**GROVE CITY COUNCIL**

**REGULAR MEETING**

**TUESDAY, DECEMBER 21, 2010**

**6:00 PM**

The Grove City Council met in regular session on Tuesday, December 21, 2010 at 6:00 PM with Mayor Gary Trippensee presiding. Members present were Ed Trumbull, Marty Follis, Larry Parham and Mike Davenport. Also present was City Manager, Bruce Johnson; Attorney, Kelly Kerr; Assistant City Manager, Debbie Bottoroff; City Treasurer, Lisa Allred; Public Works Director, Jack Bower and City Clerk, Bonnie Buzzard.

**PUBLIC COMMENTS**:

Ms. Judith Read addressed the Council to respectfully ask for an update on the Animal Control situation pertaining to the pick-up and removal of trapped animals. Johnson responded by saying that service is still available to the public, and if for some reason that the Animal Control Officer does not respond in a timely manner, than Johnson requested Read to contact him personally.

Follis expressed thanks to all of the City Council and City of Grove employees who participated in the past Jingle Bell Run.

At 6:06 PM Trippensee opened the floor for a Public Hearing regarding an application submitted by Sooner Capital, LLC – Randy Wheeler to rezone the following legally described property from R-1 to C-3 for Commercial Development:

Legal Description: The East 100 feet of the North 200 feet of the NW 1/4 NW 14 NW 1/4 lying East of Broadway Street and South of 13th Street in Section 8, Township 24 North, Range 24 East, Delaware County, Oklahoma, subject to any and all easements of record; and

Part of the NW 1/4 NW 1/4 NW 1/4 lying East of Broadway Street in Section 8, Township 24 North, Range 24 East, Delaware County, Oklahoma, more particularly described as follows:

From the NW corner of said Section 8, Run S 89°46'37" E for a distance of 556.59 feet; Thence S 00°10'23" W for a distance of 200.21 feet to the Point Of Beginning; Thence S 00°10°23' E for a distance of 460.33 feet; Thence N 89°48'21" E for a distance of 101.43 feet; Thence North 459.82 feet; Thence N 89°54'11" W 100.09 feet to the Point Of Beginning, subject to any and all easements, including but not limited to that certain Deed Of Dedication filed December 3, 1993 in Book 750, Page 66-67; and

Lots 1, 2, 3, 4, 5, 6, and 10, of Wilson Addition to the Town Of Grove, Delaware County, Oklahoma, according to the recorded plat thereof (Book 125, Pages 470-471), subject to any and all easements of record; and

All of Mark Avenue and an alley lying adjacent to and immediately West of Lots 1, 2, 3, and 4, ("The Wilson Addition Alley"), All located within Wilson Addition, A platted subdivision located with the Corporate City limits of Grove, Delaware County, Oklahoma, according to the recorded plat thereof, subject to any and all easements of record.

The above described land being more particularly described as follows:

Tract 1:

Lots 3, 4, 5, 6, and 10 of Wilson Addition to the Town of Grove, Oklahoma and part of the NW 1/4 of the NW 1/4 Of Section 8, Township 24 North, Range 24 East of the Indian Base and Meridian, Delaware County, Oklahoma. Being more particularly described as follows:

From the NW corner of said Section 8, Run N 88°21'36" E 551.14 feet along the North Line of said Section 8 to the Point Of Beginning; Thence continuing along said North Line N 88°21'36" E 702.45 feet to the Northeast corner of said Lot 10, Wilson Addition, said point also being on the West right of way line of U.S. Highway No. 59; Thence S 01°12'49" E 319.31 feet along said West right of way line, also being the East line of said Lot 10; Thence S 89°39'11" W 604.00 feet along the North right of way line of Abby Lane to the SW corner of Lot 3 of said Wilson Addition; Thence S 01°12'49" E 20.00 feet; Thence S 89°39'11" W 102.22 feet to a point on the East right of way line of Broadway Street; Thence N 01°12'34" W 20.00 feet along said East right of way line; Thence N 00°30'50" W 303.42 feet along said East right of way line to the Point Of Beginning. Containing 5.08 acres, more or less; and

Tract 2:

Lots 1 and 2 of Wilson Addition to the Town of Grove, Oklahoma and part of the NW 1/4 of the NW 1/4 Of Section 8, Township 24 North, Range 24 East of the Indian Base and Meridian, Delaware County, Oklahoma. Being more particularly described as follows:

From the NW corner of said Section 8, Run N 88°21'36" E 551.14 feet along the North line of said Section 8 to a point; Thence S 00°30'50" E 303.42 feet along the East right of way line of Broadway Street; Thence S 01°12'34" E 40.00 feet along said East right of way line to the Point Of Beginning; Thence N 89°39'11" E 402.82 feet along the projection of the South right of way line of Abby Lane to the NE corner of said Lot 2, Wilson Addition, said point being on the West right of way line of Jeffery Avenue; Thence S 24°44'46" W 341.69 feet along said West right of way line to the SE corner of said Lot 1, Wilson Addition; Thence S 89°40'00" W 256.19 feet to a point on said East right of way of Broadway Street; Thence N 00°17'22" W 182.87 feet along said East right of way line; Thence N 01°12'34" W 126.53 feet along said East right of way line to the Point Of Beginning. Containing 2.34 acres, more or less.

Property Owner & Developer, Randy Wheeler was present to entertain any questions, comments or concerns from the Council, Staff and audience. No public comments were heard. At 6:08 PM Davenport made the motion to close the Public Hearing. Seconded by Follis. AYE: Trumbull, Follis, Parham, Davenport and Trippensee. NAY: None. Motion carried.

At 6:08 PM Trippensee opened the floor for a Public Hearing regarding an application submitted by Sooner Capital, LLC – Randy Wheeler to rezone the following legally described property from R-1 to C-3 for Commercial Development:

Legal Description: Part of the Southeast Quarter of the Northwest Quarter of the Northwest Quarter (SE ¼ NW ¼ NW ¼) of Section Eight (8), Township Twenty-Four (24) North, Range Twenty-Four (24) East of the Indian Base and Meridian, Delaware County, State of Oklahoma according to the United States Government survey thereof, more particularly described as follows:

From the NW corner of said SE ¼ NW ¼ NW ¼ of Section 8, run East 120 feet to the point of beginning; Thence South 120 feet; Thence West 120 feet; Thence South 46.71 feet to the GRDA taking line; Thence South 76°35' East 388.9 feet (measured South 75°20'33" East) along said taking line; Thence South 62°42' East 264.63 feet (measured South 61°27'33" East) along said taking line to the West right of way line of U.S. Highway No. 59; Thence North 02°59'08" East 76.7 feet along said right of way line; Thence North 67°19' West 160 feet (measured North 69°20'48" West 160.21 feet); Thence North 0°04'25" East 256.06 feet; Thence West 341.8 feet (measured South 88°53'45" West 343.2 Feet) to the point of beginning; and

Lots Seven (7) and Eight (8), Wilson Addition, a Subdivision, according to the recorded plat thereof, Delaware County, State of Oklahoma; less and except:

Part of Lots 7 and 8, of said Wilson Addition and a Tract of Land located in the SE ¼ NW ¼ NW ¼ of Section 8, Township 24 North, Range 24 East of the Indian Base and Meridian, more particularly described as follows:

Beginning at the SE corner of said Lot 9, Wilson Addition to the City of Grove, Oklahoma, same as the point where the SE corner of said Lot 9, and the North boundary line of said SE ¼ NW ¼ NW ¼ join at point on the West right of way line of U.S. Highway No. 59; run S 00°57'45" E 130 feet along the West right of way line of U.S. Highway No. 59; Thence N 89°32' W 197.21 feet; Thence N 130 feet; Thence N 04°15'10" E 310.36 feet; Thence E 12 feet; Thence S 309.5 feet; Thence E 160 feet to the point of beginning, in the City of Grove, Delaware County, State of Oklahoma.

Property Owner & Developer Randy Wheeler was present to entertain any questions, comments or concerns from the Council, Staff and audience. No public comments were heard. At 6:11 PM Davenport made the motion to close the Public Hearing. Seconded by Parham. AYE: Trumbull, Follis, Parham, Davenport and Trippensee. NAY: None. Motion carried.

At 6:12 PM Trippensee opened the floor for a Public Hearing to hear public comments concerning the advisability of entering into a non-exclusive franchise with and granting a permit to Allegiance Communications, LLC, to maintain a cable communications system to provide cable and other related services, expiring on September 30, 2016, with the City limits of Grove, Delaware County, Oklahoma. City Manager Bruce Johnson briefed the Council, Staff and audience on his knowledge of this item. Johnson reported that he has been working with Attorney Dave Jones for some time, and that he has expressed his opinion for approval via City Ordinance. The Council entertained questions, comments and concerns from the following individual:

* Jim Barrett

At 6:16 PM Parham made the motion to close the Public Hearing. Seconded by Davenport. AYE: Trumbull, Follis, Parham, Davenport and Trippensee. NAY: None. Motion carried.

Trumbull made the motion to approve the minutes of the previous meeting. Seconded by Follis. AYE: Trumbull, Follis, Parham, Davenport and Trippensee. NAY: None. Motion carried.

Parham made the motion to approve the purchase order register. Seconded by Trumbull. AYE: Trumbull, Follis, Parham, Davenport and Trippensee. NAY: None. Motion carried.

Davenport made the motion to approve an Ordinance rezoning the property legally described in the above Public Hearing Item #B-1 from R-1 to C-3 for Commercial Development application submitted by Sooner Capital, LLC – Randy Wheeler. Seconded by Trippensee. AYE: Trumbull, Follis, Parham, Davenport and Trippensee. NAY: None. Motion carried.

Davenport made the motion to approve an Ordinance rezoning the property legally described in the above Public Hearing Item #B-2 from R-1 to C-3 for Commercial Development application submitted by Sooner Capital, LLC – Randy Wheeler. Seconded by Parham. AYE: Trumbull, Follis, Parham, Davenport and Trippensee. NAY: None. Motion carried.

Davenport made the motion to approve an Ordinance authorizing a non-exclusive franchise with and granting a permit to Allegiance Communications, LLC, to maintain a cable communications system to provide cable and other related services with the City of Grove. Seconded by Parham. AYE: Trumbull, Follis, Parham, Davenport and Trippensee. NAY: None. Motion carried.

Follis made the motion to authorize the Staff to solicit bids for the purchasing of trees and / or shrubs as specified in the Tree Quality and Planting Specifications of the Oklahoma Department of Transportation. Seconded by Trumbull. AYE: Trumbull, Follis, Parham, Davenport and Trippensee. NAY: None. Motion carried.

Trippensee opened the floor for discussion regarding the bids received for the supply of asphaltic materials for the second half of the 2010-2011 Fiscal Year ending June 30, 2011. Bower reported that the City received bids from the following entities:

* Longan Construction Company
  + Type A $45.25 per ton
  + Type B $49.25 per ton
  + Type C $54.25 per ton
* APAC – Central Inc.
  + Type A No Bid
  + Type B $45.67 per ton
  + Type C $51.00 per ton

Bower reported that after reviewing the bids, it is his recommendation that the Council accept both bids from Longan and APAC with the primary supplier being Longan, and the secondary supplier being APAC. Bower noted that the availability of asphalt from the primary supplier at the time of need could also be a factor in determining which supplier will be used. Follis made the motion to approve the recommendation of the Staff and to accept both bids from Longan and APAC with Longan being the primary supplier and APAC the secondary depending upon availability at the time of need. Seconded by Trumbull. AYE: Trumbull. Follis, Parham, Davenport and Trippensee. NAY: None. Motion carried.

Davenport made the motion to approve a Resolution regarding Bridge Inspection responsibility by Local Government for compliance with National Bridge Inspection Standards. Seconded by Trumbull. AYE: Trumbull, Follis, Parham, Davenport and Trippensee. NAY: None. Motion carried.

**CITY MANAGER’S REPORT**:

Discussion with respect to Health Insurance Broker Services – Johnson reported that the City of Grove advertised the proposals for this service. The Staff Committee reviewed the proposals for recommendation. The Committee was split between two (2) highly qualified firms. Johnson indicated that he would be visiting with the Staff for recommendation and would report back to the Council by the next meeting.

Discussion with respect to speed limit postings throughout the City of Grove – Johnson reported that he has been visiting with the Grove Police Department, and that they are indicated that there is a strong need for the posting of additional ‘speed limit’ signs. Johnson added that he and the Staff would be reviewing the current speed limits for possible revisions.

Discussion with respect to Fines and Court Costs Schedule – Johnson reported that he has been reviewing the fine fee schedule, and that he would be visiting with the Municipal Judge and Police Chief for possible revisions.

Discussion with respect to airport terminal building – Johnson reported that the Oklahoma Aeronautic Commission has earmarked $275,000 of matching funds for this project. Johnson indicated that he would be reviewing the mechanism to fund this project. Airport Trustee, Tom Melton addressed the Council to report on the preliminary drawings, and proposed cost for this project. Melton indicated that he would be better prepared for a presentation to the Council by the next meeting, if desired.

Discussion with respect to Water Treatment Plant expansion project – Johnson reported that he and

* Water Plant Superintendent, John Gibe
* Waste Water Plant Supervisor, Steven Sears
* Public Works Director, Jack Bower, and
* Engineer, Tim McCrary

recently toured a new retro-fitted water/waste water plants in Wagoner and Bartlesville, and was impressed. However, the Staff would like to take a more extensive trip to Cincinnati, Ohio to tour an active flow plant that has been in operation for a year. Johnson indicated that he would keep the Council updated with any new developments of this project.

Discussion with respect to utility rates – Johnson reported that he is continuing discussions with the Grove Municipal Service Authority in regards to their long-term infrastructural needs, and their Capital Improvement Plan.

Discussion with respect to capital improvement projects – Johnson updated the Council on the following Grove Capital Improvement projects of note from the 2007 thru 2010:

**Project** **Cost**

Parks & Recreation

Grove City Pool $ 1,500,000

Splash pad $ 275,000

Transportation

Highway 59 North $20,750,000

Highway 59 – 13th to Leisure $ 700,000

Downtown Streetscape $ 1,000,000

Overlay Program $ 500,000

Police Department

Vehicles & Equipment $ 700,000

Fire Department

Trucks & Equipment $ 350,000

Cemetery

Olympus North $ 350,000

Airport

Runway, Taxiways, Lights, Fencing, Etc. $ 1,000,000

Economic Development

Grove Hospital $ 1,000,000

Precision Industrial Bonds $ 11,000,000

Land $ 200,000

GMSA Water

Honey Creek Booster Station $ 50,000

Intake Generator $ 200,000

Water Towers $ 350,000

GMSA Wastewater

Treatment Plant Expansion $ 2,000,000

Miscellaneous

Centerline Addressing for E-911 $ 200,000

Equipment (jet truck, street-sweeper, etc.)$ 500,000

TOTAL $42,625,000

**WARD REPORTS**:

Marty Follis asked for an update on the Highway 59 street lighting repair. Bower reported that all of the lights but eight has been repaired.

Follis asked for an update on the tire shop situation located East of Grove. Johnson reported that the business is still on location, and that Code Enforcement is visiting with them in regards to possible elimination.

Trippensee reported that he has received a couple complaints in regards to the trash service. Johnson suggested that they direct all complaints to him or the GMSA Office Staff.

Trippensee expressed thanks to the City crew for the recent painting of the street curbs, and the police control.

Mike Davenport asked for an update on the crossing at Patricia Island that is creating a dip in the road. Bower reported that he would assess the problem, and would report back with a possible solution.

At 6:52 PM Davenport made the motion for the Council to recess into Executive Session to discuss the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee, pursuant to Title 25 O.S. Section 307.B.1; City Manager – Bruce Johnson. Seconded by Parham. AYE: Trumbull, Follis, Parham, Davenport and Trippensee. NAY: None. Motion carried.

At 8:15 PM Davenport made the motion for the Council to come out of Executive Session with no action taken. Seconded by Parham. AYE: Trumbull, Follis, Parham, Davenport and Trippensee. NAY: None. Motion carried.

Discussion And / Or Action Regarding Agenda Item F.1 – No action taken.

At 8:16 PM Follis made the motion to adjourn. Seconded by Parham. AYE: Trumbull, Follis, Parham, Davenport and Trippensee. NAY: None. Motion carried.