



NOTICE
GLENPOOL CITY COUNCIL
REGULAR MEETING

A Regular Session of the Glenpool City Council will be held at 6:00 p.m. on February 6, 2023, at Glenpool City Hall, City Council Chambers, 12205 S. Yukon Ave., 3rd Floor, Glenpool, Oklahoma.

NOTE: The Glenpool City Council will be assembled for the meeting at the City Council Chambers, 12205 S. Yukon Ave, Glenpool, Oklahoma. Members of the public are invited to attend the in-person meeting, or join a live broadcast at this link:

Join Zoom Meeting

<https://us02web.zoom.us/j/89753555435?pwd=QzdFVjA1b0lKa1lSUFlKbUNrUUxtdz09>

Meeting ID: 897 5355 5435

Passcode: 974088

One tap mobile

+13462487799, US (Houston)

+14086380968, US (San Jose)

Dial by your location

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Meeting ID: 897 5355 5435

Passcode: 974088

Find your local number: <https://us02web.zoom.us/j/89753555435?pwd=QzdFVjA1b0lKa1lSUFlKbUNrUUxtdz09>

The City Council welcomes comments from citizens of Glenpool who wish to address any item on the agenda.

- Speakers attending in **PERSON** are required to complete the Request to Speak form located on the agenda table and return to the City Clerk **PRIOR TO THE CALL TO ORDER.**
- Speakers attending via **ZOOM** are required to complete the Request to Speak form located on our website: <https://glenpoolonline.civicweb.net/document/19057/Request%20to%20Speak%20Form.pdf> and email it to the City Clerk: Wknight@cityofglenpool.com **PRIOR TO 6:00 PM, FEBRUARY 6, 2023.**

AGENDA

	Page
A) Call to Order - Joyce G. Calvert, Mayor	
B) Roll Call, Declaration of Quorum – Wendy Knight, City Clerk; Joyce G. Calvert, Mayor	
C) Invocation – David Tillotson	
D) Pledge of Allegiance – Joyce G. Calvert, Mayor	
E) Deputy Police Chief Pinning Ceremony – Jeremy Plane, Police Chief	
F) Deputy Fire Chief Pinning Ceremony – Paul Newton, Fire Chief	
G) Departmental Reports	
1) CM Report.02062023	4 - 7
2) Development Services Report - Feb 6 2023	8 - 11

3)	2023-01 Streets & Parks Report	12 - 13
H)	Mayor Report – Joyce G. Calvert, Mayor	
I)	Council Comments	
J)	Public Comments	
K)	Consideration and appropriate action relating to a request for approval of the Consent Agenda. (All matters listed under "Consent" are considered by the City Council to be routine and will be enacted by one motion. Any Councilor may, however, remove an item from the Consent Agenda by request. A motion to adopt the consent Agenda is non-debatable.)	
1)	Minutes from January 3, 2023 meeting. City Council Regular Meeting - 03 Jan 2023 - Minutes - Html	14 - 18
2)	Budget Amendment CITY-03, to utilize donated funds to pay for community policing products and services. Budget Amendment City-03	19 - 21
3)	Surplus vehicles and equipment, and approving, pursuant to City Code 2-2-6.B.4, waiving the requirement for soliciting competitive bidding. Final 2023-02-06 Surplus Action (003)	22 - 23
4)	Appointment of Sarah Cage as Interim City Treasurer. Interim Treas Appt 02.06.23	24
5)	Certificate and Order to Tulsa County Clerk and Treasurer. Final Certificate and Order	25 - 30
L)	Consideration and appropriate action relating to items removed from the Consent Agenda	
M)	Scheduled Business	
1)	Discussion and possible action to approve or disapprove OMAG recommendation to deny Tort Claim No. 212318-1-ME, Claimant Mike Kennedy. Wendy Knight, City Clerk) OMAG Denial Recommendation Redacted Tort Claim	31 - 34
2)	Discussion and possible action to approve, deny, or amend Resolution No. 2023004, a Resolution of the City of Glenpool City Council denying any and all future tort claims filed with the City that have been recommended for denial by the City's liability insurance carrier, and authorizing the City Manager to provide written notice of denial to the claimants, pursuant to Title 51, Section 151 through 172 of the Oklahoma Statutes, without further action of the Council. (David Tillotson, City Manager) Staff Report - Tort Claim Resolution	35 - 36
3)	Discussion and possible action to approve, deny or amend the proposed salary adjustment for Public Works. (David Tillotson, City Manager) Staff Report - PW Salary Adjustment	37 - 39
4)	Discussion and possible action to state the Council's intent to discontinue the current practice of appointing the same individual to serve on both the Planning Commission and the Board of Adjustment. (David Tillotson, City Manager) Staff Report - PC.BOA Changes	40 - 49

- 5) Discussion of Oklahoma's Open Meeting Law and options to address Council participation under the law at various outside events, including, but not limited to, legislative briefings, chamber events, training sessions and conferences. No action will be taken.
(David Tillotson, City Manager)
[Staff Report - Open Meeting Discussion](#)
- 6) Discussion and possible action to enter into Executive Session for the purpose of conferring on matters pertaining to economic development, including the transfer of property, financing, or the creation of a proposal to entice a business to remain or to locate within the City of Glenpool because public disclosure of the matter discussed would interfere with the development of products or services and would violate the confidentiality of such business, pursuant to 25 O.S. § 307.C.11 of the Open Meeting Act.
(David Tillotson, City Manager)
- 7) Discussion and possible action to reconvene in Regular Session.
(Joyce G. Calvert, Mayor)
- 8) Discussion and possible action to approve or deny authorizing the City Manager to proceed in a manner consistent with the discussion in executive session.
(David Tillotson, City Manager)
- 9) Discussion and possible action to determine which, if any, council members attend the ICSC Las Vegas Conference on May 21-23 in Las Vegas.
(David Tillotson, City Manager)

N) Adjournment

This notice and agenda was posted at Glenpool City Hall, 12205 S. Yukon Ave., Glenpool, Oklahoma, on February 3, 2023, by 11:30 am.

Signed: Wendy Knight

City Clerk



To: Mayor and Council

From: David Tillotson

Date: February 2, 2023

Re: City Manager Report

Open Positions

We currently have 16 open positions.

I have noted those positions below that are in the process.

- Public Works: 4 Positions
 - Streets and Parks Laborer
 - Water & Sewer Laborer (2)
 - Sewer Plant Technician
- Police Department: 8 Positions
 - Police Officer (4 positions) – 2 offers accepted-scheduled to start in mid-February; vacancies set to be advertised in early February
 - Lieutenant – promotional process underway
 - Dispatch (3)
- Development Services: 1 Position
 - Planner
- Administration: 3 Positions
 - Grants/Special Projects Coordinator – offer accepted, waiting on background
 - Finance Director
 - IT Director

Capital Projects Update

- Sewer Plant Project – Staff is working to finish up two Request for Qualifications that will allow us to get started on the plant design. The first should be ready to be advertised within the next week or two with the other following behind in early March. We have received the updated Consent Decree from ODEQ and GUSA will be reviewing

it at their February 56th meeting. Just a reminder that of the \$44 million in ARPA funding that the City received for this project, OWRB, who will be administering the funding for our project, will be able to keep up to, four percent for administrative costs according to state law. They must document those costs and any money's remaining from the four percent will be returned to our project. The four percent administrative fee totals \$1.76 million.

- FY22-23 Road Repairs – Staff is in the process of finishing up the scope of work on the various projects that we intend to bid. Bidding should commence in February or early March. There are a couple of major projects in the list this year that may limit the total number of projects that we award as compared to prior years. These projects include repairs of the drainage structure and asphalt hump on 141st just east of Hwy 75, and repair of the drainage structure and roadway on Peabody St.
- Kendalwood North Park Renovation – Staff has completed their investigation into the failure of the drainage line at the site and are consulting with our attorney on options. We intend to provide an update at the February 21st meeting.
- Kendalwood South Park CDBG Project – The bid documents have been finalized internally and submitted to Tulsa County for review under the grant guidelines. We expect that review within the next week or two and are ready to go open bidding should the County approve the documents. The grant funds must be spent by the end of June 2023.
- Rolling Meadows Drainage Projects – There are two projects within Move Glenpool Forward that were intended to fix drainage problems within Rolling Meadows. The first is on the west end at the neighborhood near the border with Taylor's Pond and the second project is on the east end of the neighborhood at the border with the Hwy 75 exit ramp. The City Engineer has reviewed both projects and determined that the scope of work is beyond our ability to complete in-house and has also determined, given the severity of the drainage issues, that it would be in the City's interest to hire an engineering firm to do the design for the improvements and craft the construction work documents for bidding purposes. Drafting of the scope of work required to initiate the request for qualifications process required by state law is underway and expected to be completed in late February or early March.

Sovereignty and Cities: United Strength Symposium

Mayor Calvert and I attended the Sovereignty and Cities: United Strength Symposium hosted by OML in Lawton on January 23rd. I was honored to be asked to speak as part of a panel discussing strategies to foster tribal/municipal relationships and potential benefits of these relationships. There were a number of panel discussions during that day that were

12205 S. Yukon, Glenpool, OK 74033 OFFICE: 918-322-5409 FAX: 918-209-4641

Mayor Joyce Calvert, Ward 3; Vice-Mayor Brandon Kearns, At-Large;

Tim Fox, Ward 1; Chris Brobst, Ward 2; Jacqueline Lund, Ward 4

City Manager David Tillotson, Assistant City Manager Susan White, City Clerk Wendy Knight

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enlightening, and the event was well attended by both municipalities, tribes and private companies that work with both groups. During lunch, the Oklahoma Tribal Finance Consortium presented their findings on the economic impact tribes have on the state's economy. The 38 federally recognized tribes in Oklahoma provided 113,442 jobs across the state with wages and benefits to the jobs total approximately \$5.4 billion. Additionally, the consortium estimates that tribal activities supported \$15.6 billion in state production of goods and services. I have attached a summary of these findings to the end of this report. You can also visit www.oknativeimpact.com to find more information on this topic.

Miscellaneous

- President's Day – February 20th
- City Council Meeting – Tuesday, February 21st

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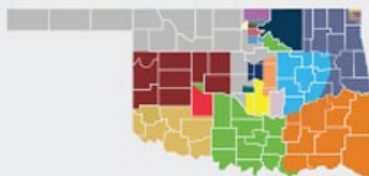
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OKLAHOMA IMPACT \$15,566,655,861



14% of population is Native American

38 federally recognized tribes
permanently located in Oklahoma



113,442 Jobs supported
(Native & non-Native employees)

\$5.4 billion in wages
& benefits to Oklahomans



Nearly 3.5 million
Native & non-Native
patient visits to tribal
health facilities

More than \$66 million
paid to local healthcare
providers for contract
health services

\$232 million
paid in Medicaid
expenditures at tribal
health care facilities

Saved the state
\$86 million
by requiring no state
matching funds

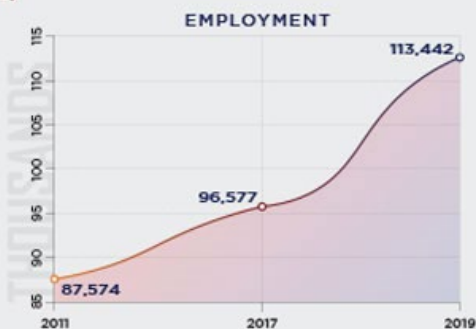
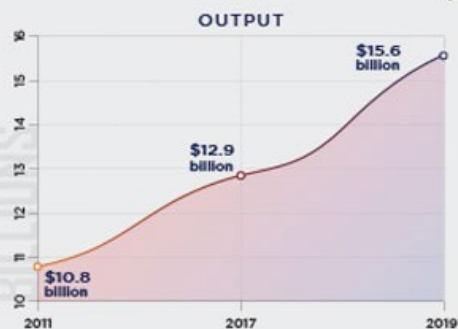


\$1.8 billion paid in exclusivity
fees for education since 2006

\$84 million in additional
support to schools, municipalities
and other community initiatives

IMPACT GROWTH

(2011 - 2019)



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City Manager David Tillotson, Assistant City Manager Susan White, City Clerk Wendy Knight

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To: Honorable Mayor and Glenpool City Council

From: Gerald S. Gilbert, Development Services Director

Date: February 6, 2023

RE: Development Services Monthly Report for January 2023

Listed below are current development related activities within the City of Glenpool **through the month of January 2023**. These activities listed include Projects Under Construction, Planning Applications Under Review, Approved Projects Not Under Construction, Building Permits and Inspections, and Code Enforcement Activity. The most recent activities are highlighted in **red**.

Commercial/Industrial Projects Under Construction:

1. **Elwood Creek Addition** - Commercial/Office project located at the northeast corner of 151st and S Elwood Ave. **Estimated completion March 2023**
2. **Floyd's RV Dealership** - Commercial RV Sales, Service and Storage project located on the southeast corner of US Highway 75 and West 171st Street South. **Estimated completion Feb 2023**
3. **Wade's RV Service Center** - Commercial RV Sales, Service and Storage project located at 16059 S Us Hwy 75. **Estimated completion March 2023**
4. **Mammoth Luxury Garage Condos** – Commercial storage with office space project located at 16571 S. Broadway St. **Estimated completion May 2023**
5. **Old School Bagel** – A 1,555 sf bagel restaurant located at 12165 Waco Avenue, adjacent to Sonic, within the Southwest Crossroads Shopping Center. **Estimated completion Feb 2023**
6. **Arvest Bank** – A 5,000 sf bank on a 1.51-acres site located on South Casper Street and E. 151st Street. **Estimated completion Feb 2023**
7. **King of Kings** – A 6,627sf church located at 15251 South Broadway Street. **Estimated completion April 2023**
8. **Arrowhead Mini Storage** – A Site Plan application for Phase II of the Arrowhead Mini Storage located at 14801 S. Elwood Ave. **Estimated completion May 2023**

Commercial/Industrial Projects Under Construction (Continued):

9. **Ashton/Gray Retail Center** - A Site Plan application for 10,797sf retail building on a 1.93-acre site located adjacent to Dollar Tree within Southwest Crossroads. **Estimated completion Mar 2023**
10. **Beehive Phase II** – A Site Plan application for Phase II of the Beehive Care Facility located at 12570 Vancouver Ave. **Estimated completion April 2024**
11. **17 Quincy, LLC Warehouse #2** - A Site Plan application for a proposed 16,000 sf warehouse office building on a 1.56-acre site in MonTapp Addition. **Estimated completion Feb 2024**
12. **Miller Tippens** – A Site Plan application for a 5,000sf addition to an existing building located at 437 E 141st St. S. **Estimated completion date August 2023**
13. **1st Oklahoma Credit Union** – A Site Plan application for a 5,900sf bank located at 14912 S. Broadway St. **Estimated completion date August 2023**
14. **Tropical Smoothie** – A Site Plan application for a 1,682sf fast-food restaurant located at 12134 S. Waco Avenue. **Estimated completion June 2023**

Residential Projects Under Construction:

	Subdivision Name	Lots Approved	Under Construction	Completed	Lots Available
1	The Pines	31	13	18	0
2	Glen Hills I (Phase 1-6)	84	0	82	2
3	Glen Hills II (Phase 7-11)	78	34	8	36
4	Scissortail	88	10	13	65
5	Redbud Glen	74	5	11	58
6	Twin Ponds	25	1	1	23
	Totals	380	63	133	184

Planning Applications Under Review:

A. Annexation(s): **No New Applications**

B. Zone Amendment(s):

Scissortail Phase II – A Zone Amendment to change the zoning for a 40.2-acre site generally located north of E 149th Place S. and east of E 148th St. The proposed change in zoning is from AG (Agricultural) to RS-3 (Single Family High Density).

C. Subdivision Plat(s): **No New Applications**

D. Lot Split Application(s):

Cotton Creek Mini-Storage – A proposed lot consolidation of three (3) lots residential lots located at 2171, 2173, 2175 West 18th Street South into two (2) lots. Lot 1 is 1.52-acres, Lot 2 is 1.52-acres and Lot 3 is 1.521-acres in size. The proposed consolidation would create a new Tract A – 2.281-acres and Tract B – 2.281-acre

Planning Applications Under Review:

E. Planned Unit Development (PUDs): **No New Applications**

F. Site Plan Applications: **No New Applications**

G. Specific Use Permits: **No New Applications**

H. Variance(s): **No New Applications**

Approved Projects Not Under Construction

1. **Glenpool Retail** – A proposed 6,095sf retail center located at 84 West 146th Street South.
2. **McGraw Winfield Realtors** – A proposed 4,434sf office building located at 12189 South Yukon Avenue.
3. **By-Weld Industries** - A proposed metal fabrication business located on a 6.81-acre lot within the S75 Business Park Phase III. The project consists of a 16,585sf building and related site improvements.
4. **Carson Trails** – A 394-lot residential subdivision located north and east of the northeast corner of West 181st Street and South Union Avenue directly adjacent to Eden South neighborhood.
5. **Grandview Heights Apartments North Expansion** – A 120-unit apartment project on 6.8-acre site located at 12150 South Yukon Avenue. This is an expansion of the existing Grandview Heights Apartment project.
6. **Redbud Glen Major PUD Amendment** – Amendment to PUD 30C (Redbud Glen) to add approximately 31-acres to the approved PUD 30C boundaries for a total of 51.03-acres. The site is located generally on the northwest corner of S. Elwood Avenue and 151st Street.

Current Residential and Commercial Building Permit Statistics

New Residential Permits Issued January 2023	1
New Commercial Permits Issued January 2023	0
Current Active Residential Permits	66
Current Active Commercial Permits	26
Residential Permits thru January 2022	4
Residential Permits thru January 2023	1
Commercial Permits thru January 2022	0
Commercial Permits thru January 2023	0
Assessment Letters Issued in January 2022	0
Total Assessment Letters Issued in 2023	0

Code Enforcement Activity for 2023

ACTIVITY DESCRIPTION:	Totals			
Complaints received and investigated to Date	77			
Open public nuisance cases through January 2023	25			
CODE ENFORCEMENT CASES	Oct	Nov	Dec	Jan/2023
	88	93	43	77
High grass:	14	3	2	3
Fire damaged structures:	-0-	-0-	-0-	-0-
Illegally parked vehicles:	5	5	5	4
Nuisance abatements (contractor):	-0-	-0-	-0-	-0-
Notices issued for residents with no water service:	-0-	-0-	-0-	-0-
Tulsa County Health Department citations:	-0-	-0-	-0-	-0-
Illegally placed signs:	48	70	22	48
Damage to public facilities citations:	-0-	-0-	-0-	-0-
Excessive trash & debris notices:	11	7	9	12
Dilapidated structures/property notices:	1	1	1	2
Trash can/receptacle placement notices:	-0-	-0-	-0-	-0-
Building demolition & removal:	-0-	-0-	-0-	-0-
Inoperable/abandoned vehicles:	3	2	2	3
Visual impairments caused by trees, shrubs, vehicles, basketball goals, etc. interfering with traffic flow:	4	3	0	2
Stagnant water causing mosquito issues:	-0-	-0-	-0-	-0-
Pest issue:	-0-	-0-	-0-	-0-
Dilapidated fencing:	2	2	2	2
Noxious odor:	-0-	-0-	-0-	1

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To: Mayor and Council

From: Jesse Hale, Public Works Director

Subject: January 2023 Street and Parks Monthly Report

The following details of all work completed between December 27, 2022 – January 31, 2023

- Streets
 - o Crack sealed – none
 - o Filled potholes – misc around town
 - o Fixed downed streets signs
 - 141st & S. Oak – Stop - Accident
 - W 33rd & 123st – Stop – Stolen
 - 141st & Broadway – Speed Limit – Accident
 - o No U-Turns signs on 151st, west of US-75, were placed on their own poles
 - o Cleaned storm drains – ongoing
 - o Removed Holiday lights and decor from 141st and placed in storage
 - o Removed Kendalwood HOA sign that was hit by car at 141st and S. Oak
 - o Winter Storm 1/30 - 2/01 – Treated and plowed roads around town, applied ice melt at Utility Office, PD, FD, Senior Center, City Hall.
 - o Ground up remaining stumps along Elwood.
 - o Sent Hotbox in for maintenance. Unit fixed.
- Parks
 - o Black Gold
 - Filled misc potholes
 - Replaced worn American flag
 - Mulched leaves
 - o Kendalwood North
 - Ground stumps of trees removed last month
 - o Kendalwood South - none
 - o Lambert – none
 - o Morris
 - Replaced worn flag
 - Trimmed trees, cleared field with brush hog
 - o Rolling Meadows – none
 - o Picked up trash and emptied trash cans daily at all city parks

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- Community
 - o Replaced American flags (2) at the VFW memorial.
- Misc.
 - o Most surplus vehicles have been picked up from the WWTP after online auction
 - o Prepped more equipment for next auction.

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City Manager David Tillotson, Assistant City Manager Susan White, City Clerk Wendy Knight
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MINUTES
City Council Regular Meeting
Tuesday, January 3, 2023 Council Chambers 6:00 PM

COUNCIL PRESENT:

Joyce Calvert
Brandon Kearns
Tim Fox
Chris Brobst
Jacqueline Triplett-Lund

STAFF PRESENT:

David Tillotson
Susan White
Wendy Knight
Gerald Gilbert
Sarah Cage
David Agbetunsin
Jesse Hale
Jeremy Plane

- A) Call to Order - Joyce G. Calvert, Mayor**
Mayor Calvert called the meeting to order at 6:01 p.m.
- B) Roll Call, Declaration of Quorum – Wendy Knight, City Clerk; Joyce G. Calvert, Mayor**
Wendy Knight called the roll, Mayor Calvert declared a quorum present.
Eric Wade, District Attorney, was also in attendance.
- C) Invocation –**
David Tillotson provided the invocation.
- D) Pledge of Allegiance – Joyce G. Calvert, Mayor**
- E) Chief of Police Pinning Ceremony - David Tillotson, City Manager**
A Pinning Ceremony was held for Jeremy Plane, Chief of Police.
- F) Departmental Reports**
- The Coalition of Tulsa Area Governments Legislative Reception will be

held on January 18th, 5:30p.m. - 7:30p.m. RSVP's are due by January 6th.

- The 2023 Congress of Mayors will be held on February 9th & 10th, in Midwest City at the Reed Center, and State Capitol. The event is open to all Council members, and RSVP's are due by January 21st.
- **Mayor Calvert** said she will be attending both events.
- **Councilor Brobst** inquired about the drainage report for Rolling Meadows.
- **Councilor Lund** asked for an update on the road collapse at 149th & Yukon.

[CM Report.01032023](#)

[Development Services Report - Jan 3 2023](#)

[2022-12 Streets Parks Report](#)

G) Mayor Report – Joyce G. Calvert, Mayor

- Wished everyone Happy New Year.
- Thanked David, Susan and staff, for all the work they put in during 2022. She said there were good things that happened in 2022, and is looking forward to 2023, and seeing the City continuing to move forward.

H) Council Comments

- **Councilor Lund** acknowledged a visiting Scout, that is working on his rank advancement, by attending a public meeting. She also advised that on December 20, 2022, her son received his Eagle Scout rank.
- **Councilor Lund** said wrestling season is coming up with traveling and tournaments, and asked for prayers for everyone traveling. She said she also wanted to thank City staff for their work.
- **Vice-Mayor Kearns** told of how he has personally witnessed Chief Plane in action, arriving on scene of an accident, at the same time as the Fire Department, where a car had flipped over. Chief Plane was the first one out of his patrol car, and without hesitation, went head first into the car to check on the female. **Vice-Mayor Kearns** said he was observing the action while the professionals were taking care of the situation, and thought to himself "I want that guy on my side - he arrives on scene, not knowing what is going on, but knew there was a passenger in the overturned vehicle that needed help." He went on to say that he truly believes David and Susan made the right decision in promoting Chief Plane to his position in leading our Police Department.

I) Public Comments

There were no public comments.

J) Consideration and appropriate action relating to a request for approval of the Consent Agenda. (All matters listed under "Consent" are considered by the City Council to be routine and will be enacted by one motion. Any Councilor may, however, remove an item from the Consent Agenda by request. A motion to adopt the consent Agenda is non-debatable.)

- 1) Minutes from December 5, 2022 meeting.
[City Council Regular Meeting - 05 Dec 2022 - Minutes - Html](#)
- 2) Resolution No. 2023001, a Resolution authorizing OMAG to distribute escrow funds.
[Resolution No. 2023001 OMAG Refund](#)
- 3) Resolution No. 20523003, a Resolution giving notice of a municipal election.
[Resolution No. 2023003 Municipal Election](#)
- 4) Appointment of Mayor Calvert as representative, and David Tillotson as alternate, to the INCOG Board of Directors and General Assembly.

Moved by Jacqueline Triplett-Lund, seconded by Brandon Kearns

To approve the Consent Agenda.

Motion carried.

[Staff Report - INCOG Board Appointment](#)

K) Consideration and appropriate action relating to items removed from the Consent Agenda

L) Scheduled Business

- 1) Discussion and possible action to approve, deny or amend Resolution No. 2023002, a Resolution of project sponsorship for the Tulsa Urbanized Area TAP Funds application and maintenance commitment. (David Agbetunsin, City Engineer)

David Agbetunsin presented and recommended Council approval of Resolution No. 2023002, a Resolution of project sponsorship for the Tulsa Urbanized Area TAP Funds application and maintenance commitment. This application is due to INCOG by January 13th, 2023. The project submitted for consideration is estimated at \$1,202,760.00. The Tulsa UZA TAP funds requested is \$962,208.00 with a city match fund of \$240,552.00.

Moved by Joyce Calvert, seconded by Jacqueline Triplett-Lund

To approve Resolution No. 2023002, a Resolution of project

sponsorship for the Tulsa Urbanized Area TAP Funds application and maintenance commitment.

	For	Against	Abstained	Absent
Joyce Calvert	x			
Brandon Kearns	x			
Tim Fox	x			
Chris Brobst	x			
Jacqueline Triplett-Lund	x			
	5	0	0	0

CARRIED.

[Resolution No. 2023002 Glenpool Safe Route to School and Park Project](#)

- 2) Discussion and possible action to approve or deny receipt of audited FY2021-2022 Financial Report and direct that the Report be placed in the permanent files.
(Sarah Cage, Comptroller)

Ms. Cage presented and recommended Council approve receipt of audited FY2021-2022 Financial Report and direct that the Report be placed in the permanent files.

Moved by Chris Brobst, seconded by Brandon Kearns

To approve receipt of audited FY2021-2022 Financial Report and direct that the Report be placed in the permanent files.

	For	Against	Abstained	Absent
Joyce Calvert	x			
Brandon Kearns	x			
Tim Fox	x			
Chris Brobst	x			
Jacqueline Triplett-Lund	x			
	5	0	0	0

CARRIED.

[Staff Report FY 21-22 Audit](#)

M) Adjournment

Mayor Calvert declared the meeting adjourned at 6:38 p.m.

City of Glenpool
Budget Amendment

Fiscal Year: 2022-2023
Amendment No: CITY-03
Date Requested: 2-Feb-23

Revenue:					Expense:				
Fund	Account Number	Acct Name	Amount	New Budget Amount	Fund	Account Number	Acct Name	Amount	New Budget Amount
1	01-5-00-5351	Donations	\$ 10,000.00	\$ 10,000.00	1	01-6-03-6202	Operating Expenses	\$ 10,000.00	\$ 70,000.00

Approved by the City of Glenpool:

Mayor

Date



MEMORANDUM
January 4, 2023

To: Honorable Mayor and City Council

From: Jeremy Plane
Chief of Police

Re: Donated funds from Chevrolet

Background:

The police department was contacted by a representative from Chevrolet in November of 2022. During that conversation, the representative stated they would like to donate \$5000.00 to the police department as part of a first responder initiative. Mark Allen is our local dealership and as such would be our sponsor.

On January 4th, 2023, the police department received a \$5000.00 check from Mark Allen. Those funds were then placed into the city's general fund.

I am asking for the donated funds to be allocated to the police department to be used for various community policing equipment.

The community policing items would include a custom canopy, backdrops, and tablecloths. These items will help the department be visually more professional when attending specialized events. In addition the department would purchase items to be handed out during special events in the community, such as Black Gold Days, Coffee with a Cop, Public Safety Day, and Job Fairs.

Staff Recommendation:

Staff recommends approval to allocate the donated funds to the Police Department for the purchase of a canopy, tablecloths, backdrops, and other community policing items.



MEMORANDUM
January 31, 2023

To: Honorable Mayor and City Council

From: Jeremy Plane
Chief of Police

Re: Donated funds from Mercy Regional EMS

Background:

Brian Cook contacted the police department, from Mercy Regional EMS. Brian stated he recently heard about a donation the department received to be used for community outreach and Mercy Regional wished to match the donation to help the department with their current goals.

On January 26th, 2023, the police department received a \$5000.00 check from Mercy Regional EMS. Those funds were then placed into the city's general fund.

I am asking for the donated funds to be allocated to the police department to be used for new decals on a patrol unit. The department has been working with a company called Whiteglove, out of Tulsa. We intend to remove the current graphics on one unit and replace them with a Military Veteran support theme.

In addition to patrol, this unit will be used in public events, parades, job fairs, memorials and recruiting. The department would like to honor those who have served our nation and build a better relationship with our veterans and community.

Staff Recommendation:

Staff recommends approval to allocate the donated funds to the Police Department for the re-outfitting of a patrol vehicle and additional community outreach equipment.



Date: February 6, 2023
To: Mayor and Council
From: Jesse Hale, Public Works Director
Subject: Surplus of City equipment

This item is for Council consideration and action regarding the approval to surplus equipment assigned to the public works department which are no longer usable.

Currently the city has 14 pieces of equipment that are deemed unsafe or unfit for City duties. 4 tractors, 5 zero turn mowers, 3 cars, and a roller-compactor, and an ATV.

All equipment listed has been deemed unsafe and/or unreasonable to use by the public works department.

Staff is requesting the approval to surplus the listed vehicles.

Attached is an itemized spread sheet listing all applicable equipment.



YEAR	MAKE	MODEL	VIN	MILES	TAG	Issue
2004	Polaris	ATV	4XRF50AX4D436498	?		Trans Issues
1993	Ford	3930 Tractor	BD58035	?		Runs, many issues
1990	Ford	3910 Tractor	EC37084	?		Runs, many issues
1989	Case	450C Tractor	3078441	?		Does not run
1995	Case	580 SK Tractor	JJG01083897	?		Runs, many issues
2006	Dixie	60" Mower	4047637	?	#1	Runs, parts miss
2008	Dixie	60" Mower	8081131	?	#2	Does not run
2008	Dixie	74" Mower	8082591	?	#3	Runs, parts miss
2006	Dixie	60" Mower	5052283	?	#5	Does not run
2008	Dixie	74" Mower	8082583	?	#4	Does not run
1991	MW	4K3036 Roller	4120691	?		Runs, parts miss
2000	Toyota	Prius	xx1218			Runs, many issues
2006	Chevy	Impala	2G1WB58K069406584		CI13421	Runs, rough
2005	Chevy	Impala	2G1WF52E759364498		3-22245	Runs, rough

12205 S. Yukon, Glenpool, OK 74033 OFFICE: 918-322-5409 FAX: 918-209-4641

Mayor Joyce Calvert, Ward 3; Vice-Mayor Brandon Kearns, At-Large;

Tim Fox, Ward 1; Chris Brobst, Ward 2; Jacqueline Lund, Ward 4

City Manager David Tillotson, Assistant City Manager Susan White, City Clerk Wendy Knight

www.glenpoolonline.com



MEMO

To: Honorable Mayor and City Council

From: Susan White, Assistant City Manager

Date: February 6, 2023

Re: Interim Treasurer

Background:

Since the search process for a Finance Director position is ongoing, we have reached a point where we need to go ahead and appoint an Interim Treasurer to deal with those specific issues that require a treasurer's signature or approval under Oklahoma law and other governmental policies. Sarah Cage, Comptroller is the best candidate for the interim position. She has agreed to act in that capacity until the appointment of a Finance Director.

Staff Recommendation:

Staff recommends appointing Sarah Cage as Interim City Treasurer.

Attachments:

None

12205 S. Yukon, Glenpool, OK 74033 OFFICE: 918-322-5409 FAX: 918-209-4641

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City Manager David Tillotson, Assistant City Manager Susan White, City Clerk Wendy Knight

www.glenpoolonline.com



To: Honorable Mayor and Council

From: Sarah Cage, Comptroller

Date: February 1, 2023

Subject: Certificate and Order to Tulsa County Clerk and County Treasurer

Background:

Tulsa County requires renewal of the Certificate and Order accompanied by a Treasurer's bond to be submitted every two years, or whenever a change in administration occurs. In this case, the County is requesting submittal of the Certificate and evidence of bond for Sarah Cage, Interim Treasurer.

Staff Recommendation:

- Staff recommends Board approval of the Certificate and Order and authorization to submit to Tulsa County Clerk's office.

Attachments:

- Certificate of Order
- Treasurer's Bond

12205 S. Yukon, Glenpool, OK 74033 OFFICE: 918-322-5409 FAX: 918-209-4641

Mayor Joyce Calvert, Ward 3; Vice-Mayor Brandon Kearns, At-Large;

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City Manager David Tillotson, Assistant City Manager Susan White, City Clerk Wendy Knight

www.glenpoolonline.com

**CERTIFICATE AND ORDER
TO COUNTY CLERK AND COUNTY TREASURER**

_____, Oklahoma, _____, 20____

To the County Clerk and County Treasurer of _____ County, Oklahoma.

We, the undersigned, presiding officer and Clerk of the Governing Board of (City, Town, Multi-County, Library, Board of Education, School District, (state which)
_____ of _____

("Public Body") in said County, State of Oklahoma, hereby authorize you, from and after the date hereof, for the current term or for the remainder of such current term in case of appointment to fill vacancy, such authority to continue until the end of such term, and no longer, unless sooner revoked, to pay over any public funds collected for the aforesaid Public Body in accordance with the provisions of 68 Okl.St.Ann. § 2923, to _____ Address _____, Oklahoma as TREASURER of said Public Body for the term stated; and his legal qualifications for said office are hereby certified to be truly and correctly stated as follows:

- (1) Date Elected or Re-elected _____ 20____;
- (2) Date Appointed or Re-Appointed _____, 20____ (Note 1);
- (3) Filed Surety Bond in sum of _____ Dollars (_____)
with _____ as Surety;
- (4) Bond Terms begins _____, 20____, and Expires/Renews _____, 20____;
- (5) Number of Bond _____;
- (6) Date Bond was approved by Governing Board _____, 20____ (if applicable); and
- (7) Said new Bond is in custody and control of _____ (Note 2), or was deposited with _____ for safekeeping.

Approved on _____, 20____ by _____ endorsement made.

Signed and Certified at _____, Oklahoma, this _____ day of _____, 20____.

Presiding Officer

Official Title

**ATTESTING
OFFICER'S SEAL**

ATTEST:

Attesting Officer

Official Title

Note 1: Where Treasurer is appointed for an indefinite term, provide the original date of appointment. This form must be submitted annually even if Treasurer is appointed for an indefinite term, and must be submitted at any time a bond renews or the named Surety changes.

Note 2: Treasurer should not have custody of his own bond. If Financial Secretary of City serves both as Clerk and Treasurer, Mayor or other chief officer should have custody.

Note 3: See 11 Okl.St.Ann. § 8-105, requiring bond for Treasurer of a municipality; 70 Okl.St.Ann §§ 5-114 & 5-115 requiring bond for Treasurer of a Board of Education; and 65 Okl.St.Ann. § 4-105 requiring bond for Multi-County Library.

**CERTIFICATE AND
ORDER**

OF _____
Name of Public Body

County of _____

State of Oklahoma, to the County Clerk and
County Treasurer

Qualifying _____

_____ Okla.,
as Treasurer of said Public Body.

Received and Filed this _____ day of
_____ 20 _____

County Clerk- County Treasurer

Deputy

Amount of Bond _____

Date of Bond _____ 20 _____

Bond Expires/Renews _____ 20 _____

SURETIES

Oklahoma



Western Surety Company

OFFICIAL BOND AND OATH

STATE OF OKLAHOMA }
County of TULSA } ss

KNOW ALL PERSONS BY THESE PRESENTS:

Bond No. 66519591

That we, SARAH N. CAGE, as Principal, and
WESTERN SURETY COMPANY, a corporation duly licensed to do business in the State of Oklahoma, as Surety, are held
and firmly bound unto the County of _____ and State of Oklahoma, in the penal sum of
Fifty Thousand and 00/100 DOLLARS (\$50,000.00),
for the payment of which we bind ourselves and our legal representatives, jointly and severally by these presents.

Signed this 23rd day of January, 2023.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas, the above bounden Principal has been
Appointed to the office of INTERIM TREASURER in and for
(Elected - Appointed)
City of GLENPOOL, State of Oklahoma, for the term of
1 year, commencing on the 6th day of February, 2023.

Now, if the said Principal shall render a true account of his office and the doings therein to the proper authority at the close of each month, each quarter, each year, and at the end of his term of office, as required thereby or by law; and shall promptly pay over to the person or officers entitled thereto, at the close of each day, month, or quarter, and term of office, all money which may come into his hands by virtue of his said office; and shall faithfully account for all the balances of money remaining in his hands at the termination of his office; and shall well and truly keep all books of record and books of account, required to properly record the doings of his office; and shall balance same monthly, and make all monthly, quarterly and annual reports to the boards, and officers required by law or by resolution of his governing board; and shall hereafter exercise all reasonable diligence and care in the preservation and lawful disposal of all money, books, papers and securities, or other property appertaining to his said office, and deliver them to his successor, or to any person authorized to receive the same; and if he shall faithfully and impartially, without fear, favor, fraud or apprehension, discharge all other duties, now or hereafter required of his office by law, then this bond to be void, otherwise in full force.

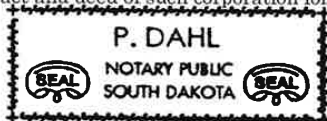


Principal
WESTERN SURETY COMPANY
By Paul T. Bruflat
Paul T. Bruflat, Vice President

STATE OF SOUTH DAKOTA }
County of Minnehaha } ss

ACKNOWLEDGMENT OF SURETY (Corporate Officer)

Before me, a Notary Public in and for said County and State on this 9th day of December,
2019, personally appeared Paul T. Bruflat to me known to be the identical
person who subscribed the name of WESTERN SURETY COMPANY, Surety, to the foregoing instrument as the aforesaid
officer and acknowledged to me that he executed the same as his free and voluntary act and deed, and as the free and
voluntary act and deed of such corporation for the uses and purposes therein set forth.



P. Dahl

Notary Public

My Commission Expires June 18, 2025

Form 852-A-12-2019

OATH OF OFFICE
(Okla. Stat. Tit. 51 § 2)

STATE OF OKLAHOMA

County of _____ } ss

"I, _____, do solemnly swear (or affirm) that I will support, obey, and defend the Constitution of the United States, and the Constitution of the State of Oklahoma, and will discharge the duties of my office with fidelity; that I have not paid, or contributed, either directly or indirectly, any money or other valuable thing, to procure my nomination or election (or appointment), except for necessary and proper expenses expressly authorized by law; that I have not, knowingly, violated any election law of the State, or procured it to be done by others in my behalf; that I will not, knowingly, receive, directly or indirectly, any money or other valuable thing, for the performance or non-performance of any act or duty pertaining to my office, other than the compensation allowed by law, and I further swear (or affirm) that I will not receive, use or travel upon any free pass or on free transportation during my term of office."

(Sign here) _____ Principal

SUBSCRIBED and sworn to before me this _____ day of _____, _____.
My commission expires _____

(SEAL)

Notary Public

LOYALTY OATH
(Okla. Stat. Tit. 51, § 36.2A)

I do solemnly swear (or affirm) that I will support the Constitution and the laws of the United States of America and the Constitution and the laws of the State of Oklahoma, and that I will faithfully discharge, according to the best of my ability, the duties of my office or employment during such time as I am

(Here put name of office, or, if an employee, insert "An Employee of _____" followed by the complete designation of the employing officer, agency, authority, commission, department or institution).

_____ Affiant

Subscribed and sworn to before me this _____ day of _____, _____.
My commission expires _____

Notary Public or other officer authorized
to administer oaths or affirmations



Western Surety Company

File No. _____

OFFICIAL
BOND AND OATH

On Behalf of _____

as _____

County, _____
State of Oklahoma

Filed this _____

day of _____

at _____ o'clock _____ m., and duly

recorded in book _____ on page _____

Clerk _____

Deputy _____

Approved this _____

day of _____

By _____



The State of Oklahoma requires we inform you of the following:

WARNING: Any person who knowingly, and with intent to injure, defraud or deceive any insurer, makes any claim for the proceeds of an insurance policy containing any false, incomplete or misleading information is guilty of a felony.

Form F2637-3-2012



3650 S. Boulevard • Edmond, OK 73013 • omag.org
405.657.1400 • 800.234.9461 • FAX 405.657.1401

January 6, 2023

City of Glenpool
Attn: Wendy Knight
12205 S. Yukon Ave.
Glenpool, Oklahoma 74033

RE: Member : City of Glenpool
 Claimant : Mike Kennedy
 Date of Loss : December 3, 2022
 Claim No. : 212318-1-ME

Dear Ms. Knight:

OMAG has completed its investigation regarding the above referenced claim. It is OMAG's recommendation that this claim be denied because OMAG finds no liability on the City's part regarding this incident. The City is not required nor obligated to take any formal action on this Claim. However, if the City opts to do so, please let us know.

Thank you,

A handwritten signature in black ink that reads "Mary Ellis".

Mary Ellis, CPCU, AIC
Claims Supervisor



3650 S. Boulevard • Edmond, OK 73013 • omag.org
405.657.1400 • 800.234.9461 • FAX 405.657.1401

January 6, 2023

Mr. Mike Kennedy
14141 S. Glen St.
Glenpool, OK 74033

RE: Member : City of Glenpool
 Claimant : Mike Kennedy
 Date of Loss : December 3, 2022
 Claim No. : 212318-1-ME

Dear Mr. Kennedy:

As the adjuster for the Oklahoma Municipal Assurance Group, the insurer for the City of Glenpool, I am recommending denial of this claim and find no liability on the City of Glenpool's part.

Oklahoma law has consistently held that a municipality is not an insurer of its sanitary sewer system. This means that a municipality is not automatically liable for damages to property which result from a sanitary sewer overflow. A municipality may be liable only if it had prior notice of a defect or problem in the sewer line and failed to take appropriate remedial action within a reasonable time before the damage occurred.

The City of Glenpool would not be liable for a plumber bill incurred prior to the City of Glenpool being notified of a sewer problem. The cause of this sanitary sewer overflow was rags/towels (usually flushable wipes) that do not belong in the sewer line.

Sincerely,

Mary Ellis, CPCU, AIC
Claims Supervisor

cc: City of Glenpool

NOTICE OF TORT CLAIM

OKLAHOMA MUNICIPAL ASSURANCE GROUP (OMAG) – MUNICIPAL LIABILITY PROTECTION PLAN A. CLAIMANT REPORT

To the GLENPOOL WATER DEPT
Public entity you are filing the claim against.

PLEASE PRINT OR TYPE AND SIGN

IMPORTANT NOTICE: This notice will be sent to OMAG Claims Dept. for investigation. You may expect them to contact you.

CLAIMANT(S) MIKE KENNEDY CLAIMANT(S) SOCIAL SECURITY NO _____
ADDRESS 14141 S GLEN ST. CLAIMANT(S) DATE OF BIRTH _____ Circle: ☒ M ☐ F
GLENPOOL, OK 74033 PHONE: HOME _____ BUS. () _____

1. DATE AND TIME OF INCIDENT (Exact Date Required) 12/3/22 () a.m. 2 p.m. (Continue on another sheet if needed for any information requested)
2. LOCATION OF INCIDENT _____
3. DESCRIBE INCIDENT _____

4. LIST ALL PERSONS AND/OR PROPERTY FOR WHICH YOU ARE CLAIMING DAMAGES:

BODILY INJURY: WAS CLAIMANT INJURED? YES ___ NO ☒ If yes, complete this section

Describe injury _____

WERE YOU ON THE JOB AT THE TIME OF INJURY? YES ___ NO ___ If so, please provide Employer info.

Employer's Name _____

Address _____

Phone _____

ALL MEDICAL BILLS (attach copies) \$ _____

LIST OTHER DAMAGES CLAIMED \$ _____

MEDICARE/MEDICAID/SOCIAL SECURITY DISABILITY:

Is there any Social Security Disability involvement ___ Yes ___ No

Has any medical bill been paid or will be paid by Medicare/Medicaid? ___ Yes ___ No. If so, list Medicare/Medicaid Number.

Medicare/Medicaid Number _____

If the City is responsible for such bills, the City must report any settlement to Medicare/Medicaid.

I understand that the information requested is to assist the requesting insurance information arrangement to accurately coordinate benefits with Medicare/Medicaid and to meet its mandatory reporting obligation under Medicare Secondary Payer Act 42 U.S.C§1395y.

Medicare/Medicaid Beneficiary Name (please print) _____

Medicare/Medicaid Beneficiary Name Signature _____

PROPERTY DAMAGE: Proof that you are the owner of the vehicle or property allegedly damaged as specified in your claim will be required.

VEHICLE YEAR _____ MAKE _____ MODEL _____

NOTE: If damage is to a vehicle, a photocopy of your motor vehicle title is required.

IF NOT A VEHICLE, DESCRIBE PROPERTY AND LOSS BACKED UP ON SEWER LINE FROM THE CITY SIDE INTO MY HOUSE - PLUMBER CHARGE FOR HOUSE CALL

PROPERTY DAMAGE (Attach repair bills or estimates if available) \$ 126.00

LIST OTHER DAMAGES CLAIMED \$ 126.00

5. NAME OF YOUR INSURANCE CO. _____ POLICY NO. _____ AMOUNT CLAIMED \$ _____ AMOUNT RECEIVED \$ _____

6. The names of any witnesses known to you:

Name _____ Address _____ Phone Number _____

Name _____ Address _____ Phone Number _____

STATE THE EXACT AMOUNT OF COMPENSATION YOU WOULD ACCEPT AS FULL SETTLEMENT ON THIS CLAIM.

TOTAL CLAIM.....\$ 126.00

Mike Kennedy
SIGNATURE(S)

12/19/22
DATE

CONTINUE ON THE BACK

Received 12/27/22

B. THIS SECTION IS FOR USE BY THE PUBLIC ENTITY WHICH RECEIVES THE CLAIM

To inquire about this claim you may write to OMAG Claims Dept. or call 1-800-234-9461

This Notice of Tort Claim was received by Wendy Knight
(Title) City Clerk, on 12/22, 2022

For further information on this claim contact Wendy Knight
(Title) City Clerk, by telephone at () 918-209-4647

The following reports, statements or other documentation, which support our understanding of the facts relating to this claim are attached:

Information for City Owned Vehicle Involved:

Year: _____ Make: _____ Model: _____ Last 4 Vin#: _____ Dept: _____

As a result of this incident, are there damages to the City vehicle? ☐ YES ☐ NO

If YES, please fill out an
OMAG Auto Loss Notice
to have it repaired.

Persons who have knowledge of the circumstances surrounding this claim are:

Name	Title/Position	Telephone
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____

Submitted by: Wendy Knight Date 12/27/22, 20____

Title: City Clerk

AFTER THE PUBLIC ENTITY HAS RECEIVED THIS
CLAIM, PLEASE PROVIDE INFORMATION REQUESTED
ABOVE AND IMMEDIATELY SEND TO:

OMAG Claims Dept.
3650 S. Boulevard
Edmond, OK 73013
Phone (405) 657-1400
Fax (405) 657-1401
claimsdepartment@omag.org



To: Mayor and Council

From: David Tillotson, City Manager

Date: February 1, 2023

Re: Resolution No. 2023004

Background:

During Council Training with OMAG last year, several council members expressed a desire for staff to automatically deny tort claims that had been recommended for denial by OMAG. After reviewing this scenario, staff believes the only appropriate path forward to accomplish this goal would be for the Council to adopt a resolution stating their intent and authorizing staff to proceed under that intent.

Resolution No. 2023004 was drafted by our City Attorney to accomplish this goal. Should the Council adopt this resolution, tort claims that are recommended for denial by OMAG will no longer be placed on the Council agenda for action. Staff will still send the appropriate notice of denial to the claimant, so they are notified that the claim was denied. The notice will also explain the timelines for the next steps in the process should the claimant decide to avail themselves of their options under the law.

Staff Recommendation:

Staff recommends approval of Resolution No. 2023004, a Resolution of the City of Glenpool City Council denying any and all future tort claims filed with the City that have been recommended for denial by the City's liability insurance carrier, and authorizing the City Manager to provide written notice of denial to the claimants, pursuant to Title 51, Section 151 through 172 of the Oklahoma Statutes, without further action of the Council.

Attachments:

- Resolution No. 2023004

12205 S. Yukon, Glenpool, OK 74033 OFFICE: 918-322-5409 FAX: 918-209-4641

Mayor Joyce Calvert, Ward 3; Vice-Mayor Brandon Kearns, At-Large;

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City Manager David Tillotson, Assistant City Manager Susan White, City Clerk Wendy Knight

www.glenpoolonline.com

CITY OF GLENPOOL, OKLAHOMA
RESOLUTION NO. 2023004

A RESOLUTION OF THE GLENPOOL CITY COUNCIL DENYING ANY AND ALL FUTURE TORT CLAIMS FILED WITH THE CITY THAT HAVE BEEN RECOMMENDED FOR DENIAL BY THE CITY'S LIABILITY INSURANCE CARRIER, AND AUTHORIZING THE CITY MANAGER TO PROVIDE WRITTEN NOTICE OF DENIAL TO THE CLAIMANTS, PURSUANT TO TITLE 51, SECTION 151 THROUGH SECTION 172 OF THE OKLAHOMA STATUTES, WITHOUT FURTHER ACTION OF THE COUNCIL.

WHEREAS, the Oklahoma Governmental Tort Claims Act, OKLA. STAT. tit. 51, §§ 151–172 (“GTCA”) provides a very specific manner in which the state or a political subdivision, such as the City of Glenpool, may be sued in tort;

WHEREAS, the GTCA provides that before a lawsuit may be initiated against a political subdivision, written notice of the tort claim must be filed with the office of the clerk of the governing body within one (1) year after the loss occurs;

WHEREAS, after receipt a written notice of tort claim, the City tenders the claim to its insurer, Oklahoma Municipal Assurance Group (“OMAG”), who may recommend that the City deny the claim; and

WHEREAS, OMAG has extensive experience and expertise in evaluating tort claims against municipalities, and it is in the best interests of the City to follow any and all future recommendations from OMAG to deny tort claims, and to authorize the City Manager to provide written notice of denial to the claimants.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Glenpool, Oklahoma that, henceforth, upon the City of Glenpool’s receipt of a recommendation from OMAG to deny a tort claim, that recommendation shall, *ipso facto*, be considered the opinion of the City Council and tantamount to Council action denying the tort claim, without the necessity of further action by the Council; and the City Council hereby authorizes and directs the City Manager to send written notice of denial to the claimant.

PASSED AND APPROVED by the Mayor and Council of the City of Glenpool, Oklahoma, this 6th day of February, 2023.

JOYCE CALVERT, MAYOR

APPROVED AS TO FORM:

ATTEST:

Eric D. Wade, City Attorney

Wendy Knight, City Clerk

[SEAL]



To: Mayor and Council

From: David Tillotson, City Manager

Date: February 2, 2023

Re: Proposed Salary Adjustment for Public Works

Background:

We are experiencing significant issues with finding and retaining employees within Public Works and have consistently run below full staffing so far this fiscal year. Based on what we are hearing from applicants, salary appears to be the largest hurdle in the hiring process. However, based on conversations with our current team we also believe we need to create a pathway internally for higher pay based on earning and maintaining ODEQ Licenses. While this will predominantly impact our water and sewer employee, we plan on opening up the training to our streets and parks team members as well, as it will create more cross-training opportunities and manpower in emergency situations.

The proposed salary plan would increase our starting pay for entry level laborer positions from \$13.50 to \$15.00 and then compress the salary increases up to, but not including our supervisory positions and maintenance positions. In effect, the majority of our Public Works employees will see raises with the lowest earners getting the largest percentage and our highest earners the lowest percentage.

The proposed license compensation plan would work similarly to the way police and fire apply some of their certification pays. For each ODEQ License authorized in our plan we would pay a monthly stipend to the employee. As they advance to higher license levels, the employee would only be paid for the highest level achieved in each of the three authorized categories: water, wastewater and wastewater lab. The proposed license pay chart is included below:

Level	Water	Wastewater	Lab
D	\$ 50.00	\$ 50.00	
C	\$ 100.00	\$ 100.00	\$ 150.00
B		\$ 150.00	\$ 200.00
A		\$ 200.00	\$ 250.00

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City Manager David Tillotson, Assistant City Manager Susan White, City Clerk Wendy Knight

www.glenpoolonline.com

We chose not to pay for water licenses above C because those licenses are not needed within a water distribution system like we utilize. They would be required for the administration and operation of a water plant. Additionally, there is no D Wastewater Lab license offered by ODEQ. Finally, we fully intend to expand this program in the future as we determine other licenses/certifications that we believe would be beneficial to the City and our ability to increase operational efficiencies.

Given that one of our Core Values is to “Make Learning a Habit”, I believe it is imperative that we continue to find ways to offer training opportunities for our employees and reward them for competencies that we might otherwise have a difficult time obtaining in the marketplace.

Staff Recommendation:

Staff recommends approving the proposed salary adjustment for Public Works.

Attachments:

- Proposed Salary Adjustment Spreadsheet

12205 S. Yukon, Glenpool, OK 74033 OFFICE: 918-322-5409 FAX: 918-209-4641

Mayor Joyce Calvert, Ward 3; Vice-Mayor Brandon Kearns, At-Large;

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City Manager David Tillotson, Assistant City Manager Susan White, City Clerk Wendy Knight

www.glenpoolonline.com

Public Works Salary Scale

Fund	Position	Current Rate	Grade	Level I		Level II		Level III		Level IV	
				(Entry)		(Junior)		(Mid)		(Senior)	
				Min	Max	Min	Max	Min	Max	Min	Max
GF	Streets & Parks Laborer	\$13.50	G02	\$13.20	\$15.17	\$15.18	\$17.15	\$17.16	\$19.13	\$19.14	\$21.12
GF	Streets & Parks Laborer	\$13.50	G02	\$13.20	\$15.17	\$15.18	\$17.15	\$17.16	\$19.13	\$19.14	\$21.12
GUSA	Water and Sewer Laborer	\$13.50	G02	\$13.20	\$15.17	\$15.18	\$17.15	\$17.16	\$19.13	\$19.14	\$21.12
GUSA	Water and Sewer Laborer	\$13.50	G02	\$13.20	\$15.17	\$15.18	\$17.15	\$17.16	\$19.13	\$19.14	\$21.12
GF	Streets & Parks Laborer	\$14.60	G02	\$13.20	\$15.17	\$15.18	\$17.15	\$17.16	\$19.13	\$19.14	\$21.12
GUSA	Water and Sewer Laborer	\$14.60	G02	\$13.20	\$15.17	\$15.18	\$17.15	\$17.16	\$19.13	\$19.14	\$21.12
GF	Streets & Parks Laborer	\$15.79	G02	\$13.20	\$15.17	\$15.18	\$17.15	\$17.16	\$19.13	\$19.14	\$21.12
GF	Streets & Parks Laborer	\$16.17	G02	\$13.20	\$15.17	\$15.18	\$17.15	\$17.16	\$19.13	\$19.14	\$21.12
GF	Streets & Parks Laborer	\$16.53	G02	\$13.20	\$15.17	\$15.18	\$17.15	\$17.16	\$19.13	\$19.14	\$21.12
GUSA	Water and Sewer Laborer	\$16.69	G02	\$13.20	\$15.17	\$15.18	\$17.15	\$17.16	\$19.13	\$19.14	\$21.12
GUSA	Meter Reader	\$17.10	G02	\$13.20	\$15.17	\$15.18	\$17.15	\$17.16	\$19.13	\$19.14	\$21.12
GUSA	Admin Assistant	\$14.04	G02	\$13.20	\$15.17	\$15.18	\$17.15	\$17.16	\$19.13	\$19.14	\$21.12
GUSA	Equipment Operator	\$17.50	G04	\$15.97	\$18.36	\$18.37	\$20.75	\$20.76	\$23.15	\$23.16	\$25.56

GF	Streets and Parks Superintendent	\$21.26	G07	\$21.26	\$24.44	\$24.45	\$27.63	\$27.64	\$30.82	\$30.83	\$34.01
GF	Building Maintenance Tech	\$19.52	G04	\$15.97	\$18.36	\$18.37	\$20.75	\$20.76	\$23.15	\$23.16	\$25.56
GUSA	Public Works Director	\$38.47	G09	\$25.72	\$29.57	\$29.58	\$33.43	\$33.44	\$37.29	\$37.30	\$41.16
GUSA	Water and Sewer Superintendent	\$32.97	G08	\$23.38	\$26.88	\$26.89	\$30.39	\$30.40	\$33.90	\$33.91	\$37.42
GUSA	Plant Operator	\$29.20	G08	\$23.38	\$26.88	\$26.89	\$30.39	\$30.40	\$33.90	\$33.91	\$37.42
GUSA	Assistant Plant Manager		G06	\$19.33	\$22.22	\$22.23	\$25.11	\$25.12	\$28.01	\$28.02	\$30.92

Salary Proposal		
Proposed Rate	Difference	
\$15.00	\$1.50	
\$15.00	\$1.50	
\$15.00	\$1.50	
\$15.00	\$1.50	
\$15.86	\$1.26	
\$15.86	\$1.26	
\$16.76	\$0.97	
\$16.97	\$0.80	
\$17.14	\$0.61	
\$17.31	\$0.62	
\$17.52	\$0.42	
\$15.43	\$1.39	
\$17.72	\$0.22	

Total	\$13.55
Jan-Jun Salary	\$14,090.79
FICA	\$1,077.95
Retirement	\$986.36
Estimated Cost	\$16,155.09

GF	\$6.65
Jan-Jun Salary	\$6,911.72
FICA	\$528.75
Retirement	\$483.82
Estimated Cost	\$7,924.29

GUSA	\$6.90
Jan-Jun Salary	\$7,179.07
FICA	\$549.20
Retirement	\$502.54
Estimated Cost	\$8,230.81



To: Mayor and Council

From: David Tillotson, City Manager

Date: February 1, 2023

Re: Possible Changes to Planning Commission and Board of Adjustment Appointments

Background:

Mayor Calvert, along with Planning Commission and Board of Adjustment members, attended an OML Planning and Land Use Workshop last December. During this workshop, the OML trainer made a statement that seemed to question the legality of using the same board members for both the Planning Commission and the Board of Adjustment. Mayor Calvert and I discussed this comment, and my understanding of the law. Subsequently, I reached out to our City Attorney to discuss the issue with him and asked for clarification on the law. I have attached Eric Wade's email to me that includes his opinion.

In his email, Eric references a court opinion that talks about the issue, but which doesn't hit immediately on point for our concern. He also states that the OML Handbook for Cities and Towns has language that suggests Cities should consider appointing the same people to both boards. Eric notes that his preference is to not have the same members serve on both of the boards, but does also state that "the absence of controlling legal authority directly on point gives you some latitude on how to proceed".

Here is the section from the 2023 OML Handbook that addresses the issue:

*"The Board of Adjustment hears appeals from Administrative decisions, grants special exceptions provided by ordinance and grants variances. A frequent criticism of the Board is that it often does not fully understand the policy underlying the comprehensive plan or zoning ordinances and so undermines the plan or ordinance by allowing variances in inappropriate circumstances. **One solution is for the governing body to appoint members of the Planning Commission to serve on the Board of Adjustment also.**"*
(emphasis added)

12205 S. Yukon, Glenpool, OK 74033 OFFICE: 918-322-5409 FAX: 918-209-4641

Mayor Joyce Calvert, Ward 3; Vice-Mayor Brandon Kearns, At-Large;

Tim Fox, Ward 1; Chris Brobst, Ward 2; Jacqueline Lund, Ward 4

City Manager David Tillotson, Assistant City Manager Susan White, City Clerk Wendy Knight

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Mayor Calvert has asked that this item be placed on the agenda for the Council to determine if it desires to make changes to its past practice of appointing the same individual to serve on both the Planning Commission and the Board of Adjustment concurrently.

I believe Mayor Calvert has had a conversation with the OML General Counsel regarding this issue as well. I will let her speak further on that. Finally, I will note that I have also reached out to both the General Counsel and the Associate General Counsel of OML to ask for clarification on the training and if I receive a response before the Council meeting, I will provide it to the Council as well.

I am a fan of finding ways to get more residents involved in the running of their local government, but I am concerned that we may not be able to find enough individuals willing to serve to fill both boards over the long term. I also agree with the concerns expressed in the OML Handbook that individuals appointed to the Board of Adjustment may not fully understand the reasons for the policy and ordinances. This could easily lead to bad decisions that affect us well into the future. This lack of understanding can be mitigated somewhat by training for board members. Given, however, our historical experience of the Board of Adjustment not needing to meet monthly given the lack of business before them, the possibility exists that members may become disillusioned with their role (or their perceived lack thereof). I fear this could lead to higher board turnover, a potential lack of qualified candidates willing to serve, and, in the worst case scenario, board members who make bad decisions because they are no longer invested in their role. Finally, please do not take my sharing of these concerns as an indication that I am totally opposed to the idea. I recognize that there are many cities across the state that have already taken this step...some successfully, others I am sure, experiencing issues. Should the Council decide to change our process, I am confident our staff will adapt and excel as always.

Making a change from members serving on both boards to members serving only on one of the boards does not require a change to our ordinances, which are silent on this particular issue. They speak only to how board members may be appointed, the lengths of their terms, and the qualifications for serving. I have attached the current City Code for appointments to the Planning Commission and the Board of Adjustment. I also want to make clear that the process we follow today is legal.

Staff Recommendation:

Staff makes no recommendations on this item.

Attachments:

- Eric Wade Opinion Email
- City Code on Planning Commission and Board of Adjustment Appointments

12205 S. Yukon, Glenpool, OK 74033 OFFICE: 918-322-5409 FAX: 918-209-4641

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City Manager David Tillotson, Assistant City Manager Susan White, City Clerk Wendy Knight

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From: [Eric Wade](#)
To: [David Tillotson](#)
Cc: [Susan White](#)
Subject: Planning Commission and Board of Adjustment - dual office holding.
Date: Tuesday, January 17, 2023 5:17:16 PM
Attachments: [Town of Wellston v Wallace.pdf](#)

David,

Attached is the case dealing with the dual office holding prohibition that we discussed at lunch. I have highlighted some key passages. It was a good memory refresher.

As you will see, the court addressed the question of whether a member of the town board of trustees could serve on the board of adjustment without running afoul of the dual office holding prohibition under OKLA. STAT. tit. 51, § 6. The Court noted that a board of adjustment's power is adjudicative in nature because it hears appeals of decisions made by other municipal officers. Because of this, the Court stated:

“While there might be no conflict in a board of trustees member serving as a planning commission member, there is a clear conflict in such an officer serving on the board of adjustment which hears appeals of decisions made by other municipal officers. Therefore, a member of the board of trustees may not serve on the board of adjustment.”

While this case does not specifically address whether a planning commission member can also serve on the board of adjustment, I have always thought that the duties inherently conflict because a planning commission makes recommendations to the city council regarding zoning and comprehensive planning, while a board of adjustment grants special exceptions and variances to them. As a result, my advice has been that the same people should not serve on both public bodies.

I will note that OML's handbook for city and town officials suggests that a member of a municipal planning commission can also serve on the board of adjustment, and has even provided a rationale for the dual service, stating “[a] frequent criticism of the Board [of Adjustment] is that it often does not fully understand the policy underlying the comprehensive plan or zoning ordinance and so undermines the plan or ordinance by allowing variances in inappropriate circumstances. One solution is for the governing body to appoint members of the Planning Commission to serve on the Board of Adjustment.” I think this rationale actually highlights the inherent conflict that exists between the two positions, especially from the perspective of a person

denied a variance, and that conflict cannot be resolved by stacking the commission and board with the same members.

Ultimately, the absence of controlling legal authority directly on point gives you some latitude on how to proceed.

If you have any questions, please let me know. Thanks.

Eric



Eric D. Wade | Shareholder/Director

Rosenstein, Fist & Ringold

525 S. Main, Suite 700

Tulsa, OK 74103

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152 P.3d 284

Court of Civil Appeals of Oklahoma,
Division No. 1.

TOWN OF WELLSTON, Plaintiff/Appellant,

v.

Kevin W. WALLACE and Angela
Wallace, Husband and Wife, and James
R. Jackson, Jr., Defendants/Appellees.

No. 102,504.

Released for Publication by Order of the Court
of Civil Appeals of Oklahoma, Division No. 1.

|

Dec. 15, 2006.

Synopsis

Background: Town sued landowners, seeking an injunction to prevent them from operating their residential property as commercial property in violation of town's zoning ordinances. The District Court, Lincoln County, Paul M. Vassar, J., denied town's motion for summary judgment, and town appealed.

[Holding:] The Court of Civil Appeals, Carol M. Hansen, J., held that, by failing to have a board of adjustment, town failed to comply with statutory prerequisites for exercising zoning power and was not entitled to an injunction.

Affirmed.

West Headnotes (6)

[1] **Zoning and Planning** 🔑 Finality; ripeness

Trial court's order denying town summary judgment on its claim, seeking injunction to prevent landowners from operating their residential property as commercial property in violation of town's zoning ordinances, had the effect of refusing an injunction, and therefore, it was a final, appealable order. 12 Okl.St. Ann. § 952(b)(2).

[2] **Zoning and Planning** 🔑 Power and Authority

Zoning and Planning 🔑 Administrative review

The powers of the board of adjustment include hearing and deciding (1) appeals of decisions made by an administrative official in the enforcement of any zoning ordinance, (2) special exceptions to zoning ordinances, and (3) variances from the terms, standards and criteria pertaining to an allowed use category within a zoning district.

[3] **Zoning and Planning** 🔑 Legislative, administrative, judicial, or quasi-judicial power

The municipality's power to enact zoning ordinances is legislative, while the board of adjustment's power is adjudicative in nature.

[4] **Zoning and Planning** 🔑 Boards and Officers in General

Municipality must have both a zoning commission and board of adjustment in order to exercise its zoning authority, and it may not do so in their absence.

[5] **Municipal Corporations** 🔑 Holding other office or employment

Public Employment 🔑 Local-local conflicts

While there might be no conflict in a town board of trustees member serving as a planning commission member, there is a clear conflict in such an officer serving on the board of adjustment which hears appeals of decisions made by other municipal officers, and therefore, a member of the board of trustees may not serve on the board of adjustment.

[6] **Zoning and Planning** 🔑 Defenses to Enforcement

By failing to have a board of adjustment, town failed to comply with statutory prerequisites

for exercising zoning power and was not entitled to an injunction preventing landowners from operating their residential property as commercial property in violation of town's zoning ordinances. 11 Okl.St. Ann. § 44-101.

*284 Appeal from the District Court of Lincoln County, Oklahoma; Honorable Paul M. Vassar, Trial Judge.
AFFIRMED.

Attorneys and Law Firms

*285 James J. Hodgins, Hodgins & Burleson, P.A., Stroud, OK, for Plaintiff/Appellant,

Miles C. Zimmerman, Zehra Jaffrey, Chandler, OK, for Defendants/Appellees.

Opinion

CAROL M. HANSEN, Judge.

¶ 1 Plaintiff/Appellant, Town of Wellston, Oklahoma (Town), seeks review of the trial court's order determining there were no issues left for resolution following its denial of Town's motion for summary judgment in its action to enjoin a zoning violation. We affirm because Town failed to show it complied with statutory prerequisites for exercising zoning power.

¶ 2 Town sued Kevin Wallace and Angela Wallace (Owners), seeking an injunction to prevent them from operating the subject property as commercial property in violation of Town's zoning ordinances. Owners answered and counterclaimed for damages. Town moved to add James Jackson as a party defendant, alleging Owners had conveyed the property to him. Town then moved for summary judgment, asserting Owners' property was zoned residential but Owners had placed commercial vehicles, fencing, buildings, and other appurtenances on the property without obtaining building permits, zoning changes, or variances. Town asserted that after construction on the property was substantially complete, Owners applied for a building permit and zoning variance. Town asserted its "City Council acting in its capacity as its Planning Commission" denied the request.

¶ 3 Town stated it had ordinances creating a planning commission and board of adjustment, but according to the affidavit of its mayor, "Town ... at all relevant times in these

proceedings, has not had a town planning commission or a board of adjustment due to the fact that individuals have been unwilling to serve in such a capacity." Town argued its governing body, the Board of Trustees, was vested with the power to grant and deny zoning variances, as well as the power to hear appeals of zoning variance denials.

¶ 4 In response, Owners contended they were entitled to a variance, but Town violated their due process rights when the Board of Trustees acted on their application in the absence of a board of adjustment. Owners argued Town had no power to enact and enforce zoning regulations in the absence of a planning commission. They asserted the structures on their property were not a threat to public health or safety, and Town was not entitled to an injunction because it had failed to show the act sought to be enjoined would injure Town.

¶ 5 The trial court denied Town's motion for summary judgment, ruling "[w]ithout a board of adjustment there was no body to appeal to or from that would invoke the jurisdiction of this Court." After the parties sought clarification, the trial court entered an order determining "there are no issues left for resolution," and acknowledging Owners' dismissal in open court of their counterclaim. Town appeals from this order.

[1] ¶ 6 The trial court's order had the effect of refusing an injunction. Therefore, it is a final, appealable order pursuant to 12 O.S.2001 § 952(b)(2).

[2] [3] [4] ¶ 7 Municipalities are authorized to enact zoning regulations to promote the health, safety, morals, or the general welfare of the community. 11 O.S.2001 § 43-101. However, "[i]n order to avail itself of [zoning] powers ..., the municipal governing body shall appoint a commission to be known as the zoning commission to recommend the boundaries of the various original districts and to recommend appropriate regulations to be enforced therein." § 43-109. In addition, "[w]here a municipality is exercising zoning powers, ... the governing body of the municipality shall provide by ordinance for the appointment of a Board of Adjustment." § 44-101. The powers of the board of adjustment include hearing and deciding (1) appeals of decisions made by an administrative official in the enforcement of any zoning ordinance, (2) special exceptions to zoning ordinances, and (3) variances from the terms, standards and criteria pertaining to an allowed use category within a zoning district. The municipality's power to enact zoning ordinances is legislative, while the board of adjustment's power is adjudicative in nature. *286 *Vinson v.*

Medley, 1987 OK 41, 737 P.2d 932, 936. Pursuant to these statutes, a municipality must have both a zoning commission and board of adjustment in order to exercise its zoning authority. It may not do so in their absence.

[5] [6] ¶ 8 The proscription against dual office holding does not apply to municipal officers serving on a municipal board or commission “except where the duties of the offices or positions conflict.” 51 O.S.Supp.2004 § 6. While there might be no conflict in a board of trustees member serving as a planning commission member, there is a clear conflict in such an officer serving on the board of adjustment which hears appeals of decisions made by other municipal officers.

Therefore, a member of the board of trustees may not serve on the board of adjustment. By failing to have a board of adjustment, Town has failed to comply with statutory prerequisites for exercising zoning power and is not entitled to an injunction under the current circumstances in this case.

¶ 9 Accordingly, the trial court's order is AFFIRMED.

BELL, P.J., and JOPLIN, J., concur.

All Citations

152 P.3d 284, 2007 OK CIV APP 2

End of Document

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CHAPTER 8

CODE ADMINISTRATORS

SECTION:

Purpose And Application

11-8-1: Purpose And Applicability

11-8-2: Code Of Ethics

Code Administrators

11-8-3: City Council

11-8-4: Planning Commission

11-8-5: Board Of Adjustment

11-8-6: Technical Advisory Committee (TAC)

11-8-7: City Planner

11-8-8: Other City Officials

PURPOSE AND APPLICATION

11-8-1: PURPOSE AND APPLICABILITY:

Generally. The purpose of this Chapter is to:

- A. Describe the role of City staff in the administration of this Title and the approvals issued hereunder;
- B. Establish and describe the roles and responsibilities of the Planning Commission and Board of Adjustment in the administration of this Title and for making recommendations and decisions; and
- C. Describe the scope of authority retained by the City Council with respect to the implementation and amendment of this Title. (Ord. 746, 11-14-2017)

11-8-2: CODE OF ETHICS:

A. Conflict of Interest. The Mayor or any member of the City Council, Planning Commission, or Board of Adjustment, to whom some private benefit, direct or indirect, financial or otherwise, may come as a result of a public action concerning this Title, shall not be a participant in that action. The possibility, not the actuality, of a conflict, shall govern. The individual experiencing a conflict of interest shall declare his or her interest, abstain from voting on the matter and refrain from any deliberations on the matter. The individual shall not discuss the matter with a fellow official for the purpose of influencing a decision thereon.

B. Ex Parte Contacts Prohibited.

1. For the purposes of this Chapter, ex parte contacts and communications are defined as the receipt, either directly or indirectly, of verbal, visual, or written communications outside a duly noticed, open hearing on the record, at which all parties and all Board, Commission or Council members have an opportunity to be present.

2. Members shall refrain from permitting ex parte contacts or communications with any person regarding any matter pending before or which may be reasonably expected to be pending before them.

3. Ex parte contacts shall not influence quasi-judicial proceedings. If a member of the Board, Commission or Council obtains information outside of the public hearing process, whether through inadvertent ex parte communications with interested parties or through specific personal knowledge of a case, he or she shall fully disclose the information or knowledge to the Board, Commission or Council during the public hearing, along with the source of the information.

4. Such ex parte communications or personal knowledge of a case shall not constitute a conflict of interest or other basis for excuse from participation in any case. Ex parte contacts shall also be prohibited for matters under reconsideration by the Board, Commission or Council.

5. The prohibition against ex parte contacts remains in effect as long as a matter may reasonably be expected to come before the Board, Commission or Council until after all appeal and remands for further consideration and reconsideration have concluded or the time for such proceedings has expired. (Ord. 746, 11-14-2017)

CODE ADMINISTRATORS

11-8-3: CITY COUNCIL:

The City Council shall have all powers conferred upon it by City Code, Title 1, Chapter 7, and those specific duties and responsibilities set out in this Title. (Ord. 746, 11-14-2017)

11-8-4: PLANNING COMMISSION:

A. Establishment, Membership. The Planning Commission is hereby created, effective when all of the appointive members have been appointed as herein provided. The Commission shall consist of five appointive members, all of whom shall be residents of the City. The City Planners, the City Engineer, and City Attorney, shall be ex-officio members.

B. Appointments, Terms, Compensation, Vacancies, and Removals.

1. Appointments to the Planning Commission shall be made by the City Council upon proper motion and majority vote thereof;

2. Commissioners shall serve for terms of three years, with the term to end at six thirty o'clock p.m. on the second Monday in May;

3. Vacancies shall be filled by the City Council for any unexpired terms;

4. The members shall serve without compensation; and

5. The Council may remove members of the Commission for cause.

C. Organization and Proceedings.

1. Officers and Rules. The Planning Commission shall elect a Chair, a Vice Chair, and Secretary, who shall serve until six thirty o'clock p.m. on the second Monday of the subsequent May after their election. The Secretary need not be a member of the Commission. The Commission may adopt by-laws or any rules necessary to conduct its affairs.

2. Proceedings. The Commission shall determine the time and place of its regular meetings, and the Chair, the City Council, or any three Commissioners, may call a Special Meeting of the Commission.

D. Powers and Duties.

1. The Planning Commission shall have all the powers and duties prescribed therefor by Oklahoma Statutes Title 11, § 11-45-101 through § 11-45-104, and all other powers and duties now, or hereafter, prescribed therefor by any other provision of state law.

2. The Planning Commission is hereby designated as the Zoning Commission of the City, and shall have all powers of a Zoning Commission, as provided by state law, whether exercising the powers of the Planning Commission or the powers of a Zoning Commission.

3. In exercising the powers of a Zoning Commission, the Planning Commission shall recommend the boundaries of the various zones and appropriate zoning regulations to be enforced therein. It shall have all the powers conferred upon a zoning commission by Oklahoma Statutes Title 11, § 11-43-101 through § 11-43-109, and all powers which now or in the future may be granted by applicable state law to such authorities.

4. The Commission shall have those specific duties and responsibilities expressly set out in this Title.

E. Advisors, Staff, and Expenses. The Planning Commission may employ engineers, attorneys, clerks, and other assistance deemed necessary, subject to City Council approval. (Ord. 746, 11-14-2017)

11-8-5: BOARD OF ADJUSTMENT:

A. Establishment and Membership. There is hereby established a Board of Adjustment with the powers and duties hereinafter set forth. The Board shall consist of five members who shall be residents of the City. The City Council may designate alternate members to serve as a Board member in the absence of any regular Board member, provided that the alternate members meet the criteria of this Section to serve on the Board.

B. Appointments, Terms, Compensation, and Vacancies.

1. All appointments of Board of Adjustment members shall be made by the City Council, upon majority vote thereof.

2. Board members, and any alternate members, shall serve without pay for a term of three years.

3. Vacancies shall be filled by City Council for any unexpired term.

C. Removals. A Board of Adjustment member, upon written cause and after a public hearing, may be removed from the Board by the City Council for any one of the following causes:

1. Failure to attend three consecutive regular or special meetings or failure to attend two-thirds (2/3) of the regular or special Board meetings held during any six month period.

2. Actions and conduct unbecoming a public official of the City.

3. Repeated acts and conduct detrimental to the peace, health, safety and welfare of the City.

D. Organization and Proceedings.

1. Officers and Rules. The Board of Adjustment shall elect a Chair, Vice Chair, and Secretary. The City Planner may be designated as Secretary. The Board may adopt by-laws or any rules necessary to conduct its affairs.

2. Proceedings.

a. Meetings shall be held at the call of the Chair and at such other times as the Board may determine. The Chair, or

in his absence, the Vice Chair or Acting Chair, may administer oaths and compel attendance of witnesses.

b. All meetings, deliberations, and voting of the Board shall be open to the public.

c. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, in the Official Records of the City.

d. In all matters, the Board shall render a decision within 90 days after the filing of an application for Board consideration.

e. The quorum, notice, filing and substantive requirements of the Board shall be as set forth in this Title concerning the Board's exercise of a particular power.

E. Powers and Duties.

1. The Board of Adjustment shall have the power to hear appeals from the determinations of the City Planner or Building Official in administering and enforcing this Title, grant special exceptions and variances, and make interpretations of the Official Zoning Map and text of this Title, in accordance with the substantive and procedural standards hereinafter set forth.

2. The Board shall have all the powers and duties prescribed therefor by Oklahoma Statutes Title 11, § 11-44-101 through § 11-44-110, and all other powers and duties now, or hereafter, prescribed therefor by any other provision of state law.

F. Notice of Public Hearing.

1. The Board of Adjustment shall give notice and conduct a public hearing before acting on any appeal from a determination of the City Planner or Building Official, and before granting any Special Exception or variance.

2. The Board may not conduct a public hearing or render a decision on any variance or Special Exception until public notice of the Board meeting is provided a minimum of 10 days prior to the public hearing and meeting in a newspaper of general circulation in the City and written notice has been provided to all owners of property within a 300 foot radius of the outer boundaries of the subject property. Appeals shall not require publication or written notice.

3. Required notice shall contain:

a. The legal description of the property and the street address or approximate location of the property.

b. The present zoning of the property and the nature of the relief sought.

c. The date, time and place of the hearing and the name and contact information of the City Planner to obtain addition information regarding the request.

4. Through a registered bonded abstract company or a licensed title insurance company, a list of property owners and their mailing addresses, within a 300 foot radius of the outer boundaries of the subject property, as well as addressed adhesive envelope labels for all such property owners. The costs of publication, mailing and related administrative expenses shall be billed to the applicant. (Ord. 746, 11-14-2017)

11-8-6: TECHNICAL ADVISORY COMMITTEE (TAC):

The Technical Advisory Committee, as established in Title 12 (Subdivision), Section 12-3-2, Technical Advisory Committee, may be convened by the City Planner, as necessary, to administer any of the requirements of this Title. Section 12-3-2, in its entirety, is incorporated by reference into this Title. (Ord. 746, 11-14-2017)

11-8-7: CITY PLANNER:

A. Administration. It shall be the duty of the City Planner, or in consultation with the TAC and Building Official, to administer all requirements set out in this Title.

B. Violations. If the City Planner finds that any provision of this Title is being violated, the City Planner shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action(s) necessary to correct the violation and to take any additional action to ensure compliance with, or prevent violation of, its provisions as set out in Chapter 11, Enforcement and Remedies, of this Title. (Ord. 746, 11-14-2017)

11-8-8: OTHER CITY OFFICIALS:

City officials vested with the authority to issue any permit, license, service connection, or other approval shall comply with the requirements of this Title and withhold the issuance of any permit, license, service connection, or other approval for any use, purpose, excavation, construction, driveway, structure, building, or sign in conflict with the provisions of this Title. (Ord. 746, 11-14-2017)



To: Mayor and Council

From: David Tillotson, City Manager

Date: February 1, 2023

Re: Open Meeting Discussion

Background:

I have some concerns related to Oklahoma's Open Meeting Law and if, or how, our current practices impact the Council's ability to attend outside meetings where a potential quorum would be present. After receiving a email from a county official requesting I attend a meeting for an informal discussion and which included all of the council members, I reached out to our City Attorney to see if my concerns were valid. My original email and his response are attached.

The purpose of this agenda item is to have an open discussion amongst the Council members regarding the requirements under the law and how it might apply to legislative briefings, chamber events, training sessions and so on. Scott Major with Rosenstein Fist, & Ringold will be attending the Council meeting as our City Attorney to discuss this issue and help guide us through potential options to avoid conflicts, if any exist.

There will be no decisions made at this meeting. The goal is to develop options that staff and the City Attorney can review and bring before the Council at a future meeting.

Staff Recommendation:

There is no recommendation on this item.

Attachments:

- Eric Wade Email

12205 S. Yukon, Glenpool, OK 74033 OFFICE: 918-322-5409 FAX: 918-209-4641

Mayor Joyce Calvert, Ward 3; Vice-Mayor Brandon Kearns, At-Large;

Tim Fox, Ward 1; Chris Brobst, Ward 2; Jacqueline Lund, Ward 4

City Manager David Tillotson, Assistant City Manager Susan White, City Clerk Wendy Knight

www.glenpoolonline.com

From: [Eric Wade](#)
To: [David Tillotson](#)
Subject: RE: You are invited - Friday, January 27, 2023
Date: Wednesday, January 25, 2023 1:33:25 AM
Attachments: [image003.png](#)
[image004.png](#)

David,

You are not off base. I have a client who every year participates in a "legislative breakfast" with state legislators. It is typically attended by a quorum of the board, and we always call it as a special meeting. I think the options are to either (1) limit attendance of council members to less than a quorum, or (2) call it as a special meeting and use a broad agenda item that might read something like this: "Discussion among council members, Tulsa County Commissioner Kelly Dunkerley and others regarding issues affecting the City, including but not limited to, roads, bridges, public health, safety and welfare, economic development and related issues. No action will be taken by the Council." You can probably do a better job at crafting the agenda if you know what topics are likely to be discussed.

Hope this helps!

Eric



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From: David Tillotson <DTillotson@cityofglenpool.com>
Sent: Tuesday, January 24, 2023 6:52 PM
To: Eric Wade <ericw@rfrlaw.com>
Subject: Fwd: You are invited - Friday, January 27, 2023

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Eric,

This email was sent by our County Commissioner's Office to all of my Council members. I would see this as an Open Meeting violation if a quorum attends. Am I off base?

David

Sent from the road

Begin forwarded message:

From: Patricia Lord <plord@tulsacounty.org>
Date: January 24, 2023 at 3:03:36 PM CST

Subject: You are invited - Friday, January 27, 2023