**GROVE CITY COUNCIL**

**REGULAR MEETING**

**TUESDAY, APRIL 20, 2010**

**6:30 PM**

The Grove City Council met in regular session on Tuesday, April 20, 2010 at 6:00 PM with Mayor Gary Trippensee presiding. Members present were Ed Trumbull, Marty Follis, Larry Parham and Mike Davenport. Also present was City Manager, Bruce Johnson; Attorney, Todd Kolczun; Assistant City Manager, Debbie Bottoroff; City Treasurer, Lisa Allred; Public Works Director, Jack Bower and City Clerk, Bonnie Buzzard.

**PUBLIC COMMENTS**:

Trippensee welcomed Ed Trumbull to the City Council.

At 6:05 PM Trippensee opened the floor for a Public Hearing regarding an application submitted by Barry Litman, Red Gate Sales, Company, Inc. to rezone the following legally described property from R-1 to R-2:

N/2 of Lot 5 and Lot 6, Block 59, in the Incorporated Town of Grove, Delaware County, Oklahoma aka 701 Spring Street, Grove, Oklahoma.

Judith Read addressed the floor to report that the Planning and Zoning Commission approved this application by a 5-0 vote, and that she noted to the applicant that upon further review of the maps located in Delaware County, the legal dimensions of the property being discussed is not 147.5’ x 150’ as previously submitted via letter from the applicant, it is 147.5 x 135’, and that she strongly suggested that the applicant get the property properly surveyed prior to site plan submittal before the P&Z Commission. The Council heard no other comments or concerns. At 6:08 PM Follis made the motion to close the Public Hearing. Seconded by Parham. AYE: Trumbull, Follis, Parham, Davenport and Trippensee. NAY: None. Motion carried.

At 6:09 PM Trippensee opened the floor for a Public Hearing regarding an application submitted by Sam Robinson to rezone the following legally described property from R-1 to C-3:

 A tract or parcel of land in the SE ¼ SE ¼ NW ¼ and the SW ¼ SW ¼ NE ¼ of Section 26, Township 25 North, Range 23 East, Delaware County, Oklahoma, more particularly bounded and described as follows, to-wit: beginning at a point 229 feet South of the NE corner of said SW ¼ SW ¼ NE ¼; thence South to the SE corner of said SW ¼ SW ¼ NE ¼; thence West to the SW corner of said SE¼ SE ¼ NW ¼; thence North to the NW corner of said SE ¼ SE¼ NW ¼; thence East 920 feet; thence South 52 feet; thence Southeasterly to the point of beginning, less 250 feet bordering East boundary of property.

and

part of the SW ¼ SE ¼ NW ¼ of Section 26, Township 25 North, Range 23 East, Delaware County, Oklahoma more particularly described as follows:

commencing at the NE corner of the NW ¼ NE ¼ SW ¼ of said Section 26, thence N 00˚01’49” West 581.53 feet to the point of beginning; thence S 88˚33’11” West 372.69 feet to a point on the Easterly right of way Highway #59; thence 43.10 feet along a curve to the right having a radius of 3769.70 feet and a delta angle of 00˚39’18” along said right of way; thence 88˚33’11” East 389.72 feet leaving said right of way; thence S 00˚01’49” East 40.01 feet to the point of beginning.

and

part of the SW ¼ of the SE ¼ of the NW ¼ and part of the NW ¼ of the NE ¼ of the SW ¼ of Section 26, Township 25 North, Range 23 East of the I.B.&M., Delaware County, Oklahoma. More particularly described as follows: beginning at a point where the permanent Easterly right-of-way line of U.S. Highway No. 59 intersects the South line of said SW ¼ SE ¼ NW ¼ a distance of 49.82 feet S 88˚07’01” W of the SE corner of said SW ¼ SE ¼ NW ¼; thence N 46˚58’41” W along said right-of-way line a distance of 2.2 feet; thence Northwesterly on a curve to the right having a chord bearing of N 34˚19’46” W and having a radius of 3758.7 feet an arc distance of 22.48 feet; thence N 57˚29’08” E 73.80 feet leaving said right-of-way line to the East line of said SW ¼ SE ¼ NW ¼; thence S 01˚50’26” E 58.13 feet to the NE corner of said NW ¼ NE ¼ SW ¼; thence S 01˚51’32” E 49.63 feet along the East line to said right-of-way line; thence N 46˚58’41” W 70.31 feet along said right-of-way line. Containing 0.01 acres, more or less. Property location aka: Hwy 59 North behind Grand Lake Prop Shop

Judith Read addressed the Council to report that the P&Z Commission conducted a Public Hearing pertaining to this application and after lengthy discussion was heard from a majority of the residents along Margaret Lane, the Board approved this rezoning upon recommendation to the Mayor and City Council by a vote of 5-0. The Council heard comments and concerns from the following individuals, and entertained questions to such:

* Dee Lawson – 9002 / 9004 Margaret Lane ( Lawson read a letter from property owner Shane Small expressing opposition against the rezoning)
* Betty Baldwin – 9001 Margaret Lane (Baldwin also read letters from property owners Revis & Hosteller expressing their opposition against the rezoning)
* Tim McDaniel – 25810 S 664 Rd
* Fred Harris – 9006 Margaret Lane
* Rose Hopper – 9007 Margaret Lane
* Earl Drumm – 9002 Margaret Lane
* Sam Robinson – Applicant / Property Owner

The Council presented their questions and expressed their concerns to the property owners in regards to the rezoning request. At 6:50 PM Parham made the motion to close the Public Hearing. Seconded by Davenport. AYE: Trumbull, Follis, Parham, Davenport and Trippensee. NAY: None. Motion carried.

Trippensee opened the floor for election of Vice-Mayor. Parham nominated Marty Follis. Seconded by Davenport. AYE: Trumbull, Parham, Davenport and Trippensee. NAY: None. Follis abstained. Motion carried.

Davenport made the motion to approve the minutes of the previous meeting as corrected. Seconded by Parham. AYE: Trumbull, Follis, Parham, Davenport and Trippensee. NAY: None. Motion carried.

Parham made the motion to approve the purchase order register as amended. Seconded by Follis. AYE: Trumbull, Follis, Parham, Davenport and Trippensee. NAY: None. Motion carried.

Trippensee opened the floor for discussion regarding an Ordinance rezoning the property legally described in agenda item #B-1 from R-1 to R-2 for applicant Barry Litman, Red Gate Sales Company, Inc. upon recommendation from the Planning and Zoning Commission. Again no opposition was heard. Parham made the motion to approve the Ordinance rezoning the property legally described in agenda B-1 for applicant Barry Litman, Red Gate Sales Company, Inc. from R-1 to R-2 upon recommendation from the Planning and Zoning Commission. Seconded by Trumbull. AYE: Trumbull, Follis, Parham, Davenport and Trippensee. NAY: None. Motion carried.

Trippensee opened the floor for discussion regarding an Ordinance rezoning the property legally described in agenda item #B-2 from R-1 to C-3 for applicant Sam Robinson upon recommendation from the Planning and Zoning Commission. The Council heard closing comments and concerns from the residents along Margaret Lane. Davenport made the motion to approve the Ordinance rezoning the property legally described in agenda item #B-2 for applicant Sam Robinson from R-1 to C-3 upon recommendation from the Planning and Zoning Commission. Seconded by Follis. AYE: Trumbull, Follis, Parham, Davenport and Trippensee. NAY: None. Motion carried.

Trippensee opened the floor for discussion regarding a Resolution relating to the incurring of indebtedness by the Trustees of Grove Economic Development Authority to be evidenced by the Authority’s Industrial Development Revenue Bond (Precision Leasing Company, LLC project), Series 2010 in the amount of not to exceed $4,500,000; waiving competitive bidding and authorizing the sale of the bond at par; and other related provisions. Johnson reported that he had visited the site of this project, and that it was very impressive. He encouraged all of the Council Representatives to visit Precision Machine & Manufacturing and tour this project to see how impressive it is. Johnson noted the following change to the proposed Resolution:

Section 3 – line #5: ~~[No person desired to be heard on such matters.]~~

Trumbull made the motion to approve the Resolution as amended. Seconded by Trippensee. AYE: Trumbull, Follis, Parham, Davenport and Trippensee. NAY: None. Motion carried.

Trippensee opened the floor for appointment of Trustees to the Grove Healthcare Trust Authority.

* Trippensee nominated Gary Bishop to replace the Trustee position held by Terry Ryan. Seconded by Parham. AYE: Trumbull, Follis, Parham, Davenport and Trippensee. NAY: None. Motion carried.
* Trippensee nominated Randall Hamill to continue his term as Trustee. Seconded by Follis. AYE: Trumbull, Follis, Parham, Davenport and Trippensee. NAY: None. Motion carried.
* Trippensee reported that he is currently serving as Trustee to that Board, and expressed his interest for continance. Davenport made the motion to nominate Gary Trippensee as City Council Trustee to the Healthcare Trust Authority. Seconded by Trumbull. AYE: Trumbull, Follis, Parham, Davenport and Trippensee. NAY: None. Motion carried.

Trippensee opened the floor for discussion regarding the official ballot electing two (2) members to the Board of Trustees of the Oklahoma Municipal Assurance Group. Johnson reported that the City received letters of qualifications from candidate Mike Bailey, John Sheppard and Hutch Hibbard. Johnson recommended that the Council support candidate(s) Mike Bailey and Brant Shallenburger to the Oklahoma Municipal Assurance Group Board of Trustees. Trumbull made the motion to approve Johnson’s recommendation to support the vote of Mike Bailey and Brant Shallenburger to the Oklahoma Municipal Assurance Group Board of Trustees. Seconded by Davenport. AYE: Trumbull, Parham, Follis, Davenport and Trippensee. NAY: None. Motion carried.

Trippensee opened the floor for discussion regarding the bids received for the mowing and clean-up of code violation properties located within the city limits and identified by the Code Enforcement Officer. Bottoroff reported that the City advertised this for sealed bids for this project, and that the following were received:

* Stan Weese - $29.50 per hour
* 4 Season’s Lawn - $40.00 per hour
* Pendergraft Enterprises, Inc. - $45.00 per hour
* Steve Sanders - $48.00 per hour

Bottoroff reported that Stan Weese is the low bidder however, upon discussion with Weese it was determined he did not have adequate equipment to perform the mowing and clean-up services required, and requested his bid be withdrawn. Therefore, it is Staff’s recommendation to award the bid for mowing and cleanup of code violation properties to the next lowest bidder 4 Season’s Lawn at $40.00 per hour. Davenport made the motion to award the bid to 4 Season’s Lawn at $40.00 per hour. Seconded by Trippensee. AYE: Trumbull, Follis, Parham, Davenport and Trippensee. NAY: None. Motion carried.

Trippensee opened the floor for discussion with respect to the Letter of Offer from the Oklahoma Department of Transportation for Project STPY-021B (05) RW, 15015(05), Delaware County Parcel 165 –City of Grove. Johnson reported that this parcel will acquire 139 square feet of new permanent highway easement, and is located on the corner of Highway 59 North and 55th Street approximately at the Grove Fire Department Sub-Station #2. ODOT has offered to purchase the parcel for a fair market value of $500. Parham made the motion to approve the Letter of Offer from the Oklahoma Department of Transportation for the purchase of Parcel 165 in the amount of $500. Seconded by Trumbull. AYE: Trumbull, Follis, Parham, Davenport and Trippensee. NAY: None. Motion carried.

Follis made the motion to approve a Resolution amending the 2009-2010 fiscal year budget. Seconded by Davenport. AYE: Trumbull, Follis, Parham, Davenport and Trippensee. NAY: None. Motion carried.

Trippensee opened the floor for discussion regarding a Resolution to establish an orderly process to provide all citizens of Grove equal access to specific and current information about Boards, Commissions, Authorities, and Committees appointed by the City Council and/or Mayor, to provide for equal opportunity to be informed of vacancies with, from time to time, shall occur, and to provide for appointment process. Johnson reported that this particular item was discussed and strong suggested by Councilman, Davenport. Johnson turned the floor over to Davenport for his explanation of this item. Davenport reported that with the recent resignation of Gary Bishop from the Council, it appeared to be some confusion on how certain positions are filled on different Boards, Commissions, Authorities, and Commissions. Therefore, he suggested that a Policy be posted by the City Council to clarify any uncertainness from the public and Trustees. Davenport made the motion to approve the Resolution as presented and discussed. Seconded by Follis. AYE: Trumbull, Follis, Parham, Davenport and Trippensee. NAY: None. Motion carried.

Trippensee opened the floor for discussion regarding a ‘Cell Phone Usage’ policy. Johnson reported that this would be an amendment to Section 4-8.2 of the City of Grove Personnel Policies and Procedures Manual that was approved by the City Council on August 4, 2009. Johnson noted the following change to the proposed policy prior to consideration from the Council:

#4. Photographs

City of Grove employees shall not take a photograph with a personal or City issued cell phone of any City of Grove business, document, or personnel *except in furtherance of the employee’s duties or in furtherance of the City of Grove business.*

Davenport made the motion to approve the ‘Cell Phone Usage’ policy as presented and amended. Seconded by Trippensee. AYE: Trumbull, Follis, Parham, Davenport and Trippensee. NAY: None. Motion carried.

**CITY MANAGERS REPORT**:

* Discussion with respect to the Waste Water Treatment Plant expansion project - Johnson reported that he has received notification that the contractor and the SBR suppliers want to run a test on the equipment within the next couple of weeks. Johnson noted that he would notify the Council once that testing date is announced.
* Discussion with respect to the Water Storage Vessel Maintenance contracts – Johnson reported that the Utility Service Company has completed their first water tank maintenance contract project, which was the elementary school tank. The next contract project is the water tank located at Highway 10 and Industrial park Road aka Eagle Picher Tank. Johnson noted that GMSA is preparing to bid for the demolition / removal of the water storage vessels located on Highway 59 North and South Honey Creek Bridge.
* Discussion with respect to Fiscal Year 2010-2011 budget – Johnson presented to the Council, and discussed in detail the following 2010/2011 Fiscal Year budget:
	+ City General Fund $8,314,850
	+ City Capital Outlay $5,106,004
	+ GMSA General Fund $8,454,600
	+ GMSA Capital Outlay $1,833,000
	+ GMSA Debt Service $2,491,131
	+ GEDA $ 439,105
	+ Healthcare Trust Authority $ 540,000

Johnson’s presentation of the proposed budget lasted approximately 45 minutes. Johnson asked that the Council review the proposed budget, and invited them to visit with him in regards to any questions, comments or concerns they may have in regards to the budget.

* Discussion with respect to City of Grove Capital Improvement Plan – Johnson presented the Council with the Staff’s recommendation to the City of Grove 5-Year Capital Improvement Plan, which also include GMSA. Johnson asked that the Council to comprehensively review the plan for possible future consideration.

**WARD REPORTS**:

Trumbull complemented the City of Grove Staff for the City web-site improvements.

Trumbull noted that he visited the ‘CodeRED’ link to the City of Grove web-site, and was not able to complete the link. Bottoroff reported that the City is currently experiencing technical difficulty with the link, and that the Staff is assisting all residents in filling out their information pertaining to that program. Bottoroff apologized for the inconvenience.

Trumbull reported that he was officially sworn into office on Thursday, April 15th, and that his students recognized his City Council position in the newspaper. Trumbull was pleased to know that his students are paying attention to local current events.

Parham noted that the Capital Improvement Plan appears to be a great plan for the City / GMSA.

Trippensee remarked on the outstanding accomplishments’ that are being made with the updated equipment technology with Precision Machine & Manufacturing.

Davenport reported that a couple of meeting ago, the Staff heard discussion in regards to a North by-pass connecting downtown Grove area from State Highway 10 Junction West to Leisure Lane. The discussion concluded by a possible invitation being extended to Jack Forrest to a City Council meeting for a presentation of his knowledge to this project. Johnson noted that he would attempt to make contact with Forrest via the next meeting.

At 8:31 PM Follis made the motion to adjourn. Seconded by Parham. AYE: Trumbull, Follis, Parham, Davenport and Trippensee. NAY: None. Motion carried.