24/7. **Johnson** stated the oil company would work with the City to the best of their ability regarding the noise, lights, traffic and any other complaints. Sound barriers were also discussed.

Mayor Adams requested *City Attorney Miller* research what conditions can be placed on the permit such as, but not limited to, sound barriers, truck routes, etc. He stated two of the documents discussed earlier were not submitted with the application, but instead, were submitted this evening; therefore, the City has not had time to review them. **Johnson** stated the two documents were minor and could be reviewed quickly. He stated he had been in constant contact with *Community Development Director Helsel* and *City Attorney Miller* stating they have complied with requests, one being today with documents provided to the City this evening, and done all they could to follow the rules.

Councilman Leete stated the Council was here for the people by the people and their concerns had been heard stating he needed an opportunity to figure out the restrictions, statute limitations, etc. and do all he can to take care of the people.

MOTION was made by **Mayor Adams**, seconded by **Councilman Jones**, to Table the Conditional Use Permit Application CUP-8-30-17-1-30, NW/4 Section 30, T11N, R5W, I.M. Citizens Energy II, LLC, Application to Drill Production Well, Mustang 1H-30-31, in order to Verify the two documents submitted this evening meet City requirements, and Research what can be required under the Conditional User Permit.

AYE: Leete, Grider, Jones, Hagan, Adams
NAY: None

2. **Public Hearing, Discussion, Consideration and Possible Action** regarding Approval of Conditional Use Permit Application CUP-8-30-17-2-30, NW/4 Section 30, T11N, R5W, I.M. Citizens Energy II, LLC, Application to Drill Production Well, Mustang 2H-30-19.

Community Development Director Helsel stated the applicant, Citizens Energy II, LLC, is submitting an application for (1) a Conditional Use Permit and (2) a Permit to drill a production well at the corner of SW 59th Street and Frisco Road. She provided background information regarding the well and stated two items were not provided with the application packet, but were provided to her this evening, (1) name of agent in Canadian County and (2) naming the City of Mustang as an additional insured on their insurance, stating they would be reviewed and a permit would not be granted without all requirements being met. She stated the applicant had posted surety and the application packet contains the details of the site and they are in compliance stating the Code requires oil & gas well sites be 300 feet from homes.

Helsel stated the Planning Commission voted 3:1 on a motion to recommend approval at their October 10, 2017 meeting with the corrections indicated by the City Attorney; however, motion was not approved as four yay votes were needed.

Mayor Adams asked if the two documents provided this evening pertain to this item as well with **Helsel** replying yes.

Mayor Adams opened the matter for Public Hearing.

Brandi Combs, 321 E. Twelve Oaks Terrace, played a recording of one of the well sites currently in that area stating her phone would not play it as loud as it actually is.

Andy Pryor, 5400 S. Frisco Road, asked if the oil company breaks municipal codes and continues to break them, can it be escalated beyond just being fined. **Adams** stated they would mostly be fined, but if the CUP was broken, the permit could be revoked. He stated noise is a nuisance abatement issue.

Other discussion included the truck traffic, speeding and safety.

Curtis Johnson, on behalf of the applicant, stated he does care about the children, but cannot be out there 24 hours a day. He stated the current trucking problems are not from their trucks and they would do all they could to work with the City.

William Huffman, on behalf of the applicant, stated a lot had been said that oil companies do not do anything for the City. He stated he disagreed with this as mineral owners, the City of Mustang being one of them, would receive revenue once produced. He also stated people here would benefit as it brings revenue into the community and hires a lot of contractors that operate out of this area.

JoAnne Levine, 334 W. Birch Dr., stated this issue was about the total environment and not just noise stating it was terrifying that the State is bullying over these communities. She stated the people have the right to say these resources belong to us.

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

AYE: **Leete, Grider, Jones, Hagan, Adams**
NAY: **None**

MOTION was made by **Mayor Adams**, seconded by **Councilman Jones**, to Table the Conditional Use Permit Application CUP-8-30-17-1-30, NW/4 Section 30, T11N, R5W, I.M. Citizens Energy II, LLC, Application to Drill Production Well, Mustang 1H-30-31, in order to Verify the two documents submitted this evening meet City requirements, and Research what can be required under the Conditional Use Permit.

AYE: **Leete, Grider, Jones, Hagan, Schweinberg, Adams**
NAY: **None**

3. **Discussion, Consideration and Possible Action** regarding Approval of **Resolution No. 18-025**, a Joint Resolution of the City Council of the City of Mustang, Oklahoma and the Mustang Improvement Authority Establishing a Water Consumption Rate for Residential Users Establishing New Service who do not have a Winter Period Consumption Base Established at their Current Residential or Housekeeping Unit; Providing Effective Date; and Providing for Repealer.

City Manager Rooney stated the Resolution would formalize action taken by City Council in the October 3, 2017 meeting establishing sanitary sewer rates for new customers prior to the Winter Period Consumption Base being established.

MOTION was made by **Councilman Grider**, seconded by **Councilman Jones**, to Approve **Resolution No. 18-025**, a Joint Resolution of the City Council of the City of Mustang, Oklahoma and the Mustang Improvement Authority Establishing a Water Consumption Rate for Residential Users Establishing New Service who do not have a Winter Period Consumption Base Established at their Current Residential or Housekeeping Unit; Providing Effective Date; and Providing for Repealer.

AYE: Leete, Grider, Jones, Hagan, Adams
NAY: None

4. **Discussion, Consideration and Possible Action** regarding Approval of **Ordinance No. 1154**, an Ordinance of the City of Mustang, Oklahoma, Amending Chapter 118, Article III, of the Municipal Code by Adding New Subsection 118-135(9) to Establish a Sewer Rate for Residential Customers Establishing New Service where No Winter Period Consumption Bases has been Established for such Residential User; Declaring a Repealer; Providing for Severability; and Declaring an Emergency.

City Manager Rooney stated the Ordinance would also formalize action taken by City Council in the October 3, 2017 meeting establishing sanitary sewer rates for new customers prior to the Winter Period Consumption Base being established. He also informed Council that an Emergency could not be declared as it required six yes votes and there were only five in attendance this evening.

MOTION was made by **Councilman Grider**, seconded by **Councilman Leete**, to Approve **Ordinance No. 1154**, an Ordinance of the City of Mustang, Oklahoma, Amending Chapter 118, Article III, of the Municipal Code by Adding New Subsection 118-135(9) to Establish a Sewer Rate for Residential Customers Establishing New Service where No Winter Period Consumption Bases has been Established for such Residential User; Declaring a Repealer; Providing for Severability.

AYE: Leete, Grider, Jones, Hagan, Adams
NAY: None

No vote was taken to Declare an Emergency as six "Aye" votes are required for passage and only five members were in attendance.

5. **Discussion, Consideration and Possible Action** regarding Approval of **Resolution No. 18-026**, A Resolution of the City Council of the City of Mustang, Oklahoma Adopting a Policy and Conditions for the Implementation and Use of Speed Tables within the City of Mustang in Response to Requests from Residents; Providing Effective Date; and Providing for Repealer.

City Manager Rooney stated the Resolution would formalize action taken by City Council in the October 3, 2017 meeting allowing for an application process for installation of neighborhood speed tables under certain conditions.

MOTION was made by **Councilman Grider**, seconded by **Councilman Jones**, to Approve **Resolution No. 18-026**, A Resolution of the City Council of the City of Mustang, Oklahoma Adopting a Policy and Conditions for the Implementation and Use of Speed Tables within the City of Mustang in Response to Requests from Residents; Providing Effective Date; and Providing for Repealer.

AYE: Leete, Grider, Jones, Hagan, Adams
NAY: None

6. **Discussion, Consideration and Possible Action** regarding Approval of **Resolution No. 18-027**, a Resolution of the City Council of the City of Mustang Establishing the Fees for Public Cardiopulmonary Resuscitation (CPR) Classes Instructed by the Mustang Fire Department.

City Manager Rooney stated the Fire Department began providing CPR classes about 10 years ago stating the goal was to provide them for free. He stated the cost of instructional materials and class supplies caused the need for the Fire Department to collect a modest fee to help offset the cost.

MOTION was made by **Councilman Grider**, seconded by **Councilman Jones**, to Approve **Resolution No. 18-027**, a Resolution of the City Council of the City of Mustang Establishing the Fees for Public Cardiopulmonary Resuscitation (CPR) Classes Instructed by the Mustang Fire Department.

AYE: Leete, Grider, Jones, Hagan, Adams
NAY: None

7. **Discussion, Consideration and Possible Action** regarding Appointment of Councilmember to Represent Ward I.

City Manager Rooney stated the City Clerk's office received one letter of interest from a resident residing in Ward I, Mr. Mark Quigley, stating he has resided in Ward 1 for over 5 years and lives at 664 E Amelia Terrace.

Rooney stated if approved, he will be issued the Oath of Office at the first meeting in November and he would fill the current term through April, 2018.

MOTION was made by **Councilwoman Hagan**, seconded by **Councilman Grider**, to Approve the Appointment of Mr. Mark Quigley as Councilmember to Represent Ward I.

AYE: Leete, Grider, Jones, Hagan, Adams
NAY: None

J. CITY ATTORNEY'S REPORT

1. **Discussion** regarding *Dietra Bradsher v. City of Mustang and Severn Trent Services*, Case No. CJ-2017-504, District Court, Oklahoma County, State of Oklahoma; and, **proposed Executive Session as authorized by 25 Okla. Stat. §307(B)(4).**
2. **Discussion, Consideration and Possible Action** regarding *In re Citizen Energy II, LLC*, Cause No. 201705077T, Oklahoma Corporation Commission; and, proposed Executive Session as authorized by 25 Okla. Stat. §307(B)(4).
3. **Discussion, Consideration and Possible Action** on potential lease of mineral interests owned by the City of Mustang; and, proposed Executive Session as authorized by 25 Okla. Stat. §307(B)(3).
4. **Discussion** regarding City Manager's Evaluation; and, proposed Executive Session as authorized by 25 Okla. Stat. 307(B)(1).

MOTION was made by **Mayor Adams**, seconded by **Councilman Grider** to adjourn to executive session.

AYE: Leete, Grider, Jones, Hagan, Adams
NAY: None

TIME ADJOURNED to Executive Session: **9:30 p.m.**

Mayor Adams called the meeting back in session at **9:51 p.m.**

In reference to Item J-1 –

Informational purposes only.

In reference to Item J-2 –

Informational purposes only.

In reference to Item J-3 –

MOTION was made by **Councilman Grider**, seconded by **Councilman Jones**, to Approve as discussed.

AYE: Leete, Grider, Jones, Hagan, Adams

NAY: None

In reference to Item J-4 –

MOTION was made by **Councilman Grider**, seconded by **Councilman Leete**, to Approve Contract Terms as discussed.

AYE: Leete, Grider, Jones, Hagan, Adams

NAY: None

K. ADJOURNMENT

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

AYE: Leete, Grider, Jones, Hagan, Adams

NAY: None

The meeting was adjourned at **9:52 p.m.**

Attest:


Lisa Martin, City Clerk


Jay Adams, Mayor

**MUSTANG IMPROVEMENT AUTHORITY
OCTOBER 17, 2017**

The Mustang Improvement Authority met in regular session on Tuesday, October 17, 2017, 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 13, 2017, at 3:10 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 **9:52 p.m.**

B. ROLL CALL

Trustees Present: Ward I - Vacant
Leete
Grider
Jones
Hagan
Adams

Trustees Absent: Schweinberg

C. NEW BUSINESS

None.

D. CONSENT AGENDA

1. Approval of **10/03/2017** MIA Minutes
- *2. Claims List for **FY 2018**

MOTION was made by **Trustee Grider**, seconded by **Trustee Leete**, to approve Items D-1 through D-2 of the Consent Agenda.

AYE: Leete, Grider, Jones, Hagan, Adams
NAY: None

E. INFORMATION/REPORTS

1. **Trustee Manager**

None.

2. **Trustees**

None.

F. DISCUSSION ITEMS

- *1. **Discussion, Consideration and Possible Action** regarding Approval of **Resolution No. 18-025**, a Joint Resolution of the City Council of the City of Mustang, Oklahoma and the Mustang Improvement Authority Establishing a Water Consumption Rate for Residential Users Establishing New Service who do not have a Winter Period Consumption Base Established at their Current Residential or Housekeeping Unit; Providing Effective Date; and Providing for Repealer.

MOTION was made by **Trustee Grider**, seconded by **Trustee Jones**, to Approve **Resolution No. 18-025**, a Joint Resolution of the City Council of the City of Mustang, Oklahoma and the Mustang Improvement Authority Establishing a Water Consumption Rate for Residential Users Establishing New Service who do not have a Winter Period Consumption Base Established at their Current Residential or Housekeeping Unit; Providing Effective Date; and Providing for Repealer.

AYE: Leete, Grider, Jones, Hagan, Adams
NAY: None

G. ADJOURNMENT

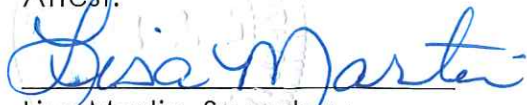
MOTION was made by **Trustee Grider**, seconded by **Trustee Jones**, to adjourn.

AYE: Leete, Grider, Jones, Hagan, Adams
NAY: None

Meeting was adjourned at **9:53 p.m.**


Jay Adams, Chairman

Attest:


Lisa Martin, Secretary