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

**TUESDAY, MAY 11, 2021 AT 7:00 P.M.**

**LUTHER TOWN HALL**

**108 SOUTH MAIN STREET, LUTHER, OKLAHOMA 73054**

**REGULAR MEETING AGENDA**

1. Call to order **by Terry Arps.**
2. Invocation **by Jeff Schwarzmeier.**
3. Pledge of Allegiance was led **by Terry Arps**.
4. Roll Call was taken **by Terry Arps**. **Present were Terry Arps, Brian Hall, Carla Caruthers, Jeff Schwarzmeier and Joshua Rowton.**
5. Determination of a quorum was made **by Terry Arps.**
6. Approval of the Consent Agenda. **Terry Arps made a motion to approve the consent agenda, 2nd by Jeff Schwarzmeier. The Vote: All (5) Yes.**
   1. Approval of the Board Minutes from the meetings of April 13, 2021 and April 22, 2021
   2. Approval of Claims, including Payroll
   3. Review and Approval of Acting Treasurer’s Report
7. Consideration of Items Removed from the Consent Agenda. **None.**
8. Trustee Comments. **Terry Arps commented that Robert Stephens had resigned from the Emergency Management Committee. He also commented that he had spoken to the County Election Board about placing sample ballots at Town Hall when we have elections upcoming. Mr. Arps relayed information concerning his discussions with parties related to The Chicken Shack. He also stated he plans to write an article relating to the School Zone sign on Hogback Road.**

**Trustee One (Terry Arps)**

1. Consideration, discussion and possible adoption of Ordinance 2021-09, 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;” REPEALING ORDINANCE NO. 2021-02; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY. **Terry Arps made a motion to adopt Ordinance 2021-09 as written, 2nd by Joshua Rowton. The Vote: All (5) Yes.**
2. Consideration, discussion and possible action to approve the FY 21-22 General Mutual Cooperation Agreement between the Town of Luther and the Board of County Commissioners of Oklahoma County. **Terry Arps made a motion to approve the Agreement with Oklahoma County Board of Commissioners, 2nd by Brian Hall. The Vote: All (5) Yes.**
3. Consideration and discussion of issues pertaining to The Chicken Shack operations, infrastructure, economic development activities, as well as the proposed Property Improvements Agreement between the Town of Luther and the Chicken Shack. **Terry Arps made a motion to table the item until May 27, 2021, 2nd by Joshua Rowton. The Vote: All (5) Yes.**

**Trustee Two (Brian Hall)**

**Trustee Three (Carla Caruthers)**

1. Consideration, discussion and possible action to renew John Brown, Sr.’s Outdoor Display Operator License in the amount of $75.00. **Terry Arps made a motion to pay to renew John Brown, Sr.’s license, 2nd by Jeff Schwarzmeier. The Vote: All (5) Yes.**
2. Discussion regarding the price of the annual fireworks display pricing and activities by the Luther Volunteer Fire Department. **Discussion was had regarding obtaining two (2) more quotes. Tabled until May 27, 2021.**
3. Consideration, discussion and possible action to renew the EMRA Medical Services license in the amount of $20.00. **Terry Arps made a motion to renew the license, 2nd by Jeff Schwarzmeier. The Vote: All (5) Yes.**
4. Consideration, discussion, and possible action to purchase supplies for the Fire Department’s brush trucks, including five (5) hydrant wrenches, five (5) selectable nozzles for booster pumps, five (5) ½ inch high pressure pistol grip spray nozzles, five (5) ½ inch male fittings, five (5) quick coupler fittings, eight (8) black triple digit hoods, for an amount not to exceed $3,915.00. **Carla Caruthers made a motion to authorized purchase of listed supplies, 2nd by Jeff Schwarzmeier. The Vote: All (5) Yes.**
5. Consideration, discussion, and possible action to authorize the pony motor seal replacement and labor for Brush Truck 726, at a cost not to exceed $450.00. **Carla Caruthers made a motion to authorize as written, 2nd by Brian Hall. The Vote: All (5) Yes.**
6. Consideration, discussion and possible action regarding the recognition of retiring Fire Chief John W. Brown, Sr., for his extensive service to the Town of Luther through the Luther Volunteer Fire Department. **After discussion, item was tabled to May 27, 2021.**

**Trustee Four (Jeff Schwarzmeier)**

1. Consideration, discussion, and possible action pertaining to the Job Descriptions of Town Hall Staff, including the Town Manager, the Municipal Court Clerk/Utility Clerk, and the Receptionist/File Clerk, related compensation for these positions, pay scale adjustments, and participation of Town Hall Staff in a retirement program managed by the Oklahoma Municipal Retirement Fund. **No Action.**
2. Consideration, discussion, and possible appointment/promotion of Valarie Braxton to the position of Municipal Court Clerk/Administrative Assistant, and determining her salary. **Jeff Schwarzmeier made a motion to promote Valarie Braxton to the position of Municipal Court Clerk/Administrative Assistant at the rate of $16.00 per hour, 2nd by Carla Caruthers. The Vote: All (5) Yes.**
3. Consideration, discussion, and possible action to advertise, accept applications and interview candidates for the open position in Town Hall. **Terry Arps made a motion to move forward with Item 20 as written, 2nd by Jeff Schwarzmeier. The Vote: All (5) Yes.**
4. Consideration, discussion and possible action to hire a temporary employee for Town Hall while conducting a search for a permanent employee. **Terry Arps made a motion to hire an temporary employee, 2nd by Joshua Rowton. The Vote: All (5) Yes.**
5. Recognition of Niki Taylor, Municipal Court Clerk/Utility Clerk, for her service to the Town. **Various Board members and employees thanked Niki for her contributions to the Town.**
6. Presentation, discussion, and possible direction from the Trustees pertaining to the 2021-2022 Fiscal Year Budget. **Terry Arps made a motion to proceed with budgeting for FY 2021-2022 based on the sales tax election vote passing, 2nd by Brian Hall. The Vote: All (5) Yes.**

**Trustee Five (Joshua Rowton)**

1. Presentation and discussion of future land development plans by Wilson Homes. **Brian Wilson relayed future development plans to the Board. No Action.**
2. Consideration, discussion and possible action to appoint Trandy Langston former Luther Town Trustee and former liaison to the Planning Commission, as a member to the Planning Commission. **Joshua Rowton made a motion to appoint Trandy Langston to the Planning Commission as an Interim Member, 2nd by Terry Arps. The Vote: All (5) Yes.**
3. Consideration, discussion and possible action to appoint Jenni White, former Mayor of Luther, to the Emergency Management Committee. **Terry Arps made a motion to appoint Jenni White to the Emergency Management Committee, 2nd by Jeff Schwarzmeier. The Vote: All (5) Yes.**
4. Consideration, discussion and possible approval of an Event Permit for OPUS Entertainment to host a Kid’s Day Out event at Wildhorse Park on June 19, 2021. **Joshua Rowton made a motion to approve the request from Opus Entertainment to hold an event at Wildhorse Park on June 19, 2021, 2nd by Brian Hall. The Vote: All (5) Yes.**
5. Consideration, discussion, and possible direction regarding a Fire District/Department Subscription Fee. **Carla Caruthers made a motion to direct Town Attorney Beth Anne Childs to draft an ordinance relating to a subscription fee for the services of the Luther Volunteer Fire Department, 2nd by Terry Arps. The Vote: All (5) Yes.**

**Executive Session**

1. **PROPOSED EXECUTIVE SESSION:**Consideration and possible action to enter into executive session for confidential communications with legal counsel regarding:
2. a complaint made by Kirby Keith and a request for an investigation into the Luther Police Department on advice of counsel that public disclosure would seriously impair the ability of the Trustees to process the complaint and investigation in the public interest, and as authorized by 25 O.S. Section 307(B)(4); and
3. discussion of actual candidates for the position of Fire Chief, as authorized by 25 O.S. Section 307(B)(1).

**Terry Arps made a motion to recess from the Town Board meeting and conduct the LPWA and LEDA meetings, then return to the Town Board of Trustees meeting, 2nd by Jeff Schwarzmeier. The Vote: Four (4) Yes. (Joshua Rowton had excused himself and returned shortly after the vote.**

**LPWA and LEDA meetings were conducted.**

**Terry Arps made a motion to return to the regular Town Board of Trustees meeting, 2nd by Brian Hall. The Vote: All (5) Yes.**

**Terry Arps made a motion to convene into Executive Session, 2nd by Brian Hall. The Vote: All (5) Yes.**

**Terry Arps made a motion to return to regular session, 2nd by Carla Caruthers. The Vote: All (5) Yes.**

1. **PROPOSED ACTION ITEMS FOR MATTERS DISCUSSED IN EXECUTIVE SESSION:** Consideration, discussion, and possible appropriate and related action on matters discussed in Executive Session, including direction for legal counsel or other related person to conduct an investigation into the complaint filed by Kirby Keith, and to approve the hiring of a Fire Chief or setting out a process to hire a Fire Chief, or other appropriate and related action.
2. **Terry Arps made a motion to have Town Attorney Beth Anne Childs investigate the complaint and report back to the Board, 2nd by Joshua Rowton.** **The Vote: All (5) Yes.**
3. **Terry Arps made a motion for the Town Manager to coordinate an interview time for Joe Figueroa, 2nd by Brian Hall**. **The Vote: All (5) Yes.**
4. **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. **None.**
5. **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. **None.**
6. Adjourn. **Jeff Schwarzmeier made a motion to adjourn, 2nd by Carla Caruthers. The Vote: All (5) Yes.**

Minutes transcribed by Scherrie Pidcock, Acting Town Clerk-Treasurer