

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

TUESDAY, JANUARY 12, 2021 AT 7:00 P.M.

LUTHER TOWN HALL

108 SOUTH MAIN STREET, LUTHER, OKLAHOMA 73054

**REGULAR MEETING MINUTES**

1. **Call to order by Jenni White.**
2. **Invocation by Pastor Derrick Carney.**
3. **Pledge of Allegiance was led by Jenni White**
4. **Roll Call was taken by Jenni White. Present were Jenni White, Terry Arps, Brian Hall and Jeff Schwarzmeier. Absent was Trandy Langston.**
5. **Determination of a quorum was made by Jenni White.**
6. **Approval of the Consent Agenda**,
   1. Approval of the Board Minutes from the meetings of December 8, 2020, December 22, 2020 and December 31, 2020.
   2. Approval of Claims, including Payroll
   3. Review and Approval of Treasurer’s Report. **Jenni White made a motion to accept the Consent Agenda, including minutes, claims including payroll and the Treasurer’s report. 2nd by Jeff Schwarzmeier. The vote: 4 Yes.**
7. **Consideration of Items Removed from the Consent Agenda. No Action**
8. **Trustee Comments. Brian Hall reported that the water tower inspection was scheduled for January 14, 2021.**

**Trustee One (Terry Arps)**

1. Consideration, discussion and possible action to pay Invoice #INV-001066 in the amount of $28,633.98, to Stolz Telecom for the Police Department radio system, which will be reimbursed in full through the ACOG REAP GRANT #T5 2020 03. **Terry Arps moved to approve the item as written, 2nd by Jenni White. The vote: 4 Yes.**
2. Consideration, discussion and possible action to authorize Police Chief Leafty to sell four surplus Police Department vehicles (two unusable / two unreliable) and additional surplus law enforcement related equipment. Tabled from December 8, 2020.

2010 Dodge Charger VIN# 2B3AA4CT7AH128670

2010 Dodge Charger VIN# 2B3AA4CT5AH223597

2008 Dodge Charger VIN# 2B3KA43H58H205790

2007 Crown Victoria VIN# 2FAFP71W57X162564

**Motion was made by Terry Arps to approve Item 10 as written, 2nd by Jeff Schwarzmeier. The vote: 4 Yes.**

**Trustee Two (Brian Hall)**

**Trustee Three (Trandy Langston)**

**Trustee Four (Jeff Schwarzmeier)**

**Trustee Five (Jenni White)**

1. Presentation by representatives of The Chicken Shack and The Childs Law Firm pertaining to operations, economic development activities, necessary infrastructure, including the sanitary sewer system, as well as the proposed Property Improvements Agreement Between the Town of Luther and the Chicken Shack, to include related discussion and possible action. **After some discussion, the item was Tabled to January 28, 2021.**
2. Consideration, discussion and possible action to approve the Mixed Use Ordinance #2020-09, for the Downtown Business District. AN ORDINANCE OF THE TOWN OF LUTHER, OKLAHOMA, AMENDING SECTION 12-210, “GENERAL,” OF THE CODE OF ORDINANCES OF THE TOWN OF LUTHER, OKLAHOMA, TO ADD THE DOWNTOWN BUSINESS DISTRICT; AND ADDING SECTION 12-215.1, “DB DISTRICT (DOWNTOWN BUSINESS),” WHICH SETS FORTH A GENERAL DESCRIPTION OF DOWNTOWN BUSINESS DISTRICTS, PERMITTED USES, IDENTIFICATION OF THE DISTRICT FROM APPLE STREET TO ASH STREET AND MAIN STREET TO ASH STREET, THE GENERAL PURPOSES, AND THE MAXIMUM HEIGHT FOR BUILDINGS; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY. Tabled from December 8, 2020. **Jenni White made a motion to adopt Ordinance 2020-09 as written, 2nd by Brian Hall. The vote: 4 Yes. Jenni White moved to adopt the Emergency Clause for Ordinance 2020-09, 2nd by Jeff Schwarzmeier. The vote: 4 Yes.**
3. Consideration, discussion and possible action to accept the resignation of Judge Stephen Haynes. **Judge Haynes addressed the Board and gave notice of his resignation. Jenni White made a motion to accept Stephen Haynes’ resignation as municipal judge effective February 13, 2021, 2nd by Terry Arps. The vote: 4 Yes.**
4. Consideration, discussion and possible action to accept a settlement offer from OMAG for the Fire Department’s 2011 Chevrolet Tahoe, VIN #1GNSK2E00BR361757. **A motion was made by Jenni White to accept OMAG’s settlement offer of $13,395.00 less the $500.00 deductible, for a total of $12,895.00, 2nd by Brian Hall. The vote: 4 Yes.**
5. Consideration, discussion and possible action regarding the purchase of a replacement vehicle for the Fire Chief. **Tabled to January 28, 2021 planning meeting.**
6. Consideration, discussion and possible action to replace the blown pony motor and pump unit on Brush Pumper 726 (2000 Ford F-450) with the purchase of a Class 1 HPX75B18 Pump from Casco Industries for $3955.00, as previously budgeted. **Jenni White made a motion to authorize Chief Brown to order the referenced pony motor, 2nd by Terry Arps. The vote: 4 Yes.**
7. Consideration, discussion, and possible action regarding the Financial Profile and Debt Capacity Analysis prepared by Municipal Finance Services, Inc., including sales tax, general obligation bonds, private loans, Oklahoma Water Resources Board loans, grants, and other funding mechanisms for operational and capital expenses. **No action.**
8. Consideration, discussion and possible action regarding options for financing further sewer work since the Town was unable to secure a REAP grant to match the CDBG grant. **No action.**
9. Consideration, discussion and possible action to adopt Ordinance #2021-01, AN ORDINANCE LEVYING AND ASSESSING A SALES TAX OF ONE PERCENT (1%), IN ADDITION TO PRESENT SALES TAXES UPON THE GROSS RECEIPTS OR PROCEEDS ON CERTAIN SALES AS HEREIN DEFINED, TO TAKE EFFECT ON JULY 1, 2021; PROVIDING FOR THE PURPOSE OF THE SALES TAX; DEFINING TERMS; PRESCRIBING PROCEDURES, REMEDIES, LIEN AND FIXING PENALTIES; FIXING EFFECTIVE DATE; AND MAKING PROVISIONS SEVERABLE. **Tabled to January 28, 2021.**
10. Consideration, discussion and possible action to adopt Resolution #2021-01R, A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF LUTHER, OKLAHOMA, AND MAYORAL PROCLAMATION CALLING FOR A SPECIAL ELECTION IN THE TOWN OF LUTHER ON APRIL 6, 2021, FOR THE PURPOSE OF SUBMITTING A QUESTION TO THE REGISTERED VOTERS REGARDING LEVY AND ASSESSMENT OF A SALES TAX OF ONE PERCENT UPON THE GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM ALL SALES TAX; AND PROVIDING FOR THE CONDUCT OF THE ELECTION BY THE OKLAHOMA COUNTY ELECTION BOARD. **Tabled to January 28, 2021.**
11. Consideration, discussion and possible action to adopt Ordinance 2021-02, AN ORDINANCE OF THE TRUSTEES OF THE TOWN OF LUTHER, OKLAHOMA, AMENDING SECTION 2-102 OF THE LUTHER CODE OF ORDINANCES, “ELECTIVE OFFICERS OF THE TOWN,” AND SPECIFICALLY REMOVING THE REQUIREMENT THAT THE CLERK-TREASURER BE ELECTED; ADDING SECTION 2-300, “CLERK-TREASURER,” AND SPECIFICALLY REMOVING THE REQUIREMENT THAT THE CLERK-TREASURER BE ELECTED; REPEALING SECTION 2-302.1, “TOWN CLERK-TREASURER;” PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY. **Jenni White made a motion to adopt Ordinance 2021-02 as written, 2nd by Terry Arps. The vote: 4 Yes.**
12. Consideration, discussion and possible action to adopt Resolution 2021-02R, A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF LUTHER, OKLAHOMA, AND MAYORAL PROCLAMATION CALLING FOR AN ELECTION IN THE TOWN OF LUTHER ON APRIL 6, 2021, FOR THE PURPOSE OF SUBMITTING A QUESTION TO THE REGISTERED VOTERS REGARDING APPOINTMENT RATHER THAN ELECTION OF THE TOWN OF LUTHER CLERK-TREASURER; AND PROVIDING FOR THE CONDUCT OF THE ELECTION BY THE OKLAHOMA COUNTY ELECTION BOARD. **Jenni White made a motion to adopt Resolution 2021-02R as written, 2nd by Brian Hall. The vote: 4 Yes.**
13. Consideration, discussion, and possible approval of Resolution 2021-03R, A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF LUTHER, OKLAHOMA, AND MAYORAL PROCLAMATION CALLING AND AUTHORIZING THE OKLAHOMA COUNTY ELECTION BOARD TO HOLD A GENERAL ELECTION ON APRIL 6, 2021, IN THE TOWN OF LUTHER, OKLAHOMA, FOR NOMINATION AND ELECTION OF THE TOWN CLERK-TREASURER; ESTABLISHING THE FILING PERIODS FOR THE FILING FOR OFFICE OF TOWN CLERK-TREASURER OF LUTHER, OKLAHOMA; AND PROVIDING FOR NOTICE OF ELECTION. **Jenni White made a motion to NOT Approve Resolution 2021-03R, 2nd by Brian Hall. The vote: 4 Yes (to not approve).**
14. Consideration, discussion and possible action to adopt and distribute information regarding the Americans With Disabilities Act. **Jenni White made a motion to adopt and distribute information regarding the Americans With Disabilities Act, 2nd by Terry Arps. The vote: 4 Yes.**
15. **PROPOSED EXECUTIVE SESSION**: Consideration and possible action to enter in Executive Session for confidential communications and discussions with legal counsel and other staff members as requested and required to discuss:
16. Actual candidates for the position of Municipal Judge as authorized by 25 O.S. §307(B)(1), as it pertains to the employment, hiring, and appointment of any individual salaried public officer or employee.
17. The evaluation and employment of the Police Chief, as authorized by 25 O.S. §307(B)(1), as it pertains to the employment, hiring, and appointment of any individual salaried public officer or employee.

**Jenni White made a motion to enter into executive session on Items A and B as written, 2nd by Terry Arps. The vote: 4 Yes.**

1. **PROPOSED ACTION FOLLOWING EXECUTIVE SESSION**: Consideration, discussion, and possible reasonable action, including:
2. Determining which candidates to interview, appoint, or ask for additional information from, all pertaining to the position of Municipal Judge and a proposed contract.
3. To approve a raise or other compensation to the Police Chief.

**Jenni White made a motion to return to general session, 2nd by Jeff Schwarzmeier. The vote: 4 Yes.**

**Item A: Jenni White made a motion to proceed with a questionnaire to candidates, 2nd by Terry Arps. The vote: 4 Yes.**

**Item B: Jenni White made a motion to raise the Police Chief’s wages to the next step increase of $20.60 per hour, 2nd by Terry Arps. The vote: 4 Yes.**

1. **New Business:** In accordance with the Open Meeting Act, Title 25 O.S. 311.A.9 of the Oklahoma Statutes, 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. **There was no new business.**
2. **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. **No citizens desired to be heard.**
3. Adjourn. **Jenni White made a motion to adjourn, 2nd by Jeff Schwarzmeier. The vote: 4 Yes.**

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Scherrie Pidcock, Interim Town Clerk-Treasurer

Minutes transcribed January 21, 2021.