

**NOTICE
GLENPOOL CITY COUNCIL
REGULAR MEETING**

A Regular Session of the Glenpool City Council will be held at 6:00 p.m. on October 7, 2019, at Glenpool City Hall, City Council Chambers, 12205 S. Yukon Ave., 3rd Floor, Glenpool, Oklahoma.

The City Council welcomes comments from citizens of Glenpool who wish to address any item on the agenda. Speakers are requested to complete one of the forms located on the agenda table and return to the City Clerk PRIOR TO THE CALL TO ORDER

AGENDA

	Page
A) Call to Order - Timothy Lee Fox, Mayor	
B) Roll Call, Declaration of Quorum –Wendy Knight, City Clerk; Timothy Lee Fox, Mayor	
C) Invocation – Rick Tabisz, King of Kings Lutheran Church	
D) Pledge of Allegiance – Timothy Lee Fox, Mayor	
E) Community Development Report – Lynn Burrow, Community Development Director	
1) Community Development Director's Report October 7, 2019	2 - 8
F) City Manager Report – David Tillotson, City Manager	
G) Mayor Report – Timothy Lee Fox, Mayor	
H) Council Comments	
I) Public Comments	
J) Scheduled Business	
1) Discussion and possible action to approve minutes from September 16, 2019, meeting. (Wendy Knight, City Clerk) Regular Meeting - 16 Sep 2019 - Minutes - Html	9 - 17
2) Discussion and possible action to approve or disapprove OMAG recommendation to deny Tort Claim No. 206928-ME, Claimant Grounds Properties. (Lowell Peterson, City Attorney) 100119 Staff Report Grounds Properties	18 - 30

K) Adjournment

This notice and agenda was posted at Glenpool City Hall, 12205 S. Yukon Ave., Glenpool, Oklahoma, on October 4, 2019 by 4:00 pm.

Signed: Wendy Knight
City Clerk



COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

To: Honorable Mayor and Glenpool City Councilors

From: Lynn Burrow, PE
Community Development Director

Date: October 7, 2019

This report summarizes development improvement related activities within the City of Glenpool, documenting: (1) major public and private projects in the design process; (2) approved projects under construction, (3) current Planning Department items currently being processed; (4) Building and Field Inspection Department activities, and; (5) Code Enforcement Department business within the City of Glenpool.

I. CURRENT CITY OF GLENPOOL PUBLIC IMPROVEMENT PROJECTS:

A. 2019 PAVING REPAIR PROJECTS

- The completion of all twenty two (22) repair projects is anticipated to be accomplished by November 1st.

II. CURRENT PRIVATE CONSTRUCTION ACTIVITY WITHIN THE CITY:

A. ELM POINTE II RESIDENTIAL ADDITION: 141ST STREET AND MADISON AVENUE

- Street paving and final lot grading activity is underway currently with completion estimated for October, 2019
- Residential home construction is anticipated to start in October as well.

B. BROOKOVER CORNER: COMMERCIAL COMPLEX - 151ST STREET & BROADWAY AVENUE

- This commercial/industrial project is located along north side of State Highway 67 (151st Street) extending from 151st Street to approximately 148th Street and is being developed under the terms and conditions specified in a certain TIF District Agreement approved for the project.

12205 S. Yukon, Glenpool, OK 74033 OFFICE: 918-322-5409 FAX: 918-209-4641
Mayor Tim Fox, Vice-Mayor Momadou Ceesay, Councilors: Joyce Calvert, Brandon Kearns, and Jacqueline Lund
City Manager David Tillotson, Assistant City Manager Susan White, City Clerk Wendy Knight
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- Public paving construction started in June and is estimated to be complete in October
- Casey's General Store project is currently underway.

F. GLEN HILLS: BLOCKS 7 THRU 11 (PHASE II): RESIDENTIAL ADDITION - 141ST STREET & IROQUOIS AVENUE

- The start of construction related to public improvements necessary to serve the Phase II portion of the project is currently in progress.
- The full completion of Phase II development improvement construction, City processing of the final subdivision plat, and the start of actual home construction in the Phase II portion of the project is anticipated in February, 2020.

G. THE PINES: RESIDENTIAL ADDITION - 141ST STREET & IRONWOOD AVENUE

- This single-family residential project is being developed under development standards approved in PUD No. 32.
- Full project completion is anticipated in October, 2019 with the start of home construction at that time.

H. SCISSORTAIL: RESIDENTIAL ADDITION – 151ST STREET & POPLAR STREET

- All Phase I site improvement construction document approvals and permitting has been completed.
- Site improvement construction on the Phase I tract started in July and is anticipated to be complete in February, 2020

I. SOUTH 75 BUSINESS PARK: PHASE III

- This commercial/industrial project is located along east side of US Highway 75 extending from 161st Street to 166th Street and is being developed under the terms and conditions specified in a certain TIF District Agreement approved for the project.
- Full completion of development related public improvements is anticipated in October, 2019.

J. PARK 151 ADDITION:

- This Commercial development project is located at the northeast corner of State Highway 67 (151st Street) and Elwood Avenue.
- The project consists of the development of a six-acre site and the construction of two multi-tenant commercial buildings and five multi-tenant professional office buildings.
- Site grading and utility service construction started in July and is projected to be complete in December, 2019.

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*Mayor Tim Fox, Vice-Mayor Mamadou Ceesay, Councilors: Joyce Calvert, Brandon Kearns, and Jacqueline Lund
City Manager David Tillotson, Assistant City Manager Susan White, City Clerk Wendy Knight*

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- Building construction is anticipated to start in October and continue through April, 2020.

II. CURRENT PLANNING DEPARTMENT AND PLANNING COMMISSION ACTIVITIES:

A. ZONING

- I. GZ-273: A REZONE APPLICATION ON LOT 1, BLOCK 1 AND RESERVE AREA, ANGLICAN CHURCH OF THE RESURRECTION** | rezone application on Lot 1, Block 1 and Reserve Area, Anglican Church of the Resurrection, from AG (agriculture) to CS (commercial shopping); a 3.56-acre site generally located on north side of East 151st Street and approx. 0.5-miles east of S. Elwood Avenue (Dan Schaudt, Schaudt Funeral Home).

B. LOT SPLIT

- I. GLS 237:** a lot split application on Lot 1, Block 1 Southwest Crossroads Section 2, Plat 6725, **GLS 238** located less than 0.25-mile south of W. 121st Street S. and less than 0.25-mile west of US Hwy. 75.
- II. :** a lot split application on unplatted lands, located north of W. 171st street south approx. 0.25-miles west of US Hwy. 75
- III. GLS 239:** a lot split application just over a quarter mile east of 33rd W. Avenue on the north side of W. 141st Street S.

C. SUBDIVISION PLAT APPLICATIONS PENDING REVIEW:

I. GLEN HILLS BLOCKS 7-11, K & S DEVELOPMENT INC.

Residential development located west of northwest corner of 141st Street and Peoria Avenue, contains 20.04 acres (Phase II). Proposed subdivision is 79 single family residential lots, development standards established and previously approved in PUD No. 34.

- 9/28/18 TAC
- 10/8/18 PC Preliminary Plat Approved
- TBD | Final Plat COG application

II. FINAL PLAT: SCISSORTAIL, BLOCKS 1 – 4, SUMMIT PROPERTIES, INC.

Residential development at intersection of 151st St and Poplar St, contains 29.13 acres (Phase I). Proposed subdivision is 88 single family residential lots; development standards established with PUD No. 39.

- 2/22/19 Select Design, indicated final plat submission is anticipated soon
- TBD | Final Plat application

III. TWIN PONDS A PRELIMINARY PLAT, DAN BEALER/SELECT DESIGN

Preliminary plat for Twin Ponds, detached single-family subdivision generally located north of W. 181st St S and 0.5-miles west of US Hwy 75 on approx. 22.05-acres of AG (agriculture) zoned land; subject site of PUD 41, application for a preliminary development plan.

- 8/12/2019 Planning Commission approved Twin Ponds Preliminary Plat and PUD 41
- 9/3/2019 Council approved Twin Ponds preliminary plat and PUD 41

IV. RE-PLAT OF PART OF LOT 2, BLOCK 1 MONTAPP ADDITION (FINAL PLAT)

A re-plat of a part of lot 2 block 1 of Montapp Addition, approximately 900 feet south of W. 121st Street South east of Yukon Avenue, approximate 5.01 acre site zoned CG (commercial general)

- 09/09/2019 application withdrawn

V. THE LAKES AT TWIN MOUNDS

Preliminary plat application, The Lakes at Twin Mounds is approx. 94-acres zoned RS-3 (single family high density) located west of US Hwy. 75, immediately south of West 161st Street South (Austin Mayes, Olsson Engineering).

- 10/14/2019 Public Hearing at Planning Commission

D. PLANNED UNIT DEVELOPMENT APPLICATIONS AND PROCESSING:

I. PUD 41, TWIN PONDS PRELIMINARY DEVELOPMENT PLAN

Request for approval of Planned Unit Development (PUD) 31, a Preliminary Development Plan of 15 lot residential estate lots in a private gated community on approximately 22.05 acres; generally located north of West 181st Street South and 0.5-miles west of US Hwy 75 on lands now zoned AG (agriculture).

- 8/12/2019 Planning Commission approved preliminary plat and PUD 41
- 9/3/2019 Council approved PUD 41

E. SITE PLAN APPLICATIONS PENDING REVIEW:

I. BEEHIVE SENIOR CENTER: approx. 25,000 square foot senior care facility in the Montapp addition at Yukon and Vancouver. **IN-PROCESS**

II. GLENPOOL SMALL RETAIL: approx. 1,460 square foot commercial building on 0.33-acre CG (Commercial General) zoned site, located on east side of Waco Avenue approx. 0.25-miles south of W. 121st Street South (a part of Lot 2, Block 2 Southwest Crossroads). **IN-PROCESS**

III. CHICK FIL A: site plan application on a part of Lot 1, Block 1 Southwest Crossroads Section 2, Plat 6725, located less than 0.25-mile south of W. 121st Street S. and less than 0.25-mile west of US Hwy. 75 on subject site of GLS 237. **IN-PROCESS**

IV. CURRENT BUILDING, CONSTRUCTION INSPECTION, AND CODE ENFORCEMENT DEPARTMENT ACTIVITY: AUGUST, 2019

A. CURRENT COMMERCIAL AND RESIDENTIAL PROJECTS PERMITTED FOR CONSTRUCTION:

- Brookover Corner Commercial Complex: 151st Street & Broadway Avenue
- Elm Pointe Commercial Development: 141st Street & Peoria Avenue
- Glen Hills Residential Addition: Phase II: 141st St. & Iroquois Avenue
- The Pines Residential Addition: 141st Street & Ironwood Avenue
- South 75 Business Park: Phase III Public Improvements: 161st Street
- MonTapp Commercial Building: 125th Court - West of Vancouver Avenue
- Scissortail Residential Addition: Phase I on 151st Street
- Park 151 Commercial Project: 151st Street & Elwood Ave.
- Domino's Pizza Restaurant: 137th Street & US Highway 75

CURRENT RESIDENTIAL AND COMMERCIAL BUILDING PERMIT STATISTICS:

New Residential Permits Issued in September, 2019	4
New Commercial Permits Issued in September, 2019	0
Current Active Residential Permits	29
Current Active Commercial Permits	12
2018 Residential Permits thru September	86
2019 Residential Permits issued thru September	26
2018 Commercial Permits Issued Thru September	7
2019 Commercial Permits Issued Thru September	2

B. CODE ENFORCEMENT DEPARTMENT: SEPTEMBER, 2019

Typical Issues Addressed by Code Enforcement Department:

Public Nuisances:

- Inoperable or abandoned vehicles stored on private property.
- Trash or debris on private property
- Excessively high grass on private property
- Special Assessment requests researched and issued to real estate lenders
- Filing and releasing Mechanic Liens with the Tulsa County Recorder's Office
- Illegal vehicle parking on private property yards.
- Visual impairments caused by trees, shrubs, vehicles, etc. interfering traffic flow
- Bidding and subcontracting involved with nuisance abatement
- Enforcement of Health and Safety Code violations

DEPARTMENT ACTIVITY FOR THE MONTH: SEPTEMBER, 2019

ACTIVITY DESCRIPTION:	TOTALS:
Complaints received and investigated (year-to-date)	1004
Open public nuisance cases thru September	30
Code Enforcement Cases - September	
High grass:	38
Fire damaged structures:	1
Illegally parked vehicles:	17
Nuisance abatements (contractor):	4
Notices issued for residences with no water service:	1
Tulsa County Health Department citations:	-0-
Illegally placed sign notices:	55
Damage to public facilities citations:	-0-

Excessive trash & debris notices :	16
Dilapidated structure/property notices:	2
Trash can/receptacle placement notices:	13
Misc.: Building Demolition & Removal	-0-
Elderly & Disabled Citizen Assistance	9

MINUTES
Regular Meeting
Monday, September 16, 2019 Council Chambers 6:00 PM

COUNCIL PRESENT: Joyce Calvert
Brandon Kearns
Momodou Ceesay
Tim Fox

COUNCIL ABSENT: Jacqueline Triplett-Lund

STAFF PRESENT: David Tillotson
Susan White
Lowell Peterson
Wendy Knight
John Gonsalves
Bart Harris

STAFF ABSENT: Lynn Burrow
Jim Martin

- A) Call to Order - Timothy Lee Fox, Mayor**
Mayor Fox called the meeting to order at 6:03 p.m.
- B) Roll Call, Declaration of Quorum – Wendy Knight, City Clerk; Timothy Lee Fox, Mayor**
Wendy Knight called the roll, Mayor Fox declared a quorum present.
- C) Invocation – Jason Yarbrough, First Baptist Church**
- D) Pledge of Allegiance – Timothy Lee Fox, Mayor**
- E) Treasurers Report – John Gonsalves, Finance Director**
[AUGUST TREASURER'S REPORT](#)
- F) City Manager Report – David Tillotson, City Manager**
- Currently working on a new management operation system that will measure Glenpool's goal setting, and institutionalize departmental processes, with implementation internally scheduled for October. More information will be presented to Council later this year regarding long-range goals and linking our budget to those goals.

- Conference Center update since July 1 - 8 weddings; 5 quinceaneras; 18 other miscellaneous events including NE Oklahoma FFA convention, and MCN diabetes summit.
- Public Safety Day is scheduled for October 19th.
- Spooktacular if scheduled for October 27th.
- Bond update - rating has come in as an "A" rating. This is the same rating as the last bond, and pricing will be tomorrow morning.

G) Mayor Report – Timothy Lee Fox, Mayor

- Mayor Fox recently had lunch at the Senior Citizens building. They will also be having a craft fair in October.

H) Council Comments

Councilor Kearns asked if the cost of Warrior road included both the north & south ends. Mr. Tillotson advised that it does.

I) Public Comments

J) Scheduled Business

- 1) Discussion and possible action to approve minutes from September 3, 2019 meeting.
(Wendy Knight, City Clerk)

Moved by Brandon Kearns, seconded by Joyce Calvert

To approve the minutes as presented.

	For	Against	Abstained	Absent
Joyce Calvert	x			
Brandon Kearns	x			
Jacqueline Triplett-Lund				x
Momodou Ceesay	x			
Tim Fox	x			
	4	0	0	1

CARRIED.

[Regular Meeting - 03 Sep 2019 - Minutes - Html](#)

- 2) GZ-272, a re-zone application on Lots 1, 2, 3, and 4, Block 2, Original Township, City of Glenpool from RS-3 to CS.
 - a. Public Hearing on application
 - b. Discussion and possible action to approve an application to re-

zone *Lots 1, 2, 3, and 4 of Block 2, Original Township City of Glenpool* from RS-3 (single-family high density) to CS (commercial shopping); and to adopt Ordinance No. 765, An Ordinance Amending Ordinance No. 746, Title 11 of the City Code of the City of Glenpool (Zoning Regulations), By Rezoning Certain Property Described Herein from RS-3 (Single-Family High-Density) to CS (Commercial Shopping), as Recommended by the Planning Commission Under Application GZ-272; and Repealing All Ordinances or Parts of Ordinances in Conflict Herewith.

(James McHendry, City Planner)

A Public Hearing was held regarding GZ-272.

- Mayor Fox opened the Public Hearing at 6:25 p.m.
- James McHendry presented and recommended Council approval of GZ-272, an application to re-zone *Lots 1, 2, 3, and 4 of Block 2, Original Township City of Glenpool* from RS-3 (single-family high density) to CS (commercial shopping); and to adopt Ordinance No. 765, An Ordinance Amending Ordinance No. 746, Title 11 of the City Code of the City of Glenpool (Zoning Regulations), By Rezoning Certain Property Described Herein from RS-3 (Single-Family High-Density) to CS (Commercial Shopping), as Recommended by the Planning Commission Under Application GZ-272; and Repealing All Ordinances or Parts of Ordinances in Conflict Herewith.
- Mayor Fox closed the Public Hearing at 6:30 p.m.

Moved by Brandon Kearns, seconded by Momodou Ceesay

To approve GZ-272, an application to re-zone Lots 1, 2, 3, and 4 of Block 2, Original Township City of Glenpool from RS-3 (single-family high density) to CS (commercial shopping); and to adopt Ordinance No. 765, An Ordinance Amending Ordinance No. 746, Title 11 of the City Code of the City of Glenpool (Zoning Regulations), By Rezoning Certain Property Described Herein from RS-3 (Single-Family High-Density) to CS (Commercial Shopping), as Recommended by the Planning Commission Under Application GZ-272; and Repealing All Ordinances or Parts of Ordinances in Conflict Herewith.

	For	Against	Abstained	Absent
Joyce Calvert	x			
Brandon Kearns	x			
Jacqueline Triplett-Lund				x
Momodou Ceesay	x			
Tim Fox	x			

4 0 0 1

CARRIED.

[20190916_GZ_272_CC_staff_report](#)

- 3) Discussion and possible action on an application for Final Plat, Park 151 a 6.01-acre CS (commercial shopping) zoned site, generally located at northeast corner of E. 151st Street South and South Elwood Avenue; applicant, JR Donelson (JR Donelson Inc.).
(James McHendry, City Planner)

Mr. McHendry presented and recommended Council approval of an application for Final Plat, Park 151 a 6.01-acre CS (commercial shopping) zoned site, generally located at northeast corner of E. 151st Street South and South Elwood Avenue; applicant, JR Donelson (JR Donelson Inc.), subject to a list of corrections modifications, and conditions of approval.

Moved by Momodou Ceesay, seconded by Joyce Calvert

To approve an application for Final Plat, Park 151 a 6.01-acre CS (commercial shopping) zoned site, generally located at northeast corner of E. 151st Street South and South Elwood Avenue; applicant, JR Donelson (JR Donelson Inc.), subject to a list of corrections modifications, and conditions of approval.

	For	Against	Abstained	Absent
Joyce Calvert	x			
Brandon Kearns	x			
Jacqueline Triplett-Lund				x
Momodou Ceesay	x			
Tim Fox	x			
	4	0	0	1

CARRIED.

[20190916_staff_report_final_plat_park_151](#)

- 4) Discussion and possible action to enter into a Professional Services Agreement with Michael S. Bates, Labor Relations Consulting Services of Tulsa, Oklahoma to provide collective bargaining agreement reviews, negotiation consulting/training and other employee/relations work as determined by City.
(David Tillotson, City Manager)

Mr. Tillotson presented and recommended Council approval of a Professional Services Agreement with Michael S. Bates, Labor

Relations Consulting Services of Tulsa, Oklahoma to provide collective bargaining agreement reviews, negotiation consulting/training and other employee/relations work as determined by City.

Moved by Brandon Kearns, seconded by Joyce Calvert

To enter into a Professional Services Agreement with Michael S. Bates, Labor Relations Consulting Services of Tulsa, Oklahoma to provide collective bargaining agreement reviews, negotiation consulting/training and other employee/relations work as determined by City.

	For	Against	Abstained	Absent
Joyce Calvert	x			
Brandon Kearns	x			
Jacqueline Triplett-Lund				x
Momodou Ceesay	x			
Tim Fox	x			
	4	0	0	1

CARRIED.

[Bates Agreement](#)

- 5) Discussion and possible action to enter into a School Resource Officer Agreement with Glenpool Public School District for the 2019-2020 academic year.
(David Tillotson, City Manager)

Mr. Tillotson presented and recommended Council approval of a School Resource Officer Agreement with Glenpool Public School District for the 2019-2020 academic year. Glenpool Public Schools contracted with the City last fiscal year to reimburse a portion of the salary and benefits for two police officers in exchange for allowing them to work in the school as School Resource Officers. Last year the school paid the City \$74,000.00 for these services. The dollar amount did not change this fiscal year, but minor changes were made relating to Warrior Road and the addition of a new elementary.

Moved by Brandon Kearns, seconded by Joyce Calvert

To enter into a School Resource Officer Agreement with Glenpool Public School District for the 2019-2020 academic year.

	For	Against	Abstained	Absent
Joyce Calvert	x			
Brandon Kearns	x			

City Council Regular Meeting
September 16, 2019

Jacqueline Triplett-Lund					x
Momodou Ceesay	x				
Tim Fox	x				
	4	0	0		1

CARRIED.

Glenpool Public Schools SRO Agreement

- 6) Executive Session for the purpose of allowing the City Council, also acting as the Board of Trustees for the Glenpool Industrial Public Trust Authority, to confer on matters pertaining to economic development, including proposals to entice a business to locate within the City because public disclosure would violate the confidentiality of the business, as authorized by 25 O.S. § 307(C)(10), *to wit*, discussion of Tax Reimbursement Agreements with Glentapp Development, LLC, and with Whataburger Restaurants, LLC.
(Lowell Peterson, City Attorney)

Moved by Momodou Ceesay, seconded by Brandon Kearns

To enter into Executive Session at 6:48 p.m.

	For	Against	Abstained	Absent
Joyce Calvert	x			
Brandon Kearns	x			
Jacqueline Triplett-Lund				x
Momodou Ceesay	x			
Tim Fox	x			
	4	0	0	1

CARRIED.

- 7) Discussion and possible action to reconvene in Regular Session.
(Timothy Fox, Mayor)

Moved by Momodou Ceesay, seconded by Joyce Calvert

To reconvene in Regular Session.

	For	Against	Abstained	Absent
Joyce Calvert	x			
Brandon Kearns	x			
Jacqueline Triplett-Lund				x

Momodou Ceesay	x			
Tim Fox	x			
	4	0	0	1

CARRIED.

- 8) Discussion and possible action to approve a Tax Reimbursement Agreement with Glentapp Development, LLC, for the purpose of incentivizing the sale of property in Southwest Crossroads Addition, Glenpool, Oklahoma, to an undisclosed retail business, the non-disclosure of which is authorized by the Open Records Act pursuant to § 24A.10.B.5. stating, "If disclosure would give an unfair advantage to competitors or bidders, a public body may keep confidential records relating to the prospective location of a private business or industry *prior to public disclosure* of such prospect."
(David Tillotson, City Manager)

Mr. Tillotson presented and recommended Council approval of a Tax Reimbursement Agreement with Glentapp Development, LLC, for the purpose of incentivizing the sale of property in Southwest Crossroads Addition, Glenpool, Oklahoma, to an undisclosed retail business, the non-disclosure of which is authorized by the Open Records Act pursuant to § 24A.10.B.5. stating, "If disclosure would give an unfair advantage to competitors or bidders, a public body may keep confidential records relating to the prospective location of a private business or industry prior to public disclosure of such prospect." This agreement with Glentapp will incentivize Glentapp to be accommodating in its marketing of the site to a business mentioned below.

Moved by Brandon Kearns, seconded by Joyce Calvert

To approve a Tax Reimbursement Agreement with Glentapp Development, LLC, for the purpose of incentivizing the sale of property in Southwest Crossroads Addition, Glenpool, Oklahoma, to an undisclosed retail business, the non-disclosure of which is authorized by the Open Records Act pursuant to § 24A.10.B.5. stating, "If disclosure would give an unfair advantage to competitors or bidders, a public body may keep confidential records relating to the prospective location of a private business or industry prior to public disclosure of such prospect."

	For	Against	Abstained	Absent
Joyce Calvert	x			
Brandon Kearns	x			
Jacqueline Triplett-Lund				x
Momodou Ceesay	x			

Tim Fox	x			
	4	0	0	1

CARRIED.

[STAFF REPORT FOR TRA's 091219](#)
[TRA w GTapp final 091019](#)

- 9) Discussion and possible action to approve a Tax Reimbursement Agreement with Whataburger Restaurants, LLC, for the purpose of incentivizing the waiver of a certain “competitor exclusion” in its lease agreement with Glentapp, LLC, as assigned, to facilitate the development of an undisclosed retail business, the non-disclosure of which is authorized by the Open Records Act pursuant to § 24A.10.B.5. stating, “If disclosure would give an unfair advantage to competitors or bidders, a public body may keep confidential records relating to the prospective location of a private business or industry *prior to public disclosure* of such prospect.”
(David Tillotson, City Manager)

Mr. Tillotson presented and recommended Council approval of a Tax Reimbursement Agreement with Whataburger Restaurants, LLC, for the purpose of incentivizing the waiver of a certain “competitor exclusion” in its lease agreement with Glentapp, LLC, as assigned, to facilitate the development of an undisclosed retail business, the non-disclosure of which is authorized by the Open Records Act pursuant to § 24A.10.B.5. stating, “If disclosure would give an unfair advantage to competitors or bidders, a public body may keep confidential records relating to the prospective location of a private business or industry prior to public disclosure of such prospect.” Although not yet publicly disclosed, the business proposed for next door to Whataburger is one that will be significantly beneficial to the City of Glenpool.

Moved by Joyce Calvert, seconded by Momodou Ceesay

To approve a Tax Reimbursement Agreement with Whataburger Restaurants, LLC, for the purpose of incentivizing the waiver of a certain “competitor exclusion” in its lease agreement with Glentapp, LLC, as assigned, to facilitate the development of an undisclosed retail business, the non-disclosure of which is authorized by the Open Records Act pursuant to § 24A.10.B.5. stating, “If disclosure would give an unfair advantage to competitors or bidders, a public body may keep confidential records relating to the prospective location of a private business or industry prior to public disclosure of such prospect.”

	For	Against	Abstained	Absent
Joyce Calvert	x			

City Council Regular Meeting
September 16, 2019

Brandon Kearns	x				
Jacqueline Triplett-Lund				x	
Momodou Ceesay	x				
Tim Fox	x				
	4	0	0	1	

CARRIED.

[STAFF REPORT FOR TRA's 091219](#)
[09122019 FINAL EDIT Tax Reimbursement Agreement COG w](#)
[Whataburger - REDACTED 091119](#)

K) Adjournment

Mayor Fox declared the meeting adjourned at 7:06 p.m.

Lowell Peterson
City Attorney/City Prosecutor
City of Glenpool
12205 S. Yukon Ave.
Glenpool, OK 74033
Tel. (918) 209-4647
Fax (918) 209-4641
Mobile (918) 805-4090
lpeterson@cityofglenpool.com

To: HONORABLE MAYOR AND CITY COUNCIL
From: Lowell L. Peterson, City Attorney
Date: October 7, 2019
Subject: OMAG Recommendation to deny Tort Claim No. 206918-ME, Grounds Properties Claimant

Background:

On August 29, 2019, Ellen Grounds as owner of Grounds Properties submitted a Tort Claim regarding a sanitary sewer overflow at commercial lease buildings located at 707 (Realty Network) and 709 (Nutritin Worx) E. 141st Street, Glenpool. The essence of her claim was that a City of Glenpool public works crew had caused the incident during the process of removing blockage from a manhole in a nearby residential area, resulting in extensive damage to flooring and carpet and repair/replacement costs of \$3,412.32.

Proposed Action:

The City's insurer, Oklahoma Municipal Assurance Group, has recommended denying this claim, having found no liability on the part of the City. This recommendation was explained to the claimant by OMAG Claims Supervisor, Mary Ellis. A municipality cannot function as an insurer of its sanitary sewer system. Liability may only result if the City had prior notice of a defect or problem in the sewer line and failed to take appropriate remedial action within a reasonable period. In this instance, the blockage resulted from a sudden and unexpected event.

Staff Recommendation:

Staff refers Council to the recommendation of its insurer.

Attachments:

- Correspondence from OMAG
- Documentation of the Tort Claim

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

Mayor Timothy Fox, Vice-Mayor Momodou Ceesay
Councilors: Joyce Calvert, Brandon Kearns, Jacqueline Lund
City Manager David Tillotson Assistant City Manager
Susan White



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

September 13, 2019

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

RE: Member : City of Glenpool
Claimant : Grounds Properties
Date of Loss : 6/26/2019
Claim No. : 206928-ME

Dear Ms. Knight:

We have completed our investigation regarding the above referenced claim. It is our recommendation to the City of Glenpool that this claim be denied. We find no liability on the City's part regarding this incident.

Under the Governmental Tort Claims Act, 51 Okla. Sec. 157(A), this claim will be deemed denied ninety (90) days after it was received by the City of Glenpool. 51 Okla. Stat. Sec. 157 (B) requires any lawsuit under the Act to be commenced within one hundred eighty (180) days after denial of the claim.

Thus to begin the 180-day statute of limitations prior to 11/27/19, you must deny this claim in writing before 11/27/19. For the 180-day period to start running, the claimant **must be notified at the address on the claim within five (5) days of the denial**. To document compliance with the Act, we recommend that you send notice of denial of this claim by certified mail.

Please advise us as soon as possible of any official action taken by you on denial of this claim.

Sincerely,

Mary Ellis, CPCU, AIC
Claims Supervisor



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

August 29, 2019

Grounds Properties
Attn: Ms. Ellen Grounds
678 W. 126 Street
Jenks, OK 74037

Re: Member	:	City of Glenpool
Claimant	:	Grounds Properties
Date of Loss	:	6/26/2019
Claim Number	:	206928-ME

Dear Ms. Grounds:

This will acknowledge receipt of the above captioned claim. The claim will be investigated by the following adjuster:

Mary Ellis
(405) 657-1400
Fax: (405) 657-1401
mellis@omag.org

Please note the timeline for the processing of a claim found in Title 51, Section 157 of the Oklahoma Statutes. Should you have any questions, please do not hesitate to contact the adjuster.

Sincerely,

OMAG Claims Department

cc: City of Glenpool



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September 13, 2019

Ellen Grounds
Grounds Properties
678 W. 126 Street
Jenks, OK 74037

RE: Member : City of Glenpool
Claimant : Grounds Properties
Date of Loss : 6/26/2019
Claim No. : 206928-ME

Dear Ms. Grounds:

As the adjuster for the Oklahoma Municipal Assurance Group, the insurer for the City of Glenpool, we are 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 sewage backup. 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.

Our investigation indicates that the cause of this sewer backup was bricks that appeared to have been knocked loose from a manhole when a concrete driveway was replaced behind the funeral home and the City had no notice of this problem prior to the sewer backup at 707 and 709 E. 141st Street, Glenpool, OK.

Therefore, we have determined that the City of Glenpool was not negligent in its maintenance of the sanitary sewer line. Accordingly, while we regret the inconvenience and distress involved in the clean up, we do not believe that state law authorizes us to pay for these damages on behalf of the City of Glenpool.

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 City of Glenpool
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) Grounds Properties

CLAIMANT(S) SOCIAL SECURITY NO. _____

ADDRESS 678 W. 126 St.CLAIMANT(S) DATE OF BIRTH 11-26-39 Circle: M ☒ FTenks, OK 74037PHONE: HOME 918 291-2228 BUS. ()1. DATE AND TIME OF INCIDENT 6-26-19 () a.m. (12) p.m.(Continue on another sheet if needed
for any information requested) *2. LOCATION OF INCIDENT 707 and 709 E. 141st, Glenpool, OK

3. DESCRIBE INCIDENT

* See sheet. Sewage in Building.**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

Flooring Ruined By Sewer Water - Replaced
PROPERTY DAMAGE (Attach repair bills or estimates if available) \$ 3,412.32
* See sheet.

LIST OTHER DAMAGES CLAIMED \$ _____

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

6. The names of any witnesses known to you:Carrie Wasson
Name707 E. 141st Glenpool, OK
Address(918) 291-4560
Phone NumberRoss McGuire
Name709 E. 141st Glenpool, OK
Address(918) 729-6857
Phone Number

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

Ellen J. Grounds
SIGNATURE(S)TOTAL CLAIM.....\$ 3,412.32Aug 29, 2019
DATE

CONTINUE ON THE BACK

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 August 29, 2019

For further information on this claim contact Wes Richter
(Title) Public Works Director, by telephone at 918-807-2158

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. <u>Wes Richter</u>	<u>Public Works Director</u>	<u>918-807-2158</u>
2. <u>Jeremy McCool</u>	<u>Public Works Foreman</u>	<u>918-857-8696</u>
3. _____	_____	_____
4. _____	_____	_____

Submitted by: Wendy Knight Date 8-29, 2019

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

OMAG SANITARY SEWER OVERFLOW QUESTIONNAIRE

CLAIMANT: Grounds Properties
ADDRESS: 678 W. 126 Street, Jenks, OK 74037
DATE OF LOSS: 6/26/2019
CLAIM NUMBER: 206928-ME
LOCATION OF SANITARY SEWER OVERFLOW (SSO): 707 and 709 E. 141st Street, Glenpool, OK

Instructions: Please complete this questionnaire and attach or identify any supporting documentation. Use back or additional paper if more space is required for a response.

1. Are records available of the rainfall in the area preceding the subject sewer?
Yes ____ No X. If yes, specify the amount of rainfall for each time period to the backup:
24 hrs. _____, 48 hrs. _____, 72 hrs. _____.

1. Were you able to determine the cause of the SSO? Yes X No ____
____ (a) infiltration or inflow;
X (b) a foreign object, for example, roots
____ (c) other cause

Please explain specifically what was found and identify any person(s) with personal knowledge of the findings. – **The city crew extracted several bricks found in the downstream manhole that had been stuck inside the pipe and were eventually pushed down to the next manhole using the jet rodding machine as to free the blockage that had built up due to the bricks. I later determined the bricks had come from the upstream manhole that was the old style were they used bricks to support the manhole and found several were missing. The manhole with the missing support bricks is in the concrete driveway behind the Shaudt's funeral home and had recently had the old concrete drive torn out and new concrete put in so in my opinion it was during this construction of the driveway the bricks were probably knocked loose and fell into the manhole and washed down inside of the main sewer line.**

2. Have there been previous blockages or SSOs in this line or within 300 feet of this address in the last 5 years preceding the subject SSO? Yes ____ No X. If yes, specify:

(a) when? _____

(a) where on the line? _____

(b) what was determined to be the cause? _____

4. Have the claimants or other occupants at this address given any other notice to the municipality of a sewer problem in the past 5 years? Yes ____ No X. If yes, when and how was it documented?

5. Does the municipality have a regular maintenance program of cleaning, jetting, or rodding the

Print Name

____ Superintendent _____
Job Title

____ 8/29/19 _____
Date

____ 918-857-8696 _____
Phone Number

OMAG
3650 S. Boulevard
Edmond, OK 73013

Phone: (405) 657-1400
Fax: (405) 657-1401

Grounds Properties

Ellen Grounds, 678 W. 126th St., Jenks, OK 74037

(918) 291-2222

INCIDENT: June 26, 2019 - 707 and 709 E. 141st St. Glenpool, OK
12:00 p.m.

The City of Glenpool was attempting to unclog sewer lines for the housing addition near our commercial building. The spaces in this building are each leased by different businesses. Suddenly sewage backed up into the 709 space, Nutrition Worx, a health food and drinks business.

The sewage then seeped under the walls of Realty Network. 707 next door. The tenants purchased blowers and fans, etc. to try to dry this up.

This sewage ruined the carpeting in the 709 space, and also ruined the wood flooring in the 707 space. These had to be all removed and replaced.

Total Claim for these is: \$3,412.32. Invoices Attached.



LOVE'S HOME CENTERS, LLC
7225 S OLYMPIA WEST
TULSA, OK 74132 (918) 281-4400

707

- SALE -

SALES#: S2756CL2 2604792 TRANS#: 12574799 06-26-19

809483 PELONIS 20-IN BOX FAN WHI	18.28
638199 14-02 AM 8-SODA FRIDGE-N-	2.97
3 d	0.99
1158603 80 PRO 1/4HP AIR MOVER	99.00
1176086 8E 60W LED A19 DL ND 7.5K	20.96
258965 14-24 BASIC FLTR 3-CT 3M	9.48

117.28

SUBTOTAL: 150.69
TAX: 12.83
INVOICE 12470 TOTAL: 163.52
VISA: 163.52

VISA:XXXXXXXXXXXX3420 AMOUNT:163.52 AUTHCD:097600

CHIP REFID:275612243923 06/26/19 13:45:33

CUSTOMER CODE: 0

APL: CAPITAL ONE VISA TVR: 0030008000

AID: A0000000031010 TSI: F800

STORE: 2756 TERMINAL: 12 06/26/19 13:47:03

* OF ITEMS PURCHASED: 7
EXCLUDES FEES, SERVICES AND SPECIAL ORDER ITEMS



THANK YOU FOR SHOPPING LOWE'S.
SEE REVERSE SIDE FOR RETURN POLICY.
STORE MANAGER: ANDY SCHWEIZER

LOWE'S PRICE MATCH GUARANTEE
FOR MORE DETAILS, VISIT LOWES.COM/PRICEMATCH

* YOUR OPINIONS COUNT! *
* REGISTER FOR A CHANCE TO BE *
* ONE OF FIVE \$300 WINNERS DRAWN MONTHLY! *
* REGISTRESE EN EL SORTEO MENSUAL *
* PARA SER UNO DE LOS CINCO GANADORES DE \$300! *
* REGISTER BY COMPLETING A GUEST SATISFACTION SURVEY *
* WITHIN ONE WEEK AT: www.lowes.com/survey *
* YOUR ID # 12470 2756 177 *
* NO PURCHASE NECESSARY TO ENTER OR WIN. *
* VOID WHERE PROHIBITED. MUST BE 18 OR OLDER TO ENTER. *
* OFFICIAL RULES & WINNERS AT: www.lowes.com/survey *

STORE: 2756 TERMINAL: 12 06/26/19 13:47:03

P.O. BOX 221
BIXBY, OKLA. 74008

Date	Invoice #
8/12/2019	2889

Bill To
REALTY NETWORK PO BOX 610 GLENPOOL, OK 74033

1707

Page 28 of 30

Here's the receipt for the flooring for the shopping center. They're installing today.

[Sent from Yahoo Mail for iPhone](#)

Original message

709
Glenpool Center

On Friday, July 19, 2019, 10:50 AM, Lowe's Home Improvement <CustomerCare@lowes.com> wrote:



It Was Great to See You

The item(s) below have been picked up. Thanks for shopping at Lowe's.

Picked Up

Pickup Location

LOWE'S OF W. TULSA, OK 2756
7225 S OLYMPIA WEST
TULSA, OK 74132
[\(918\) 281-4400](tel:(918)281-4400)

Pickup Item(s)

Pickwick Landing I 12-ft W x Cut-to-Length Bear Path Oak Dark Brown Wood-look Low-Gloss Finish Sheet Vinyl	QTY
Item #: 644855 Model #: G8060401	14

Order Info

Order #	385577120
Order Date	07/16/2019
Total	\$162.25

Material

Billing Information

INVOICE 1

Charles Southern
dba All in Home Remodeling
949 E. 11th Street
Claremore, OK 74017
(918) 808-8824
dugout1963@gmail.com

709
cntr.

Bill To
Susan Grounds
1221 West 117th Street
Jenks, Oklahoma

Invoice Date 07-19-2019

Description	Amount
Removed Damaged Carpet and Tile Floor (Labor only)	
Install New Linoleum Floor (Labor only)	
Work Completed at Nutrition Works - Glenpool, Oklahoma	
=====	

Sub-Total	\$ 500.00
Total Paid	\$ 500.00
TOTAL DUE	\$ 0.00

Tear out and
Installation.

Terms & Conditions

Payment is due upon receipt. For Labor Only

Thank you allowing us to earn your business now and in the future.