

# **MINUTES**

## **CITY COUNCIL MEETING**

### **April 7, 2014**

The Regular Session of the Glenpool City Council was held at 6:00 p.m., Glenpool City Hall, 3<sup>rd</sup> Floor, 12205 S. Yukon Ave, Glenpool, Oklahoma. Councilors present were: Momodou Ceesay, Mayor; Alyce Korb, Vice-Mayor; Tim Fox, Councilor; Patricia Agee, Councilor and Tommy Carner, Councilor.

Staff present was: Dennis Waller, Interim City Manager; Lowell Peterson, City Attorney; Susan White, City Clerk; Charles Barnes, Finance Director; Lynn Burrow, Community Development Director Rick Malone, City Planner and Debbie Pengelly, Human Resources Director.

Also present were Reverend Heather Scherer with Living Water United Methodist Church; and William Briggs, Claimant, Re: Tort Claim No. 136515-TW.

**A. Mayor Ceesay called the meeting to order at 6:01 p.m.**

**B. Susan White, City Clerk called the roll. Mayor Ceesay declared a quorum present.**

**C. Reverend Heather Scherer offered the Invocation.**

**D. Mayor Ceesay led the Pledge of Allegiance.**

**E. Scheduled Business**

**1. Discussion and possible action to approve minutes from March 13, 17, 18, 20, 2014 meetings.**

**MOTION:** Vice Mayor Korb moved, second by Councilor Agee to approve minutes as presented.

**FOR:** Councilor Agee; Councilor Carner; Vice-Mayor Korb; Mayor Ceesay

**AGAINST:** Councilor Fox

**Motion carried.**

**2. Discussion and possible action to approve recommendation to deny Tort Claim No. 136515-TW, William Briggs, Claimant; recommendation from OMAG finding no liability on the City's part.**

Mr. Briggs, Claimant presented his viewpoint regarding the claim and requested Council consideration to accept liability and pay the claim.

Lowell Peterson, City Attorney explained the finding of denial by OMAG was based on a commonly applied concept that the City cannot act as a guarantor for public streets. It would simply be too expensive to do so. However, if some specific negligence was committed by the City the City could be found liable. Mr. Peterson went on to explain that if the Council decided to ignore the recommendation from the insurance company, the claim would not be insured and the responsibility to pay the claim would fall solely on the City.

**MOTION:** Vice Mayor Korb moved, second by Councilor Agee to approve recommendation to deny Tort Claim No. 136515-TW.

**FOR:** Councilor Agee; Councilor Carner; Councilor Fox; Vice-Mayor Korb; Mayor Ceesay

**AGAINST:** None

**Motion carried.**

3. **Discussion and possible action to approve the application of the City of Glenpool to receive funding in the amount of \$51,573.00 from the 2014 Tulsa County Urban County Community Development Block Grant Program for the purchase of a 2014 Elkhart Coach ECII 14 Passenger Shuttle Bus to replace the City's antiquated Senior Citizen Bus; to authorize the expenditure of \$6,000 in matching funds, contingent upon being awarded the CDBG grant; and to authorize the Mayor to sign the CBDG application, including the Resolution attached thereto as Attachment E, for submittal to Tulsa County before April 17, 2014.**

Rick Malone, City Planner presented the application, and Resolution related to the 2014 CDBG grant. Mr. Malone described the proposed beneficiary project as funding to replace the fifteen year-old Senior Citizen bus.

**MOTION:** Councilor Agee moved, second by Councilor Fox to authorize the Mayor to sign the grant application, authorize the expenditure up to \$57,573.00 contingent upon grant award, and approve Resolution No. 14-04-01.

**FOR:** Councilor Carner; Councilor Fox; Councilor Agee; Vice-Mayor Korb; Mayor Ceesay

**AGAINST:** None

**Motion carried.**

4. **Discussion and possible action to adopt Resolution No. 14-04-02, A Resolution proclaiming April 2014 as Fair Housing month in Glenpool, Oklahoma.**

Mr. Malone, City Planner presented Resolution No. 14-04-02 and requested approval of same.

**MOTION:** Councilor Carner moved, second by Vice Mayor Korb to approve Resolution No. 14-02-14, proclaiming April 2014 as Fair Housing month.

**FOR:** Councilor Fox; Councilor Agee; Councilor Carner; Vice-Mayor Korb; Mayor Ceesay

**AGAINST:** None

**Motion carried.**

5. **Discussion and possible action to enter into an agreement with Pavement Conservation Specialists, Inc., for the purpose of completing the projects remaining in Phase VI Master Street Repair Program, in an amount not to exceed \$125,747.69.**

Lynn Burrow, Community Development Director presented information concerning bids received and proposed work to complete the street repair projects represented in Phase VI of the Master Street Repair Program. Mr. Burrow recommended approval of the lowest and best bid, submitted by Pavement Conservation Specialists, Inc.

**MOTION:** Councilor Agee moved, second by Councilor Carner to enter into the agreement with Pavement Conservation Specialists, Inc. in an amount not to exceed \$125,747.69.

**FOR:** Councilor Agee; Councilor Carner; Councilor Fox; Vice-Mayor Korb; Mayor Ceesay

**AGAINST:** None

**Motion carried.**

6. **Discussion and possible action to enter into an agreement with 2 Guys & a Hammer Co. for the purpose of fence demolition and installation at Morris Park, at a cost not to exceed \$19,000.00.**

Lynn Burrow, Community Development Director, acting upon a request from the Glenpool Baseball League, solicited bids for the replacement of fencing at Morris Park. 2 Guys & a Hammer submitted the lowest bid of \$19,000. Staff requested authorization to enter into an agreement with 2 Guys and a Hammer as described.

**MOTION:** Councilor Carner moved, second by Vice Mayor Korb to enter into an agreement with 2 Guys and a Hammer in an amount not to exceed \$19,000, for the purpose stated.

**FOR:** Councilor Carner; Councilor Agee; Vice-Mayor Korb; Mayor Ceesay

**AGAINST:** Councilor Fox

**Motion carried.**

7. **Discussion and possible action to authorize Finance Director to redirect \$19,000.00 from Street Improvement to Park Improvement, General Fund budget, contingent upon Council approval of 2 Guys & a Hammer Co. agreement discussed in Item No. 6.**

Lynn Burrow, Community Development Director requested Council approval to redirect \$19,000 from the presently remaining budgeted Street Improvement funds to Park Improvement for the purpose of paying for the proposed work discussed and agreed upon in Item No. 6. Staff clarified that although the request did not warrant a statutorily described budget amendment, due to the size of the proposed expenditure and since the Council had already designated the funds to be used for Streets the request represented a prudent action to fully disclose spending activity.

**MOTION:** Councilor Carner moved, second by Vice Mayor Korb to authorize the Finance Director to redirect \$19,000.00 from Street Improvement account to Park Improvement account, both within the Streets and Parks Department for the purpose of payment to 2 Guys and a Hammer.

**FOR:** Councilor Agee; Councilor Carner; Vice-Mayor Korb; Mayor Ceesay

**AGAINST:** Councilor Fox

**Motion carried.**

8. **Discussion and possible action to enter into an agreement with Boe Colston, dba Arrow Asphalt Co. for the purpose of asphalt surfacing pedestrian paths at Morris Park, at a cost not to exceed \$26,000.00.**

Mr. Burrow described a request to enter into an agreement for the purpose of resurfacing pedestrian paths presently consisting of various widths and loose aggregate materials. The request initiated from Glenpool Baseball League noting a need to provide surfaces which would better accommodate wheelchairs.

**MOTION:** Councilor Carner moved, second by Vice Mayor Korb to enter into an agreement with Boe Colston, dba Arrow Asphalt Co. for the purpose of asphalt surfacing of Morris Park pedestrian paths at a cost not to exceed \$26,000.00.

**FOR:** Councilor Carner; Vice-Mayor Korb; Mayor Ceesay

**AGAINST:** Councilor Fox

**ABSTAIN:** Councilor Agee

**Motion carried.**

9. **Discussion and possible action to authorize Finance Director to redirect \$26,000.00 from Street Improvement to Park Improvement, General Fund budget, contingent upon Council approval of Boe Colston, dba Arrow Asphalt Co agreement discussed in Item No. 8.**

Lynn Burrow, Community Development Director requested Council approval to redirect \$26,000 from the presently remaining budgeted Street Improvement funds to Park Improvement for the purpose of paying for the proposed work discussed and agreed upon in Item No. 8. Staff clarified that although the request did not warrant a statutorily described budget amendment, due to the size of the proposed expenditure and since the Council had already designated the funds to be used for Streets the request represented a prudent action to fully disclose spending activity.

**MOTION:** Councilor Carner moved, second by Vice Mayor Korb to authorize the Finance Director to redirect \$26,000.00 from Street Improvement account to Park Improvement account, both within the Streets and Parks Department for the purpose of payment to Boe Colston, dba Arrow Asphalt Co.

**FOR:** Councilor Carner; Councilor Agee; Vice-Mayor Korb; Mayor Ceesay

**AGAINST:** Councilor Fox

**Motion carried.**

**10. Discussion and possible action on tabled item to authorize City Manager to attend ICSC in Las Vegas, NV, May 18-20, 2014 and pay all business related expenses.**

**MOTION:** Councilor Agee moved, second by Councilor Carner to authorize City Manager attendance and approval of business related expenses for ICSC in Las Vegas, NV, May 2014.

**FOR:** Councilor Carner; Councilor Agee; Vice-Mayor Korb; Mayor Ceesay

**AGAINST:** Councilor Fox

**Motion carried.**

**11. Discussion and possible action, to approve that certain "City Manager Employment Agreement, Effective April 21, 2014, FY 2014 – 2015" between the City of Glenpool and Roger Kolman, as offered and accepted by Mr. Kolman in the form attached hereto and incorporated herein, as amended with authorization of the Council following approval of its form and substance on March 10, 2014, such approval to be confirmed by signature of the Mayor on said Agreement.**

Lowell Peterson, City Attorney advised the Council of one necessary clerical change in Section 5.A, *...PTO will accrue during the period from the Effective Date Through June 30, 2014, at the rate of 13.33 days per month.* The corrected change is *rate of 13.33 hours per month.* He noted that if the contract is approved with that change, he would bring it to Mr. Kolman's attention and require his initials to document agreement with the change.

Councilor Fox expressed various concerns about the way the contract negotiations had been handled. He opined that Council did not have the opportunity to meet in Executive Session to discuss certain changes to the contract resulting from the negotiation process. Councilor Fox requested of the Clerk to enter into record his opinion that the Council should have revisited the Incentive Program (City Manager Employment Agreement, Sec. 12), because he feels that, "it will come back to bite us." In response, Councilor Agee requested the Clerk enter into the record, "You agreed, and even brought in the \$1,000 as far as the incentive." The following motion was made pursuant to the extensive discussion between the Councilors:

**MOTION:** Councilor Agee moved, second by Councilor Carner to approve that certain "City Manager Employment Agreement, Effective April 21, 2014, FY 2014 – 2015" between the City of Glenpool and Roger Kolman, as offered and accepted by Mr. Kolman in the form attached hereto and incorporated herein, as amended with authorization of the Council following approval of its form and substance on March 10, 2014, such approval to be confirmed by signature of the Mayor on said Agreement, subject to changes in Section 5.A, from 13.33 days per month to 13.33 hours per month.

**FOR:** Councilor Agee; Councilor Carner; Vice Mayor Korb; Mayor Ceesay

**AGAINST:** Councilor Fox

**Motion carried.**

12. **Discussion and possible action to adopt ORDINANCE NO. 685, AN ORDINANCE AMENDING THE EMPLOYEE RETIREMENT SYSTEM, DEFINED CONTRIBUTION PLAN FOR THE POSITION OF CITY MANAGER FOR THE CITY OF GLENPOOL, OKLAHOMA; PROVIDING RETIREMENT BENEFITS FOR ELIGIBLE EMPLOYEES OF CITY OF GLENPOOL, OKLAHOMA; PERTAINING TO PLAN DESIGN; PROVIDING FOR EMPLOYER PICKUP OF REQUIRED CONTRIBUTIONS; PROVIDING FOR REPEALER AND SEVERABILITY; AND DECLARING AN EMERGENCY.**

Debbie Pengelly, Human Resources Director presented Ordinance No. 685 for Council consideration. She explained the Ordinance represented a change in the employee contribution in the City Manager Retirement plan. All other aspects of the Plan designed remained the same.

**MOTION:** Councilor Carner moved, second by Councilor Agee to approve Ordinance No. 685 amending the City Manager Retirement Plan, as presented.

**FOR:** Councilor Carner; Councilor Fox; Councilor Agee; Vice Mayor Korb; Mayor Ceesay.

**AGAINST:** None.

**Motion carried.**

13. **Discussion and possible action to approve EMERGENCY CLAUSE, upon finding the immediate operation of the provisions of the foregoing ORDINANCE NO. 685, is necessary for the preservation of the peace, health, and safety of the City of Glenpool and the inhabitants thereof, an Emergency is hereby declared to exist, the rules are suspended, and this ordinance shall be in full force and effect on its passage and approval.**

Mr. Peterson advised the Council that since Mr. Kolman begins his employment in less than the thirty day requirement, an Emergency is warranted.

**MOTION:** Councilor Carner moved, second by Councilor Agee to approve Emergency Clause on Ordinance No. 685.

**FOR:** Councilor Fox; Councilor Carner; Councilor Agee; Vice Mayor Korb; Mayor Ceesay.

**AGAINST:** None.

**Motion carried.**

14. **Discussion and possible action to designate Roger Kolman, City Manager as an authorized signatory on the BancFirst and Citizen's Security Bank checking accounts.**

**MOTION:** Councilor Agee moved, second by Councilor Carner to designate Roger Kolman, City Manager as authorized signatory on checking accounts, effective April 21, 2014.

**FOR:** Councilor Carner; Councilor Agee; Councilor Fox; Vice Mayor Korb; Mayor Ceesay.

**AGAINST:** None.

**Motion carried.**

#### **F. Other Public Comments**

- Marty Cox with the Glenpool Baseball League commented on the asphalt paving approved for Morris Park, south of the concession stand.

**G. City Manager Report**

- Attended construction meeting for the Grandview Apartments. A groundbreaking ceremony is anticipated for next week.
- A 12,000 sq. ft. strip center is projected to begin construction at 141st/Elwood Ave.
- Mastercraft Carpet is opening a store at 146th & Main Streets.
- Webbers Falls Police Dept has indicated interest in three police units which have already been declared surplus.
- Contacted Roger Kolman about attending ICSC in Las Vegas. He is excited about going.

**H. Mayor's Report**

- Mayor Ceesay will be the guest speaker at the monthly Chamber of Commerce luncheon meeting on Wednesday, April 9.
- Mayor Ceesay attended the INCOG Mayor/Manager meeting.
- The Spring Arts & Crafts show sponsored by King of Kings Lutheran Church was held at the Glenpool Conference Center. It was a great event.
- The city-wide garage sale is scheduled for April 25.
- The NE Oklahoma Square Dance Assn. held their annual event at the Glenpool Conference Center recently.

**I. Adjournment**

Meeting was adjourned at 7:27 p.m.

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Date

\_\_\_\_\_  
Mayor

ATTEST:

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City Clerk