**GROVE CITY COUNCIL**

**REGULAR MEETING**

**TUESDAY, FEBRUARY 15, 2011**

**6:00 PM**

The Grove City Council met in regular session on Tuesday, February 15, 2011 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, Kelly Kerr; Assistant City Manager, Debbie Bottoroff; City Treasurer, Lisa Allred; Public Works Director, Jack Bower and City Clerk, Bonnie Buzzard.

**Public Comments**:

Davenport reported that he had learned during the recent inclement weather that the Grove Street Department cleared approximately 215 miles of streets utilizing only six (6) employees, and the following equipment:

* 2 ten wheelers w/plows
* 2 trucks w/plows
* 1 grader w/plow, and

Davenport noted that the department worked twenty-four hours straight continually plowing to assure safe travel conditions along the main arterial roads. Davenport commended the Grove Street Department crew for a job well done.

At 6:03 PM Trippensee opened the floor for a Public Hearing for discussion regarding an application submitted by Tommy and Janey Gray to re-zone the following legally described property from C-3 to R-2 for construction of Duplex units:

Legal Description

A Tract of Land Located In The NE ¼ SW ¼ Of Section 8, Township 24 North, Range 24 East, City of Grove, Delaware County, Oklahoma. Lowe’s Addition Lot 3 1529-394+ (Plat)

(AKA a portion of property located east of Lowes on Sumac Road near the intersection of Sumac Road and Heffelman Drive).

The Council entertained questions, comments and concerns from the following individuals:

* Jackie Kirby –2235 Lake Road 3 – Grove, OK
* Jamie Perryman – 2209 S Main Street – Grove, OK 74344
* Pete Norwood – concerned resident

At 6:12 PM Follis made the motion to close the Public Hearing. Seconded by Davenport. AYE: Trumbull, Follis, Parham, Davenport and Trippensee. NAY: None. Motion carried.

At 6:13 PM Trippensee opened the floor for a Public Hearing regarding an application submitted by Tommy and Janey Gray to re-zone the following legally described property from R-1 to R-2 for construction of duplex units:

Legal Description

08-24-24 NE SW less Pt sold less 6.18 A to Wal-Mart for 93 less .71 AC & less 15.723 A to Lowes’ described as Comm at NE Cor of NE SW; S 254.12’ along E line of NE SW said line also being E line of Supercenter Addn to SE Cor of Supercenter Addn said Pt along being POB; W 1021.41’ along S line of Supercenter Addn to Pt said Pt being 300’ E of W line of NE SW; S 407.63’ along line being 300’ E of & parallel to W line of NWE SW; W 270.99’; S 110.16’; E 270.79’ to Pt being 300’ E of W line of NE SW; N 22.05’; SE 43 DEG 176.83’; around curve to left w/radius of 200’ Arc length of 165.99’ chord bearing of SE 66 DEG & chord length of 161.26’; E 753.14’ to Pt on E line of NE SW; N 686.62’ along E line of POB (legal includes a .69 A tract on #36884) less .37A to Brewer 790-56 1244-132 1523-899+

(AKA a portion of property located South of Lowes on Heffelman Drive between Grove Dental Associates and Sumac Road).

The City Council entertained questions, comments and concerns from the following individuals:

* Jackie Kirby –2235 Lake Road 3 – Grove, OK
* Jamie Perryman – 2209 S Main Street – Grove, OK
* Pete Norwood – concerned resident
* Rick Miller – 2209 S Main Street – Grove, OK
* Doug Drown – concerned resident
* David Adzigian – 29561 S 585 CT – Grove, OK
* Judith Read – Chairman of the P&Z Commission, and
* Dan Sailler – MRE Capital

At 6:54 PM Davenport made the motion to close the Public Hearing. Seconded by Trippensee. AYE: Trumbull, Follis, Parham, Davenport and Trippensee. NAY: None. Motion carried.

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

Parham made the motion to approve the purchase order register as presented and amended by City Treasurer, Lisa Allred. 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 from Agenda Item B-1 from C-3 to R-2 for construction of duplex units upon recommendation from the Planning and Zoning Commission. Follis made the motion to approve the Ordinance rezoning the property application submitted by Tom and Janey Gray for the property legally described above from agenda item B-1 from C-3 to R-2 for the construction of duplex units. Seconded by Trumbull. AYE: Trumbull, Follis, Parham and Davenport. NAY: Trippensee. Motion carried.

Trippensee opened the floor for discussion regarding an Ordinance rezoning the property legally described from Agenda Item B-2 from R-1 to R-2 for construction of duplex units upon recommendation from the Planning and Zoning Commission. Parham made the motion to approve the Ordinance rezoning the property application submitted by Tom and Janey Gray for the property legally described above from agenda item B-2 from R-1 to R-2 for the construction of duplex units. Seconded by Follis. AYE: Trumbull, Follis, Parham and Davenport. NAY: Trippensee. Motion carried.

Davenport made the motion to authorize the Staff to solicit bids for the Civic Center roof repair. Seconded by Follis. AYE: Trumbull, Follis, Parham, Davenport and Trippensee. NAY: None. Motion carried.

Follis made the motion to authorize the Staff to solicit bids for the mowing and clean up of code violation properties located within the city limits and identified by the Code Enforcement Officer. Seconded by Davenport. AYE: Trumbull, Follis, Parham, Davenport and Trippensee. NAY: None. Motion carried.

Trumbull made the motion to approve an Ordinance establishing a Police Technology Fee. Seconded by Follis. AYE: Trumbull, Follis, Parham, Davenport and Trippensee. NAY: None. Motion carried.

Trippensee opened the floor for discussion regarding a Resolution amending the City of Grove’s Personnel Policy Section 2 – Fringe Benefits, Sub-Section 2.1 Legal Holidays. Trumbull respectfully requested that the following changes be considered prior to final passage of the Resolution:

* 3rd Whereas: the City of Grove, ~~Oklahoma City Council~~ wishes to amend Section 2-1 Legal ~~Hoidays~~ Holidays…
* Adopted by the Grove City Council this ~~1~~~~st~~15th day of February 2011

Davenport made a motion to approve a Resolution amending the City of Grove’s Personnel Policy Section 2 - Fringe Benefits, Sub-Section 2.1 Legal Holidays. Seconded by Follis. AYE: Trumbull, Follis, Parham, Davenport and Trippensee. NAY: None. Motion carried.

Trippensee opened the floor for discussion regarding a contract for Health Insurance Broker Service. Johnson reported that the Staff advertised for this service, and received several proposals, which was reviewed by a Staff committee for recommendation. The Committee was split 50/50 between two providers. Therefore, Johnson reviewed the two proposals, and compared each proposal side by side, and it is his recommendation that the contract for Insurance Broker Service be awarded to Beimdiek Insurance Agency, Inc. Trumbull asked that the following corrections be considered prior to final passage by the Council:

* Page 3 – Paragraph L – Line 1 - ~~Represening~~ Representing
* Page 3 - Paragraph W – Line 3 - Space after the word necessary
* Executed date - ~~1~~~~st~~ 15th day of February, 2011

Follis made the motion to approve the contract with Beimdiek Insurance Agency, Inc. for Insurance Broker Service. Seconded by Davenport. AYE: Trumbull, Follis, Parham, Davenport and Trippensee. NAY: None. Motion carried.

Trumbull made the motion to approve a Resolution amending the 2010-2011 Fiscal Year Budget. Seconded by Parham. AYE: Trumbull, Follis, Parham, Davenport and Trippensee. NAY: None. Motion carried.

Davenport made a motion to approve a Resolution establishing an Adopt a City Street Program. Seconded by Follis. AYE: Trumbull, Follis, Parham, Davenport and Trippensee. NAY: None. Motion carried.

Parham made the motion to approve the closing Abby Lane until December 31, 2011 to allow for the demolition of the old Grove Hospital facility. Seconded by Trumbull. AYE: Trumbull, Follis, Parham, Davenport and Trippensee. NAY: None. Motion carried.

Trippensee made the motion to appointment City Manager, Bruce Johnson as representative to serve on the Grand Gateway Board of Directors for a one year term beginning on the first day of February. Seconded by Parham. AYE: Trumbull, Follis, Parham, Davenport and Trippensee. NAY: None. Motion carried.

Davenport made the motion to approve the denial of claim #29956-ME by Michael & Sharon Yeary upon recommendation from the Oklahoma Municipal Assurance Group. Seconded by Parham. AYE: Trumbull, Follis, Parham, Davenport and Trippensee. NAY: None. Motion carried.

Trippensee made the motion to appoint Ron Lay as Trustee to the Grove Economic Development Authority to fulfill the term left by the resignation of Ed Hamilton. Seconded by Parham. AYE: Trumbull, Follis, Parham, Davenport and Trippensee. NAY: None. Motion carried.

Trippensee opened the floor for discussion with respect for authorization to bid for the construction of a Public Works Facility. Bower reported that the City will be requesting bids for the following:

Public Work Building:

* Building type will be of steel construction-rigid frame clear span with tapered sidewall columns
* Building width shall be 60’ – 0”. The distance from outside face of sidewall to outside face of sidewall
* Building length will be 250’ – 0”. The distance from outside face of end-wall to outside face of end-wall
* Eave height shall be 18’ – 0”. The distance from finished floor to eave strut or purlin~~g~~

Vehicle Maintenance Building:

* Building type shall be of steel construction – rigid frame clear span with tapered sidewall columns
* Width shall be 80’ – 0” the distance from outside face of sidewall to outside face of sidewall
* Length shall be 125’ – 0” the distance from outside face of end-wall to outside face of end-wall
* With an additional 80’ – 0” x 25’ – 0” canopy for wash bay
* Eave height shall be 20’ – 0” from finished floor to eaves strut or purlin~~g~~

Bower described in detail the necessity for these two new structures. Davenport made the motion to authorize the Staff to solicit bids for the construction of a Public Works Facility. Seconded by Parham. AYE: Trumbull, Follis, Parham, Davenport and Trippensee. NAY: None. Motion carried.

Trippensee opened the floor for discussion with respect to financing plan for Public Works Facility project and authorize the distribution of information to solicit financing bids. Rick Smith – Municipal Finance Services addressed the Council to report that this facility would be constructed on property already owned by the City adjacent to the existing wastewater treatment plant, and would comprise 25,000 square feet of covered space. The estimated cost of the building is approximately $900,000 with construction bids to be taken on or about March 9, 2011 pursuant to the Oklahoma Competitive Bidding Act. In order to obtain funds for the project, it is the City’s intent to seek financing through the issuance of tax-exempt obligations and repay any such obligations within about ten (10) years. Smith discussed in detail with the Council the following estimated debt service requirements:

Average estimated monthly payment: $9,633.38

Weighted average interest rate: 4.000%

Weighted Average Maturity: 5.58 years

Average Annual Payment: $115,600.50

Estimated Issuance Components:

Project funds $900,000.00

Bond Counsel Fee $ 15,000.00

Local Counsel Fee $ 5,000.00

Financial Advisor Fee $ 15,000.00

Bank Counsel Fee $ 2,500.00

Trustee Bank Fee $ 2,000.00

Other Costs and Rounding $ 5,500.00

Total Note Amount $945,000.00

Smith entertained questions, comments and concerns from the Council, Staff and participating audience. Davenport made the motion to approve the financing plan for the Public Works Facility project, and to authorize the distribution of information to solicit financing bids. Seconded by Parham. AYE: Trumbull, Follis, Parham, Davenport and Trippensee. NAY: None. Motion carried.

**City Manager’s Report**:

Discussion with respect to 2011 winter storm events – Johnson reported that the total claims for this event is $51,984.83, which would be submitted to FEMA for reimbursement. Johnson announced that he is very proud of all of the following employees who handle this event without any loss of water or gas service to the residents of Grove:

* Street Superintendent – Rick Tanner
* 6-man Crew: Turk Vanderpool
  + - Steve Reed
    - Zak Marta
    - Kenny Mathia
    - Ty Jeffries
* Vehicle Maintenance Superintendent – Dale Younger
* Police Department – Chief Mark Morris
* Patrol Officers – who utilized their personal 4x4 vehicles to assist stranded individuals
* Public Works Director – Jack Bower, and
* The entire City/GMSA Administrative Staff who handled all of the incoming calls on a daily basis with professionalism to assure the residents that their streets will be cleared and their trash will be picked-up in a timely manner.

Discussion with respect to possible future election for extension of 4/10 Sales Tax for water, sewer, and natural gas improvements – Johnson reported that he would be bringing this back before the Council after the next GMSA Board meeting.

Discussion with respect to Water Treatment Plant Expansion Project – Johnson announced that he will be discussing this project with the GMSA Board at their next meeting, and that he would be bringing that information before the Council shortly after the GMSA meeting.

Discussion with respect to Grove Economic Development Authority Economic Development Plan – Johnson announced that he has presented this project to the GEDA Board for their priority suggestions, and that he would be bringing that list before the Council upon receipt from the GEDA Board.

Ward Reports:

Trumbull and Follis commended the City employees for the hard work they displayed in dealing with the recent winter snow storms.

Parham expressed thanks to Public Works Director, Jack Bower for the snow clearing at the Airport.

Executive Session(s):

Trippensee opened the floor for a motion and authorization from the City Attorney for the Council to recess into Executive Session for the following:

1. Discussion And / Or Action To Recess Into Executive Session For The Purpose Of Discussing Confidential Communications Between A Public Body And Its Attorney Concerning A Pending Investigation, Claim, Or Action If The Public Body, With Advice Of Its Attorney, Determines That Disclosure Will Seriously Impair The Ability Of The Public Body To Process The Claim Or Conduct A Pending Investigation, Litigation, Or Proceeding In The Public Interest As Authorized By Title 25 O.S. § 307.B.4; The Incorporated City Of Grove, Delaware County, Oklahoma, An Oklahoma Municipal Corporation V. Vernon Boyce, Individually, And Boyce Investments, L.L.C., d/b/a All American Outdoor Advertising Company, CV-2008-531; Delaware County District Court.
2. Discussion And / Or Action To Recess Into Executive Session For The Purpose Of Discussing Confidential Communications Between A Public Body And Its Attorney Concerning A Pending Investigation, Claim, Or Action If The Public Body, With Advice Of Its Attorney, Determines That Disclosure Will Seriously Impair The Ability Of The Public Body To Process The Claim Or Conduct A Pending Investigation, Litigation, Or Proceeding In The Public Interest As Authorized By Title 25 O.S. § 307.B.4; City of Grove, Oklahoma v. Marcia Patricia Jayroe Trust; in the District Court in and for Delaware County, Oklahoma; Case No. CJ-2005-524.
3. Discussion And / Or Action To Recess Into Executive Session For The Purpose Of Discussing Confidential Communications Between A Public Body And Its Attorney Concerning A Pending Investigation, Claim, Or Action If The Public Body, With Advice Of Its Attorney, Determines That Disclosure Will Seriously Impair The Ability Of The Public Body To Process The Claim Or Conduct A Pending Investigation, Litigation, Or Proceeding In The Public Interest As Authorized By Title 25 O.S. § 307.B.4; De’anette Rowbotham and Phillip Dale Partridge v. City of Grove, John Marrow, Terry Graham and Wes Stephenson; in the District Court in and for Delaware County, Oklahoma; Case No. CJ-2008-581.
4. Discussion And / Or Action To Recess Into Executive Session For The Purpose Of Discussing Negotiations Concerning Employees And Representatives Of Employees Groups As Authorized By Title 25 O.S. § 307.B.2 – Fraternal Order of Police, Grand Lake Lodge #171.

Attorney Kerr asked if adjudication has been rendered to Item(s) 2 & 3 as mentioned above. Johnson announced that it has. Therefore, Kerr reported that it would not be his recommendation for the Council to recess into Executive Session for Item(s) 2 & 3 as mentioned above. At 8:03 Trumbull made the motion for the Council to recess into Executive Session for the purpose of:

* Discussing confidential communications between a public body and its Attorney concerning a pending investigation, claim, or action if the public body, with advice of its Attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest as authorized by Title 25 O.S. § 307.B.4; The Incorporated City Of Grove, Delaware County, Oklahoma, an Oklahoma Municipal Corporation V. Vernon Boyce, individually, and Boyce Investments, L.L.C., d/b/a All American Outdoor Advertising Company, CV-2008-531; Delaware County District Court.
* Discussing negotiations concerning employees and representatives of employees groups as authorized by Title 25 O.S. § 307.B.2 – Fraternal Order of Police, Grand Lake Lodge #171. Seconded by Davenport. AYE: Trumbull, Follis, Parham, Davenport and Trippensee. NAY: None. Motion carried.

At 8:29 PM Davenport made the motion for the Council to come out of Executive Session with no action taken. Seconded by Follis. AYE: Trumbull, Follis, Parham, Davenport and Trippensee. NAY: None. Motion carried.

Discussion and / or action with respect to Agenda Item F.1 – No action taken.

Discussion and / or action with respect to Agenda Item F.2 – No action taken.

Discussion and / or action with respect to Agenda Item F.3 – No action taken.

Discussion and / or action with respect to Agenda Item F.4 – No action taken.

At 8:30 PM Follis made the motion to adjourn. Seconded by Parham. AYE: Trumbull, Follis, Parham, Davenport and Trippensee. NAY: None. Motion carried.