

**BOARD OF TRUSTEES FOR THE TOWN OF LUTHER**

**REGULAR MEETING AGENDA**

**MINUTES**

In accordance with the Open Meeting Act, Section 311, The Town of Luther, County of Oklahoma, 119 S. Main Street, hereby calls a **Regular Meeting of the Luther Board of Trustees, Tuesday, December 11, 2018 at 7:00 p.m. at The Luther Community Building, 18120 East Hogback Road, Luther, OK 73054.**

1. **Call to order.**
2. **Invocation**
3. **Pledge of Allegiance**
4. **Roll Call… All present**
5. **Determination of a quorum… Yes**
6. **Approval of the minutes for the following Regular meetings, November 13 Regular,** as prepared by the Town Clerk/Treasurer and subject to additions or corrections by the Board of Trustees**.**

**Motion to approve as written: J. Roach… 2nd: L. Jackson… Unanimous Yes vote.**

1. **Report of the Treasurer.**

**Motion to approve as written: P. Cavin… 2nd: L. Jackson… Unanimous Yes vote**

1. **Review of claims including payroll.**

**Motion to approve as written: L. Jackson … 2nd: J. Roach … Unanimous Yes vote**

1. **Trustee Comments.**

**No Action**

**Trustee Two (Lea Ann Jackson)**

1. Consideration, discussion and possible action to approve the draft of the audit report as presented by Casey & Williams CPA for the fiscal year ended June 30, 2018.

**Motion to approve as written: L. Jackson … 2nd: T. Langston … Unanimous Yes vote**

**Trustee One (Paxton Cavin)**

**Clerk’s Note: The following resolutions are all existing state laws. They are being adopted in Town Ordinances to allow our Digi-Ticket system to print accurate descriptions on citations when needed. They do not alter the existing State Laws.**

1. Consideration, discussion and possible action to propose an ordinance to make it unlawful to operate any motorized vehicle, in the Town of Luther, Oklahoma, while texting or otherwise operating a handheld electronic device.

**Motion to approve as written: P. Cavin… 2nd: J. Roach… Unanimous Yes vote.**

**AN ORDINANCE OF THE TOWN OF LUTHER, OKLAHOMA AMENDING SECTION 15-528 OF THE TOWN CODE OF THE TOWN OF LUTHER, OKLAHOMA AMENDING THE SECTION NAME AND TEXT BODY TO PROVIDE FOR ATTENTION WHILE DRIVING AND PENALTY FOR TEXTING WHILE IN OPERATION OF MOTOR VEHICLE; DECLARING REPEALER; PROVIDING FOR SEVERABILITY; AND EMERGENCY.**

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LUTHER OKLAHOMA:**

**Section 1. That Section 15-528 of the Code of Ordinances for the Town of Luther Oklahoma shall be amended as follows:**

**15-528. ATTENTION TO DRIVING REQUIRED.**

**A. The operator of every vehicle while driving shall devote their full time and attention to such driving. A. It shall be unlawful for any person to operate a motor vehicle on any street or highway within the Town of Luther while using a hand-held electronic communication device to manually compose, send or read an electronic text message while the motor vehicle is in motion.**

**B. Any person who violates the provisions of subsection A of this section shall, upon conviction, be punished by a fine of not more than One Hundred Dollars ($100.00).**

**C. The provisions of subsection A of this section shall not apply if the person is using the cellular telephone or electronic communication device for the sole purpose of communicating with any of the following regarding an imminent emergency situation:**

**1. An emergency response operator;**

**2. A hospital, physician's office or health clinic;**

**3. A provider of ambulance services;**

**4. A provider of firefighting services; or**

**5. A law enforcement agency.**

**D. Definitions – For the purpose of this section:**

**1. "Cellular telephone" means an analog or digital wireless telephone authorized by the Federal Communications Commission to operate in the frequency bandwidth reserved for cellular telephones;**

**2. "Compose", "send" or "read" with respect to a text message means the manual entry, sending or retrieval of a text message to communicate with any person or device;**

**3. "Electronic communication device" means an electronic device that permits the user to manually transmit a communication of written text by means other than through an oral transfer or wire communication. This term does not include a device that is physically or electronically integrated into a motor vehicle or a voice-operated global positioning or navigation system that is affixed to a motor vehicle, or a hands-free device that allows the user to write, send or read a text message without the use of either hand except to activate, deactivate or initiate a feature or function; and**

**4. "Text message" includes a text-based message, instant message, electronic message, photo, video or electronic mail.**

1. Consideration, discussion and possible action to propose an Emergency Clause for the ordinance in Item 11.

**Motion to approve as written: P. Cavin… 2nd: L. Jackson… Unanimous Yes vote.**

1. Consideration, discussion and possible action to propose an ordinance to make it unlawful for anyone under the age of 16 to operate a motorized vehicle, in the Town of Luther, Oklahoma, regardless of permission from a parent or guardian.

**Motion to approve as written: P. Cavin… 2nd: L. Jackson… Unanimous Yes vote.**

**AN ORDINANCE OF THE TOWN OF LUTHER, OKLAHOMA AMENDING SECTION 15-218 OF THE TOWN CODE OF THE TOWN OF LUTHER, OKLAHOMA AMENDING THE SECTION NAME AND TEXT BODY TO PROHIBIT OPERATION OF MOTOR VEHICLE BY UNAUTHORIZED PERSON; DECLARING REPEALER; PROVIDING FOR SEVERABILITY; AND EMERGENCY.**

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LUTHER OKLAHOMA:**

**Section 1. That Section 15-218 of the Code of Ordinances for the Town of Luther Oklahoma shall be amended as follows:**

**15-218: PERMITTING UNAUTHORIZED PERSON TO DRIVE PROHIBITED.**

**A. No person shall authorize or knowingly permit a motor vehicle owned by them or under their control to be driven upon any roadway or highway by any person who is not authorized hereunder or in violation of any of the provisions of this chapter.**

**B. No person shall cause or knowingly permit a child or ward under the age of sixteen years to drive a motor vehicle upon any roadway or highway when such minor is not authorized hereunder or in violation of any of the provisions of this chapter. (Prior Code, Chapter 20)**

1. Consideration, discussion and possible action to propose an Emergency Clause for the ordinance in Item 13.

**Motion to approve as written: P. Cavin… 2nd: T. Langston… Unanimous Yes vote.**

1. Consideration, discussion and possible action to propose an ordinance to make it unlawful to fail to register, within 30 days of purchase, any vehicle, recreational vehicle and/ or any other trailer or vehicle requiring an Oklahoma license plate in the Town of Luther, Oklahoma.

**Motion to approve as written: P. Cavin… 2nd: T. Langston… Unanimous Yes vote.**

**AN ORDINANCE OF THE TOWN OF LUTHER, OKLAHOMA AMENDING SECTION 15-306 OF THE TOWN CODE OF THE TOWN OF LUTHER, OKLAHOMA AMENDING THE SECTION TEXT BODY TO PROVIDE PENALTY FOR FAILURE TO OBTAIN TITLE AND REGISTRATION WITHIN THIRTY DAYS OF PURCHASE; DECLARING REPEALER; PROVIDING FOR SEVERABILITY; AND EMERGENCY.**

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LUTHER OKLAHOMA:**

**Section 1. That Section 15-306 of the Code of Ordinances for the Town of Luther Oklahoma shall be amended to add Subsection C as follows:**

**C. The purchaser of every used motor vehicle, travel trailer or commercial trailer, except as otherwise provided by law, shall obtain registration and title for the vehicle or trailer within thirty (30) days from the date of purchase of same.**

1. Consideration, discussion and possible action to propose an Emergency Clause for the ordinance in Item 15.

**Motion to approve as written: P. Cavin… 2nd: J. White… Unanimous Yes vote.**

1. Consideration, discussion and possible action to propose an ordinance to make it unlawful to burn any debris, outside, without the issuance of a Burn Permit from the Town of Luther, Oklahoma. Fine to double if the burn occurs during a burn ban, whether County or State issued.

**Motion to approve as written: P. Cavin… 2nd: L. Jackson… Unanimous Yes vote.**

1. Consideration, discussion and possible action to propose an Emergency Clause for the ordinance in Item 17.

**Motion to approve as written: P. Cavin… 2nd: T. Langston… Unanimous Yes vote.**

1. Consideration, discussion and possible action to propose an ordinance to make it unlawful, in the Town of Luther, Oklahoma to leave a fire unattended and/ or not have a fire extinguisher complying with Section 906 of the International Fire Code, on hand during the burn and until it has been extinguished.

**Motion to approve as written: P. Cavin… 2nd: L. Jackson… Unanimous Yes vote.**

**AN ORDINANCE OF THE TOWN OF LUTHER, OKLAHOMA AMENDING SECTION 8-116 OF THE TOWN CODE OF THE TOWN OF LUTHER, OKLAHOMA AMENDING THE SECTION TEXT BODY TO PROVIDE FOR PROHIBITION OF PERMIT DURING BURN BAN, AND LEAVING FIRE UNATTENDED; DECLARING REPEALER; PROVIDING FOR SEVERABILITY; AND EMERGENCY.**

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LUTHER OKLAHOMA:**

**Section 1. That Section 8-116 of the Code of Ordinances for the Town of Luther Oklahoma shall be amended to add Subsections F and G as follows:**

**F. Upon issuance of a burn permit, the permit holder shall further obtain clearance on the day the permitted burning is to occur prior to ignition to confirm proper weather conditions. No permits shall be issued or held valid when, at the time of burning, a state or county mandated burn ban is in effect. It shall be the permit holder's responsibility to know if a burn ban is in effect. Applicable fines shall be doubled if a person burns during a County or State issued burn ban.**

**G. The owner of the land for which a permit for open burning, recreational fires, or bonfires has been obtained, or their designee, shall constantly attend the fire until it is fully extinguished. A minimum of one portable fire extinguisher complying with Section 906 of the International Fire Code with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization. The amount and type of extinguishing agent required will be determined upon site inspection.**

1. Consideration, discussion and possible action to propose an Emergency Clause for the ordinance in Item 19.

**Motion to approve as written: P. Cavin… 2nd: J. White… Unanimous Yes vote.**

**Trustee Two (Lea Ann Jackson)**

1. Consideration, discussion and possible action to seek changes, through appropriate state/county agencies, of speed limit zoning on Highway 66 between Luther Road and Peebly Road.

**Motion to have L. Jackson work with Chief Randall and the county to move the 45 MPH zone that starts adjacent to the pecan farm, West approximately ¼ mile (west of the bridge): L. Jackson… 2nd: P. Cavin… Unanimous Yes vote.**

1. Consideration, discussion and possible action to approve the moving of Town funds to a bank account which will provide increased interest income.

**Motion to move $150,000 from the General Fund to a 6 month CD & $108,997.76 of the Rainy Day Fund to a 6 month CD. Locally, if Bancfirst can approximate close to a 2.79% rate: P. Cavin… 2nd: L. Jackson… Unanimous Yes vote.**

1. Consideration, discussion and possible action to approve the group benefits for Town employees which expire December 31.

**Motion to approve the Town Manager to renew the existing plan at a 12% increase in premiums: L. Jackson… 2nd: P. Cavin… Unanimous Yes vote.**

1. Consideration, discussion and possible action regarding the outstanding amounts due to the Town from former employees Donita Roby and Jason Miller.

**No Action**

1. Consideration, discussion and possible action regarding the two-story home located at 3rd and Main which is a possible public safety hazard.

**Tabled until the January 8th meeting.**

1. Consideration, discussion and possible action to amend item #16 from November's regular meeting agenda to use the approved amount of $1,000 to buy two antennae to better direct the internet signal s toward Town Hall from the fire station instead of re-routing internet to improve VOIP services.

**Motion to approve using the $1,000.00, but for 4 antennae, Note: $100.00 will be approved under New Business as the cost increased to $1,100.00: L. Jackson… 2nd: T. Langston… Unanimous Yes vote.**

1. Consideration, discussion and possible action to approve the purchase of a new battery for the animal control vehicle.

**Motion to approve as written, not to exceed $150.00: L. Jackson… 2nd: P. Cavin… Unanimous Yes vote.**

1. Consideration, discussion and possible action to authorize acquisition and installation of a police/fire radio at Town Hall.

**Tabled until January 8th meeting.**

1. Consideration, discussion and possible action to approve the sending of the list of residential water customers to grant consultant for use in survey required for CDBG grant application.

**No Action**

1. Consideration, discussion and possible action to determine the project to be addressed in CDBG grant application.

**No Action**

1. Consideration, discussion and possible action to determine and approve the amount of matching funds to be provided for CDBG grant application.

**Tabled until the January 8th meeting.**

1. Consideration, discussion and possible action to authorize David Wyatt to obtain DEQ permit as part of the CDBG grant application process.

**No Action**

1. Consideration, discussion and possible action regarding ordinances which address areas of representation by each board seat (open versus by ward) and term expiration of each board seat.

**No Action**

**Trustee Three (Trandy Langston)**

**Trustee Four (Jason Roach)**

**Trustee Five (Jenni White)**

1. Consideration, discussion and possible action to surplus real property owned by the Town located at 207 S Main St., Luther OK 73054.

**Motion to surplus property: J. White… 2nd: L. Jackson… Unanimous Yes vote.**

1. Consideration, discussion and possible action regarding opening up for sale bids for the aforementioned property at 207 S. Main St., Luther OK 73064. Dates and times bids will be open as well as any reserve amount, will be determined in the motion and be reflected in the minutes.

**No Action**

1. Consideration, discussion and possible action to place an ad to accept applications and identify a closing date for the application process to hire a Code Enforcement Officer using the job description and salary approved by the Board at the November regular meeting (item #17).

**Motion to place an ad for a Code Enforcement Officer on the OML website, Code Enforcement website, Luther Register & the Town’s Facebook page not to exceed $100.00. Applications will be taken starting 12/12/2018 at 9:00 am until the position is filled.: J. White… 2nd: L. Jackson… Unanimous Yes vote.**

1. Consideration, discussion and possible action to hire a private landscape service to care for the upkeep and maintenance of the grounds of both Luther Parks, and possibly the cemetery.

**No Action.**

1. Consideration, discussion and possible action to determine a rate of pay for a private landscape service to care for the upkeep and maintenance of Luther Park grounds, place an ad to hire a service and identify a closing date for the application process.

**No Action**

1. Consideration, discussion and possible action to adopt Resolution 2019-3 "...CALLING FOR A MUNICIPAL ELECTION FOR THE TOWN OF LUTHER, OKLAHOMA, FOR THE BOARD OF TRUSTEES, PURSUANT TO SECTION 2-103 OF CHAPTER 1, PART 2, OF THE LUTHER CODE OF ORDINANCES; AND PROVIDING FOR THE ELECTION TO BE CONDUCTED BY THE OKLAHOMA COUNTY ELECTION BOARD."

**Motion to approve as written. : J. White… 2nd: L. Jackson… Unanimous Yes vote.**

1. **New Business:** In accordance with the Open Meeting Act, Title 25 O.S. 311.A.9, new business is defined as any matter not known about or which could not have been reasonably foreseen prior to the time of posting the agenda.

**Motion to approve an additional $100.00 for the antennae in Item 26: L. Jackson… 2nd: T. Langston… Unanimous Yes vote.**

1. **Citizen participation:**  Citizens may address the Board during open meetings on any matter on the agenda prior to the Board taking action on the matter. On any item not on the current agenda, citizens may address the Board under the agenda item Citizen Participation. Citizens should fill out a Citizen’s Participation Request form and give it to the Mayor. Citizen Participation is for information purposes only, and the Board cannot discuss, act or make any decisions on matters presented under Citizens Participation. Citizens are requested to limit their comments to two minutes.

**Comments from Heath Browning, Rich Campbell and Brandy Langston**

1. **Adjourn.**

**Motion to adjourn: J. White… 2nd: T. Langston… Unanimous Yes vote.**

\_\_\_transcribed 12/12/2018 by\_\_\_

Kim Bourns, Town Clerk/Treasurer

\*Agenda Posted Monday, December 10th, 2018 at Luther Town Hall, on the website at [www.townoflutherok.com](http://www.townoflutherok.com) and on Facebook at The Town of Luther, prior to 7:00 pm.