

**Minutes of the Claremore Cultural Development Authority Regular Meeting
Council Chambers, City Hall, 104 S. Muskogee Ave.
Claremore, Oklahoma September 04, 2018**

CALL TO ORDER

Meeting called to order by Mayor Flanagan at 6:00 P.M.

Mayor Flanagan asked City Clerk Sarah Sharp to note that members are present/absent as indicated below:

Present: Terry Willis, Ken Hays, Will DeMier, Bill Flanagan, Justin Michael, Susan Kirtley, Scott Savage

Absent: Herb McSpadden, Brian Callender

Staff Present: Jim Thomas, Bryan Drummond, Jonah Humes, Sarah Sharp, Tim White, Stan Brown, Suzan Maloy, Kyle Clifton, Sean Douglas, Lisa Wilson, Daryl Golbek, Chris Paulsen, Garrett Ball

Pledge of Allegiance by all.

Invocation by: Pastor John Stem, Claremore Assembly of God Church

CALL TO THE PUBLIC

Daniel Eslick and Larry Rock spoke during the discussion of Council agenda item number five. Cheryl Hastings spoke during the discussion of Council agenda items number six and number seven.

ACCEPTANCE OF THE AGENDA

Motion by Hays, second by DeMier that the agenda for the regular CCDA meeting of September 04, 2018 be approved as written. Roll call vote: Willis, yes; Hays, yes; DeMier, yes; Flanagan, yes; Michael, yes; Kirtley, yes; and Savage, yes. Motion carried.

ITEMS UNFORESEEN AT THE TIME AGENDA WAS POSTED

None.

CURRENT BUSINESS

(1) Approve/Reject the following consent items:

(a) Minutes of the Regular Claremore Cultural Development Authority Meeting on August 20, 2018 as printed.

(b) All Claims as printed.

Motion by Hays, second by Savage to approve the consent items as listed. Roll call vote: Willis, yes; Hays, yes; DeMier, yes; Flanagan, yes; Michael, yes; Kirtley, yes; and Savage, yes. Motion carried.

ADJOURNMENT

Motion by Savage, second by Hays to adjourn. Roll call vote: Willis, yes; Hays, yes; DeMier, yes; Flanagan, yes; Michael, yes; Kirtley, yes; and Savage, yes. Motion carried.

Meeting adjourned at 6:04 P.M.

A handwritten signature in cursive script that reads "Sarah Sharp".

Sarah Sharp, CMC
City Clerk

**Minutes of Claremore Public Works Authority Regular Meeting
Council Chambers, City Hall, 104 S. Muskogee Ave.
Claremore, Oklahoma September 04, 2018**

CALL TO ORDER

Meeting called to order by Mayor Flanagan at 6:04 P.M.

Mayor Flanagan asked City Clerk Sarah Sharp to note that members are present/absent as indicated below:

Present: Terry Willis, Ken Hays, Will DeMier, Bill Flanagan, Justin Michael, Susan Kirtley, Scott Savage

Absent: Herb McSpadden, Brian Callender

Staff Present: Jim Thomas, Bryan Drummond, Jonah Humes, Sarah Sharp, Tim White, Stan Brown, Suzan Maloy, Kyle Clifton, Sean Douglas, Lisa Wilson, Daryl Golbek, Chris Paulsen, Garrett Ball

ACCEPTANCE OF THE AGENDA

Motion by Hays, second by Willis that the agenda for the regular CPWA meeting of September 04, 2018 be approved as written. Roll call vote: Willis, yes; Hays, yes; DeMier, yes; Flanagan, yes; Michael, yes; Kirtley, yes; and Savage, yes. Motion carried.

ITEMS UNFORESEEN AT THE TIME AGENDA WAS POSTED

None.

CURRENT BUSINESS

(1) Approve/Reject the following consent items:

- (a) Minutes of the Claremore Public Works Authority Regular Meeting on August 20, 2018.**
- (b) All claims as printed.**
- (c) Acceptance of DEQ permit #WL000066180563 for the construction of a 336 linear foot 8 inch PVC potable water line and all appurtenances to serve Affordable Self-Storage, Rogers County, Oklahoma. (Garrett Ball)**
- (d) Approval of partial payment on Garver Engineering Invoice #27 in the amount of \$176,252 in relation to the Water Treatment Plant Improvement Project.**

Item d is a partial payment. Details of the outstanding amount owed will be discussed in the Executive Session.

Motion by Kirtley, second by DeMier to approve the consent items as listed. Roll call vote: Willis, yes; Hays, yes; DeMier, yes; Flanagan, yes; Michael, yes; Kirtley, yes; and Savage, yes. Motion carried.

EXECUTIVE SESSION

(1) Approve/Reject going into executive session to discuss the following item:

- (a) Discussing confidential communications between the City of Claremore and its attorneys concerning the City's claim for liquidated damages against UCI and UCI's claim for damages against the City regarding the water treatment plant, the City having been advised by its attorneys that disclosure of communications regarding this matter would seriously impair the ability of the City to process the claims in the public interest, pursuant to OKLA. STAT. tit. 25, § 307(B)(4).**

(2) Executive session to discuss above item (a).

Motion by DeMier, second by Michael to approve entering into executive session to discuss item (a). Roll call vote: Willis, yes; Hays, yes; DeMier, yes; Flanagan, yes; Michael, yes; Kirtley, yes; and Savage, yes. Motion carried

Council entered executive session at 6:06 P.M.

Council exited executive session at 6:50 P.M.

(3) Open session.

Motion by Hays, second by Kirtley to acknowledge return to open session. Roll call vote: Willis, yes; Hays, yes; DeMier, yes; Flanagan, yes; Michael, yes; Kirtley, yes; and Savage, yes. Motion carried

(4) Statement of executive session minutes.

Statement of executive session minutes was read by City Attorney:

While in executive session council met to discuss confidential communications between the City of Claremore and its attorneys concerning the City's claim for liquidated damages against UCI and UCI's claim for damages against the City regarding the water treatment plant, the City having been advised by its attorneys that disclosure of communications regarding this matter would seriously impair the ability of the City to process the claims in the public interest, pursuant to OKLA. STAT. tit. 25, § 307(B)(4). All Council Members present at the meeting were present in executive session, along with the City Manager, City Attorney Bryan Drummond, City Attorney Eric Nelson, Michael Graves of Garver Engineering, and Public Works Director Daryl Golbek. No other items were discussed and no votes were taken.

ADJOURNMENT

Motion by DeMier, second by Savage to adjourn. Roll call vote: Willis, yes; Hays, yes; DeMier, yes; Flanagan, yes; Michael, yes; Kirtley, yes; and Savage, yes. Motion carried.

Meeting adjourned at 6:52 P.M.

A handwritten signature in cursive script that reads "Sarah Sharp".

Sarah Sharp, CMC
City Clerk

**Minutes of Claremore City Council Regular Meeting
Council Chambers, City Hall, 104 S. Muskogee Ave.
Claremore, Oklahoma September 04, 2018**

CALL TO ORDER

Meeting called to order by Mayor Flanagan at 6:52 P.M.

Mayor Flanagan asked City Clerk Sarah Sharp to note that members are present/absent as indicated below:

Present: Terry Willis, Ken Hays, Will DeMier, Bill Flanagan, Justin Michael, Susan Kirtley, Scott Savage

Absent: Herb McSpadden, Brian Callender

Staff Present: Jim Thomas, Bryan Drummond, Jonah Humes, Sarah Sharp, Tim White, Stan Brown, Suzan Maloy, Kyle Clifton, Sean Douglas, Lisa Wilson, Daryl Golbek, Chris Paulsen, Garrett Ball

ACCEPTANCE OF THE AGENDA

Motion by Hays, second by Willis that the agenda for the regular City Council meeting of September 04, 2018 be approved. Roll call vote: Willis, yes; Hays, yes; DeMier, yes; Flanagan, yes; Michael, yes; Kirtley, yes; and Savage, yes. Motion carried.

AWARDS, PRESENTATIONS, AND COMMUNICATIONS

None.

MAYOR'S REPORT & APPOINTMENTS

(1) Discussion and vote to Approve/Reject the resignation of Ward III Councilman Terry Willis, effective at the adjournment of the September 04, 2018 Council Meeting. (Jim Thomas/Bill Flanagan)

Willis read his resignation letter and made closing remarks. Mayor Flanagan thanked Councilman Willis for his service.

Motion by DeMier, second by Hays to approve the resignation of Councilman Terry Willis, effective at the adjournment of the September 04, 2018 Council Meeting. Roll call vote: Willis, yes; Hays, yes; DeMier, yes; Flanagan, yes; Michael, yes; Kirtley, yes; and Savage, yes. Motion carried.

(2) Discussion and vote to fill the vacant Ward III Councilor seat for the remainder of the unexpired term or until the next City election, including (1) review and possible interview of candidates, (2) discussion regarding candidates, (3) vote to appoint a qualified person to fill the vacancy, (4) vote to call for a special election to fill the seat, and/or (5) any other action deemed necessary to fill the vacant seat. (Jim Thomas/Bill Flanagan)

Motion by DeMier, second by Savage to follow the past procedure. The vacant Council position will be advertised in the Claremore Progress and on Facebook. Interested parties must reside in Ward III and submit letter of interest and/or resume by 5:00 P.M. on September 14, 2018 to the City Clerk. Candidates will be interviewed at the September 17th Council meeting. Roll call vote: Willis, yes; Hays, yes; DeMier, yes; Flanagan, yes; Michael, yes; Kirtley, yes; and Savage, yes. Motion carried.

STAFF REPORTS

None.

CITY MANAGER REPORT

Review and update was sent last Friday. If there are any questions, please let Jim Thomas know. Thomas expressed his regret of Councilman Willis leaving and what a pleasure it has been to work with him these past 7 + years.

CURRENT BUSINESS

- (3) Approve/Reject the following consent items:**
- (a) Minutes of the Regular Council Meeting on August 20, 2018.**
 - (b) All claims as printed.**
 - (c) Actual salary claims for pay period ending August 25, 2018 in the amount of \$501,127.75 and estimated salary claims to include contractual agreement for Fire Union Dues, Flexible Spending Accounts, Life Insurance, Fire Pension, Police Pension, Oklahoma Municipal Retirement Fund Supplemental Vision, and Short/Long Term disability plans, and United Way Contributions for the next pay period in the amount of \$500,000. Payroll at \$500,000 amount to include payables.**
 - (d) Renewal of Interlocal Agreement for governmental services between the Board of County Commissioners of Rogers County Oklahoma and the City of Claremore Oklahoma for development of Claremore Lake Trails.**

Motion by Hays, second by Savage to approve the consent items as listed. Roll call vote: Willis, yes; Hays, yes; DeMier, yes; Flanagan, yes; Michael, yes; Kirtley, yes; and Savage, yes. Motion carried.

(4) Discussion and vote to Approve/Reject Interlocal Agreement between the Board of County Commissioners of Rogers County Oklahoma and the City of Claremore Oklahoma for monthly reimbursement for Solid Waste Disposal Program. (Jim Thomas/Commissioner Burrows)

County Commissioner Ron Burrows was present to discuss the agreement. The site collects bulk solid waste such as mattresses, furniture, appliances, etc., not household trash. Since January of this year there have been 2,169 Claremore residents who have brought trash to be disposed of. Giving people an avenue to get rid of this trash has improved the amount of trash along the roadways. September is the last month of collection of the 1cent street tax that was not renewed by voters. Commissioner Burrows is requesting the City to fund temporarily until the County can get the issue back on the ballot. If it is voted down again, then they will re-evaluate the entire program. Even if the sales tax is passed, sales tax collection will not begin until June 2019. The earliest the tax can be placed on the ballot is January 8, 2018 or February 12, 2018.

The cost is \$5,553 a month and contract would be on a month to month basis. City Manager Jim Thomas stated there is enough money in the City budget to absorb these fees temporarily. The monthly fee will pay for an employee's salary and disposal fees. The employee will still be a County employee and benefits will be paid by the County.

Motion by DeMier, second by Kirtley to approve Interlocal Agreement between the Board of County Commissioners of Rogers County Oklahoma and the City of Claremore Oklahoma for monthly reimbursement for Solid Waste Disposal Program.

Roll call vote: Willis, yes; Hays, yes; DeMier, yes; Flanagan, yes; Michael, yes; Kirtley, yes; and Savage, yes. Motion carried.

(5) Discussion of an appeal from the Planning Commission's decision to not approve changing the zoning of land that is the Westerly 29 feet of Lot 5 and all of Lot 6, Block 8, of the Farley Addition, City of Claremore, Rogers County, State of Oklahoma, from Residential Single-Family Medium Intensity District (RS-2) to Residential Duplex District (RD) and discussion and vote to approve/reject Ordinance 2018 - __ which would grant the appeal, change the zoning as requested and direct the appropriate amendment to the zoning map of the City of Claremore, Oklahoma be made. (Kyle Clifton)

Assistant Planning Director Kyle Clifton gave presentation. Applicant plans on building a duplex on the lot. Staff recommended disapproval for three reasons:

1. The closest duplexes are on Archer and are 575 feet away. The abutting neighborhood is all single family and staff felt that allowing the zoning change would affect the character of the abutting subdivision.
2. Violation of Chapter 4 of the zoning code.
3. Contradicted the intent of the current Comprehensive Plan.

One resident spoke in opposition of the re-zoning at the Planning Commission meeting, and Planning Commission voted to deny the re-zoning.

Larry Rock, owner of the property spoke, feels like the duplex would not deter from the neighborhood, as there is a lot of mixed zoning in the area with the Cornerstone development down the road and the Recreation and Expo centers right across the street. The VFW is down the street and there is a trailer park as well. This has always been a vacant lot and has never had a structure on it.

Travis Eslick was present to speak for the adjacent property owner Ms. Paisley. Mr. Eslick stated multi-family zoning is detrimental to single family areas and their property value. Ms. Paisley is concerned with tenant turnover and increased traffic and would like to see this property developed as a single family home. Paisley has talked to other residents in the area and they would like single family as well. Paisley has owned the adjacent property for 2 years.

Motion by Savage, second by DeMier to reject appeal from the Planning Commission's decision to not approve changing the zoning of land that is Westerly 29 feet of Lot 5 and all of Lot 6, Block 8, of the Farley Addition, City of Claremore, Rogers County, State of Oklahoma, from Residential Single-Family Medium Intensity District (RS-2) to Residential Duplex District (RD) and discussion and vote to approve/reject Ordinance 2018 - _____ which would grant the appeal, change the zoning as requested and direct the appropriate amendment to the zoning map of the City of Claremore, Oklahoma be made. Roll call vote: Willis, yes; Hays, no; DeMier, yes; Flanagan, no; Michael, yes; Kirtley, yes; and Savage, yes. Motion carried.

(6) Discussion and vote to Approve/Reject a petition to request a variance of the City of Claremore Floodplain Ordinance §151.15, in accordance with the procedures outlined in §151.14 for property located at 200 S. Chambers Ave. Lot 30. (Kyle Clifton)

Discussion pertained to both agenda items 6 and 7.

Clifton explained this is the first step in a process. A public hearing will be held 30 days from acceptance of the variance to actually hear the appeal and approve/reject variance at that point. The flood ordinance requires the I beam of the structure to be 1 foot above the flood stage. Both residents of Lot 30 and Lot 35 are handicapped and the current City requirements would put the grade for entrance to mobile home too great. If the variance is approved, FEMA minimum standards would still be met, but it would be less than City requirements.

Applicant must post public notice and a public hearing will be held on October 15, 2018 at 6:00 P.M.

Motion by DeMier, second by Willis to approve a petition to request a variance of the City of Claremore Floodplan Ordinance §151.15, in accordance with the procedures outlined in §151.14 for property located at 200 S. Chambers Ave. Lot 30.

Roll call vote: Willis, yes; Hays, yes; DeMier, yes; Flanagan, yes Michael, yes; Kirtley, yes; and Savage, yes. Motion carri

(7) Discussion and vote to Approve/Reject a petition to request a variance of the City of Claremore Floodplain Ordinance §151.15, in accordance with the procedures outlined in §151.14 for property located at 200 S. Chambers Ave. Lot 35. (Kyle Clifton)

Applicant must post public notice and public hearing will be held on October 15, 2018 at 6:00 P.M.

Motion by DeMier, second by Willis to approve a petition to request a variance of the City of Claremore Floodplain Ordinance §151.15, in accordance with the procedures outlined in §151.14 for property located at 200 S. Chambers Ave. Lot 35.

Roll call vote: Willis, yes; Hays, yes; DeMier, yes; Flanagan, yes; Michael, yes; Kirtley, yes; and Savage, yes. Motion carried.

(8) Discussion and vote to Approve/Reject acceptance of a 5 foot electric easement from Frank W. Podpechan, William Flanagan, and Ron Liebl at 820 W. 10th Street. (Jill Ferenc)

Mayor Flanagan abstained, as he is partial owner of the property.

Motion by Savage, second by Hays to approve acceptance of a 5 foot electric easement from Frank W. Podpechan, William Flanagan, and Ron Liebl at 820 W. 10th Street.

Roll call vote: Willis, yes; Hays, yes; DeMier, yes; Flanagan, abstain; Michael, yes; Kirtley, yes; and Savage, yes. Motion carried.

(9) Discussion and vote to Approve/Reject Ordinance 2018- __, amending Subsection B of Section 1513 and Section 1524 of Chapter 15 of the City of Claremore-Rogers County Metropolitan Zoning Ordinance regarding use units, adding Medical Marijuana Dispensaries and Medical Marijuana Processing Facilities. (Jill Ferenc)

Motion by Michael, second by DeMier to approve Ordinance 2018-16, amending Subsection B of Section 1513 and Section 1524 of Chapter 15 of the City of Claremore-Rogers County Metropolitan Zoning Ordinance regarding use units, adding Medical Marijuana Dispensaries and Medical Marijuana Processing Facilities.

Roll call vote: Willis, yes; Hays, yes; DeMier, yes; Flanagan, yes; Michael, yes; Kirtley, yes; and Savage, yes. Motion carried.

(10) Discussion and vote to Approve/Reject the emergency clause in relation to Agenda Item #9, declaring it is necessary for the preservation of the public health, safety, and welfare of the inhabitants of the City of Claremore, Oklahoma, that this Ordinance shall be in full force and effect immediately from and after its passage, approval and adoption.

Motion by Michael, second by DeMier to approve the emergency clause in relation to Agenda Item #9, declaring it is necessary for the preservation of the public health, safety, and welfare of the inhabitants of the City of Claremore, Oklahoma that this Ordinance shall be in full force and effect immediately from and after its passage, approval and adoption. Roll call vote: Willis, yes; Hays, yes; DeMier, yes; Flanagan, yes; Michael, yes; Kirtley, yes; and Savage, yes. Motion carried.

(11) Discussion and vote to Approve/Reject Ordinance 2018-__, amending Chapter 110 of the Ordinances of the City of Claremore regarding alcoholic beverages. (Jill Ferenc)

Motion by Michael, second by Hays to approve Ordinance 2018-17, amending Chapter 110 of the Ordinances of the City of Claremore regarding alcoholic beverages. Roll call vote: Willis, yes; Hays, yes; DeMier, yes; Flanagan, yes; Michael, yes; Kirtley, yes; and Savage, yes. Motion carried.

(12) Discussion and vote to Approve/Reject the emergency clause in relation to Agenda Item #10, declaring it is necessary for the preservation of the public health, safety, and welfare of the inhabitants of the City of Claremore, Oklahoma, that this Ordinance shall be in full force and effect October 1, 2018.

City Attorney noted there is a scrivener's error in the agenda item. The emergency clause is for agenda item #11, not item #10.

Motion by Michael, second by Kirtley to approve the emergency clause in relation to Agenda Item #11, declaring it is necessary for the preservation of the public health, safety, and welfare of the inhabitants of the City of Claremore, Oklahoma, that this Ordinance shall be in full force and effect October 1, 2018. Roll call vote: Willis, yes; Hays, yes; DeMier, yes; Flanagan, yes; Michael, yes; Kirtley, yes; and Savage, yes. Motion carried.

(13) Discussion and vote to Approve/Reject Ordinance 2018- __, amending portions of Chapter 133 of the Code of City of Claremore regarding offenses against public morals. (Jill Ferenc)

Motion by Michael, second by DeMier to approve Ordinance 2018-18, amending portions of Chapter 133 of the Code of City of Claremore regarding offenses against public morals. Roll call vote: Willis, yes; Hays, yes; DeMier, yes; Flanagan, yes; Michael, yes; Kirtley, yes; and Savage, yes. Motion carried.

(14) Discussion and vote to Approve/Reject the emergency clause in relation to Agenda Item #13, declaring it is necessary for the preservation of the public health, safety, and welfare of the inhabitants of the City of Claremore, Oklahoma, that this Ordinance shall be in full force and effect October 1, 2018.

Motion by Michael, second by DeMier to approve the emergency clause in relation to Agenda Item #13, declaring it is necessary for the preservation of the public health, safety, and welfare of the inhabitants of the City of Claremore, Oklahoma, that this Ordinance shall be in full force and effect October 1, 2018. Roll call vote: Willis, yes; Hays, yes; DeMier, yes; Flanagan, yes; Michael, yes; Kirtley, yes; and Savage, yes. Motion carried.

(15) Discussion and vote to Approve/Reject Ordinance 2018-__, amending a portion of Section 99.05 of Chapter 99 of the Code of the City of Claremore regarding parks and recreation. (Jill Ferenc).

Motion by DeMier, second by Michael to approve Ordinance 2018-19, amending a portion of Section 99.05 of Chapter 99 of the Code of the City of Claremore regarding parks and recreation. Roll call vote: Willis, yes; Hays, yes; DeMier, yes; Flanagan, yes; Michael, yes; Kirtley, yes; and Savage, yes. Motion carried.

(16) Discussion and vote to Approve/Reject the emergency clause in relation to Agenda Item #15, declaring it is necessary for the preservation of the public health, safety, and welfare of the inhabitants of the City of Claremore, Oklahoma, that this Ordinance shall be in full force and effect October 1, 2018.

Motion by DeMier, second by Kirtley to approve the emergency clause in relation to Agenda Item #15, declaring it is necessary for the preservation of the public health, safety, and welfare of the inhabitants of the City of Claremore, Oklahoma, that this Ordinance shall be in full force and effect October 1, 2018. Roll call vote: Willis, yes; Hays, yes; DeMier, yes; Flanagan, yes; Michael, yes; Kirtley, yes; and Savage, yes. Motion carried.

EXECUTIVE SESSION

(1) Approve/Reject to entering into executive session to discuss the following item:

- (a) Confidential communications between the City of Claremore and its attorney concerning Dake Properties' quiet title action, Rogers County Court Case No. CV-2018-150, the City having been advised by its attorney that disclosure of communications regarding this matter would seriously impair the ability of the City to proceed in the litigation in the public interest, pursuant to OKLA. STAT. tit. 25, § 307(B)(4).**

(2) Executive session to discuss above item (a).

Motion by Michael, second by Willis to approve entering into executive session to discuss item (a). Roll call vote: Willis, yes; Hays, yes; DeMier, yes; Flanagan, yes; Michael, yes; Kirtley, yes; and Savage, yes. Motion carried.

Council entered executive session at 8:09 P.M.

Council exited executive session at 8:19 P.M.

(3) Open session.

Motion by DeMier, second by Kirtley to acknowledge return to open session. Roll call vote: Willis, yes; Hays, yes; DeMier, yes; Flanagan, yes; Michael, yes; Kirtley, yes; and Savage, yes. Motion carried

(4) Statement of executive session minutes.

Statement of executive session minutes was read by City Attorney:

While in executive session council met to discuss confidential communications between the City of Claremore and its attorney concerning Dake Properties' quiet title action, Rogers County Court Case No. CV-2018-150, the City having been advised by its attorney that disclosure of communications regarding this matter would seriously impair the ability of the City to proceed in the litigation in the public interest, pursuant to OKLA. STAT. tit. 25, § 307(B)(4). All council members present were present in executive session, as well as the City Manager and City Attorney. No other matters were discussed and no votes were taken.

(5) Discussion and vote concerning Dake Properties' quiet title action.

Motion by DeMier, second by Hays to allow City Attorney to proceed as discussed in executive session. Roll call vote: Willis, yes; Hays, yes; DeMier, yes; Flanagan, yes; Michael, yes; Kirtley, yes; and Savage, yes. Motion carried.

ADJOURNMENT

Motion by Willis, second by Michael to adjourn. Roll call vote: Willis, yes; Hays, yes; DeMier, yes; Flanagan, yes; Michael, yes; Kirtley, yes; and Savage, yes. Motion carried.

Meeting adjourned at 8:21 P.M.



Sarah Sharp, CMC
City Clerk