**GROVE CITY COUNCIL**

**REGULAR MEETING**

**TUESDAY, SEPTEMBER 7, 2010**

**6:00 PM**

The Grove City Council met in regular session on Tuesday, September 7, 2010 at 6:00 PM with Vice-Mayor Marty Follis presiding. Members present were Ed Trumbull, Larry Parham and Mike Davenport. Member Gary Trippensee was absent. Also present was City Manager, Bruce Johnson; Attorney, Dave Jones; City Treasurer, Lisa Allred; Public Works Director, Jack Bower and City Clerk, Bonnie Buzzard. Assistant City Manager, Debbie Bottoroff was absent.

**PUBLIC COMMENTS**:

Brian Welde – Spatial Data Research, Inc., addressed the Council with a status update on the GIS 911Mapping project. Welde presented and discussed in detail with the Council and Staff the following project fields:

* Addressing Project Goals
* Addressing Plan
* Deliverables
* Methodology
* Source Data
* Field Data Collection
* Resolve Data Issues, and
* Contract Deliverables

Welde’s presentation lasted for approximately 15 minutes.

Dave Helms addressed the Council to report on the upcoming Pelican Festival events. Helms discussed the various road closings, barricades, and the parade route. Helms noted that he would have all the information available for the City Council at the next regular scheduled meeting for consideration at that time.

At 6:17 PM Davenport made the motion to open the Public Hearing regarding the request for annexation from the Grove Economic Development Authority of the following described property:

Legal Description

Part of the N ½ SW ¼ of Section 34, Township 25 North, Range 24 East, Delaware County, Oklahoma, being more particularly described as follows: beginning at the SW corner of the NW ¼ SW ¼; thence N 89◦58’83” East 1322.22 feet; thence N 89◦58’36” East 1237.23 feet; thence N 08◦31’22” West 402.14 feet; thence N 85◦20’36” West 287.03 feet; thence N 52◦21’14” West 106.55 feet; thence N 20◦09’57” West 303.90 feet; thence N 37◦37’00” West 247.36 feet; thence N 23◦43’25” West 125.06 feet; thence N 75◦23’32” West 118.76 feet; thence N 14◦23’05” West 216.93 feet; thence N 89◦52’57” West 332.26 feet thence S 00◦06’44” East 495.06 feet; thence N 89◦59’17” West 701.33 feet; thence S 00◦01’38” East 186.88 feet; thence N 89◦59’13” West 42.76 feet; thence S 40◦08’09” West 87.64 feet; thence S 23◦24’51” West 56.04 feet; thence S 28◦01’52” West 117.28 feet; thence S 15◦29’27” West 197.10 feet; thence N 89◦53’53” West 392.85 feet to a point on the West line of said N ½; thence S 00◦01’38” East 230.75 feet along said West line to the point of beginning, subject to a 16.5 foot statutory easement along the West line and any and all easements of record.

Seconded by Trumbull. AYE: Trumbull, Parham, Davenport and Follis. NAY: None. Motion carried. The Council entertained questions, comments and concerns from the following individual:

1. Dave Helms

 At 6:19 PM Davenport made the motion to close the Public Hearing. Seconded by Parham. AYE: Trumbull, Parham, Davenport and Follis. NAY: None. Motion carried.

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

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

Follis presented and read in its entirety a Proclamation acknowledging the volunteer hours provided by Volunteers in Police Service (VIPS) program which helps the City of Grove to continually improve services to the community.

Follis opened the floor for discussion with respect to request to amend the City of Grove’s Independence Day celebration from Sunday, July 3, 2011 to Saturday, July 2, 2011. Ben Hynum addressed the Council to respectfully request that the Council consider this amendment in order to attract certain entertainment groups for this event for a Saturday evening vs. a Sunday evening. The Council, Staff and Hynum discussed the proposed 2011 / 2012 FY budget for this event. Follis made the motion to approve the amendment of the City of Grove Independence Day celebration from Sunday, July 3, 2011 to Saturday, July 2, 2011 upon approval of the 2011 / 2012 FY budget. Seconded by Davenport. AYE: Trumbull, Parham, Davenport and Follis. NAY: None. Motion carried.

Follis opened the floor for discussion with respect to request of street closings from Grove High School Student Council for the homecoming parade on Friday, October 1, 2010. Johnson reported that the Special Event Permit Application for this event has been submitted with all of the requirements met. This event is proposing to start at the Early Childhood Center, and ending on the football field at the Middle School facility. Johnson reported that the streets involved will be Leisure, 7th, Center and 10th, which is the same route they requested last year. Davenport made the motion to approve the request of street closings from the Grove High School Student Council for the homecoming parade scheduled for Friday, October 1, 2010. Seconded by Parham. AYE: Trumbull, Parham, Davenport and Follis. NAY: None. Motion carried.

Follis opened the floor for discussion with respect to request of street closings from the Northeast Oklahoma Rural Electric Cooperative for the ‘REC Days’ event scheduled for Saturday, September 18, 2010. REC Representative Sheila Allgood addressed the Council to respectfully request to temporarily close one block of 18th Street from Main to Broadway on Saturday. September 18, 2010 from 7:00 AM to 2:00 PM. Allgood noted that the Pelivan shuttles will transport members from the parking lot area West of Broadway on the land owned by Kirby Lane to the Civic Center via 18th Street. Allgood added that all three (3) businesses which would be affected by this traffic arrangement have been contacted, and are in agreement with the proposed street closing. Trumbull made the motion to approve the request of street closings from the Northeast Oklahoma Rural Electric Cooperative for the ‘REC Days’ event scheduled for Saturday, September 18, 2010. Seconded by Follis. AYE: Trumbull, Parham, Davenport and Follis. NAY: None. Motion carried.

Parham made the motion to approve the Ordinance annexing the property legally described above in item #B - 1 Public Hearing upon recommendation from the Grove Economic Development Authority. Seconded by Davenport. AYE: Trumbull, Parham, Davenport and Follis. NAY: None. Motion carried.

Parham made the motion to approve the Emergency Clause to the above mentioned Ordinance. Seconded by Trumbull. AYE: Trumbull, Parham, Davenport and Follis. NAY: None. Motion carried.

Follis opened the floor for discussion with respect to an Ordinance to allow the hunting of whitetail deer with a bow and arrow by persons licensed by the Oklahoma Department of Wildlife Conservation and permitted by the City of Grove, Oklahoma during designated hunting season. The Council and Staff entertained questions, comments and concerns from the following individuals:

* Fran Vonlintel
* John Grunden
* Judith Read
* Dave Helms
* Cecil Vaughn
* Rob Chubb
* Clyde Whitman
* Mike Fields

The Council discussed this Ordinance in detail with the Staff, Attorney and the participating audience, and presented the following suggested changes:

Section 3 – Deer Hunting Rules, Regulations and Permitting Requirements:

B-2: show proof of having taken and passed the International Bow Hunting Education Program or the Oklahoma Hunter Education Course as per State of Oklahoma regulations;

B-6: pay a permit fee of $20.00.

And the following paragraph: …The City of Grove may refuse to grant any applicant a City of Grove whitetail deer permit in its sole discretion…~~Private property owners are required to obtain a permit from the City of Grove before hunting on their property~~.

Paragraph C: Individuals shall maintain a distance of ~~one~~ three hundred ~~fifty~~ (~~150~~ 300) feet from any ~~property line~~ structure or occupied building while hunting.

Paragraph D: …City of Grove property ~~or other public property~~.

Paragraph J: ~~When transporting a harvested deer, the hunter shall fully cover the deer with an opaque sheet, canvas, or similar covering~~.

Davenport made the motion to approve the Ordinance allowing the hunting of whitetail deer with a bow and arrow by persons licensed by the Oklahoma Department of Wildlife Conservation and permitted by the City of Grove during designated hunting season as presented to include the above mentioned amendments. Seconded by Trumbull. AYE: Trumbull, Parham, Davenport and Follis. NAY: None. Motion carried.

Follis opened the floor for discussion regarding a facility agreement between the City of Grove, Oklahoma and Cherokee Nation Election Commission to have access and use of the Community Center to serve as a polling location to conduct elections for the Cherokee Nation. Johnson reported that this agreement has been reviewed by the City Attorney(s), and that the following change was strongly suggested in regards to the section that states that if there are any issues that it would be going back to the ~~Cherokee Nations Tribal Court~~, the City of Grove would like for it to read that it would go to the Court of Law – State of Oklahoma in Delaware County District Court. Trumbull made the motion to approve the facility agreement between the City of Grove and Cherokee Nation Election Commission as amended. Seconded by Parham. AYE: Trumbull, Parham, Davenport and Follis. NAY: None. Motion carried.

Follis opened the floor for discussion with respect to an Ordinance to create a policy regarding the vacating of streets. Johnson requested to table this item at this time. No action was taken.

Follis opened the floor for discussion with respect to a matter of applicant Integris Rural Health, Inc. to vacate and foreclose the right to reopen Mark Avenue and certain portions of a ten foot (10’) alleyway in Wilson Addition in the District Court in and for Delaware County, State Of Oklahoma Case No. CV-2010-82. Attorney Jones addressed the City Council with his position taken in regards to this item between the City of Grove and Integris Rural Health, Inc. to vacate and foreclose the above described property. Johnson reported that he placed this item on the agenda in order to allow the City Council an opportunity to express any issues they might have in regards to the vacating / foreclosure of the described property. Johnson added that the application for vacating Public Way and Foreclosure Right to Reopen is schedule to go before the Judge in the District Court in Delaware County on September 29th. No action was taken.

Davenport made the motion to approve the Resolution of the City Council of the City of Grove, Oklahoma designating street sections for the 2010-2011 fiscal year overlay program. Seconded by Follis. AYE: Trumbull, Parham, Davenport and Follis. NAY: None. Motion carried.

**CITY MANGERS REPORT**:

Discussion with respect to Integris Foundations awarding the City Of Grove with The Corporate Partnership Award – Johnson reported that the City of Grove will be honored as a recipient of the Corporate Partnership Award during a ceremony on Thursday, October 28th. Johnson announced that he and Mayor Trippensee will be attending this event, and should any other Council Representative like to attend to let him know so that he may get an agenda posted accordingly.

Discussion with respect to cost analysis report for Water Treatment Plant Improvements Phase III for the City of Grove and Grove Municipal Service Authority – Johnson presented and discussed with the Council a cost analysis report for the Water Treatment Plant Improvements Phase III. Johnson added that approximately every third year City of Grove / GMSA is meeting peak demands at the Water Treatment Plant, and that the original plan was a five year plan on beginning the investigations, engineering and developing the financial package for the improvements which would be Phase III. Upon investigation of the 1989 Bond Series, those monies will no longer be obligated as of February 2013, which is only 2.5 years away. Therefore, Johnson has respectfully requested this cost analysis report from Rose & McCrary, P.C. for the Council to review.

Discussion with respect to the construction of a Public Works Facility – Johnson reported that the City Staff has received the plans from Brown Architect which indicated the cost estimates for each line item. Johnson added that the total project came in over the budgeted amount, therefore he respectfully requested the Public Works Director, Jack Bower to review that project in detail to see if he can achieve that estimated cost down within the budgeted amount.

Discussion with respect to Grove Economic Development Authority Economic Development Strategic Plan – Johnson reported that the Grove Economic Development Authority met an authorized him to start visiting with experts who has experience in Economic Development from other communities to start discussions for a long term strategic plan for economic development for the City of Grove. GEDA will continue those discussion during their regular scheduled meetings the third Monday of each month should the Council wish to attend to express their input.

Discussion with respect to Vernon Boyce V. City of Grove and Vernon Boyce V. Bruce L. Johnson – Johnson reported that Coy Morrow has filed Motions for Summary Judgment in each of the above referenced. Jones cautioned additional release of information may be cause for Executive Session.

**WARD REPORTS**:

Trumbull reported that he has received complaints that the tennis courts at the Sports and Recreations complex needs to be painted.

Parham reported that the swimming pool facility is now closed for the season, and that it was a huge success with approximately $77,000 collected in revenue.

At 7:54 PM Davenport made the motion to adjourn. Seconded by Parham. AYE: Trumbull, Parham, Davenport and Follis. NAY: None. Motion carried.