

**MEETING OF THE CITY COUNCIL
GEORGE FINA MUNICIPAL BUILDING - 314 EDMOND ROAD NORTHWEST
Monday, August 27, 2012 6:30pm**

MEMBERS PRESENT:

Mayor Valerie Thomerson, Councilman Donnie Robinson, Councilman Albert Gleichmann, Councilman Charles Coffman, Councilman Vernon Woods and Mayor Pro Tem Larry Gage

ABSENT:

None

STAFF PRESENT:

City Manager Jim Crosby, City Clerk/Treasure Jennifer Smith, Attorney Michael Segler, City Engineer Joe Davis, Secretary Mary Ramsey

1. **CALL TO ORDER** - Mayor Valerie Thomerson called the City Council meeting to order at 6:33pm.
2. **ROLL CALL** – City Clerk/Treasure Jennifer Smith called roll. There was a quorum present. There were approximately 17 citizens in the audience.
3. **FLAG SALUTE** – Led by Police Chief Oblien
4. **INVOCATION** – Led by City Attorney Mike Segler
5. **PROCLAMATION** -
 - a. The City of Piedmont to proclaim the week of September 17-23, 2012, as Constitution Week.

Mayor Valerie Thomerson was contacted by the Daughters of the Revolution and asked to declare September 17-23 Constitution Week. She felt it was appropriated and read the proclamation.

6. **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 July 23, 2012.
 - b. Approval of Minutes for the Special City Council Meeting on August 2, 2012.
 - c. Approval of Purchase Order/Disbursements for the City (Claims List).
 - d. Receipt of July Financial Statements.
 - e. Designation of Official City of Piedmont Founder's Day Coordinating Committee and their respective Committee Members.

Mayor Pro Tem Larry Gage made a motion to approve items b,d & e from Consent

Agenda. It was **seconded** by Councilman Charles Coffman.

The Vote was:

AYE: Councilman Donnie Robinson, Councilman Albert Gleichmann, Councilman Charles Coffman, Councilman Vernon Woods and Mayor Pro Tem Larry Gage.

NAYE: None

7. CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA

Councilman Vernon Woods asked items A and C be pulled from the Consent Agenda.

Councilman Vernon Woods asked for follow up from last month minutes, on page 4 a follow up item on the lease from the old Police Department garage. It was to be looked over and a list made of any deficiencies before lease was signed.

Police Chief Oblien explained that the garage was in excellent condition, interior walls are steel. A few items needed some addition a lock on a dock and some electrical work.

Councilman Vernon Woods, page 5 remaining balance on 4th of July account is \$1,970.00 has the account been closed out?

City Manager Jim Crosby explained it the account has not been closed out, we are meeting to decided who will manage the account and then the account will be closed out by the next City Council meeting.

Councilman Vernon Woods asked about what repairs where done to the Windmills south of town and has not received an answer.

City Manager Jim Crosby he did not have the information but would get it to the Council this week.

Councilman Charles Coffman asked for a correction in wording on page 24, the word was reported as unwilling and it should have been unwillie. Correction has been made to minutes.

Councilman Vernon Woods made a motion to approve item a Approval of Minutes for the City Council Meeting on July 23, 2012. It was **seconded** by Mayor Pro Tem Larry Gage.

The vote was:

AYE: Councilman Donnie Robinson, Councilman Albert Gleichmann, Councilman Charles Coffman, Councilman Vernon Woods and Mayor Pro Tem Larry Gage.

NAYE: None

Item C – Approval of Purchase Order/Disbursements for the City.

Councilman Vernon Woods asked about check written to Imagenet Consulting.

City Clerk Jennifer Smith explained Imagenet Consulting is the copier used by the City office. The item is broken down by different departments that are why there are mulit entries.

Councilman Vernon Woods asked about check written to recover information off of the prior Community Development Director Arti Patel computer. What happened?

City Clerk Jennifer Smith explained that there where items deleted off of her computer and ISG had to be called in to recover needed information.

City Manager Jim Crosby also explained that she deleted all of her files off of her computer and the information needed to be recovered, he continued that more safety steps need to be put in place to ensure all documents can be accessed.

Councilman Vernon Woods asked to see the invoice from Triad and what it covers.

Councilman Vernon Woods – page 3 asked about check written for Court fees on Horace Cooley,

City Clerk Jennifer Smith explained the Judge awarded for his court cost to be paid by the City of Piedmont. A letter was received from the Judge explained that court cost where to be paid.

Councilman Vernon Woods – page 4, asked about check written for furniture. Are we not using the State Correction Department source for furniture? He saw the furniture last week while in Calumet, it is cheap and good stuff.

City Manager Jim Crosby explained that Nancy checked all resources and this was the best option for this item.

Councilman Vernon Woods asked to make sure State Correction Department is included as a possible vendor.

Councilman Vernon Woods thought we were out of the business of posting information in the Gazette when The Citizen would publish it for free as an article. Asked why we keep putting information in the paper.

City Manager Jim Crosby explained this item in the paper was for water conservation, it was and educational tool telling people how to use water more wisely. It was encouraged by Oklahoma City so we went forward with it.

Councilman Vernon Woods feels it is not the Cities job to tell people what to do through the newspaper.

Councilman Vernon Woods asked how is Judge Pankey paid? Does he have a contract?

City Clerk Jennifer Smith explained he is paid \$1,600 a month as his base and \$100 for juvenile court. Total of \$1,700 monthly.

Councilman Vernon Woods – page 10 Jackson Jackson Engineering, Safe Routes to School.

City Clerk Jennifer Smith explained Jackson Jackson Engineering is the firm provided by the State on the Safe Route to School program. This is the 2nd Safe Route to School Sidewalk project. Once we reach a certain amount the City will begin to be reimbursements.

Councilman Vernon Woods asked where the sidewalk is to be located.

City Manager Jim Crosby the project has not started yet, ties into the other sidewalk project, we have preliminary plans.

Councilman Vernon Woods asked if Administration is keeping up with the details of this project.

City Manager Jim Crosby explained will go to Planning Commission and follow all the way through to the City Council. They will meet with the State to make sure everything we want to be accomplished is accomplished. We will take the plans to ODOT the will bring them back to the City; we will walk the project out. We had questions about driveways, keeping the drive ways within the easement, we would like to see them go to the end of the easement go there is no gap on someone's property. Width of the sidewalk 6 feet, we will inspect the project every step of the way.

Lynn Land explained the location of the sidewalk is beginning at Stout street, along Monroe to 2nd street, turn and go North to the Middle School.

Councilman Vernon Woods asked about Check Approval Fund Summary page.

City Clerk Jennifer Smith explained it was added to the packet by mistake and should be removed.

Councilman Albert Gleichman asked about check written to Oklahoma Municipal Assurance, insurance for the Police Department, is the \$2,273.61 a monthly amount.

City Clerk Jennifer Smith explained that is an annual amount.

Councilman Albert Gleichman asked about Radar Certification.

Police Chief Oblien explained that is the certification necessary to ensure all radars are

working correctly.

Councilman Albert Gleichman asked about \$4900 antenna

City Manager Jim Crosby explained that the Fire Department was not having trouble receiving a sign and this resolved the issue.

Councilman Vernon Woods made a motion to approval item c – Purchase Order/Disbursements for the City. It was **seconded** by Councilman Charles Coffman.

The Vote was:

AYE: Councilman Donnie Robinson, Councilman Albert Gleichmann, Councilman Charles Coffman, Councilman Vernon Woods and Mayor Pro Tem Larry Gage.

NAYE: None

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

Citizen Mike Bell explained that on 9/30/10 Piedmonts former Mayor Mike Fina was awarded Oklahoma Mayor of the Year representing populations less then 5000. He was presented the award from the Mayors Council of Oklahoma in association with the OMLA. Mike Bell asked that small plaque be placed at the bottom of Mayor Fina picture indicating that he received this award.

Mayor Valerie Thomerson asked with no objections from Council that staff move forward with a the plaque being place on Mayor Fina's picture.

Councilman Charles Coffman asked for an opportunity for Kent Daughtery with APEX Wind Energy to speak. No objections heard from Council.

Kent Daughtery with APEX Wind Energy introduced himself; he is the project manager overseeing the Wind Mill Farm being considered for the Piedmont area. He apologized for the installation of the Met tower within city limits. It was an honest mistake and will be worked out.

We will be having an Open House at the Methodist Church on 9/20. Chance for the community to ask questions.

We are working on revenue predications, have met with Superintendent communicated the revenue for the school system annually is between \$350,000 to \$550,000. Currently working on the what revenue will be coming to the City of Piedmont. Hope to have that information to the Planning Commission by next meeting.

Actively looking for a location to build operation facility, hopefully within Piedmont City

limits.

Offered to take Councilman Members out to Windmill site to other communities to learn more about project.

Reviewing the Windmill Ordinance.

Councilman Vernon Woods asked if Planning Commission has a copy of the ordinance that Kent Daughtery is reviewing.

City Manager Jim Crosby explained that he will ensure that Planning Commission has a copy of the ordinance.

9. **BUSINESS ITEMS** –

a. **DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION ON APPROVAL OF PROPOSALS FOR BOND FINANCIAL ADVISORY SERVICES.**

Attorney Mike Segler explained that during the last City Council meeting he was asked to contact the companies that made proposal for the Cities financial advisor for proposed GO Bonds in order to have potential agreements before the Council. Rick Smith is here with Municipal Financial Services and Mr. Stricker and Zac are here with BOSC. Proposed contracts are in packets.

Councilman Charles Coffman commented that both are excellent firms did notice that MFS rate is $\frac{3}{4}$ of 1% and BOSC is .35% are these official bids?

Attorney Mike Segler explained these are professional bid and are up for discussion.

Rick Smith President of MFS spoke and provided a presentation of this services and the bid he proposing.

- MFS has had a long standing relationship with the City of Piedmont
- Have experience working with small communities
- MFS services as a Financial Advisor, they do not manage bonds. Do not buy or sell bonds.
- Passing this bond is going to be very difficult, it will have to go to vote before the people.
- Personal Property in Piedmont has gone down in the City of Piedmont; net impact is a reduction in personal property.
- Want to try to keep your total bond debit around 10%, the current bond proposal of 4.5 million would take Piedmont over the 10% slightly.
- Fee is $\frac{3}{4}$ of 1%
- Committed to standing with Council through process

Mayor Pro Tem Larry Gage was thinking the rate should be $\frac{1}{2}$ %, also noticed that there is a \$1500 expense reimbursement, how many expense reimbursements will

there be?

Rick Smith explained there are official statements documents that must be prepared and mailed out, then sent out to Financial Institution to bid on the bonds. The cost is to cover the printing and distribution of the information. The fee is applied per bond and this process would require 1 or 2 bonds, however more information must be gathered to determine the number of bonds.

Rick Smith also noted that this is a process that can take upwards of a year and everything is based upon a contingency and we are paid nothing if the bonds are not sold.

Councilman Charles Coffman, Council fee or rating fees are not included in your cost. Do you have any idea what the cost would be?

Rick Smith explained Council fee is bond Council fee which this Council has already contracted. The rating fee, a lot of things depend upon when we get ready to sell the bonds weather or not we would get a rate. If we can offer the bonds without a credit rating if the market is favorable then we would do that. Then we may not even need a credit rating. Cost would be \$800 to \$1000 which a comparable rate is.

Councilman Charles Coffman asked if publication and advertising is that included in your fees.

Rick Smith, yes we have a template that is very factual and have used it with great success. More then anything you will have to go into the neighborhood and inform the community on cost and benefits.

Councilman Donnie Robinson asked if the bonds fails what is the cost to the City.

Rick Smith explained if the bond does not pass it will cost the City nothing for his Financial Services however there will be publication cost that are required under the statue, in terms of putting in a legal publication of the City. Papers charge by the inch to go through the election process cost would estimate \$800 to \$1000. Additional cost for election board, printing of ballots, elections officers, etc. If you marry up with other elections then cost are shared.

Councilman Vernon Woods what is involved in the rating process.

Rick Smith, rating agencies Standards and Poor, Moody's they will look over the demographics, the financial picture of the city, assets, cash, how closely you come to your budget each year.

Mr. Bill Sticker with BOSC both are good firms and open for questions.

Councilman Charles Coffman asked about rates and rating fees?

Bill Stricker municipal bonds are doing well right now and do not think that a rating fee will be needed. Oklahoma crediting rating are good.

Councilman Charles Coffman stated one of the advantages of using his service is the large size of the company; one of the disadvantage of using his service is the large size of his company.

Bill Stricker explained that depending on the issue they can have their senior staff or junior staffs respond.

Mayor Pro Tem Larry Gage asked about the \$2,500 fee?

Bill Stricker explained that is per issue, will not exceed \$2,500 total.

Mayor Pro Tem Larry Gage made a motion to discuss item. It was **seconded** by Councilman Charles Coffman.

The Vote was:

AYE: Councilman Donnie Robinson, Councilman Albert Gleichmann, Councilman Charles Coffman, Councilman Vernon Woods and Mayor Pro Tem Larry Gage.

NAYE: None

Councilman Charles Coffman asked if item can go to execute session since item deals with finance.

Attorney Mike Selger explained execute session could not occur tonight but he will look into it.

Mayor Pro Tem Larry Gage explained that he is not ready to vote on item tonight, need to sit down and look at information.

Attorney Mike Segler advised item to be tabled and bring it up next month. He will look into an executive session.

Councilman Donnie Robinson commented that longevity and experience. There is no substitution for experience; the one firm has come through for the City with flying colors. I like seeing a end result and getting what I thought I was going to get.

Councilman Vernon Woods commented that Rick has never done a bond. All he has ever done is loans. One thing is Ricks favor is he has done the bonds for the school. He will know how to sell in this area. Knows our area. This is a plus.

Discussion occurred among the Council about City Attorney Mike Segler fees in relationship to the bond, references were made back to page 17 of the July 23, 2013 City Council Minutes. City Attorney Mike Selger advised the Council that he is open to

discussing fees but the Council was too far off of agenda item and topic would need to be discussed at a different time.

Councilman Vernon Woods made a motion to table item until next meeting can be agreed upon. It was **seconded** by Councilman Donnie Robinson

The Vote was:

AYE: Councilman Donnie Robinson, Councilman Albert Gleichmann, Councilman Charles Coffman, Councilman Vernon Woods and Mayor Pro Tem Larry Gage.

NAYE: None

Mayor Valerie Thomerson offered an 8 minute break in the meeting. No objections where heard. Meeting to reconvene at 8:00.

- b. **DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION ON APPROVAL OF ORDINANCE NO. 575 AMENDING THE CITY OF PIEDMONT CODE OF ORDINANCES BY ADDING NEW SECTIONS V-2-g SIDEWALKS TO THE SUBDIVISION REGULATIONS TO REQUIRE SIDEWALKS BE INSTALLED AND PROVIDING FOR EXCEPTIONS, FEE-IN-LIEU, LOCATION, TIME OF INSTALLATION AND CONSTRUCTION CRITERIA AND ADDING NEW CHAPTER FIVE TO PART 14, STREETS AND SIDEWALKS, PROVIDING FOR REQUIREMENT OF A PERMIT, FEES, PLAN SUBMISSION ENFORCEMENT AND PENALTIES; PROVIDING FOR REPEALER AND SEVERABILITY; AND DECLARING AN EMERGENCY.**

Councilman Charles Coffman made a motion to discuss item 9b. It was **seconded** by Councilman Donnie Robinson.

Councilman Charles Coffman asked for clarification from Commissioner Steve Morris of the Planning Commission that the Ordinance is the correct Ordinance.

Commissioner Steve Morris confirmed it is the correct Ordinance.

Councilman Donnie Robinson asked about fees. What service are we providing for the fee? If we are not providing a service for this fee such as an inspection then this would be a tax and we can not do that.

Councilman Vernon Woods explained it is a permit fee. The developer would get the plans to John. John would look them over, there is a process going on. He feels the fee is not money.

Mayor Pro Tem Larry Gage noted that section 14.503 explain what the fee are for.

Councilman Donnie Robinson want to clarify and make sure everyone understands.

Councilman Vernon Woods explained that someone has to go out and make sure the sidewalks are meeting the new requirements.

City Manager Jim Crosby explained that plans for constructions would be reviewed by the City Engineer.

Councilman Vernon Woods commented that the \$10.00 fee is not enough and would like to see the fees at \$10 and \$20. If City Engineer is working on it then it should be \$50.

Councilman Donnie Robinson asked will the Homeowner pay for a building fee and then a 2nd fee for the sidewalks.

Councilman Vernon Woods answered yes.

Mayor Pro Tem Larry Gage commented that this ordinance has been worked on long enough and would like to see it go to vote tonight.

Mayor Valerie Thomerson asked if all fee where separate. Such as an electrical, plumbing fee or are they all included in the building permit. If all of those inspection are included then this fee may be redundant.

City Manager Jim Crosby explained that sidewalks have not required in the past and will require inspections from the City Engineer and John the City Inspector. \$10 will be part of the building cost. It will cost the City more then \$10 to have the inspection done. If the Council would like to increase the fee or delete it either way is fine.

Councilman Charles Coffman commented that he was in a housing addition that is less then 2 years old and the bridges are having major structural damage. He wants to make sure anything that is being put out there is done right and being inspected.

Councilman Donnie Robinson explained that he has dealt with building construction for years and want to make sure we are doing it right. When they go out to inspect other things can they inspect the sidewalks at that time? Are we doubling up on fees? If so he has concern with that.

City Manager Jim Crosby explained that sidewalks are the last thing to go in due to truck traffic with the construction.

Councilman Donnie Robinson commented inspection occur when the driveway is put in.

Councilman Vernon Woods commented that the requirement for a sidewalk is based upon lot size. If there is the same size house going on a 5 acre lot and a ½ acre lot there is more work involved with the house that is required to have a sidewalk. Also noted in the ordinance if and when the neighborhood is 80% complete the developer is required to finish the sidewalk. Inspections will be needed.

Mayor Pro Tem Larry Gage commented that the charge is \$10 and he thinks this is the right thing to do.

Councilman Vernon Woods asked Attorney Mike Segler about the Fee in Lieu of language in the ordinance found on page 2.

City Attorney Mike Segler explained when a sidewalk is required on an arterial right away but the arterial right away is part of the Cities program of work. Meaning the road will be improved or widen within the next year. Instead of the developer put in the sidewalk and then the city tearing up the sidewalk and placing it. The developer can pay 115% of the cost of the sidewalk into the cities coffers, instead of the sidewalk being built twice.

Councilman Vernon Woods asked who determines the cost of construction

Attorney Mike Segler explained the builder will submit an estimate of cost of installation. It will be reviewed by the City Engineers office and they will determine if the price is fair and then they will add 15% for inflation.

Councilman Charles Coffman made a motion to approve item 9b Ordinance 575. It was **seconded** by Mayor Pro Tem Larry Gage.

The Vote was:

AYE: Councilman Donnie Robinson, Councilman Albert Gleichmann, Councilman Charles Coffman, Councilman Vernon Woods and Mayor Pro Tem Larry Gage.

NAYE: None

Mayor Pro Tem Larry Gage made a motion to declare the Ordinance and Emergency. It was **seconded** by Councilman Charles Coffman.

The Vote was:

AYE: Mayor Pro Tem Larry Gage.

NAYE: Councilman Donnie Robinson, Councilman Albert Gleichmann, Councilman Charles Coffman, and Councilman Vernon Woods

Motion did not pass. Ordinance will go into effect in 30 days. Attorney Mike Segler asked that the ordinance be posted out on the City web site.

c. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION ON APPROVAL OF IMAGENET CONSULTING PURCHASE AGREEMENT.

Councilman Donnie Robinson made a motion to discuss item c, possible approval of imagenet consulting purchase agreement. It was **seconded** by Mayor Pro Tem Larry Gage.

The Vote was:

AYE: Councilman Donnie Robinson, Councilman Albert Gleichmann, Councilman Charles Coffman, Councilman Vernon Woods and Mayor Pro Tem Larry Gage.

NAYE: None

City Manager Jim Crosby explained this new system will be beneficial to the City Clerk. The City Clerk is responsible for keeping up with all records and document of the City. It is very difficult for her to keep up with them when they are all stored in different locations. This new system will allow her to be able to scan in all of the documents and then the document can be pulled back up with ease. City Manager is recommending it for approval.

Mayor Pro Tem Larry Gage asked about training and cost.

Sandy Jones representative with Imagenet explained that all employees using the system will be trained and then can train others. Also she will be available for training to a new employee as well. There is no additional cost for Sandy Jones to train an employee. This system was purchase October 2009 by the Court Clerk and the idea at the time was to let them use it and see if it would be a good fit for the City offices as well. It has worked well for them. Currently all of the Cities information is kept on paper and is stored in file cabinets. In the event of a natural disaster all of the information would go lost. This system allows for all of the information to be stored on the server and backed up regularly. Information can then be pulled up and back in business.

Also if you have an employee who leaves under unfavorable situation they would not be able to delete information.

Councilman Charles Coffman asked about price structure for additional licenses. Are you willing to lock into current price for 3 to 5 years? Also asked about technical refreshers updates.

Sandy Jones explained that licenses are purchased per seat and yes she is lock in the price structure. Also technical refreshers are available on line for can purchase tech support to do the upgrades for you.

Councilman Albert Gleichmann asked about maintenance fees.

Sandy Jones explained the maintenance starting in October is \$1,014.00 annually. As long as the configuration is the same, gives you phone system and online

information. If additional seats are added the maintenance will go up.

Councilman Vernon Woods asked about loaner scanner and reports.

Sandy Jones explained yes a production loaner scanner will be provided for the first 90 days. Reporting is possible; templates will have to be set up.

Councilman Vernon Woods asked mulit questions about the scanning process, hand scanning, editing scanning, indexing documents. Would like to have further discussion on product and meet with staff, go over process. Asked about the \$225 and \$165 per hour fee in contract.

Sandy Jones explained that the \$225 fee are to help set up work flow and \$165 is for installation and training.

Councilman Vernon Woods thinks the cost are too high and would like more work done to make sure we know what we are getting.

Councilman Charles Coffman thinks this product is way over due and thinks the product is needed.

Councilman Vernon Woods do not want to see us get in over their heads on something they thought was right and it will cost a bundle to get out of it.

Councilman Charles Coffman this is way over due, confidence the staff has done their research.

City Clerk Jennifer Smith explained that the staff struggles a lot finding information from the past and this system is needed. Some of our information is ready to be dropped into the system now. Other information will have to be scanned and put it, it will be time consuming.

Councilman Vernon Woods asked about if the public can access information.

Sandy Jones explained yes it is possible. It is an additional expense; other cities use it, something to be considered for phase 2.

Mayor Valerie Thomerson asked how the product is working for Sarah with the police department.

Sandy Jones explained it is working well with for them. She is able to pull up information with ease and share ease information appropriately.

Mayor Pro Tem Larry Gage made a motion to purchase system. It was **seconded** by Councilman Charles Coffman.

The Vote was:

Piedmont City Council Meeting

August 27, 2012

13

AYE: Councilman Donnie Robinson, Councilman Albert Gleichmann, Councilman Charles Coffman and Mayor Pro Tem Larry Gage.

NAYE: Councilman Vernon Wood

d. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION ON PIEDMONT INTERMEDIATE SCHOOL DRAINAGE ISSUE.

Councilman Vernon Woods made a motion to discuss item d. It was **seconded** by Mayor Pro Tem Larry Gage.

Councilman Vernon Woods opened discussion about the drainage on southeast corner of the Intermediate school. The way the drainage is currently prevents people from being able to walk along the right away it forces them to walk onto 164th street to pass that drainage issue. Ordinance 14-102 specifically say no one can block off a public right away with any kind of restriction. Do not understand how it can be looked at and say it does not violate this ordinance. Children cannot walk along 164th street to get to school. It needs to be fixed, it is violating our ordinance. If we don't correct this one then I will probably come back and say we need to get rid of the ordinance. If we are not going to enforce the ordinance then we should not have it.

Mayor Pro Tem Larry Gage asked City Attorney Mike Segler, are we violating an ordinance?

City Attorney Mike Segler explained no.

Councilman Vernon Woods asked how can he say no when you have to walk onto 164th street to get pass the drainage. A person cannot walk through it, it is a mud hole and cannot walk around it to the north side you have to climb a mountain. How can you say that is not blocking the right away?

City Mike Segler explained the fact of the matter is, if it had not been approved by staff, if building permits had not been issued then that would be a different story. His understanding is that these drainage structures were on plans and in specification and submitted to the City with a set of plan no less then 5 times. The drainage structures are clearly on the plans where they are located now. If the school had not gotten approval of the City and went ahead and put it in then that would be a different story. The school made application to the City provided plans; those plans were reviewed by the City. The school had permission to put in that drainage structure by virtue of the building permits.

Councilman Vernon Woods, stated that he does not agree, then the City screwed up. We are saying we can ignore our own laws, our own regulations. Councilman Vernon Woods would like to go on record saying "we approve of the City ignoring our own ordinances, our ordinances are meaningless".

Councilman Charles Coffman stated he personally would like to see the drainage run underground and not run along that side of the road. But, we approved these plans, if we are looking to fine someone then we need to fine ourselves.

Councilman Vernon Woods, Don't Care! I want it fixed ! I don't care who has to fix it!

Councilman Charles Coffman, The only alternative is to run it underground, the City would have to pay for it.

Councilman Vernon Woods, Tough. We screwed up, we got to pay to for it.

Councilman Charles Coffman, Agreed, we would be fining ourselves.

Councilman Vernon Woods, permits should not have been given to begin with last year. Then we approved it again last month. The first permit should not have been signed.

Councilman Charles Coffman stated he would like to see the cost to run it underground.

City Engineer Joe Davis explained that there are a few issues that need to be dealt with. Piping the drainage straight to the south - generally when we look at water flow we look at where the water has gone before and when we consider moving it in a different direction we get criticism from the property owners downstream. The water has always gone to the east to the 36" pipe and then under 164th street and exits that way. Overtime the property owner to the east of the school has flattened the drainage ditch. The south side has a defined bar ditch that water can flow, that ditch is not seen right now. The Engineer can see City Attorney Mike Segler point when we have an open section, do not have curb and gutter, we do not have storm sewer. When a driveway is constructed we still have to put a pipe underneath the road way so water can go down the bar ditches, it is being amplified because as we go to the east there is not that well defined bar ditch so the is basically flooding 164th street. Some of the things we have looked at trying is to reestablish the bar ditch to the east so water will flow into the ditch.

Councilman Vernon Woods stated he is not talking about drainage; this structure is blocking a public right away.

City Engineer Joe Davis explained when we start looking at pedestrian access, we look at a different set of issues. We generally try to have pedestrian access in sidewalks. When you have an open section where you have very limited right away – which is 33 feet of right away. There is very little room to try to get a sidewalk to put pedestrians on. Different issue – when we look at drainage if it is an enclosed storm sewer we try to have the private developer tie there outlet structure into the Cities storm sewage system so that everything is underground and piped out. So generally they do have to tie into a right away to connect to the existing system.

Councilman Charles Coffman, commented on the egress from the north side of the school into the neighborhood area. I know that alterative exists. He asked the City

Manager Jim Crosby what is the likelihood of the neighbor to the east of the school giving up that right away?

City Manager Jim Crosby explained he did not believe after previous discussions with the neighbor that he would be willing to give up anymore of that right away. We are in discussion right now with the school and Mr. White to deal with the drainage and are working on plans to take the drainage to the east and go under the 36" pipe that crosses the road. We are in discussions on how they are going to do that it and turn the water as it comes out of the school. He does think it would be beneficial to have the additional 15 to 17 feet from the property owner but does not believe he will give it up willingly.

Councilman Charles Coffman stated he does not know of another alternative. It sounds like we messed up.

Councilman Vernon Woods stated "You know who is paying for it now, the kids!" Because they can't get to that school from 7th street there is no way for them to get to that school from the north side. The only thing they can do is walk down 164th street.

Mayor Pro Tem Larry Gage asked what is the fix? We have a problem, the taxpayers have a problem, and we need to figure out how we are going to fix it. We hired an engineer to look into this and want to hear what he thinks the fix is.

City Engineer Joe Davis explained that they have looked at the drainage issue when we feel is the most important issue right now. The water that is coming out is starting to erode 164th street. It is not get up to the roadway but it is starting to cause erosion. The other thing is under heavy rain without a well defined bar ditch to the north side of 164th street, it is flooding 164th street. We have gone ahead and looked at establishing a bar ditch to get the water away from 164th street, along the property owner to the east, on the north side of 164th street, all the way to the 36" pipe. It requires a reconstruction of the concrete backs to get more grade going into the 36" pipe.

If we are talking about pedestrian paths, the best way would be to try to get the pedestrian away from that open ditch section. It would mean the need to acquire additional right away, extending the right away to 50 feet, moving the fence, then putting in sidewalks as close to the fence as possible.

Mayor Pro Tem Larry Gage asked if we are in the process of talking with the school to get this figured out and what will it cost?

City Manager Jim Crosby explained they are in the process of finalizing and hope to have that price no later then tomorrow.

Councilman Donnie Robinson asked if we have talked to the property owner and asked him a price to acquire the land.

City Manager Jim Crosby explained that he has spoken with the property owner at one time and asked about acquiring the 17 feet. He said no and is very unhappy with the

school. He would be glad to go approach him about selling the 17 feet but if not we can do a condemnation.

Councilman Vernon Woods commented that if we pick up the extra 17 feet that drainage ditch is in the 17 feet right away. You can build a sidewalk there all you want but when you get to that cliff right there where it gets to the school, the children will not be able to get to the school anyway. They will have to go down into the bar ditch. There is enough room there right now to put in a legal 5 foot sidewalk but the fact of the matter is the kids can right up to the drainage opening and can not get over it. That is the problem. Drainage has never been the issue, drainage is not the issue, it is getting access past the drainage system.

Councilman Charles Coffman stated that he is worried about the kids in that area also and would like to hear some alternatives.

City Engineer Joe Davis explained that he can look at other alternatives and submit them to the City Manager.

Councilman Charles Coffman explained there needs to be a grate over the drainage opening, he is concerned about a child crawling down in there and getting themselves into danger.

City Manager Jim Crosby explained that the City Engineer Joe Davis design does have protection at the openings. He also continued his explanation that the cost of the corrections would go to the school as of right now.

Councilman Donnie Robinson asked about does the plan deal with drainage to the north side of the school?

City Manager Jim Crosby explained that the school is currently putting up some energy dispatchers in place that will help with those issues. He looked at the problem today and everything should be completed by Wednesday.

Councilman Donnie Robinson asked that sidewalks be looked at on the north side as well. The neighborhood has children that are going to go to that school and will need access. He asked that the plans make sure they cover this as well.

City Manager Jim Crosby explained that he will keep the Council up to date with information after he meets with the school.

e. **DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION ON ANNEXING LAND LOCATED SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 14 NORTH, RANGE 5 WEST (AT THE INTERSECTION OF WASHINGTON NW AND NORTHWEST EXPRESSWAY).**

Councilman Charles Coffman made a motion to discuss agenda item 9e. It was **seconded** by Mayor Pro Tem Larry Gage.

City Attorney Mike Segler explained that annexing can occur by the City approaching the landowners and asking for consent. Or the landowners can petition the City and ask to be Annex into the City.

Councilman Albert Gleichmann asked who owners the land?

City Manager Jim Crosby explained there are about 5 landowners.

Councilman Vernon Woods explained the map in the meeting packet is incorrect; he wants to see more land then is shown on the map. He would like to consider annexing South of the highway, back to the East and back to the West. He also wants the discussion to be on the actual procedure for annexing property.

City Attorney Mike Segler explained annexing occurs in 2 ways.

1. Property owners contact the City of Piedmont and they file in a written petition asking for their land to be annexed.
2. The City identifies the area of land they desire to bring into city limits, then identify the owners of the property within that area, contact the land owners and see if they will consent to the annexation.
3. City then goes to a bond and abstractor they will provide a list of landowners and the number of acres they own and the address on the tax roles. Staff or the Attorney's office contacts the landowners and ask for consent through a written notice.

Councilman Vernon Woods ask what happens if 50% of the acres say yes and the others 50% say no?

City Attorney Mike Segler explained that the process would start over again. Best he can recall is 75% of the petitions into the city have to agree and 50% of the consents to the City have to agree.

Mayor Pro Tem Larry Gage asked Councilman Vernon Woods if he would like to sit down with the staff and get a correct map?

Councilman Vernon Woods agreed he would like to come up with a map that will best benefit the City of Piedmont from the highway.

Councilman Albert Gleichman commented that he has been approached by 2 of the land owners on the provided map and they do not want to annex.

Councilman Vernon Woods made a motion to table the item until the next meeting. It was **seconded** by Councilman Albert Gleichmann.

The Vote was:

AYE: Councilman Donnie Robinson, Councilman Albert Gleichmann, Councilman Charles Coffman, Councilman Vernon Woods and Mayor Pro Tem Larry Gage.

NAYE: None

f. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION ON APPOINTMENTS TO THE CITY CHARTER REVISION COMMITTEE.

Councilman Donnie Robinson made a motion to discuss item 9f. It was **seconded** by Councilman Charles Coffman.

Discussion occurred amongst Councilman that the committee is to self lead themselves, chose their own leader and conduct the meetings as they wish. The meetings are subject to the Open Meeting Act therefore the meetings will have to be posted with an agenda. The Agenda will have to be followed; Council would like to see the first meeting within a month and something back to them for review within 6 months.

Each Councilman provided the following names as Committee members:

Ward 1	Jerry Andus Bill Long
Ward 2	Pat Murphy Bobby Williamson
Ward 3	Jerry Bassler Jason Knight
Ward 4	Mike Francis John Brickerstaff
Ward 5	Brad Waller Kevin Hopkins
Mayor	Cathy Taharir Judge Ken Dickerson

These committee members will be contacted by staff for the first meeting. Staff will provide copy of current Charter. Committee will have to provide meeting dates and time so the meeting can be posted.

g. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION ON ORDINANCE NO. 580 AMENDING THE CITY OF PIEDMONT CODE OF ORDINANCES BY AMENDING NEW SECTIONS 15-1601, ET SEQ. BICYCLES.

City Attorney Mike Segler explained that during the last City Council Meeting he was asked to prepare a bicycle ordinance. Upon his reviewed he learned that the City of Piedmont already has a bicycle ordinance in place. He provided a copy of that ordinance in the meeting packet. City Attorney Mike Segler

Piedmont City Council Meeting

August 27, 2012

19

Piedmont has adopted by reference Title 47 in Piedmont current Code of Ordinances 15-106 Piedmont adopted the Highway Safety Code and The Rules of the Road. Incorporated in Title 47 the Rules of the Road are statutes that relate to operations of bicycles and rules relating to bicycles. Existing City of Piedmont ordinances and state law are regarding bicycles.

Councilman Vernon Woods asked about section 15-106 adoption of State Vehicle laws, does that specifically apply to the 3 foot rule?

City Attorney Mike Segler explained the 3 foot rule is in Title 47, Section 11-1208A.

Councilman Vernon Woods explained what started the whole thing was he was told that unless Piedmont specially referred to the specific language within its old ordinance we could not prosecute within Piedmont. We had to go to El Reno.

City Attorney Mike Segler explained that adopted by reference and incorporated the Highway Safety Code and the Rules of the Road officers here in Piedmont can write tickets for anything that is a non felony under the Highway Safety Code and the Rules of the Road.

Citizen Lynn Land addressed the Council and explained the problem Oklahoma City ran into when they passed the law there is no penalty for someone who is intentionally trying to run someone off of the road. This happens more then we know. There is a penalty if someone is killed. There is a penalty if there is an accident and the bicyclist is injured. There is no penalty and no enforcement if someone is intentionally driving to close to a bicyclist. This item came up when I did a survey for the grant where you are required to call all of the parents of children that live within 2 miles of the school. One of the big reasons they did not want their children walking or biking to school was the traffic and how close they were on the street. This is a way to show that we have adopted it and it is important. We can put something in there to stop people from intentionally acts.

City Attorney Mike Segler explained that there is a general penalty in the Code of Ordinances for the City of Piedmont, he could not recall the actual ordinance believes is was 1-7 or 1-8 that any violation of code is subject to general penalty.

Councilman Vernon Woods stated he is satisfied with information.

Councilman Albert Gleichamann asked if it is a violation for a bicyclist to run a stop sign?

City Attorney Mike Segler explained yes bicyclists are subject to all of the rules of the road.

General comments where made by the Councilman that the intent of the discussion is to keep Piedmont a bicycle friendly community but to have a better understanding of the

laws and their meanings. All were satisfied with information and did not feel a change to any Ordinance was necessary at this time. No vote needed.

h. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION ON APPROVAL OF RESOLUTION 08-27-2012A DETERMINING THAT IMPROVEMENTS BY THE CITY OF PIEDMONT TO THE SANITARY SEWER SYSTEM ALONG WASHINGTON AVE (164TH STREET) NEAR STOUT DRIVE (7TH STREET) IN THE VICINITY OF THE NEW INTERMEDIATE SCHOOLS ARE A PROJECT AS CONTEMPLATED BY SECTION 17-132, ET SEQ. OF THE CODE OF ORDINANCES OF THE CITY OF PIEDMONT DETERMINING THE COST OF IMPROVEMENTS AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO TAKE STEPS NECESSARY TO ACCOMPLISH THE SAME.

Councilman Vernon Woods made a motion to discuss item 9h. It was **seconded** by Councilman Donnie Robinson.

Councilman Vernon Woods asked if the term sanitary sewer extension pay back policy, is that the AB plan.

City Attorney Mike Segler explained yes. He also explained that a determination of the total cost of the project is still needed in order for this item to be complete.

City Manager Jim Crosby explained that the cost of the project are still coming in and the numbers are not final as of yet. The information will be available soon.

Councilman Donnie Robinson made a motion to postpone item indefinitely until the final cost of the project information is available. It was **seconded** by Councilman Charles Coffman.

The Vote was:

AYE: Councilman Donnie Robinson, Councilman Albert Gleichmann, Councilman Charles Coffman, Councilman Vernon Woods and Mayor Pro Tem Larry Gage.

NAYE: None

10. NEW BUSINESS –

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

None

MOTION TO RECESS TO PIEDMONT MUNICIPAL AUTHORITY

Councilman Donnie Robinson made a motion to recess to Piedmont Municipal Authority. It was **seconded** by Council Albert Gleichmann @9:42 pm.

The Vote was:

AYE: Councilman Donnie Robinson, Councilman Albert Gleichmann, Councilman Charles Coffman, Councilman Vernon Woods and Mayor Pro Tem Larry Gage.

NAYE: None

11. PIEDMONT MUNICIPAL AUTHORITY

MOTION TO ADJOURN TO RECONVENE TO REGULAR CITY COUNCIL MEETING

Councilman Donnie Robinson made a motion to adjourn and reconvene to regular City Council meeting. It was **seconded** Mayor Pro Tem Larry Gage.

The Vote was:

AYE: Councilman Donnie Robinson, Councilman Albert Gleichmann, Councilman Charles Coffman, Councilman Vernon Woods and Mayor Pro Tem Larry Gage.

NAYE: None

12. COUNCILMEMBER COMMENTS-

Councilman Donnie Robinson commented two weeks ago went to Washington DC for the Oklahoma Environment Management Authority which Piedmont is a member city and the Councilman is a Trustee and Vice Chair. An award was received by the Solid Waste Management of North America, it dealt with our partnership with Boral Brick which is a brick plant just north of Union City Oklahoma. Several years ago we where required when the landfills methane gas reach a certain level it was required to burned off. It required drilling wells, pumping equipment and was very expensive. We partnered with Boral Brick they paid to drill the wells, they ran all of the equipment, the filter equipment and now 57% of the energy from the methane gas is used to fire the brick plant, plus they pay us quarterly for the gas. It was the first of its kind in the United States that is not federally funded or tax incentive just a partnership.

Councilman Albert Gleichmann, explained that he has received several phone calls from Tom Liephold. City had a water line break out by Okarche Oklahoma, it flooded 7 acres. He has called about a \$2,900 claim, it was rejected by the insurance company, he is going to sue if we don't do something. Insurance has already turned it down. It is still leaking.

City Manager Jim Crosby explained all of the leaks have been repaired.

Piedmont City Council Meeting

August 27, 2012

22

Councilman Charles Coffman, Thank you for work done on 164th into the different neighborhood off of Sara Rd and Morgan. Road is in bad shape and they have been working hard to fill in pot holes which is helping with the bus routes. Just a word of Thank you for getting the roads fixed.

Councilman Vernon Woods explained that the position of Mayor of Pro Tem must be appointed each April it needs to be taken care of. Second item is we need to get a correct version of our Council rules. We need to get an official version of the Council rules.

Mayor Pro Tem Larry Gage asked that the City web site be updated with all new Councilman. Thank Jennifer for putting up with Council.

Mayor Valerie Thomerson updated AGOC, Donnie Robinson and Charles Coffman are alternatives. Will continue to attend and if unavailable will be communicate so they may attend.

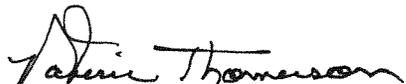
13. ADJOURN – 9:52pm

Mayor Pro Tem Larry Gage made a motion to adjourn meeting. It was **seconded** by Councilman Charles Coffman.

The Vote was:

AYE: Councilman Donnie Robinson, Councilman Albert Gleichmann, Councilman Charles Coffman, Councilman Vernon Woods and Mayor Pro Tem Larry Gage.

NAYE: None



Mayor, Valerie Thomerson



Secretary, Mary Ramsey