

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

**TUESDAY, JUNE 8, 2021, AT 7:00 P.M.**

**LUTHER TOWN HALL**

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

**REGULAR MEETING MINUTES**

1. Call to order by Terry Arps.
2. Invocation by Joshua Rowton.
3. Pledge of Allegiance led by Terry Arps.
4. Roll Call 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, including:
   1. Approval of the Board Minutes from the meetings of May 11 and May 27, 2021
   2. Approval of Claims, including Payroll
   3. Review and Approval of Acting Treasurer’s Report **Terry Arps made a motion to approve the consent agenda, 2nd by Brian Hall. The Vote: All (5) Yes.**
7. Consideration of Items Removed from the Consent Agenda. **None.**
8. Trustee Comments. **Trustee Arps commended the Police Department on apprehension of suspects in a burglary in progress.**

**Trustee One (Terry Arps)**

1. A PUBLIC HEARING on the FY 2021-2022 Town of Luther and Luther Public Works Authority Budgets for the purpose of discussing, developing and finalizing the Town of Luther and Luther Public Works Authority budgets for the fiscal year beginning July 1, 2021. A copy of the proposed budgets are available at Luther Town Hall, 108 S. Main, Luther, OK. **Terry Arps opened the Public Hearing. There were no comments. Terry Arps closed the Hearing.**
2. A PUBLIC HEARINGto consider an application for a Specific Use Permit for property generally located at 350 North Ash St, Luther, Oklahoma, 73054, for purposes of a Commercial Marijuana Growth Facility. The property is currently zoned B, Business, and the legal description is as follows:

Part of Tract A, School Land Addition, according to the plat recorded in Book 17 of Plats, page 18, as platted in part of the Northwest Quarter of Section 27, Township 14 North, Range 1 East of the Indian Meridian, Oklahoma County, Oklahoma, more particularly described as follows:

COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT A; THENCE SOUTH 00°25’22” WEST ALONG THE WEST LINE OF SAID TRACT A, A DISTANCE OF 467.23 FEET TO THE POINT OF BEGINNING; THENCE NORTH 10°04’15” EAST A DISTANCE OF 101.44 FEET; THENCE NORTH 03°17’07” EAST A DISTANCE OF 23.93 FEET; THENCE SOUTH 89°58’14” EAST PARALLEL WITH THE NORTH LINE OF SAID NORTHEST QUARTER A DISTANCE OF 280.60 FEET; THENCE SOUTH 00°01’46” WEST A DISTANCE OF 175.62 FEET; THENCE NORTH 89°58’14” WEST PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 300.00 FEET TO A POINT ON THE 33 FOOT STATUTORY RIGHT OF WAY; THENCE NORTH 00°25’22” EAST ALONG SAID RIGHT OF WAY A DISTANCE OF 51.84 FEET TO THE POINT OF BEGINNING.

**Terry Arps opened the Public Hearing. Present were Jesse Mull, Timothy Domboski and Bob LaBar. Terry Arps closed the Public Hearing.**

1. Consideration, discussion, and possible approval of a Specific Use Permit for property generally located at 350 North Ash Street, Luther, Oklahoma, for purposes of a Commercial Marijuana Growth Facility. **Terry Arps made a motion to approve the Specific Use Permit for 350 N Ash Street, 2nd by Jeff Schwarzmeier. The Vote: All (5) Yes.**
2. A PUBLIC HEARINGto consider a recommendation to the Town of Luther Board of Trustees, regarding an Ordinance of the Town of Luther, Oklahoma, amending article F. “SPECIFIC USE PERMITS,” section 12-252 “Specific Use List,” which establishes a list of allowable uses by removing short-term rentals from the list of allowable uses. **Terry Arps opened the Public Hearing. There were no comments. Terry Arps closed the Hearing.**
3. Consideration, discussion, and possible adoption of ORDINANCE NO. 2021-11, AN ORDINANCE OF THE TOWN OF LUTHER, OKLAHOMA, AMENDING ARTICLE F. “SPECIFIC USE PERMITS,” SECTION 12-252 “SPECIFIC USE LIST,” WHICH ESTABLISHES A LIST OF ALLOWABLE USES BY REMOVING SHORT-TERM RENTALS FROM THE LIST OF ALLOWABLE USES; REPEALING ALL PRIOR ORDINANCES TO THE CONTRARY; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY. **Terry Arps made a motion to adopt Ordinance 2021-11 as written, 2nd by Carla Caruthers. The Vote: All (5). Terry Arps made a motion to adopt the Emergency Clause for Ordinance 2021-11, 2nd by Brian Hall. The Vote: All (5) Yes.**
4. A PUBLIC HEARINGto consider a recommendation to the Town Board of Trustees, regarding an Ordinance of the Town of Luther, Oklahoma, adding article G. “Short-term Rentals,” to the Luther Code of Ordinances, and specifically adding section 12-260, “definitions;” adding section 12-261, “permitted districts,” which identifies the districts that allow short-term rentals; adding section 12-262, “license required; compliance with applicable codes,” which requires a license and compliance with Town of Luther codes; adding section 12-263, “application form and process;” adding section 12-264, “suspension, revocation, notice, hearing and complaint process;” adding section 12-265, “applicability of covenants and deed restrictions; adding section 12-266, “penalty.” **Terry Arps opened the Public Hearing. Beth LaFave was present and spoke, as well as Jason Roach, Planning Commission member. Terry Arps closed the Hearing.**
5. Consideration, discussion, and possible adoption of ORDINANCE NO. 2021-12, AN ORDINANCE OF THE TOWN OF LUTHER, OKLAHOMA, ADDING ARTICLE G. “SHORT-TERM RENTALS,” TO THE LUTHER CODE OF ORDINANCES, AND SPECIFICALLY ADDING SECTION 12-260, “DEFINITIONS;” ADDING SECTION 12-261, “PERMITTED DISTRICTS,” WHICH IDENTIFIES THE DISTRICTS THAT ALLOW SHORT-TERM RENTALS; ADDING SECTION 12-262, “LICENSE REQUIRED; COMPLIANCE WITH APPLICABLE CODES,” WHICH REQUIRES A LICENSE AND COMPLIANCE WITH TOWN OF LUTHER CODES; ADDING SECTION 12-263, “APPLICATION FORM AND PROCESS;” ADDING SECTION 12-264, “SUSPENSION, REVOCATION, NOTICE, HEARING AND COMPLAINT PROCESS;” ADDING SECTION 12-265, “APPLICABILITY OF COVENANTS AND DEED RESTRICTIONS; ADDING SECTION 12-266, “PENALTY;” REPEALING ALL PRIOR ORDINANCES TO THE CONTRARY; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY. **Terry Arps made a motion to adopt Ordinance 2021-12 with the changes recommended by the Planning Commission, as edited by Beth Anne Childs, Town Attorney, 2nd by Joshua Rowton. The Vote: All (5) Yes. Terry Arps made a motion to adopt the Emergency Clause for Ordinance 2021-12, 2nd by Brian Hall. The Vote: All (5) Yes.**
6. Consideration, discussion, and possible approval of Resolution No. 2021-11R, a Resolution of the Board of Trustees of the Town of Luther, Oklahoma, adopting the fiscal year 2021-2022 annual budget for the Town in accordance with the provisions of the Municipal Budget Act. **Terry Arps made a motion to adopt Resolution 2021-11R as written, 2nd by Brian Hall. The Vote: All (5) Yes**.
7. Consideration, discussion, and possible adoption of ORDINANCE NO. 2021-13, AN ORDINANCE OF THE TOWN OF LUTHER, OKLAHOMA, AMENDING PART 7, “FINANCE AND TAXATION,” CHAPTER 5, “EXCISE TAX,” TO THE LUTHER CODE OF ORDINANCES, AND SPECIFICALLY AMENDING SECTION 7-501, “EXCISE TAX ON STORAGE, USE OR OTHER CONSUMPTION OF TANGIBLE, PERSONAL PROPERTY LEVIED;” AND INCREASING THE RATE TO FOUR PERCENT (4%) OF THE PURCHASE PRICE; REPEALING ALL PRIOR ORDINANCES TO THE CONTRARY; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY. **Terry Arps made a motion to adopt Ordinance 2021-13 as written, 2nd by Joshua Rowton. The Vote: All (5) Yes. Terry Arps made a motion to adopt the Emergency Clause for Ordinance 2021-13, 2nd by Brian Hall. The Vote: All (5) Yes.**
8. Consideration, discussion and possible action on branding Luther Police Department vehicles. **Terry Arps directed Chief Leafty to research availability and prices for magnetic signage for Luther Police Department vehicles, 2nd by Joshua Rowton. The Vote: All (5) Yes.**
9. Consideration, discussion and possible action on signing a mutual aid agreement between the Town of Luther and the Town of Jones. **Terry Arps made a motion to enter into a police mutual aid agreement with the Town of Jones, 2nd by Jeff Schwarzmeier. The Vote: All (5) Yes.**
10. Consideration and discussion on the possibility of adding a K-9 officer to the Town of Luther Police Department. **No Action.**
11. Consideration, discussion and possible action to rewrite the Economic Development Agreement with the Chicken Shack to include the property owner. **No Action.**
12. Consideration, discussion and possible action to purchase a dedicated Windows 10 capable laptop computer for the Town Manager/Acting Town Clerk-Treasurer/Floodplain Administrator. **Terry Arps made a motion to obtain three (3) estimates and proceed to purchase a laptop computer for a price not to exceed $2,000.00, 2nd by Carla Caruthers. The Vote: All (5) Yes.**

**Trustee Two (Brian Hall)**

**Trustee Three (Carla Caruthers)**

1. Consideration, discussion and possible action to authorize a vendor to make alcohol sales at the fireworks show in Wildhorse Park on July 3, 2021. **Terry Arps made a motion to allow an alcohol vendor at the fireworks show, providing they obtain all applicable required permits, 2nd by Joshua Rowton. The Vote: All (5) Yes.**
2. Consideration and discussion regarding fire service subscriptions, charging for runs made by the Luther Volunteer Fire Department. **Discussion of fees was held by Trustees, Fire Personnel and Town Attorney. No Action.**
3. Consideration, discussion and possible action to purchase a chemical locker for the Fire Station. **Terry Arps made a motion to authorize the purchase of a chemical locker to be placed at the Fire Station for a price not to exceed $850.00, 2nd by Joshua Rowton. The Vote: All (5) Yes.**
4. Consideration, discussion and possible action to replace the faulty lock on the Fire Station entry door with a door code type lock system. **No Action.**

**Trustee Four (Jeff Schwarzmeier)**

**Trustee Five (Joshua Rowton)**

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. **None.**
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. **Joshua Smith addressed the Board inquiring about an Independence Day parade in conjunction with the fireworks show on July 3, 3021.**
3. Adjourn. **Terry Arps made a motion to adjourn, 2nd by Brian Hall. The Vote: All (5) Yes.**

Minutes transcribed by Scherrie Pidcock, Acting Town Clerk