

**Minutes of the Claremore Cultural Development Authority Regular Meeting
Claremore, Oklahoma May 17, 2021**

NOTICE: This meeting was conducted at this physical location, Claremore City Hall Council Chambers, 104 S. Muskogee Ave., and via videoconference and/or audioconference.

CALL TO ORDER

Meeting called to order by Mayor Bill Flanagan at 6:07 P.M.

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

Present: Jennifer Lewis, Jonathan Eslick, Herb McSpadden, Lindsey Erwin, Bill Flanagan, Brian Callender, Justin Michael, Debbie Long, Scott Savage

Absent:

Staff Present: John Feary, Bryan Drummond, Sarah Sharp, Tim White, Julia Monnot, Tanya Andrews, Sean Douglas, Garrett Ball, Suzan Maloy, Stan Brown, Joe Kays

Invocation by Dave Mewbourne, Claremore Assembly of God

CALL TO THE PUBLIC

Stephanie Baze- lives in Bert Hall Additon; here to speak about ordinances that Council is looking at changing. Baze stated Claremore is a blue collar city and she is concerned that Council is looking at an ordinance that would make it illegal for any vehicle over 1 ton to be parked in a residential neighborhood.

ACCEPTANCE OF THE AGENDA

Motion by Savage, second by Callender that the agenda for the Regular CCDA meeting of May 17, 2021 be approved as written. Roll call vote: Lewis, yes; Eslick, yes; McSpadden, yes; Erwin, yes; Flanagan, yes; Callender, yes; Michael, yes; Long, yes; and Savage, yes. Motion carried.

CURRENT BUSINESS

(1) Approve/Reject the following consent items:

(a) Minutes of the Regular Claremore Cultural Development Authority Meeting on May 3, 2021.

(b) All claims as printed.

Motion by McSpadden, second by Long to approve the consent items as listed. Roll call vote: Lewis, yes; Eslick, yes; McSpadden, yes; Erwin, yes; Flanagan, yes; Callender, yes; Michael, yes; Long, yes; and Savage, yes. Motion carried.

(2) Presentation & discussion of the Fiscal Year 2021-2022 Budget (John Feary).

The presentation and discussion of the Fiscal Year 2021-2022 Budget for the Claremore Cultural Development Authority, Claremore Public Works Authority, and City were covered under the Claremore City Council agenda item.

Director of Budget and Finance Suzan Maloy presented the following:

CCDA- showed total budget for the Expo Center and Rec Center along with Capital Improvement budgeted amounts for FY2021-2022.

CPWA- showcased debt and pay down between now and 2032. Showed the revenues for the CPWA and expenses, including transfers. 2019 & 2020 Capital Projects listed at \$20,000,000.

City- showcased the sales tax split and what it can be used for, as well as a sales tax comparison for the last several years. The same was shown for use tax. Highlighted the expenditures in the Parks, Fire and Police Departments, as they are the largest budgeted departments.

The public hearing and full presentation will be at the June 7th meeting.

ADJOURNMENT

Motion by Michael, second by Long to adjourn. Roll call vote: Lewis, yes; Eslick, yes; McSpadden, yes; Erwin, yes; Flanagan, yes; Callender, yes; Michael, yes; Long, yes; and Savage, yes. Motion carried.

Meeting adjourned at 6:14 P.M.

Sarah Sharp

Sarah Sharp, CMC
City Clerk

**Minutes of the Claremore Public Works Authority Regular Meeting
Claremore, Oklahoma May 17, 2021**

NOTICE: This meeting was conducted at this physical location, Claremore City Hall Council Chambers, 104 S. Muskogee Ave., and via videoconference and/or audioconference.

CALL TO ORDER

Meeting called to order by Mayor Bill Flanagan at 6:14 P.M.

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

Present: Jennifer Lewis, Jonathan Eslick, Herb McSpadden, Lindsey Erwin, Bill Flanagan, Brian Callender, Justin Michael, Debbie Long, Scott Savage

Absent:

Staff Present: John Feary, Bryan Drummond, Sarah Sharp, Tim White, Julia Monnot, Tanya Andrews, Sean Douglas, Garrett Ball, Suzan Maloy, Stan Brown, Joe Kays

ACCEPTANCE OF THE AGENDA

Motion by Michael, second by Savage that the agenda for the Regular CPWA meeting of May 17, 2021 be approved as written. Roll call vote: Lewis, yes; Eslick, yes; McSpadden, yes; Erwin, yes; Flanagan, yes; Callender, yes; Michael, yes; Long, yes; and Savage, yes. Motion carried.

CURRENT BUSINESS

(1) Approve/Reject the following consent items:

- (a) Minutes of the Regular Claremore Public Works Authority Meeting on May 3, 2021.**
- (b) All claims as printed.**
- (c) Approval of MESHEK Engineering invoice #8280 in the amount of \$750.00 for the Claremore Reavis Road Culvert project (Garrett Ball).**
- (d) Approval of MKEC Engineering invoice #174723 in the amount of \$20,276.20 for the Claremore Pavement Maintenance Plan project (Garrett Ball).**

As soon as the signage and striping on the new Lake Road is complete, the road will be open.

Motion by Michael, second by McSpadden to approve the consent items as listed. Roll call vote: Lewis, yes; Eslick, yes; McSpadden, yes; Erwin, yes; Flanagan, yes; Callender, yes; Michael, yes; Long, yes; and Savage, yes. Motion carried.

(2) Discussion and vote to Approve/Reject awarding the construction contract for the Harvest Hill Sanitary Sewer Relocation project to Tri-Star Utilities, Inc. in the amount of \$88,525.00 (Garrett Ball).

Five bids were received for the project. Tri-Star Utilities was the lowest bid by a considerable amount. Staff shared their concern with the contractor, and they stated that they were slow on work right now and just want to keep their employees working and they stand behind the pricing on their bid.

Motion by Erwin, second by Savage to approve the construction contract. Roll call vote: Lewis, yes; Eslick, yes; McSpadden, yes; Erwin, yes; Flanagan, yes; Callender, yes; Michael, yes; Long, yes; and Savage, yes. Motion carried.

(3) Presentation & discussion of the Fiscal Year 2021-2022 Budget (John Feary).

The presentation and discussion of the Fiscal Year 2021-2022 Budget for the Claremore Cultural Development Authority, Claremore Public Works Authority, and City were covered under the Claremore City Council agenda item.

Director of Budget and Finance Suzan Maloy presented the following:
CCDA- showed total budget for the Expo Center and Rec Center along with Capital Improvement budgeted amounts for FY2021-2022.

CPWA- showcased debt and pay down between now and 2032. Showed the revenues for the CPWA and expenses, including transfers. 2019 & 2020 Capital Projects listed at \$20,000,000.

City- showcased the sales tax split and what it can be used for, as well as a sales tax comparison for the last several years. The same was shown for use tax. Highlighted the expenditures in the Parks, Fire and Police Departments, as they are the largest budgeted departments.

The public hearing and full presentation will be at the June 7th meeting.

ADJOURNMENT

Motion by Callender, second by Savage to adjourn. Roll call vote: Lewis, yes; Eslick, yes; McSpadden, yes; Erwin, yes; Flanagan, yes; Callender, yes; Michael, yes; Long, yes; and Savage, yes. Motion carried.

Meeting adjourned at 6:21 P.M.

Sarah Sharp

Sarah Sharp, CMC
City Clerk

**Minutes of the Claremore City Council Regular Meeting
Claremore, Oklahoma May 17, 2021**

NOTICE: This meeting was conducted at this physical location, Claremore City Hall Council Chambers, 104 S. Muskogee Ave., and via videoconference and/or audioconference.

CALL TO ORDER

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

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

Present: Jennifer Lewis, Jonathan Eslick, Herb McSpadden, Lindsey Erwin, Bill Flanagan, Brian Callender, Justin Michael, Debbie Long, Scott Savage

Absent:

Staff Present: John Feary, Bryan Drummond, Sarah Sharp, Tim White, Julia Monnot, Tanya Andrews, Sean Douglas, Garrett Ball, Suzan Maloy, Stan Brown, Joe Kays

Skipped to Item #3, Presentation of Proclamation to Dr. Keith Ballard.

Recessed to the Claremore Cultural Development Authority at 6:06 p.m.

Motion by Flanagan, second by Michael to recess to the CCD A Meeting. Roll call vote: Lewis, yes; Eslick, yes; McSpadden, yes; Erwin, yes; Flanagan, yes; Callender, yes; Michael, yes; Long, yes; and Savage, yes. Motion carried.

Reconvened the City Council Meeting at 6:21 p.m.

Motion by Eslick, second by Michael to reconvene the City Council meeting. Roll call vote: Lewis, yes; Eslick, yes; McSpadden, yes; Erwin, yes; Flanagan, yes; Callender, yes; Michael, yes; Long, yes; and Savage, yes. Motion carried.

ACCEPTANCE OF THE AGENDA

Motion by Callender, second by Savage that the agenda for the Regular Claremore City Council meeting of May 17, 2021 be approved as written. Roll call vote: Lewis, yes; Eslick, yes; McSpadden, yes; Erwin, yes; Flanagan, yes; Callender, yes; Michael, yes; Long, yes; and Savage, yes. Motion carried.

AWARDS, PRESENTATIONS, AND COMMUNICATIONS

(1) Presentation of the 5-Year Pavement Maintenance Plan (Garrett Ball/Steve Frank-MKEC Engineering).

Steve Frank and Daryl Gary from MKEC Engineering were present to present the project. The project started in 2020. They visually graded and inspected each city street, then the 5-year plan was formed. The plan will help the City be more proactive in repairs. There are 135 miles of streets within the City. Discussed the levels of distressing and how they are weighed differently. The City has a large portion of concrete streets. The overall grade was 78%, which is not too bad. The schedule is to focus 70% on preventative and 30% capital improvements. Preventative maintenance will help keep the streets in good condition at a cheaper fix (sealer instead of waiting and mill and overlay). Maintenance is also in consideration of future street projects, so efforts can be combined if at all possible.

(2) Love Your Neighbor Event (Dave Mewbourne).

Love Your Neighbor Day will be on Saturday, July 10th from 7 a.m. to noon. It started in 2019 as a way to serve the community and do projects and tasks for those who may not be able to do them their selves. You can let them know about projects or needs or volunteer to help serve.

(3) Presentation of a Proclamation for Dr. Keith Ballard (John Feary).

A proclamation making May of this year and each year hereafter “Dr. Keith Ballard Month” in the City of Claremore. Dr. Ballard was thanked for his many years in Public Education.

MAYOR’S REPORT & APPOINTMENTS

STAFF REPORTS

(4) Stormwater Poster Contest Winner Announcement (Julie Monnot).

The poster contest had 24 entries among 5th graders at Claremont Elementary School. The winning poster will be wrapped on the side of a trash truck. Jaden Vonaschen and Addison Compton were the poster winner. Jackie Palafox won the People’s Choice award.

***Long left the meeting from 6:59 p.m. to 7:02 p.m.**

CURRENT BUSINESS

(5) Approve/Reject the following consent items:

(a) Minutes of the Regular Council Meeting on May 3, 2021.

(b) All claims as printed.

(c) Actual salary claims for pay period ending April 17, 2021 in the amount of \$507,874.27 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 \$600,000. Payroll at \$600,000 amount to include payables.

Motion by Savage, second by Erwin to approve the consent items as listed. Roll call vote: Lewis, yes; Eslick, yes; McSpadden, yes; Erwin, yes; Flanagan, yes; Callender, yes; Michael, yes; Long, yes; and Savage, yes. Motion carried.

(6) Presentation and discussion of the Fiscal Year 2021-2022 Budget (John Feary).

Director of Budget and Finance Suzan Maloy presented the following:

CCDA- showed total budget for the Expo Center and Rec Center along with Capital Improvement budgeted amounts for FY2021-2022.

CPWA- showcased debt and pay down between now and 2032. Showed the revenues for the CPWA and expenses, including transfers. 2019 & 2020 Capital Projects listed at \$20,000,000.

City- showcased the sales tax split and what it can be used for, as well as a sales tax comparison for the last several years. The same was shown for use tax. Highlighted the expenditures in the Parks, Fire and Police Departments, as they are the largest budgeted departments.

The public hearing and full presentation will be at the June 7th meeting.

(7) Discussion and vote to Approve/Reject appointment of a Deputy Mayor from among the City Council members (John Feary/Bill Flanagan).

Motion by Long, second by Callender to appoint Herb McSpadden as Deputy Mayor. Roll call vote: Lewis, yes; Eslick, yes; McSpadden, yes; Erwin, yes; Flanagan, yes; Callender, yes; Michael, yes; Long, yes; and Savage, yes. Motion carried.

(8) Discussion and vote to Approve/Reject authorization to solicit sealed bids for High Density Mineral Bond Surface Treatment (HA5) for asphalt streets (Garrett Ball).

This treatment will preserve the streets in the maintenance plan and prevent further deterioration. It will save money from more extensive repairs in the future. It will have to be bid out, as it is a specialized product and requires special equipment. The first year cost is \$350,000; this cost is included in the 1st year of pavement maintenance plan.

Motion by Erwin, second by Callender to authorize the solicitation of bids. Roll call vote: Lewis, yes; Eslick, yes; McSpadden, yes; Erwin, yes; Flanagan, yes; Callender, yes; Michael, yes; Long, yes; and Savage, yes. Motion carried.

(9) Discussion and vote to Approve/Reject entering into executive session for the following items:

(a) for the purpose of confidential communication between the Claremore City Council and its attorney(s) concerning *AXH Air-Coolers, LLC, vs. BNSF Railway Company*, Rogers County District Court Case No. CJ-2018-217, the City Council having been

advised by its attorney(s) that disclosure will seriously impair the ability of the City to proceeding in the public interest, as authorized by OKLA. STAT. tit. 25, § 307(B)(4).
(b) to conduct confidential communications between the City Council and its attorneys concerning a potential settlement agreement with KC Gunite related to the City's legal claims against KC Gunite resulting from its compliance with the terms of a Settlement Agreement entered into in *City of Claremore v. K.C. Gunite, Inc.*, Case No. 19-CV-333-CVE, U.S. District Court for the Northern District of Oklahoma, the City Council having been advised by its attorneys that disclosure will seriously impair the ability of the City to conduct the claim and possible litigation in the public interest, pursuant to Okla. Stat. tit. 25 § 307(B)(4).

Motion by Callender, second by Michael to approve entering into executive session. Roll call vote: Lewis, yes; Eslick, yes; McSpadden, yes; Erwin, yes; Flanagan, yes; Callender, yes; Michael, yes; Long, yes; and Savage, yes. Motion carried.

Time in: 7:35 p.m.

(10) Vote to acknowledge return into open session.

Motion by Savage, second by McSpadden to return to open session. Roll call vote: Lewis, yes; Eslick, yes; McSpadden, yes; Erwin, yes; Flanagan, yes; Callender, yes; Michael, yes; Long, yes; and Savage, yes. Motion carried.

Time out: 8:09 p.m.

(11) Statement of Executive Session Minute.

While in executive session, council met to discuss:

(a) for the purpose of confidential communication between the Claremore City Council and its attorney(s) concerning *AXH Air-Coolers, LLC, vs. BNSF Railway Company*, Rogers County District Court Case No. CJ-2018-217, the City Council having been advised by its attorney(s) that disclosure will seriously impair the ability of the City to proceeding in the public interest, as authorized by OKLA. STAT. tit. 25, § 307(B)(4).

(b) to conduct confidential communications between the City Council and its attorneys concerning a potential settlement agreement with KC Gunite related to the City's legal claims against KC Gunite resulting from its compliance with the terms of a Settlement Agreement entered into in *City of Claremore v. K.C. Gunite, Inc.*, Case No. 19-CV-333-CVE, U.S. District Court for the Northern District of Oklahoma, the City Council having been advised by its attorneys that disclosure will seriously impair the ability of the City to conduct the claim and possible litigation 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, as was the City Manager, City Attorney, and Park Director (for item b only). No other items were discussed and no votes were taken.

(12) Discussion and vote to Approve/Reject filing one or more documents in, *AXH Air-Coolers, LLC, vs. BNSF Railway Company*, Rogers County District Court Case No. CJ-2018-217 on behalf of the City of Claremore.

Motion by Callender, second by Erwin to approve the filing of documents as discussed in executive session. Roll call vote: Lewis, yes; Eslick, yes; McSpadden, yes; Erwin, yes; Flanagan, yes; Callender, yes; Michael, yes; Long, yes; and Savage, yes. Motion carried.

(13) Discussion and vote to Approve/Reject a settlement agreement with KC Gunite regarding claims by the City of Claremore against KC Gunite related to KC Gunite's compliance with a previous settlement agreement entered into between the parties, and authorizing City Manager John Feary to sign the settlement agreement on behalf of the City of Claremore.

Motion by Callender, second by Erwin to approve the settlement agreement as discussed in executive session and authorize the City Manager to sign the settlement agreement. Roll call vote: Lewis, yes; Eslick, yes; McSpadden, yes; Erwin, yes; Flanagan, yes; Callender, yes; Michael, yes; Long, yes; and Savage, yes. Motion carried.

ADJOURNMENT

Motion by Long, second by Callender to adjourn. Roll call vote: Lewis, yes; Eslick, yes; McSpadden, yes; Erwin, yes; Flanagan, yes; Callender, yes; Michael, yes; Long, yes; and Savage, yes. Motion carried.

Meeting adjourned at 8:13 P.M.

Sarah Sharp

Sarah Sharp, CMC
City Clerk