

**CITY OF CATOOSA
CITY COUNCIL
MINUTES OF APRIL 9, 2018
REGULAR MEETING**

I. Meeting Convened

A. Call to Order: A regular meeting of the City Council of the City of Catoosa was held and called to order by Mayor Brenda Conley at 6:00 p.m. on Monday, the 9th day of April, 2018, at Catoosa City Hall, 214 S. Cherokee, Catoosa, Oklahoma. The meeting was held in compliance with the Oklahoma Open Meeting Act and was posted in accordance therewith at least 24 hours in advance at City Hall for the purpose of discussion, consideration and possible action on the following agenda items.

B. Invocation: Brad Brooks, FBC Rolling Hills

C. Pledge of Allegiance: Mayor Brenda Conley

D. Roll Call: The following council members were **present** for this meeting: Ward#6 Councilor Russ White; Ward #5 Councilor Dale Zerbe; Ward #4, Councilor Shawn Battles; Ward#3, Councilor Greg Williams; Ward #2, Councilor and Vice Mayor Thomas Sweet; Member at Large Councilor Derrick Hildebrant; Ward #1 and Mayor Brenda Conley.

The following staff members were present for this meeting: John Blish, Acting City Manager; Wendy Knight, City Clerk; Kevin McKim, Police Chief; Denus Benton, Fire Chief; Terry Whiteley, City Planner; and City Attorney Eric Wade, of Rosenstein, Fist & Ringold.

E. Community Excellence Awards: The “Community Excellence Awards” were presented to students of Catoosa Schools Pre-K through the 12th Grade.

F. Public Comments:
There were no public comments.

II. Consent Agenda:

Information: Consideration and appropriate action relating to a request for City Council approval of the Consent Agenda:

1. Approval of Minutes of the March 26, 2018 Regular Meeting
2. Approval of Regular and Prepaid Claims

A motion was made by **Shawn Battles** and seconded by **Dale Zerbe** to approve the consent agenda. The motion **passed** with the following votes:

Mayor Brenda Conley-aye	Dale Zerbe-aye
Vice-Mayor Thomas Sweet-aye	Russ White-aye
Greg Williams-aye	Derrick Hildebrant-aye
Shawn Battles-aye	

III. Items Removed from Consent Agenda: There were no items removed from the consent agenda.

IV. Agenda Items:

Item #1: Plat Waiver Request PW-2018-01 for Trinity Development Co. LLC

A motion was made by **Thomas Sweet** and seconded by **Shawn Battles** to approve Plat Waiver PW-2018-01, waiving platting requirements for the property located at 3200 N Hwy 66. The motion **passed** with the following votes:

Mayor Brenda Conley-aye	Dale Zerbe-aye
Vice-Mayor Thomas Sweet-aye	Russ White-aye
Greg Williams-aye	Derrick Hildebrant-aye
Shawn Battles-aye	

Item #2: Preliminary Plat P-2018-01 for McAfee Holding Group Inc

A motion was made by **Derrick Hildebrant** and seconded by **Greg Williams** to approve Planning Commission P-2018-01 for the Preliminary Plat for The Vale at Redbud subdivision, located at the intersection of Cedar Lane, and Redbud Drive, with the conditions as listed on the agenda. The motion **passed** with the following votes:

Mayor Brenda Conley-aye	Dale Zerbe-aye
Vice-Mayor Thomas Sweet-aye	Russ White-aye
Greg Williams-aye	Derrick Hildebrant-aye
Shawn Battles-aye	

Item #3: Third Party Inspection Fees for New Subdivision – The Vale at Redbud

A motion was made by **Thomas Sweet** and seconded by **Dale Zerbe** to approve City Manager authority to negotiate and establish a fee schedule with developer McAfee Holding Group, Inc. for third party inspection fees for the new subdivision The Vale at Redbud, per City of Catoosa Subdivision Regulations Appendix A, Schedule of Fees Item D. The motion **passed** with the following votes:

Mayor Brenda Conley-aye	Dale Zerbe-aye
Vice-Mayor Thomas Sweet-aye	Russ White-aye
Greg Williams-aye	Derrick Hildebrant-aye
Shawn Battles-aye	

Item #4: ODOT Engineering Service Agreement

A motion was made by **Thomas Sweet** and seconded by **Greg Williams** to approve the ODOT Engineering Service Agreement for INCOG STP Grant Project #J3-3314(005)IG in the amount of \$29,560.00, with the City’s portion 20% an amount not to exceed \$5,912.00. The motion **passed** with the following votes:

Mayor Brenda Conley-aye	Dale Zerbe-aye
Vice-Mayor Thomas Sweet-aye	Russ White-aye
Greg Williams-aye	Derrick Hildebrant-aye
Shawn Battles-aye.	

Item #5: ODOT Change Order #005

A motion was made by **Thomas Sweet** and seconded by **Greg Williams** to approve Change Order #005 with the Oklahoma Department of Transportation for the Pine Street Widening Project in the amount of \$41,306.69 with the City’s portion being 20%, an amount no to exceed \$8,261.33. The motion **passed** with the following votes:

Mayor Brenda Conley-aye	Dale Zerbe-aye
Vice-Mayor Thomas Sweet-aye	Russ White-aye
Greg Williams-aye	Derrick Hildebrant-aye
Shawn Battles-aye	

Item #6: Catoosa Masonic Lodge Fish Fry – Road Closure

A motion was made by **Thomas Sweet** and seconded by **Dale Zerbe** to approve allowing the closing of Denbo Street between Cherokee and south Bluff on April 21, 2018, between the hours of 4:00PM and 8:00PM for the Masonic Lodge annual fish fry. The motion **passed** with the following votes:

Mayor Brenda Conley-aye	Dale Zerbe-aye
Vice-Mayor Thomas Sweet-aye	Russ White-aye
Greg Williams-aye	Derrick Hildebrant-aye
Shawn Battles-aye	

Item #7: Proposed Executive Session

A motion was made by **Shawn Battles** and seconded by **Greg Williams** to enter into executive session. The motion **passed** with the following votes: **(6:37 PM)**

Mayor Brenda Conley-aye	Dale Zerbe-aye
Vice-Mayor Thomas Sweet-aye	Russ White-aye
Greg Williams-aye	Derrick Hildebrant-aye
Shawn Battles-aye	

Statement of Executive Session Minutes:

Mayor Brenda Conley acknowledged the City Council returned to open session at **7:25 PM**. During executive session, the City Council held confidential communications regarding the matters listed under Agenda Item #7 on the agenda for this meeting. The acting City attorney was present for the discussions pertaining to **(A)** pending litigation, to wit: *Colbey Webster v. City of Catoosa*, United States District Court for the Northern District of Oklahoma Case No. 17-CV-507-GKF-JFJ, the Council having been advised by its attorney that disclosure will seriously impair the ability of the City to process or conduct the litigation in the public interest, pursuant to Title 25, Section 307(B)(4) of the Oklahoma Statutes; and **(B)** to discuss the employment and hiring of a City Manager, the disclosure of which would violate the confidentiality rights of the applicants under state or federal law, pursuant to Title 25, Section 307 (B)(1) and (7) of the Oklahoma Statutes.

- a. Vote to convene in executive session.
- b. Acknowledge return to open session.
- c. Statement of executive session minutes.

Item #8: Colbey Webster v. City of Catoosa

A motion was made by **Greg Williams** and seconded by **Thomas Sweet** that the City Council approve settling the pending litigation, to wit: *Colbey Webster v. City of Catoosa*, United States District Court for the Northern District of Oklahoma Case No. 17-CV-507-GKF-JFJ, by agreeing to entry of judgment against the City in the principal amount of \$42,150.00, to bear post-judgment interest at the rate set by Oklahoma law, with the judgment to be paid in the manner provided for the payment of judgments against municipalities under Oklahoma law, in exchange for a release of liability; and authorize the appropriate officers of the City to execute all necessary documents. The motion **passed** with the following votes:

Mayor Brenda Conley-aye	Dale Zerbe-aye
Vice-Mayor Thomas Sweet-aye	Russ White-aye
Greg Williams-aye	Derrick Hildebrant-aye
Shawn Battles-aye	

V: New Business: There was no new business.

VI: City Manager Report: John Blish informed the City Council of the following:

- The new lights at state highway 167 & Pine, highway 66 & Pine, and Cherokee & Pine, should be completed next Thursday or Friday.
- Have received bids for Woodcrest lift station.
- Will be out of town the week of April 29.
- Appreciate the efforts of Terry Whiteley, and City maintenance.
- Have received bids for Splash Pad water removal.
- Will reschedule Curtis Conley Memorial Park dedication.

VII: Council Comments: **Derrick Hildebrant** asked if the tornado sirens were working and ready for tornado season.

VIII: Adjourn:

A motion was made by **Shawn Battles** and seconded by **Dale Zerbe** to adjourn. The motion passed with the following votes: **(7:32PM)**

Mayor Brenda Conley-aye

Dale Zerbe-aye

Vice-Mayor Thomas Sweet-aye

Russ White-aye

Greg Williams-aye

Derrick Hildebrant-aye

Shawn Battles-aye

Approved on this _____ day of _____, 2018

Wendy Knight, City Clerk

Brenda Conley, Mayor