

**PIEDMONT CITY COUNCIL MEETING MINUTES
GEORGE FINA MUNICIPAL BUILDING
314 EDMOND ROAD NW
MONDAY FEBRUARY 27, 2012**

All regular meetings of the City Council of Piedmont for the 2012 calendar year were set on October 27, 2011. The above Agenda Summary is posted at Piedmont Civic Center – Front Door, on February 24, 2012, at 3:25p.m

MEMBERS PRESENT: Mayor Valerie Thomerson, Mayor Pro-Tem Larry Gage, Councilman Vernon Woods, Councilman Hoss Cooley, Councilman Wade Johnson, Councilman Jeff Davis

ABSENT: None

STAFF PRESENT: City Manager Jim Crosby, City Clerk Jennifer Smith, City Attorney Tom Ferguson, Community Development Director Arti Patel

1. CALL TO ORDER:

Mayor Valerie Thomerson called the City Council meeting to order at 6:30P.M.

2. ROLL CALL:

City Clerk/Treasurer Jennifer Smith called the roll. There was a quorum present. There were approximately 60 citizens in the audience.

3. FLAG SALUTE:

Mayor Pro-Tem Larry Gage

4. INVOCATION:

Wade Johnson

5. PROCLAMATION TO RECOGNIZE THE MONTH OF FEBRUARY AS CHILDREN'S DENTAL HEALTH MONTH.

Mayor Valerie Thomerson proclaims the month of February as Children's Dental Health month. Local dentist goes to all of the schools in the month of February to identify children that need the service. A free in-service day is provided at their office for any of those children.

6. **PROCLAMATION TO MAKE FEBRUARY 27TH BUD STUBER DAY IN THE CITY OF PIEDMONT. IN RECOGNIZATION OF TWENTY YEARS OF SERVICE TO THE CITY OF PIEDMONT AS PUBLIC WORKS SUPERVISOR.**

Mayor Valerie Thomerson proclaims February 27th as Bud Stuber day in the City of Piedmont in recognition of 20 years of service, 13 of those in the capacity of Public Works Director. Bud Stuber then thanked the City of Piedmont for this honor.

7. **CONSENT AGENDA - All items on the consent agenda are non-controversial and may be approved by one motion for items.**

- a. Approval of Minutes for the City Council meeting on August 22, 2011.
- b. Approval of Minutes for the City Council meeting on September 26, 2011.
- c. Approval of Minutes for the City Council meeting on January 23, 2012.
- d. Acceptance of easements from the Piedmont Independent School District #22.
- e. Approval of purchase for Access, Security, and Monitoring system from Security Solutions, Office furniture for the Police Department, and computer and phone equipment from ISG Technologies for the Police Department, City Offices and the Fire Department.
- f. Approval of Purchase Order/Disbursements for the City (Claims List).
- g. Receipt of January Financial Statements.

Councilman Vernon Woods would like consent agenda items A, B & D removed as he still does not believe the Mayor voted in August.

Councilman Jeff Davis made a **motion** to approve items C, E, F & G on the consent agenda. It was **seconded** by Councilman Wade Johnson.

The vote was:

AYE: Mayor Pro-Tem Larry Gage, Councilman Hoss Cooley, Councilman Vernon Woods, Councilman Jeff Davis and Councilman Wade Johnson

NYE: None

8. **CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA**

Councilman Woods stated that items A & B should be removed from the consent agenda because the current set of minutes for 8/27/11 state that the Mayor voted to approve Jeff Davis as a replacement Councilman. He believes that the audio, video and report, from the City Attorney all indicate that the Mayor did not vote. Councilman Woods does not think the minutes should be approved with it indicated that the Mayor voted.

Mayor Thomerson stated that the memo from the City Attorney took care of that and specifies clearly what was drawn out. So the minutes just add to the memo and audio.

Councilman Woods responded that the memo to the City Council note that the Mayor's vote was before the call for a vote, which makes that either a poll question or it's not a vote. When you vote before the election it is not a vote, but an opinion.

Mayor Thomerson stated that it has already been to the court.

City Attorney Tom Ferguson stated that it was his opinion after reviewing the minutes and the audio recordings that the Mayor voted early. She voted in favor of Mr. Davis.

Councilman Cooley asked the City Attorney if the vote counted. The City Attorney responded that he thinks it does.

Mayor Pro-Tem Gage asked the City Attorney if this will have any legal ramifications, in his opinion. The City Attorney responded that he thinks the issue is before the Supreme Court at this point. Mayor Pro-Tem gage does not think that the minutes should be approved until the decision comes down from the Supreme Court because of the potential legal ramifications.

Mayor Thomerson asked the City Manager to address why these particular items were put on the Agenda. City Manager Jim Crosby stated that it was a matter of this being City Attorney Tom Ferguson's last meeting and he thought it was very important that the City Attorney address this for the Council on record with the minutes and give his opinion. Jim Crosby stated that is the reason it is before the Council this evening. City Manager also stated it was everyone's hope that we would have the Supreme Court's decision by now, but evidently it is not before us.

There was a discussion on bringing this item back at the next meeting after the Supreme Court's decision. It was decided to table these items until the Supreme Court has made a decision.

There was a brief outburst between Mayor Thomerson and Councilman Woods regarding comments that were made during the above discussion.

Mayor Pro-Tem Gage made a clarification that this is the City Council's meeting. He does not want to alienate anyone. He stated that the Councilmember's needed to pull together and move forward.

Mayor Thomerson offered her apologies to Councilman Woods.

Councilman Woods made a **motion** to table items A & B on the consent agenda. It was **seconded** by Councilman Davis.

The vote was:

AYE: Mayor Pro-Tem Larry Gage, Councilman Hoss Cooley, Councilman Vernon Woods, Councilman Jeff Davis and Councilman Wade Johnson

NYE: None

Item D on the consent agenda was then discussed. Councilman Woods asked for clarification on this item. City Manager Jim Crosby explained that it is an easement that will be given to the City by the school. Councilman Woods stated that he thought the easement was already ours. The City Manager explained that it is on their property just out of the traditional right of way of the road. The City Manager stated that if the Council wants a complete explanation of it, table this item for a month and he will have the school bring a complete explanation of it and a better map showing exactly what will be done.

Councilman Woods made a **motion** to table Item D on the consent agenda until a better explanation is presented. It was **seconded** by Mayor Pro-Tem Gage.

The vote was:

AYE: Councilman Woods, Mayor Pro-Tem Larry Gage and Councilman Johnson

NYE: Councilman Davis and Councilman Cooley

Item D is tabled.

9. **HEARING OF CITIZENS - Topics to include those items *not listed in the agenda.***

Don Rubley read a statement to The Mayor and City Council Members

regarding the Political Landscape in Piedmont. He asked the City Council if the taxpayers would be shouldering the expense for the multiple times that the electoral process has been challenged. He also asked if there is any action the City can take to recover the expense and if the city government is willing to take the appropriate action.

Mayor Pro-Tem Gage responded that the Council can't take any action since this isn't on the Agenda, but the council will consider his request.

City Manager Jim Crosby stated that he believed that some of these items are before the courts right now and decisions should be made in the next few months and the direction at that time will be set as the court rules.

10. **BUSINESS ITEMS –**

a. **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION ON RESOLUTION 02-27-2012A APPROVING THE AGREEMENT OF SUPPORT FOR THE WILLIAMS GROCERY STORE.**

Councilman Cooley requested to address the Council on this item.
(Please refer to attached statement)

Councilman Cooley made the following **motion**:

I move that we direct the City Attorney to file within ten (10) days a request in the existing case City of Piedmont v. Williams Grocery, Inc., District Court of Canadian County; Case No. Cj-2010-695, for the District Court to define the obligations of the City of Piedmont under the 2010 agreement with Williams Grocery, Inc. and that we delay any other actions on this matter, including signing any new agreements with Williams, until we have been told what we're obligated to do under the existing agreement. I also want this statement to appear as stated in the minutes.

The motion was **seconded** by Councilman Davis.

This motion resulted in no vote. Councilman Woods called for a point of order, as the item on the Agenda is the Agreement of Support. Councilman Woods asked for clarification on what this agreement is about. Mayor Pro-Tem Larry Gage stated that the motion was to take legal action and asked the City Attorney if that was on the agenda and the City Attorney responded that it was not.

The City Attorney then gave clarification on what the documents contain. He stated that he has met with Mr. Williams attorneys and they prepared

documents to resolve the Williams Grocery matter. The documents that were ultimately prepared, and have been submitted, are documents for the Piedmont Special Project Authority to sign, where they make these 1.9 million dollar payments over a period of time, plus interest, to Williams Grocery. Funding would come from the Sales Tax that is collected from actual sales at Williams Grocery paid in arrears. Williams Grocery would be paid after the sales tax is collected and are remitted to the Oklahoma Tax Commission and then sent to the City of Piedmont. The agreement for that payment is the Promissory Note which would be made to Williams Grocery. The City can only enter into a contract for payments for items a year at a time. So this Agreement of Support is a one year agreement to be renewed every year. If the City Council so chooses the agreement the City would in turn give these monies that are collected from the Sales Tax. The item on the Agenda for the City Council to address is Approving, Discussion, and Possible Action on the Agreement of Support. This item will be further addresses under the PSPA Agenda.

There was then a discussion on the collection of the Sales Tax, back-dating the Promissory note, and the function and purpose of the PSPA.

Further discussion on whether or not this item is on the Agenda and whether or not it should be moved to the PSPA meeting ensued.

It was decided to move on to the PSPA meeting to address this item.

Councilman Woods made a **motion** to adjourn from the regular City Council meeting and reconvene to the Piedmont Special Project Authority at 7:05P.M. It was **seconded** by Mayor Pro-Tem Gage.

The vote was:

AYE: Mayor Pro-Tem Larry Gage, Councilman Hoss Cooley, Councilman Vernon Woods, Councilman Jeff Davis and Councilman Wade Johnson

NYE: None

A **motion** was made by Councilman Davis to reconvene the regular City Council meeting at 7:27P.M. It was **seconded** by Councilman Cooley.

The vote was:

AYE: Mayor Pro-Tem Larry Gage, Councilman Hoss Cooley, Councilman Vernon Woods, Councilman Jeff Davis and Councilman Wade Johnson

NYE: None

Mayor Thomerson suggested that we table this item at this time, based on what was just voted on for PSPA.

City Manager Jim Crosby thinks it would be better to postpone the item indefinitely, if the item is tabled it will move it to the next meeting's agenda.

Councilman Woods made an amended **motion** to postpone Item 10a indefinitely. Councilman Johnson **seconded** the motion.

The vote was:

AYE: Councilman Davis, Councilman Johnson, Councilman Cooley and Councilman Woods

NYE: Mayor Pro-Tem Larry Gage

- b. **CONSIDERATION AND ACTION ON AN ORDINANCE AMENDING THE CITY OF PIEDMONT COMPREHENSIVE PLAN 2020 LAND USE MAP FROM THE PROPOSED FUTURE LAND USE AND REZONE THE PROPERTY FROM RE (RURAL RESIDENTIAL) TO RE-2 (RURAL MEDIUM RESIDENTIAL) AND CONTAINS 80.82 ACRES, MORE OR LESS, LOCATED BETWEEN THE NORTHWEST INTERSECTION OF 164TH AND MORGAN ROAD AND THE EAST BOUNDARY LINE OF THE EMERALD POINT SUBDIVISION LOCATED IN PIEDMONT, CANADIAN COUNTY, OKLAHOMA. SECOND AND FINAL READING.**

Councilman Woods made a **motion** to approve item 10b. It was **seconded** by Councilman Johnson.

The vote was:

AYE: Mayor Pro-Tem Larry Gage, Councilman Hoss Cooley, Councilman Vernon Woods, Councilman Jeff Davis and Councilman Wade Johnson

NYE: None

- c. **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO APPROVE AN ORDINANCE OF THE CITY OF PIEDMONT, OKLAHOMA, ADOPTING THE ADDITION OF RULES AND REGULATIONS FOR PIEDMONT REVOLVING LOAN FUND & APPLICATION PROCESS/FORM. SECOND AND FINAL READING**

Councilman Woods made a **motion** to approve item 10c. It was **seconded** by Councilman Johnson.

The vote was:

AYE: Mayor Pro-Tem Larry Gage, Councilman Hoss Cooley, Councilman Vernon Woods, Councilman Jeff Davis and Councilman Wade Johnson

NYE: None

d. **CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON DESIGNATION OF CITY OF PIEDMONT INDEPENDENCE DAY COORDINATING COMMITTEE.**

Councilman Johnson pointed out that there is a misprint on the Agenda for item 10d, tab 13. The Financial Impact should read \$3,500.

Councilman Woods asked if this is a City event or a Chamber event. Leon Meyer stated that the Chamber has been doing the even independently with help from the City. The Chamber has not budgeted for this event and so they are asking the City for \$3,500 in assistance and the rest would be funded by donations from businesses in the city of Piedmont.

Mayor Pro-tem Gage voiced a concern about utilizing City staff.

Leon Meyers stated that he would be ok with finding other people to staff the event if he has to.

Mayor Pro-Tem Gage would also like the City Attorney to look over the agreement.

A conversation began to discuss insurance for the event. City Manager stated that we will need a letter from the landowner before he can be added under the Liability Insurance umbrella for the City. The City Attorney stated that he spoke to Municipal Insurance and they have recognized it is a common practice in cities and towns in the State of Oklahoma. The event could be covered under the policy and there is no exclusion in the City's policy.

There was a brief discussion on who would staff the event. Leon Meyer stated that he had a secretary at the Chamber that could handle this if it would make things easier for the City. The City Manager responded that would solve things if Mr. Meyer could do that.

Councilman Woods pointed out that there are still funds left over from previous years. The City Clerk confirmed that there is \$3,731 specifically for the fireworks in an account. City Manager Jim Crosby stated that the City will transfer that money back to the committee.

Councilman Davis made a **motion** to contribute the \$3,500 for the Independence Day celebration and then let the committee coordinate the other details from there. It was **seconded** by Councilman Cooley.

The vote was:

AYE: Mayor Pro-Tem Larry Gage, Councilman Hoss Cooley, Councilman Vernon Woods, Councilman Jeff Davis and Councilman Wade Johnson

NYE: None

- e. **CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON APPROVING AN AGREEMENT WITH THE PIEDMONT SCHOOL SYSTEM TO PAY \$90,000 TOWARD THE IMPROVEMENT OF THE SAITYRY SEWER SYSTEM LOCATED ON 164/WASHINGTON AVE. NW AT THE SITE OF THE NEW INTERMEDIATE SCHOOL BUILDING, TO AUTHORIZE THE MAYOR TO SIGN SAME AGREEMENT.**

Councilman Cooley stated he thinks this is a win/win situation and is a good chance to partner with the schools. He stated that the sewer lines need to be replaced and this gives the City an opportunity to help the school to pay for this.

Mayor Pro-Tem Gage voiced concerns with putting in a lift station and future cost and maintenance fees. He would like the City's new engineering firm to look at this project and see what action makes the most sense.

Councilman Cooley stated that the school opens in August and are running out of time to make a decision.

Mayor Pro-Tem Gage pointed out that the City can still allow the intermediate schools to connect while this is worked out.

There was a discussion on whether or not this item should have been placed on the Agenda for this month. The City Attorney believes a request can be made to put it on the agenda. There was a discussion about having Triad Engineering look at the sewer plans and then getting it back on the agenda. Discussion followed on what needed to be done to get it on the agenda next month.

Councilman Davis made a **motion** to bring item 10e back next month, based on Triad's recommendation. It was **seconded** by Councilman Cooley.

The vote was:

AYE: Mayor Pro-Tem Larry Gage, Councilman Hoss Cooley, Councilman Vernon Woods, Councilman Jeff Davis and Councilman Wade Johnson

NYE: None

f. CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON SETTING A FIRM MAXIMUM CAP ON THE TOTAL COST OF THE POLICE STATION AND EQUIPMENT AT \$1.5 MILLION.

There was a discussion on the budget for the new police department.

Councilman Woods stated that if there is a 1.5 million cap and the budget is exceeded, that something else should have to be given up to keep the project on budget

Councilman Woods made a **motion** to put a 1.5 million dollar maximum limit on any expenditure for the new police department. If a critical necessity arises that would make the project go over 1.5 million, then something else would need to be taken out of the budget that is not critical. It was **seconded** by Mayor Pro-Tem Larry Gage.

The vote was:

AYE: Mayor Pro-Tem Larry Gage, Councilman Hoss Cooley, Councilman Vernon Woods, Councilman Jeff Davis and Councilman Wade Johnson

NYE: None

g. POSSIBLE ACTION ON APPROVAL TO PROCEED WITH EST INC. ON THE WATER TOWER RE-ALIGNMENT AND REPAIR PAINT PROJECT.

City Manager Jim Crosby stated that EST, Inc did the initial appraisal for FEMA. City Manager recommends EST, Inc. for this project because they were involved from the beginning and it will be easier for them to step in

City Clerk Jennifer Smith stated that the tower was not insured at the time of damage. The original appraisal was for \$93,000 and FEMA will pay 75% and the state will pay 12 ½%.

Councilman Woods made a **motion** to approve EST, Inc to complete an engineering bid to find out how much the cost of repairs will be. It was **seconded** by Mayor Pro-Tem Gage.

The vote was:

AYE: Mayor Pro-Tem Larry Gage, Councilman Hoss Cooley, Councilman Vernon Woods, Councilman Jeff Davis and Councilman Wade Johnson

NYE: None

MOTION TO ADJOURN AND RECONVENE TO EXECUTIVE SESSION

Councilman Davis made a **motion** to convene into Executive Session at 8:16 P.M. It was **seconded** by Councilman Cooley.

The vote was:

AYE: Mayor Pro-Tem Larry Gage, Councilman Hoss Cooley, Councilman Vernon Woods, Councilman Jeff Davis and Councilman Wade Johnson

NYE: None

EXECUTIVE SESSION

- a. **CONSIDERATION AND DISCUSSION ON THE SERVICE CONTRACT FOR MIKE SEGLER FOR CITY ATTORNEY SERVICES.**

- b. **CONSIDERATION AND DISCUSSION ON THE SERVICE CONTRACT FOR TRIAD DESIGN FOR CITY ENGINEERING SERVICES.**

Councilman Davis made a **motion** to adjourn from the Executive Session and reconvene the regular City Council meeting at 8:37P.M. It was **seconded** by Mayor Pro-Tem Gage

The vote was:

AYE: Mayor Pro-Tem Larry Gage, Councilman Hoss Cooley, Councilman Vernon Woods, Councilman Jeff Davis and Councilman Wade Johnson

NYE: None

10. **BUSINESS ITEMS –**

h. **ACTION ON APPROVING THE SERVICE CONTRACT FOR MIKE SEGLER FOR CITY ATTORNEY SERVICES.**

Mayor Pro-Tem Gage made a **motion** to approve item 10h with changes that were discussed in Executive Session. It was **seconded** Councilman Davis.

The vote was:

AYE: Mayor Pro-Tem Larry Gage, Councilman Hoss Cooley, Councilman Vernon Woods, Councilman Jeff Davis and Councilman Wade Johnson

NYE: None

i. **ACTION ON APPROVING THE SERVICE CONTRACT FOR TRIAD DESIGN FOR CITY ENGINEERING SERVICES.**

Councilman Johnson made a **motion** to approve item 10i. It was **seconded** by Councilman Davis.

The vote was:

AYE: Mayor Pro-Tem Larry Gage, Councilman Hoss Cooley, Councilman Jeff Davis and Councilman Wade Johnson

NYE: None

ABSTAIN: Councilman Woods

11. **NEW BUSINESS –**

a. **Unplanned Items – Requires 4/5ths Majority to Declare “New Business.”**

None

MOTION TO ADJOURN AND RECONVENE TO PIEDMONT MUNICIPAL AUTHORITY

Mayor Pro-Tem Gage made a **motion** to adjourn and reconvene to PMA at 8:39P.M. It was **seconded** by Councilman Davis.

The vote was:

AYE: Mayor Pro-Tem Larry Gage, Councilman Hoss Cooley, Councilman Vernon Woods, Councilman Jeff Davis and Councilman Wade Johnson

NYE: None

12. PIEDMONT MUNICIPAL AUTHORITY

MOTION TO ADJOURN AND RECONVENE TO SPECIAL PIEDMONT SPECIAL PROJECTS AUTHORITY

Councilman Davis made a **motion** to adjourn to the regular city council meeting at 8:41P.M., as the PSPA meeting had taken place out of order from the agenda. It was **seconded** by Mayor Pro-Tem Gage.

The vote was:

AYE: Mayor Pro-Tem Larry Gage, Councilman Hoss Cooley, Councilman Vernon Woods, Councilman Jeff Davis and Councilman Wade Johnson

NYE: None

Councilman Davis made a **motion** to reconvene to the regular city council meeting. It was **seconded** by Councilman Cooley.

The vote was:

AYE: Mayor Pro-Tem Larry Gage, Councilman Hoss Cooley, Councilman Vernon Woods, Councilman Jeff Davis and Councilman Wade Johnson

NYE: None

13. SPECIAL PIEDMONT SPECIAL PROJECTS AUTHORITY

MOTION TO ADJOURN AND RECONVENE TO THE REGULAR CITY COUNCIL MEETING.

Motion was made to reconvene to the regular city council meeting under Item 10a. It was out of order of the Agenda

14. COUNCILMEMBER COMMENTS-

Mayor Thomerson apologized to the council and to the audience for losing her temper and she admits she was out of line.

Councilman Davis wants to make sure that Dr. Ellen Stephens and her engineering firm returns the City's computer models regarding the water and sewer lines. City Manager informed him that she will be returning it to us. Councilman Davis also appreciates the road work that the City is doing on Waterloo, 192nd, Sara, and Morgan Roads. He is concerned about the state of Waterloo Road and concerned that if someone gets injured, or worse, that the city might be liable. The City Manager stated that we can only repair half of the road and the other half is the responsibility of Kingfisher County. Councilman Davis stated that he would appreciate everyone's help on pushing that forward with Kingfisher County.

Mayor Pro-Tem Gage commented that since we are having political issues, the council is not able to make a lot of progress. Mayor Pro-Tem Gage also believes we have growth issues. "When you grow from 1200 people to 7000 people, these are the issues that come along with it." He feels that as councilman, we will have to grow. The council needs to move forward and needs to work together or nothing will get done.

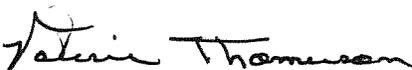
15. **ADJOURN** –

Councilman Davis made a **motion** to adjourn the meeting at 8:47P.M. It was **seconded** by Councilman Johnson.

The vote was:

AYE: Mayor Pro-Tem Larry Gage, Councilman Hoss Cooley, Councilman Vernon Woods, Councilman Jeff Davis and Councilman Wade Johnson

NYE: None



Mayor, Valerie Thomerson

Brandy Cherry, Administrative Asst