**CITY OF** **SPENCER**

**Regular Joint City Council & Utility Authority Meeting**

**Thursday, August 20, 2020 at 7:00 p.m.**

Pursuant to legal notice required by the Oklahoma Open Meeting Act, including posting of an agenda as required by the terms, thereof, the Spencer City Council & Utility Authority met in regular session on August 20, 2020 at Spencer City Hall, located at 8200 NE 36th Street, Spencer, Oklahoma.

**Item No.**

1. Meeting was called to order at 7:02 p.m.
2. Roll Call and declaration that a quorum is present.

|  |  |  |
| --- | --- | --- |
|  | **Present** | **Absent** |
| Chairman/Mayor Calvin | X |  |
| Vice Chairman/Mayor Scanlan | X |  |
| Trustee/Council Member Talley |  | X |
| Trustee/Council Member Andrews |  | X |
| Trustee/Council Member Canaday | X |  |

**A quorum was declared and the meeting went forward.**

1. The Flag Salute lead by Vice Mayor Scanlan and Invocation by Chairman/Mayor Calvin
2. Citizens desiring to be heard: Citizens desiring to be heard will be given three (3) minutes to speak on any item on the agenda. Citizens must have signed up by 12 Noon the Wednesday before the meeting in order to be recognized. Public Participation Resolution # 35-07-05.

Dwight Titus, 5215 Newberry Lane, Spencer, OK 73084

Robert Smith Jr., 9412 NE 50th Street, Spencer, OK 73084

David Shelton 9410 NE 50th

Dwight Titus, 5215 Newberry Lane, Spencer, OK 73084. Stated that he does not want a mobile home on the property. He has lived there since 1983. He feels that this rezoning should not be approved for the following reasons: He expressed that you cannot come across Newberry Lane because there are diesel tank, diesel pump that could be very hazardous in the event it is accidentally hit. Lastly, that they do not have ownership of the road Newberry Lane and if Mrs. Davis would build a small brick and mortar on the property, he would not object to this.

Robert Smith, 9412 NE 50th, Spencer, OK 73084. He basically shares the same concerns as Mr. Titus and is really concerned about the property value of their homes depreciating. Doesn’t want to walk out of his home and see a mobile home.

David Shelton, 9410 NE 50th, Spencer, OK 73084. Has expressed his desire of not having more mobile homes in the area, because of the several run down mobile homes in the nearby area. Feels that this would bring down the property value. As well as he agrees with Mr. Titus and Mr. Smith.

1. **NEW BUSINESS.** Discussion, consideration, and possible of New Business item/s, and direct City Staff to take appropriate action... (“New Business,” as used herein, shall mean any matter not know about or which could not have been reasonably foreseen prior to the time of posting.)

**None**

**6. CONSENT DOCKET:** (individual items may be deleted from the Consent Docket under item #6).

 6.1. Approval/Ratification of the Joint City Council & Utility Authority meeting minutes from July 16, 2020. (GG)

6.2. Approval/Ratification of the Special Joint City Council & Utility Authority meeting minutes from July 22, 2020. (GG)

6.3. Approval/Ratification of July 2020 bi-weekly Payroll and Accounts Payables. (GG)

6.4. Approval/Ratification of KS State Bank October 2020 invoice (GG)

6.5. Approval/Ratification of WPM Invoice August 2020 (GG)

6.6. Approval/Ratification of Hammer Construction Invoice August 2020 (GG)

6.7. Approval/Ratification of Jail Services Agreement with Oklahoma County (GG)

6.8. Approval/Ratification of City/Town/County Weighted Vote Resolution)

**Vice Chairman/Mayor Scanlan motioned to approve the CONSENT DOCKET items 6.1, 6.2 and 6.7. Chairman/Mayor Calvin seconded the motion. The vote was as follows. Yeas: Vice Chairman/Mayor Scanlan and Chairman/Mayor Calvin Abstain: Trustee/Council Member Canaday Nays:**

1. Discussion on items to be removed from the Consent Document. (GO & UA)

**Needing more information for 6.4, 6.5, 6.6. and 6.8**

6.4. Approval/Ratification of KS State Bank October 2020 invoice (GG)

**Vice Chairman/Mayor Scanlan motioned to approve the KS State Bank October 2020 invoice items 6.4. Chairman/Mayor Calvin seconded the motion. The vote was as follows. Yeas: Vice Chairman/Mayor Scanlan and Chairman/Mayor Calvin Abstain: Nays: Trustee/Council Member Canaday**

 6.5. Approval/Ratification of WPM Invoice August 2020 (GG)

**Vice Chairman/Mayor Scanlan motioned to approve the WPM Invoice August 2020 items 6.5. Chairman/Mayor Calvin seconded the motion. The vote was as follows. Yeas: Vice Chairman/Mayor Scanlan and Chairman/Mayor Calvin Abstain: Nays: Trustee/Council Member Canaday**

 6.6. Approval/Ratification of Hammer Construction Invoice August 2020 (GG)

**Vice Chairman/Mayor Scanlan motioned to approve the Hammer Construction Invoice August 2020 items 6.6. Chairman/Mayor Calvin seconded the motion. The vote was as follows. Yeas: Vice Chairman/Mayor Scanlan and Chairman/Mayor Calvin Abstain: Nays: Trustee/Council Member Canaday**

 6.8. Approval/Ratification of City/Town/County Weighted Vote Resolution)

**Vice Chairman/Mayor Scanlan motioned to approve the City/Town/County Weighted Vote Resolution) items 6.8. Chairman/Mayor Calvin seconded the motion. The vote was as follows. Yeas: Trustee/Council Member Canaday, Vice Chairman/Mayor Scanlan and Chairman/Mayor Calvin Abstain: Nays:**

**8. BUSINESS AGENDA:** Discussion, consideration and possible action:

8.1. Term Limit Letter – City Attorney Report – Ray Vincent.

**Discussion Only**

The City of Spencer is a statutory form of government and it all dictated by statue. The statue has no provision for term limits. A copy of the letter was provided in the council’s packet.

8.2. Perfect Acre – Councilwoman Canaday - Report.

**Discussion: Information is the exact same thing from previous discussions. Additional information regarding Perfect Acre in in the Council’s packets.**

**Trustee/Council Member Canaday motioned to approve Perfect Acre. \*** **The motion for approval of the perfect acre failed. There was not a second made on this issue.**

8.3. Condemnation Hearing:

Burned out Single Family Dwelling at 4800 Sunset Terrace, Spencer, OK 73084

See Mr. Eaton’s report for additional details in the council’s packets.

The home is hazardous, gutted as well as property has been stolen from the property. Request to condemn the property to protect it until he can deal with property. The family is trying to move and clean off the property. Currently there is a neighbor who stated that he is watching the property and knows who’s coming and going.

**Vice Chairman/Mayor Scanlan motioned to approve the Condemnation Hearing:**

**Burned out Single Family Dwelling at 4800 Sunset Terrace, Spencer, OK 73084. Chairman/Mayor Calvin seconded the motion. The vote was as follows. Yeas: Trustee/Council Member Canaday, Vice Chairman/Mayor Scanlan and Chairman/Mayor Calvin Abstain: Nays:**

8.4. Declaration of Public Nuisance of three (3) properties owned by Michael Wayne Wyskup Revised Trust:

 A. 8401 N. E. 34th Street, Spencer, OK 73084

 B. 4816 Spencer Road, Spencer, OK 73084

 C. 4900 Palmer Ave, Spencer, OK 73084

Discussion: The owner of the properties has no concern of taking care of the property. He is currently staying at the 8401 NE 34th Street property. All properties are considered extreme case of unkept property. The owner will not main it and property has been declared a nuisance.

**Vice Chairman/Mayor Scanlan motioned to approve the Declaration of Public Nuisance of three (3) properties owned by Michael Wayne Wyskup Revised Trust: Chairman/Mayor Calvin seconded the motion. The vote was as follows. Yeas: Trustee/Council Member Canaday, Vice Chairman/Mayor Scanlan and Chairman/Mayor Calvin Abstain: Nays:**

8.5. Back to My Roots Walk with Me 5K – Saturday October 10, 2020.

Request for this walk is for the purpose to promote health, wellness and healthy living. Also hoping that this event will become and annual event for the City of Spencer.

**Trustee/Council Member Canaday motioned to approve the Back to My Roots Walk with Me 5K. Vice Chairman/Mayor Scanlan seconded the motion. The vote was as follows. Yeas: Trustee/Council Member Canaday, Vice Chairman/Mayor Scanlan and Chairman/Mayor Calvin Abstain: Nays:**

8.6. Redistricting (rezoning) Public Hearing: A-1 to R-5, 5115 Newberry Lane, Spencer, OK 73084 Property Owner/Applicant: Rhonda Davis.

**Discussion (Approved by the Planning Commission to send to the City Council for approval.**

Mrs. Davis would like to move a 2019 Manufactured home with brick façade, will create an entrance to the property from Newberry, build a thorough and well-integrated landscaping package, install a tornado shelter, restore the barn that is current on the property by adding white wood trim and all of this will be done in accordance with the city’s regulations and guidelines.

Mrs. Davis stated that the building structure is extremely important because (1) we are in the state of Oklahoma 3 – 4 times a week, (2) They are in discussions with Langston regarding making goat cheese and also in discussions for proper soil conservation practices.

She stated that they have a vision to add value to the property and within five years they intend to transform the property from good to outstanding as the lad itself is beautiful. Also hoping that this event will become an annual event for the City of Spencer.

Additional information regarding agenda item is in the council’s packets.

**Vice Chairman/Mayor Scanlan motioned to approve the Redistricting (rezoning) Public Hearing: A-1 to R-5, 5115 Newberry Lane, Spencer, OK 73084 Property Owner/Applicant: Rhonda Davis. Vice Chairman/Mayor Scanlan seconded the motion. The vote was as follows. Yeas: Trustee/Council Member Canaday, Vice Chairman/Mayor Scanlan and Chairman/Mayor Calvin Abstain: Nays:**

8.7. Surplus, 1986 Chev Truck (Fire).

**Trustee/Council Member Canaday motioned to approve the Surplus, 1986 Chev Truck (Fire). Vice Chairman/Mayor Scanlan seconded the motion. The vote was as follows. Yeas: Trustee/Council Member Canaday, Vice Chairman/Mayor Scanlan and Chairman/Mayor Calvin Abstain: Nays:**

8.8. Budget Supplements, 2020 REAP Grant EDS -2020-14 – Purchase improvements to police and public safety equipment - Finance Director Report.

**Vice Chairman/Mayor Scanlan motioned to approve the Budget Supplements, 2020 REAP Grant EDS -2020-14 – Purchase improvements to police and public safety equipment - Finance Director Report. Chairman/Mayor Calvin seconded the motion. The vote was as follows. Yeas: Trustee/Council Member Canaday, Vice Chairman/Mayor Scanlan and Chairman/Mayor Calvin Abstain: Nays:**

8.9. Authorizing staff to prepare bid documents for 2020 REAP Grant EDS -2020-14 – Purchase improvements to police and public safety equipment, $25,000.00.

**Trustee/Council Member Canaday motioned to approve the Authorizing staff to prepare bid documents for 2020 REAP Grant EDS -2020-14 – Purchase improvements to police and public safety equipment, $25,000.00. Vice Chairman/Mayor Scanlan seconded the motion. The vote was as follows. Yeas: Trustee/Council Member Canaday, Vice Chairman/Mayor Scanlan and Chairman/Mayor Calvin Abstain: Nays:**

8.10. Authorizing City Engineer to prepare demolition specifications and bid documents for 2020 Kringlen Park Project.

**Vice Chairman/Mayor Scanlan motioned to approve the Authorizing City Engineer to prepare demolition specifications and bid documents for 2020 Kringlen Park Project. Chairman/Mayor Calvin seconded the motion. The vote was as follows. Yeas: Vice Chairman/Mayor Scanlan and Chairman/Mayor Calvin Abstain: Nays: Trustee/Council Member Canaday**

8.11. Authorizing staff to evaluate State purchasing contract for Patrol vehicles and Local/State/Federal Agencies disposing of Patrol units with less than 30,000 miles and report results to the Spencer City Council.

**Vice Chairman/Mayor Scanlan motioned to approve the Authorizing staff to evaluate State purchasing contract for Patrol vehicles and Local/State/Federal Agencies disposing of Patrol units with less than 30,000 miles and report results to the Spencer City Council. Chairman/Mayor Calvin seconded the motion. The vote was as follows. Yeas: Trustee/Council Member Canaday, Vice Chairman/Mayor Scanlan and Chairman/Mayor Calvin Abstain: Nays:**

**PAUSED CITY COUNCIL TO MOVE TO UTILITY AUTHORITY MEETING: 8:44 P.M. RETURN TO SESSION: 9: 00 P.M.**

**Meeting of the Utility Authority meeting was called to order at 8:44 p.m.**

5. CONSENT DOCKET: (individual items may be deleted from the Consent Docket under item #6). Assignment

5.1. Approval/Ratification of the Joint City Council & Utility Authority meeting minutes from July 16, 2020. (UA)

5.2. Approval/Ratification of the Special Joint City Council & Utility Authority meeting minutes from July 22, 2020. (UA)

5.3. Approval/Ratification of July 2020 bi-weekly Payroll and Accounts Payables. (UA)

5.4. Approval/Ratification of KS State Bank October 2020 invoice (UA)

5.5. Approval/Ratification of WPM Invoice August 2020 (UA)

5.6. Approval/Ratification of Hammer Construction Invoice August 2020 (UA)

**Vice Chairman/Mayor Scanlan motioned to approve the CONSENT DOCKET items 5.1-5.6. Chairman/Mayor Calvin seconded the motion. The vote was as follows. Yeas: Vice Chairman/Mayor Scanlan and Chairman/Mayor Calvin Abstain: Trustee/Council Member Canaday Nays:**

6. Discussion, consideration, and possible action on items removed from the Consent Docket.

**None**

**7.** BUSINESS AGENDA: Discussion, consideration and possible action:

7.1. Surplus three vehicles (PW):

 A. 2008 Ford Truck

 B. 2004 Dodge Truck

 C. 2003 Dodge Truck

**Vice Chairman/Mayor Scanlan motioned to approve the Surplus three vehicles (PW). Chairman/Mayor Calvin seconded the motion. The vote was as follows. Yeas: Trustee/Council Member Canaday, Vice Chairman/Mayor Scanlan and Chairman/Mayor Calvin Abstain: Nays:**

7.2. 2020 REAP Grant EDS -2020-15 – Replace aging, undersized (1,350 LF) of water line, $38,034.73

**Vice Chairman/Mayor Scanlan motioned to approve the Surplus three vehicles (PW). Chairman/Mayor Calvin seconded the motion. The vote was as follows. Yeas: Trustee/Council Member Canaday, Vice Chairman/Mayor Scanlan and Chairman/Mayor Calvin Abstain: Nays:**

**7.3.** Budget Supplements – Funding of undersized waterline - Finance Director Report.

Additional details are in the council’s packets.

**Vice Chairman/Mayor Scanlan motioned to approve the Surplus three vehicles (PW). Chairman/Mayor Calvin seconded the motion. The vote was as follows. Yeas: Trustee/Council Member Canaday, Vice Chairman/Mayor Scanlan and Chairman/Mayor Calvin Abstain: Nays:**

* 1. Authorizing City Engineer to prepare specifications and bid documents for REAP GRANT waterline Replacement Project N.E. 50th Street from Baker to Shadynook.

**Vice Chairman/Mayor Scanlan motioned to approve the Authorizing City Engineer to prepare specifications and bid documents for REAP GRANT waterline Replacement Project N.E. 50th Street from Baker to Shadynook. Chairman/Mayor Calvin seconded the motion. The vote was as follows. Yeas: Vice Chairman/Mayor Scanlan and Chairman/Mayor Calvin Abstain: Trustee/Council Member Canaday Nays:**

* 1. Authorizing Staff to proceed with negotiations of Lease Purchase Agreement with Government Capital for acquisition of Public Utility Technology…Smart Meters.

**Vice Chairman/Mayor Scanlan motioned to approve the Authorizing Staff to proceed with negotiations of Lease Purchase Agreement with Government Capital for acquisition of Public Utility Technology…Smart Meters. Chairman/Mayor Calvin seconded the motion. The vote was as follows. Yeas: Trustee/Council Member Canaday, Vice Chairman/Mayor Scanlan and Chairman/Mayor Calvin Abstain: Nays:**

* 1. Authorizing City of Spencer to prepare specifications and bid documents for Public Works Building Improvements, (30X60) metal structure.

**Vice Chairman/Mayor Scanlan motioned to approve the Authorizing City of Spencer to prepare specifications and bid documents for Public Works Building Improvements, (30X60) metal structure. Chairman/Mayor Calvin seconded the motion. The vote was as follows. Yeas: Trustee/Council Member Canaday, Vice Chairman/Mayor Scanlan and Chairman/Mayor Calvin Abstain: Nays:**

 7.7. Authorizing staff to prepare “Request for Proposal” for Solid Waste Collection and Disposal Services.

**Trustee/Council Member Canaday motioned to approve the Authorizing staff to prepare “Request for Proposal” for Solid Waste Collection and Disposal Services. Vice Chairman/Mayor Scanlan seconded the motion. The vote was as follows. Yeas: Trustee/Council Member Canaday, Vice Chairman/Mayor Scanlan and Chairman/Mayor Calvin Abstain: Nays:**

9. Adjournment

**The Utility Authority meeting adjourned at 9:00 p.m.**

**RETURN FROM UTILITY AUTHORITY MEETING: 9: 00 P.M.**

9. EXECUTIVE SESSION:

9.1. Discussion, consideration, and possible action to enter into Executive Session pursuant to and authorized by 25 O.S. Section 307 (B) (4) Confidential communications between a public body and it’s attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigate, litigation, or proceeding in the public interest; Elfrink and Associates

9.2. Discussion, consideration, and possible action to enter into Executive Session pursuant to and authorized by 25 O.S. Section 307 (B) (4) Confidential communications between a public body and it’s attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigate, litigation, or proceeding in the public interest; WCA – Landfill

Time in Executive Session; 9:06 p.m.

Time Council Returned to Open Session: 10:03 p.m.

10. Possible actions *on Executive Session* Items. (GG)

**NONE**

11. Remarks and Comments

No Comments: Vice Chairman/Mayor Scanlan and Mayor Calvin

Council Member Canaday: Expressed how she like the way the public participates in the meeting. Also said thank you for the efforts with Code Enforcement.

City Manager Long: Stated that the city will file for the Cares Act funds in the amount of $250,000.

12. Adjournment

**The meeting adjourned at 10:07 p.m.**

Respectfully Submitted,

Tanya Mustin

Tanya Mustin, Minute Taker