

MINUTES OF THE COWETA CITY COUNCIL REGULAR MEETING
JUNE 2, 2014

7:00 P.M.

The members of the Coweta City Council met in regular session on Monday, June 2, 2014, at 7:00 p.m. at Coweta City Hall, 310 South Broadway, Coweta, Oklahoma.

COUNCILMEMBERS PRESENT: Robert Morton, Billy Embrey, Roy Dale, Timothy Kelley, Steve Garman.

COUNCILMEMBERS ABSENT: None.

STAFF PRESENT: Steve Whitlock, David Weatherford, Joyce Terry, Tom Tillotson, Chip Cohrs, Greg Collins, Hal Bumgarner, Rob Werley, Tom Young, Doug Black, Derrick Palmer, Paula Emmons.

- I. The meeting was called to order by Mayor Morton.
- II. Pledge of Allegiance given.
- III. Roll call taken. Councilmembers present and absent as shown above.

IV. GENERAL CITY COUNCIL COMMENTS

Vice-Mayor Embrey and Councilmember Dale mentioned to Public Works Director Rob Werley that the cemetery looked very good over the recent holiday.

V. CONSENT

Motion by Steve Garman, second by Roy Dale, to approve consent calendar items:

1. Minutes of the Coweta City Council Regular Meeting held on May 5, 2014.
2. May 2014 payroll for the General Fund in the amount of \$217,499.14, and \$367.80 for the Self-Insurance Fund.
3. Application No. 20 and Certificate for Payment to Crossland Heavy Contractors, in the amount of \$69,939.83, on the Water Treatment Facility Process Improvements (Phase 2) project.
4. Allowance Authorization No. 5 to Crossland Heavy Contractors in the amount of \$11,111.35, on the Water Treatment Facility Process Improvements (Phase 2) project.

Minutes of the Coweta City Council Regular Meeting on June 2, 2014

5. Authorization for the Mayor to sign an Oklahoma Municipal Assurance Group (OMAG) Workers' Compensation Plan 2014-2015 Renewal Participation Agreement for the City of Coweta, Oklahoma (portion to be paid by the Coweta Public Works Authority).
6. Appointment of Roger Shepherd to the Coweta Library Board, for a term expiring on June 1, 2017.
7. Authorization for the Mayor to sign Resolution No. 2014-13, a resolution of the City Council of the City of Coweta, Oklahoma, concerning water service to existing customers and new customers within the Country Crossing and Sugarhill development areas proposed to be served by Wagoner County Rural Water District No. 5.
8. Authorization for the Mayor to sign Resolution No. 2014-16, a resolution whereby the City agrees to make payments to the Authority in amounts sufficient to pay principal and interest on the Authority's Utility System Revenue Bonds.
9. Authorization for the Mayor to sign Resolution No. 2014-17, a resolution providing for a supplemental appropriation to the General Fund, the Capital Improvement Fund and the Rural Fire Fund.
10. Declaration of surplus on the following vehicles and authorize the City Manager to dispose of accordingly: (1) Unit 96-7462: 19967 Chevrolet ½ ton truck (VIN#1GCE14W8TZ177462) and (2) Unit 97-888: 1997 Chevy ½ ton truck (VIN#1GCEC14M0WEZ4888).

Aye: Steve Garman
Roy Dale
Timothy Kelley
Billy Embrey
Robert Morton

Minutes of the Coweta City Council Regular Meeting on June 2, 2014

VI. OLD BUSINESS

Discussion held regarding possible action on the presentation of the 2014 Ralph Mahan Citizenship Award. City Manager Steve Whitlock reviewed the criteria establishing the award in memory and honor of late Councilmember Mahan.

Motion by Robert Morton, second by Billy Embrey, to present the 2014 Ralph Mahan Citizenship Award to Mrs. Ozella Virgil.

Aye: Steve Garman
Roy Dale
Timothy Kelley
Billy Embrey
Robert Morton

Mayor Morton presented the 2014 Ralph Mahan Citizenship Award to Mrs. Ozella Virgil.

Consideration was given to a motion authorizing the Mayor to sign a contract with KiBois Community Action, in the amount of \$50,000.00 for the provision of transportation services within the City of Coweta, Oklahoma. Mr. Brent Fatkin, route supervisor with KiBois, provided an update on the transportation program, and advised that the demand rides on a daily basis exceed 100, and there are currently seven buses serving Coweta residents.

Motion by Robert Morton, second by Steve Garman, to authorize the Mayor to sign a contract with KiBois Community Action, in the amount of \$50,000.00 for the provision of transportation services within the City of Coweta, Oklahoma.

Aye: Steve Garman
Roy Dale
Timothy Kelley
Billy Embrey
Robert Morton

Consideration was given to a motion authorizing the Mayor to sign Resolution No. 2014-14, a resolution requesting the Oklahoma Department of Transportation to determine the feasibility of installing traffic signals at 116th and State Highway 51 in Coweta, Oklahoma, as well as provide for maintenance commitment by the City of Coweta, Oklahoma.

Minutes of the Coweta City Council Regular Meeting on June 2, 2014

City Manager Steve Whitlock advised that he has been working with developers of the Coweta Crossing development, and they met with the Oklahoma Department of Transportation and he believes they are very close in getting the light. Mr. Whitlock further advised that Resolution No. 2014-14 requests ODOT to determine feasibility, and it authorizes maintenance of the signals as well.

Motion by Roy Dale, second by Billy Embrey, to authorize the Mayor to sign Resolution No. 2014-14, a resolution requesting the Oklahoma Department of Transportation to determine the feasibility of installing traffic signals at 116th and State Highway 51 in Coweta, Oklahoma, as well as provide for maintenance commitment by the City of Coweta, Oklahoma.

Aye: Steve Garman
Roy Dale
Timothy Kelley
Billy Embrey
Robert Morton

Consideration was given to a motion authorizing the Mayor to sign Resolution No. 2014-15, a resolution accepting as public property a 20-foot Sewer Line and Water Line Easement located on Karen Holmes' State Farm Insurance property within Section 12, Township 17 North, Range 15 East of the Indian Base and Meridian, City of Coweta, Wagoner County, State of Oklahoma. Community Development Director Greg Collins reviewed the easement, as well as the following agenda item Ordinance No. 745, closing a 50-foot ordinance at the same location. Mr. Collins advised that staff agrees that the 50-foot easement is not required, and that acceptable to change to the 20-foot easement.

Motion by Robert Morton, second by Billy Embrey, to authorize the Mayor to sign Resolution No. 2014-15, a resolution accepting as public property a 20-foot Sewer Line and Water Line Easement located on Karen Holmes' State Farm Insurance property within Section 12, Township 17 North, Range 15 East of the Indian Base and Meridian, City of Coweta, Wagoner County, State of Oklahoma.

Aye: Steve Garman
Roy Dale
Timothy Kelley
Billy Embrey
Robert Morton

Minutes of the Coweta City Council Regular Meeting on June 2, 2014

Discussion held regarding possible action on Ordinance No. 745, an ordinance closing and vacating to public use the utility easement located in Section 12, Township 17 North, Range 15 East of the Indian Base and meridian, City of Coweta, Oklahoma, said tract being more particularly described hereinafter, and retaining the rights of any holder of a franchise or others determined by the Governing Body to have a special right or privilege granted by ordinance or legislative enactment to maintain their existing utilities, and retaining the absolute right to reopen the easement without expense to the municipality, and declaring an emergency.

Motion by Billy Embrey, second by Roy Dale, to approve Ordinance No. 745, an ordinance closing and vacating to public use the utility easement located in Section 12, Township 17 North, Range 15 East of the Indian Base and meridian, City of Coweta, Oklahoma, said tract being more particularly described hereinafter, and retaining the rights of any holder of a franchise or others determined by the Governing Body to have a special right or privilege granted by ordinance or legislative enactment to maintain their existing utilities, and retaining the absolute right to reopen the easement without expense to the municipality, and declaring an emergency.

Aye: Steve Garman
Roy Dale
Timothy Kelley
Billy Embrey
Robert Morton

Consideration was given to a motion declaring an emergency on Ordinance No. 745 making it effective immediately.

Motion by Roy Dale, second by Timothy Kelley, to declare an emergency on Ordinance No. 745 making it effective immediately.

Aye: Steve Garman
Roy Dale
Timothy Kelley
Billy Embrey
Robert Morton

Minutes of the Coweta City Council Regular Meeting on June 2, 2014

Discussion held regarding possible action on a request from Daniel Simon, Highway 51 Group, Inc. (Developer), and J.R. Donelson, Inc. (Engineer), for Final Plat approval of Coweta51 Addition, a CG (Commercial General) development for an area approximately 12.56 acres which is located on the east side of State Highway 51, and East 111th Street South, in the NE/4 of the SW/4 of Section 26, Township 18 North, Range 15 East of the Indian Base and Meridian, City of Coweta, Wagoner County, State of Oklahoma. Community Development Director Greg Collins reviewed the plat for the 12.56 acre commercial development, and advised that the Planning Commission and staff recommends approval, subject to the conditions listed in the staff report included in the agenda packet. Councilmembers had questions related to infrastructure, number of entrances off Highway 51, and responsibility for current detention areas. Mr. J.R. Donelson was at the meeting to address questions from council regarding these issues as well.

Motion by Billy Embrey, second by Roy Dale, to approve a request from Daniel Simon, Highway 51 Group, Inc. (Developer), and J.R. Donelson, Inc. (Engineer), for Final Plat approval of Coweta51 Addition, a CG (Commercial General) development for an area approximately 12.56 acres which is located on the east side of State Highway 51, and East 111th Street South, in the NE/4 of the SW/4 of Section 26, Township 18 North, Range 15 East of the Indian Base and Meridian, City of Coweta, Wagoner County, State of Oklahoma, with conditions (a complete list of conditions is included in the staff report which is attached to these minutes).

Aye: Steve Garman
Roy Dale
Timothy Kelley
Billy Embrey
Robert Morton

Discussion held related to possible action on an update on the current water and wastewater capital improvement projects. City Engineer Chip Cohrs advised that the new water treatment plant is in operation, although the water is not being sent to town, but being recirculated. He further advised that the water quality looks great; that the Miex System is working well, and Orica, vendor for the Miex system, has been on site. Mr. Cohrs further advised that the water plant operators are catching on to operating the new processes at the plant. Design engineers Mike Kyser and Brian Wintle, with Professional Engineering Consultants, were at the meeting and gave their report on construction and completion status. They advised that the plant will work today, if needed; however, there will be a meeting on June 12th for second punch list items. Mr. Kyser also advised that they want to test the plant treatment processes without running the Miex system, and also, to run at the ultimate 6mgd.

Minutes of the Coweta City Council Regular Meeting on June 2, 2014

for testing purposes. City Manager Steve Whitlock advised that there is a good possibility when new water comes through the pipes to town, which organics that are currently built-up inside the pipe walls may slough off due to changes in water treatment system and, that we will notice some discolored water for period of time. Mr. Kyser then stated that he feels that by starting the plant at this time of year when water usage is higher, the discolored water should be out of the system fairly quickly.

VII. NEW BUSINESS

There was no new business.

Motion by Billy Embrey, second by Steve Garman, to go into Executive Session.

Aye: Steve Garman
Roy Dale
Timothy Kelley
Billy Embrey
Robert Morton

VIII. EXECUTIVE SESSION

Discussions held related to a pending claim and claims related to new water customers involving Rural Water District No. 5 v. City of Coweta, in accordance with 25 O.S. § 307, B(4).

Discussions held related to the FY 2014-2015 Collective Bargaining Agreement with the International Association of Fire Fighters, Local No. 3483, in accordance with O.S. 25 § 307(B)(2).

Mayor Morton announced that council was back in open meeting at 8:50 p.m.

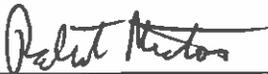
No action taken.

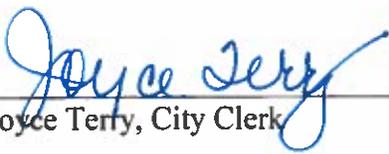
IX. ADJOURNMENT

Mayor Morton adjourned the meeting at 8:55 p.m.

Minutes of the Coweta City Council Regular Meeting on June 2, 2014




Robert Morton, Mayor


Joyce Terry, City Clerk



ATTACHMENT TO
CITY COUNCIL MINUTES OF 6/2/14

PC 05-19-2014

CC 06-02-2014

COWETA51 ADDITION STAFF REPORT

FINAL PLAT

Application by Daniel Simon, Highway 51 Group Developer, JR Donelson, Inc., Engineer, for Final Plat approval of Coweta51 Addition, a CG Commercial General Development for an area approximately 12.56 acres located on the east side of State Highway 51 and East 111th Street South, in the SW/4 of the SE/4 of Section 26, Township 18 North, Range 15 East of the Indian Base and Meridian, Wagoner County, State of Oklahoma.

Proposed Use: CG Commercial General

Present Zoning: CG Commercial General

Adjacent Zoning: N: CG E: CG S: CG W: CG and IL

Adjacent and Abutting Land Use: CG Commercial General and vacant land.

Utilities/Site Area: The 12.56 acre Commercial Development is proposed to be served by either RWD #4 Water and/or Sewer, or, City of Coweta Water and/or Sewer. Developer is to complete drive aisles and storm water drainage and detention. Utilities have all been notified and a Technical Advisory Committee meeting was held on May 8, 2014. Additional utility easements will need to be provided in order to meet the requirement of these utilities. The Developer's engineering firm has been informed as to what is needed to satisfy said requirements.

Staff Report:

The Final Plat looks to be in good order. Areas that needed to be addressed on the Final Plat include.

General Comments:

1. Legal Description was corrected to read Section 26, Township 18 North, Range 15 East. Revised version received May 19th by Staff.
2. Need a Certificate of Approval on the Final Plat for the City of Coweta, for the Chairman of the Planning Commission, the City of Coweta Mayor or Vice Mayor and the City of Coweta City Clerk, on Sheet 3 of 3.

3. The enforcement of the Deed of Dedication and Statement of Restrictive Covenants should be enforced by a Property Owners and Occupants Association, not the City of Coweta.
4. The ownership and maintenance responsibility for reserve areas, common areas, detention facilities, drainage, roadways, drive aisles, mutual access easements and parking lots, shall remain with the private sector, and this responsibility shall be enforced by the Property Owners and Occupants Association, not the City of Coweta.
5. Need revised drainage and detention analysis, or show that the existing detention ponds are built to plan.
6. Mutual Access Easements shall allow for transportation access and also utility access. The drive aisles, road ways, and utility lines within these Mutual Access Easements shall be private.
7. Change the "Roadway Easement" dedicated to the County, between Reserve A and Reserve C, to a Mutual Access Easement, and extend this Mutual Access Easement to the Tiger Car Wash and Mini-Storage property in a northwesterly direction.
8. Need a 30-foot wide Mutual Access Easement along State Highway 51.
9. Need a Mutual Access Easement between the plat and the McDonald's Restaurant property.
10. Need a 40-foot wide Mutual Access Easement connecting an ODOT-approved driveway from S.H. 51, to the Mutual Access Easement that runs northwesterly to the Tiger Car Wash.
11. Need 10-foot Utility Easements on both sides of the 40-foot wide Mutual Access Easement for public utilities.
12. Need a 17.5 foot perimeter easement around the plat, except along S.H. 51 and E. 111th St. S.
13. Along E. 111th St. S., need confirmation that the 24.75 feet plus 10 additional feet of right-of-way is sufficient for the existing paved road, and sufficient for secondary arterial as listed in the Major Street and Highway Plan (100 feet total, 50 feet on each side of center line of right of way).
14. An ODOT-approved driveway is needed around the midpoint between the Robertson Tire driveway and the McDonald's driveway.
15. Section I. H. of the Deed of Dedication: "Surface and Subsurface Drainage...." to provide for construction of underground storm water conveyance.
16. Approval conditioned upon City Attorney approval.

Staff also recommends changes to the Deed of Dedication and Statement of Restrictive Covenants (sheets 2 and 3 of the Final Plat) summarized in Comments presented to Planning Commission on May 19th.

The major comments are summarized as follows:

17. Section 1.B.3 to 1.B.5: Public Covenants / Water, Sanitary Sewer, and Storm Sewer Service: add to the phrase, "The City of Coweta," the following: **"... or other utility provider as the case may be, or their successors"**

This new language is needed in the event that Rural Water District #4 provides water service.

18. Section 1.D: "Building Permit and Certificate of Occupancy Restrictions"

Staff has added language to this Section. One of the main goals of Staff's changes is to prevent buildings from being built that lack infrastructure connection, which could lead to lack of access, dilapidation, and other code enforcement issues for such "stranded" buildings.

Another goal is to prevent unfinished, substandard infrastructure from existing and degrading on the land over extended periods of time.

For those purposes, language is added so that no new building permits may be issued until private infrastructure and public infrastructure (if any) is completed and approved by the City. An exception is provided for the impending retail development on Lot 1, Block 1.

At the same time, the changes give the City the flexibility to allow phased construction of infrastructure on a gradual basis, if appropriate, and also give the City discretion to require a performance bond.

19. Section 1 J: The Private Road is to be situated in a Mutual Access Easement instead of a Reserve Area C.

20. Section 2. Private Covenants and Restrictions.
Subsection A. Private Covenants and Restrictions Applicable to All Lots

4. Nuisance Prohibited.

Staff changes would require that common areas, including storm water drainage and detention, private roads, and parking lots, be maintained in good condition. Failure to do so would be considered a nuisance.

10. Owner Reservation of Right.

While the Developer can change the Private Covenants and Restrictions without approval of lot owners, Staff changes would require that any changes are subject to

Planning Commission and City Council Approval.

21. Section 3. Property Owners *and Occupants* Association

Staff changes would require that *tenants and occupants*, in addition to land owners, be members of an Association responsible for maintaining common areas, including storm water drainage and detention, private roads, and parking lots.

22. Section 4. Enforcement, Amendment, Etc.

Staff changes make the *Property Owners and Occupants Association* itself, not just the individual lot owners, subject to violation of the covenants or restrictions (for example, if the Property Owners and Occupants Association failed to collect monetary dues or failed to maintain common areas).

Staff retains the language giving *the City of Coweta*, in addition to individual lot owners and the Property Owners (and Occupants) Association, the right to sue for a violation of the covenants and restrictions.

The goal of Staff's changes here, in combination with the changes in Section 2.A.4 ("Nuisance Prohibited") previously discussed, is to give the City of Coweta the ability to enforce a nuisance claim for failure to maintain common areas, including private roads, parking lots, and storm water drainage and detention, under the terms of the Plat covenants and restrictions, in addition to the City's existing authority under City Code provisions for Public and Private Nuisance.

2.4.8 Approval and Recording of Plats Required:

No plat or other land subdivision instrument shall be filed in the office of the county clerk until it shall have been given final plat approval by the Planning Commission and by the City Council as required. All final plats shall be filed within one year of the approval of the City Council and no lots shall be sold from any plat until recorded. Failure to record the plat within one year of the date of the City Council approval shall void all approvals thereto.

Staff Recommendation:

The Planning Commission and Staff recommend approval of the Final plat with the condition that the developer meet the comments from the Technical Advisory Committee, City Staff and the City Engineer.