

MINUTES OF CLAREMORE PUBLIC WORKS AUTHORITY MEETING
COUNCIL CHAMBERS, CITY HALL, 104 S. MUSKOGEE,
CLAREMORE, OKLAHOMA SEPTEMBER 02, 2008

CALL TO ORDER

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

ROLL CALL

Nan Pope called roll. The following were:

Present: Brant Shallenburger, Don Myers, Buddy Robertson,
Tony Mullenger, Flo Guthrie, Mick Webber, Terry
Chase, Tom Lehman, Paula Watson

Absent: None

Staff Present: Matt Mueller, Nan Pope, Randy Elliott, Serena
Kauk, Tim Miller, Cassie Sowers, Phil Stowell,
Mickey Perry, Mark Dowler, Jason Crandall, Joe
Kays, Sharon McDonald

Pledge of Allegiance by all.

ACCEPTANCE OF AGENDA

Motion by Mullenger, second by Lehman that the agenda for the
regular CPWA meeting of September 02, 2008, be approved as
written. 9 yes, Mullenger, Lehman, Myers, Robertson, Guthrie,
Shallenburger, Webber, Chase, Watson.

ITEMS UNFORESEEN AT THE TIME AGENDA WAS POSTED

None

CURRENT BUSINESS

Motion by Mullenger, second by Watson to approve the following
consent items:

- (a) Minutes of Claremore Public Works Authority meeting
on August 18, 2008, as printed.
- (b) All claims as printed.

9 yes, Mullenger, Watson, Robertson, Guthrie, Shallenburger,
Webber, Chase, Lehman, Myers.

ADJOURN

Motion by Mullenger, second by Lehman to adjourn. 9 yes,
Mullenger, Lehman, Guthrie, Shallenburger, Webber, Chase,
Watson, Myers, Robertson.

Meeting adjourned at **6:02 P.M.**

MINUTES OF CLAREMORE CULTURAL DEVELOPMENT AUTHORITY MEETING
COUNCIL CHAMBERS, CITY HALL, 104 S. MUSKOGEE,
CLAREMORE, OKLAHOMA SEPTEMBER 02, 2008

CALL TO ORDER

Meeting called to order by Mayor Brant Shallenburger at
6:02 P.M.

ROLL CALL

Mayor Shallenburger asked Nan Pope to note that members are present/absent as indicated below:

Present: Brant Shallenburger, Don Myers, Buddy Robertson, Tony Mullenger, Flo Guthrie, Mick Webber, Terry Chase, Tom Lehman, Paula Watson

Absent: None

Staff Present: Matt Mueller, Nan Pope, Randy Elliott, Serena Kauk, Tim Miller, Cassie Sowers, Phil Stowell, Mickey Perry, Mark Dowler, Jason Crandall, Joe Kays, Sharon McDonald

ACCEPTANCE OF AGENDA

Motion by Mullenger, second by Watson that the agenda for the regular CCDA meeting of September 02, 2008, be approved as written. 9 yes, Mullenger, Watson, Guthrie, Shallenburger, Webber, Chase, Lehman, Myers, Robertson.

ITEMS UNFORESEEN AT THE TIME AGENDA WAS POSTED

None

CURRENT BUSINESS

Motion by Mullenger, second by Lehman that the CCDA approve the following consent items:

- (a) Minutes of Claremore Cultural Development Authority meeting on August 18, 2008, as printed.
- (b) All claims as printed.

9 yes, Mullenger, Lehman, Shallenburger, Webber, Chase, Watson, Myers, Robertson, Guthrie.

ADJOURNMENT

Motion by Mullenger, second by Watson to adjourn. 9 yes, Mullenger, Watson, Webber, Chase, Lehman, Myers, Robertson, Guthrie, Shallenburger.

Meeting adjourned at **6:03 P.M.**

**MINUTES OF REGULAR COUNCIL MEETING
COUNCIL CHAMBERS, CITY HALL, 104 S. MUSKOGEE,
CLAREMORE, OKLAHOMA SEPTEMBER 02, 2008**

CALL TO ORDER

Meeting called to order by Mayor Brant Shallenburger at
6:03 P.M.

ROLL CALL

Mayor Shallenburger asked Nan Pope to note that members are present/absent as indicated below:

Present: Brant Shallenburger, Don Myers, Buddy Robertson, Tony Mullenger, Flo Guthrie, Mick Webber, Terry Chase, Tom Lehman, Paula Watson

Absent: None

Staff Present: Matt Mueller, Nan Pope, Randy Elliott, Serena Kauk, Tim Miller, Cassie Sowers, Phil Stowell, Mickey Perry, Mark Dowler, Jason Crandall, Joe Kays, Sharon McDonald

ACCEPTANCE OF AGENDA

Motion by Mullenger, second by Lehman that the agenda for the regular council meeting of September 02, 2008 be approved as written. 9 yes, Mullenger, Lehman, Chase, Watson, Myers, Robertson, Guthrie, Shallenburger, Webber.

ITEMS UNFORESEEN AT THE TIME AGENDA WAS POSTED

None

AWARDS, PRESENTATIONS, AND COMMUNICATIONS

Will discuss Sister Cities International membership in Council Blocks.

CALL TO THE PUBLIC

Darrell Ward - I worked on previous sign ordinances - 5 years - not changing - messing with my income - take into consideration - 4-5 years I worked hard on \$1,000 permit charge - fly by nighters didn't even apply for permits - I go to Bartlesville, Owasso, we get blamed for it.

Bob Miller - 1140 Faulkner - Claremore posting of exit signs in businesses and building- Fire Marshal - per his orders, let exit sign 100% time - siren - hospital - patients, hospital rooms should also have signs, concerts, arenas, large buildings some leeway could be allowed front door or window -exit or no exit over door - office close at 5PM (not included)

Sean Storey - 619 Rosewood Circle - allowance or discussion of fireworks at new site - fireworks on new turf - received McClaren's approval today.

Mick doesn't see why we would limit organizations from shooting off for special events.

Randy is not comfortable signing off as an emergency.

Ordinance - consumer type fireworks - this is different

Ordinance prohibits any fireworks

Chase/Webber - Let Randy study it.

MAYOR'S REPORT & APPOINTMENTS

Motion by Mullenger, second by Webber to approve recommendation by Mayor Shallenburger to re-appoint **Ken Seidel** to the City of Claremore Redevelopment Authority to serve a one (1) year term to **July 1, 2009**. 9 yes, Mullenger, Webber, Lehman, Watson, Myers, Robertson, Guthrie, Shallenburger, Chase.

Motion by Mullenger, second by Guthrie to approve recommendation by Mayor Shallenburger to appoint and re-appoint members to the Board of Ethics as follows and take possible action thereon:

John Cary - 1 year term to August 31, 2009

Amy Shaffer - 2 year term to August 31, 2010

Larry Green - 3 year term to August 31, 2011

9 yes, Mullenger, Guthrie, Watson, Myers, Robertson, Shallenburger, Webber, Chase, Lehman.

STAFF REPORTS

None

CURRENT BUSINESS

Motion by Mullenger, second by Lehman to approve the following consent items as printed:

- (a) Minutes of Regular Council meeting on August 18, 2008, as printed.
- (b) Minutes of Special Council meeting (tour) on August 18, 2008, as printed.
- (c) All claims as printed.
- (d) Actual salary claims for pay period ending **August 09, 2008**, in the amount of **\$475,138.74** and estimated salary claims for next pay period in the amount of **\$500,000**.
- (e) Approve budget supplement in the amount of \$3,600. from budgeted reserve funds for the Public Transportation line item - (Grand Gateway/Pelivan) **(Serena Kauk)**
- (f) Approve budget supplement in the amount of \$13,692.60 from carryover funds for the Library Miscellaneous line item. **(Serena Kauk)**

- (g) Approve contribution refund payment to **Joshua Campbell** from Oklahoma Municipal Retirement Fund (OMRF) (**Serena Kauk**)
- (h) Approve contribution refund payment to **Marla Moody** from Oklahoma Municipal Retirement Fund (OMRF) (**Serena Kauk**)
- (i) Approve contribution refund payment to **Tracey Dostal** from Oklahoma Municipal Retirement Fund (OMRF) (**Serena Kauk**)
- (j) Approve disability retirement payment for **Kim Conine** from Oklahoma Municipal Retirement Fund (OMRF) (**Serena Kauk**)
- (k) Denial of tort claim submitted by Nicholas Harrell (**based on recommendation by OMAG**), - loss date 12-10-07. (**Nan Pope / Randy Elliott**)
- (l) Approve **Change Order #4**, APAC-Oklahoma, Inc. for Country Club East Project #317 in the amount of **\$12,234.30**. (**Daryl Golbek**)
- (m) Approve amending the task order for general engineering services with Tri-State Engineering by extending the time span from one year to 15 months - \$46,900. (**Steve Lett/Chris Cochran**)

9 yes, Mullenger, Lehman, Myers, Robertson, Guthrie, Shallenburger, Webber, Chase, Watson.

Claremore Fire Department has identified for the budget year 08/09 the need to replace a 1989 ladder truck due to age, condition and being out of NFPA compliance. Due to past history, reliability, performance and availability of parts, Pierce is the manufacturer of choice, as all but 2 fire department apparatuses currently in use are Pierce.

The proposed aerial platform needed and available November, 2008 from Pierce is NFPA 1901, 2008 edition compliant and exceeds due to the 360 degrees of roll over protection, frontal airbags, side air bags, anti skid system. These features are not currently available by any other fire apparatus manufacturer and therefore cannot meet specs as identified by the apparatus procurement committee. This apparatus in 2009, due to the new EPA and NFPA standards will cost \$1.2 million.

Approval to waive competitive bidding and purchase sole source from Pierce is requested.

Randy do you approve? Yes

Chase - Hold on, is this a safety issue?

Dowler - yes, so many structures are over 30 feet and we need it for ISO Rating. Our current truck that we are replacing is 18-20 years old and we paid \$300,000. We have been saving to buy a new one. The current truck will be surplus. Due to past history, reliability, performance and availability of parts, Pierce is the Manufacturer of choice. We have

experienced 2 or 3 of the major problems identified with this vehicle. Anyone who bids on it, needs to know the current problems and we would sell "as is" it does not meet safety requirements, it does not have an enclosed cab. I had hoped to sell this one for \$100,000, but we would be lucky to get \$40,000 for it. Several rural fire departments have inquired about it. I also know we could put it on gov.com and anyone could bid on it, all rural fire departments monitor those sites but we would need them to sign a waiver that they know it is not compliant.

Chase - Do you find a truck like this in most communities our size?

Dowler - They would be lucky if they did. Smaller cities have them, Bixby bought one 3 or 4 years ago.

Lehman - Did you say it can be used for other services, hazard, medical and major industrial?

Dowler - yes, this is state of the art, no one else in the industry puts in the 360 roll over, we don't want that happened in Tulsa to happen here, they were lucky, we owe it to our guys.

Webber - In terms of vehicles, do you foresee any other purchases over the 36 months?

Dowler - This is the last major purchase for quite some time.

The other purchase you have approved is for \$50,000 for SCBA, Self Contained Breathing Apparatus.

Downer - I have also spoken with several other fire departments, including Stillwater and they all say that other manufacturers of this type of vehicle, the buckets hang off the back and it is difficult to maneuver. You better put extra money in the budget for all the mailboxes you will be knocking over.

Motion by Mullenger, second by Guthrie to approve waiving competitive bidding/purchase sole source from Pierce Aerial Platform Apparatus in the amount of \$925,000. 9 yes, Mullenger, Guthrie, Robertson, Shallenburger, Webber, Chase, Lehman, Watson, Myers.

Matt - interesting situation this summer - operating under 2003 various employees and interested parties - not enforced to its intent - too strict - not strict enough - changes very similar - 2003 old changes - adopted into current zoning book - off premises advertising

what will change - Realtor's prohibited signs directing to property - Bench signs not allowed - amended to allow each business to have a bench sign in front of their building - permit for temporary sign is \$25. fee - signs & banners - S.E. signs will not permit changes

Webber - billboards? - won't change

We are bill boarded out
there is no room for new billboards
Chase - Less restrictive? -
BR/MM - portable signs fall under the prohibited signs

Chase - concerns from multiple businesses that were not asked
and have concerns - go back and undo what we did -
Legal sign - a group of people respond
Mullenger - are we modeling ours on any other communities?
Mueller - Time saving - change to mirror what is in place and
relax some
Webber - table for future?
Mueller - bound by intensive one in place why we were trying to
pass through
Mullenger - 30 days
Myers - adopt tonight - or come back with another in 30-60 days
Edwards indicated something else comprehensive situation that
covers all - (Edwards/Mueller)
Randy - I would rather we table it 30 days than picking and
choosing certain areas to be approved
Chase - put it on next meeting
Webber - how does it change for Realtors - signage is not
allowed on ROW - (directions for open house - off premises)
Off premises is the big concern for relators - 30 days if you
get a permit
Somehow it was not codified in zoning code in 2003

Motion by Mullenger, second by Guthrie to table this item until
September 15, 2008 meeting.

Adopt/Reject **Ordinance #2008-_____** repealing Ordinance #2003-30
and adopting provisions for the regulation and placement of
business and outdoor advertising signs in the City as a part of
Claremore Zoning Code contained within the Code of Ordinances
of the City of Claremore, Oklahoma, and to be codified as
Chapter 11, Sections 1100 through 1110 and Chapter 15, Section
1521 of the City of Claremore Zoning Code and amending Appendix
"F" regarding fees. **(Gene Edwards/Randy Elliott)**

Request of property owner
Webber - property in question
Chase - zoning now?
Randy - we annex in we assign the zoning site for our
substation.

Motion by Mullenger, second by Guthrie to adopt **Resolution
#2008-17** regarding the annexation of certain property into the
Corporate Limits of the City of Claremore - Owner, Claremore
Vision, L.L.C. 9 yes, Mullenger, Guthrie, Shallenburger,
Webber, Chase, Lehman, Watson, Myers, Robertson.

EXECUTIVE SESSION

Motion by Mullenger, second by Guthrie to approve going into
executive session for purpose of confidential communication
with legal counsel regarding the following litigation the

disclosure of which would seriously impair the ability of the
City of Claremore to conduct the appropriate defense of said

litigation (25 O.S. Section 307 (B)(4):

- a. CJ-2003-259 City of Claremore, a municipal corporation, plaintiff v. Town of Verdigris, a municipal corporation, defendant, District Court Rogers County
- b. CJ-2004-316 Williams, Teresa v. City of Claremore - District Court Rogers County
- c. CJ-2005-711 Green, Brian v. City of Claremore - District Court Rogers County
- d. CJ-2006-165 City of Claremore v. Majestic Marble - District Court Rogers County
- e. CJ-2007-533 Smith v. City of Claremore - District Court Rogers County
- f. CJ-2007-817 Kurtz v. City of Claremore - District Court Rogers County
- g. CJ-2007-545 Green, Curtis v. City of Claremore - removed to United States District Court for the Northern District of Oklahoma
- h. 07-CV-654-GKF-FHM Weast, John v. City of Claremore - United States District Court for the Northern District of Oklahoma
- i. CJ-2008-445 Slocum, Katherine v. City of Claremore - removed to United States District Court for the Northern District of Oklahoma
- j. CJ-2008-562 Evans, Seanna v. City of Claremore - District Court Rogers County

9 yes, Mullenger, Guthrie, Shallenburger, Webber, Chase, Lehman, Watson, Myers, Robertson. **TIME 7:24 P.M.**

Council came out of executive session at **7:46 P.M.**

No action taken on this item.

ADJOURN

Motion by Mullenger, second by Guthrie to adjourn. 9 yes, Mullenger, Guthrie, Chase, Lehman, Watson, Myers, Robertson, Shallenburger, Webber.

Meeting adjourned at **7:46 P.M.**