**CITY OF** **SPENCER**

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

**Thursday, October 15, 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 October 15, 2020 via zoom.

**Item No.**

1. Meeting was called to order at 7:07 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.

**None**

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 Special City Council meeting minutes from September 03, 2020. (GG)

6.2. Approval/Ratification of the City Council meeting minutes from September 17, 2020. (GG)

6.3. Approval/Ratification of the Special City Council meeting minutes from October 01, 2020. (GG)

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

**Vice Chairman/Mayor Scanlan motioned to approve the CONSENT DOCKET items 6.1-6.4. 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)

**None**

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

8.1. Approval of Budget Amendment 2021-02.

**Discussion: Only**

City Manager Long requesting approval of the Budget Amendment 2021-02 what this consist of is the adoption the budget of $650566 transfer required by the 2020 revenue bond related to the $0.04 sales tax for debt service if needed. If this is not needed it will be transferred back to the general fund. If you recall a part of this and even before we refinanced, our original bond issues required us to transfer that sales tax into the Utility Authority then back to the General Fund. This was one of the deficiencies found in the Audit. The plan is to is to come into compliance with this transfer. Literally moving from one account to the other. The other item is the $26,765 previously approved by the council for police car purchase and requesting fund to purchase the vehicle.

**Chairman/Mayor Calvin motioned to approve Approval of Budget Amendment 2021-02. Vice Chairman/Mayor Scanlan seconded the motion. The vote was as follows. Yeas: Vice Chairman/Mayor Scanlan and Chairman/Mayor Calvin Abstain: Trustee/Council Member Canaday Nays:**

8.2. Approval of the City of Midwest City Animal Welfare Division Agreement.

Agreement for this item in included in the Council Packets.

Page 1 of the agreement stipulates the roles of City of Spencer and Midwest City

Page 2 is the amount that will be charged.

This will help with the housing of the animals as well as they will bill us monthly for housing at $240 per animal. Also note that it has been outlined who can bring or drop-off animals in the agreement.

**Trustee/Council Member Canaday motioned to approve City of Midwest City Animal Welfare Division Agreement. 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:**

8.3. Approval of the City of Midwest City Jail Services Agreement.

Information included in the Council packet.

City Manager Long asking the council to approve this agreement. He feels that this will be a better deal to work with Midwest City and felony offenders will continue to the County.

**Vice Chairman/Mayor Scanlan motioned to Approval of the City of Midwest City Jail Services Agreement. Trustee/Council Member Canaday 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. Approval of the Marijuana Ordinance revision.

Discussion: City Manager Long one of the things early on because of the volume of calls deal with this issue. We are slowly eating up our commercial properties in our commercial zone districts. In looking at this we begin to ask ourselves and realize this is taking away our revenue base because none of the facilities with the exception of distribution or sale of paraphernalia is non-taxable. What has started to happen is that our commercial districts have become inhabitable non-taxable businesses. In looking at this we discussed how can we effectively deal with this issue. The first thing that this ordinance will do is pulls all commercial operations except the sale of paraphernalia and prescription sales pulls it out of our commercial district. That will be allowed in the commercial district because is its sales tax generated. All the rest such as growing and processing will be required and take place in an agricultural district only and must be covered and meet all the requirement stipulated in the ordinance. It also requires growing, processing and distribution permit will now be $5000 each and that is not grandfathered in. The businesses that are currently in the commercial districts will be grandfathered in. Any new growth facilities will go the agricultural. But when they renew each year the fee will be for one permit $5000, two permits $10,000 and all three will be $15,000.

**Vice Chairman/Mayor Scanlan motioned to approve the Marijuana Ordinance revision Trustee/Council Member Canaday seconded the motion. The vote was as follows. Yeas: Vice Chairman/Mayor Scanlan and Chairman/Mayor Calvin Abstain: Nays:**

**\*\*Section 6 Emergency Clause for the Marijuana Ordinance revision**

**Vice Chairman/Mayor Scanlan motioned to approve Section 6 Emergency Clause for the Marijuana Ordinance revision Trustee/Council Member Canaday seconded the motion. The vote was as follows. Yeas: Vice Chairman/Mayor Scanlan and Chairman/Mayor Calvin Abstain: Nays:**

8.5. Approval for condemnation the following Dilapidated, Abandoned Home:

5320 N. Spencer Road, Spencer OK 73084, (Legal Description: Spencer Revised Plat

Block 009 000 Lots 21-24, Oklahoma County, Spencer Oklahoma, Owner Adelman Carillo.

Discussion: Mailed letter to the new owner Adelman Carillo on September 29, 2020. Also, we posted the property with the copy of the letter. A little history about this property Mr. Carillo and was issued a permit to refurbish the home. After 30 days he stopped the renovations and let it in very poor condition. We revoked the building permit and he volunteered to do the demolition to the proper in which he reneged because it didn’t purchase a demolition permit. The city authorities are requesting the condemnation of this property and to do this the fee will be $4000 and billed to the owner. If not paid this we will request a lien on the property with the Oklahoma County Treasurer Office.

**Trustee/Council Member Canaday motioned to approve to** Approval for condemnation the following Dilapidated, Abandoned Home**. 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. Consider approval to appoint a City of Spencer Library Board.

**Details and information regarding this item are in the Council Packet.**

**Discussion: A group of Spencer citizen that has been actively working on getting a library in the City of Spencer requested a letter of recommendation for the Metropolitan Library from Mayor Calvin was submitted. The Metropolitan Library is receptive of the City of Spencer having its own library. This will be a long process. Two options**

1. **(5) five years renovating a current facility**
2. **(10) ten years to physically build a new facility**

**Mayor Calvin is recommending a City of Spencer Library Board which will consist of (1) one Council Member and (4) four Citizens of Spencer. Serving term on this board will be a (2) two years.**

**Vice Chairman/Mayor Scanlan motioned to approve and appoint a City of Spencer Library Board. 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: 8:12 P.M.**

**1. Meeting of the Utility Authority meeting was called to order at 8:12 p.m.**

2. Roll Call & Declaration - Quorum is still Present.

**3. 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 preceding Wednesday before the meeting in order to be recognized.* (Public Participation Resolution #35-07-05)

**None**

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

**None**

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

5.1. Approval/Ratification of the Special Utilities Authority meeting minutes from September 03, 2020. (UA)

5.2. Approval/Ratification of the Utilities Authority meeting minutes from September 17, 2020. (UA)

5.3. Approval/Ratification of the Special Utilities Authority meeting minutes from October 01, 2020. (UA)

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

**Vice Chairman/Mayor Scanlan motioned to approve the CONSENT DOCKET items 5.1-5.4. 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. Approval of Resolution for REAP Grant 2020 Waterline replacement.

DISCUSSION: City Engineer Peacock stated that ACOG requires a resolution for this project.

**Vice Chairman/Mayor Scanlan motioned to approve the REAP Grant Waterline replacement. 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. Approval of Budget Amendment 2021-02-SUA.

DISCUSSIONS:

1st Action Item: To approve the $650, 566 transfer to the Utility Authority back to the General Fund.

2nd Action Item: $77,005 required to fund the taxes for Oklahoma Tax Commissions penalties and interest for the period of 2011-2017. Keep in mind before we can contest the penalties the entire amount must be paid in full. This position the City of Spencer to satisfy all of the requirement to bring us up to date.

3rd Action Item: $6956 that goes to the Oklahoma Securities Employment Commission for the 4th Quarter 2017 & 2018. That will take care of our taxes due to the State of Oklahoma. What we are waiting for from the IRS the final figures so that we can come back to you and get it approved so that we can get that paid and move forward with that process.

4th Action Item: $491,148 for the Smart Meters we have provided all the information needed at this point. The next item that will come back to you will be a lease purchase agreement from Government Capitol and we will present that to you for your final approval.

5th Action Item: $26,765 for the Patrol Car

**Vice Chairman/Mayor Scanlan motioned to approve the Approval of Budget Amendment 2021-02-SUA. 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:**

7.3. Approval of Resolution for a Lease Purchase Agreement for the purpose of procuring a Smart Meter Project for Water Utilities.

**Discussion: Requirement of the Lease Company. The Mayor and the Council need to approve this for the Water & Utilities.**

**Vice Chairman/Mayor Scanlan motioned to approve Resolution for a Lease Purchase Agreement for the purpose of procuring a Smart Meter Project for Water Utilities. 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:**

**8.** Remarks and Comments.

**No Comment:**

**Trustee/Council Member Canaday: Stated that the Smart Meters will be helpful for the City of Spencer. Glad about the Animal Control process. Finally stating that because she abstains various items it does mean she is against but just needing more information.**

**Vice Chairman/Mayor Scanlan: Ask about the Police and Fire Departments if they are wearing masks. City Manager Long stated that this is the requirement. He raised the flags today including the new City of Spencer Flag. He thanked the Chamber of Commerce for the design and funding this project. Heard from several people that inquired about purchasing a City Flag**

**City Manager Long: Received word that the Chief Thurman would have been on the meeting today but they received a call regarding cattle out.**

**Chairman/Mayor Calvin: Thanked everyone for continuing to be supportive of the City of Spencer and the City of Spencer is moving forward. We have begun to make positive changes such as Library Board and Animal Control. Finally, the OU architect met with City Manager Long and him discussing the design of Kringlen Park. Finally, stated COVID-19 is real and it’s going to be here for a while. Please wear your masks, social distance and stay safe.**

9. Adjournment

**The Utility Authority meeting adjourned at 8:41 p.m.**

Respectfully Submitted,

Tanya Mustin

Tanya Mustin, Minute Taker