

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

**TUESDAY, MARCH 8, 2022, AT 7:00 P.M.**

**LUTHER TOWN HALL**

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

**REGULAR MEETING MINUTES**

1. Call to order **by Mayor Terry Arps.**
2. Invocation **by Jeff Schwarzmeier.**
3. Pledge of Allegiance **led by Terry Arps.**
4. Roll Call **was taken by Terry Arps. Present were Terry Arps, Brian Hall, Jeff Schwarzmeier and Joshua Rowton. Carla Caruthers was absent.**
5. Determination of a quorum **was made by Terry Arps.**
6. Approval of the Consent Agenda,
	1. Approval of the Board Minutes from the meeting of February 8, 2022
	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 as presented, 2nd by Jeff Schwarzmeier. The Vote: All (4) Yes.**
7. Consideration of Items Removed from the Consent Agenda - **None.**
8. Trustee Comments - **Terry Arps complimented the Police and Fire Departments and mentioned the Fire Department’s turn-out time was very good.**
9. **Public Hearing** - to consider and take appropriate action, including to approve or deny an application for a Specific Use Permit (SUP) for property generally located at 20100 NE 178th St, Luther, Oklahoma, for purposes of placing an event venue including a corn maze, pumpkin patch, concession sales and holiday event site on a 40-acre tract of land. A copy of the proposed application is on file in the office of the Town Clerk at Luther Town Hall. The property is currently zoned A-1, Agricultural, and the legal description is as follows:

A PART OF THE NW/4 OF SEC 35, TOWNSHIP 14N, RANGE 1 EAST OF THE INDIAN MERIDIAN, OKLAHOMA COUNTY, OKLAHOMA - BEGINNING AT THE NW CORNER OF SAID NW/4 THENCE NORTH 89⁰51’18” EAST ALONG THE NORTH LINE OF SAID NW/4 DISTANCE OF 867.44FT THENCE SOUTH 0⁰32’20” EAST A DISTANCE OF 1925.83FT THENCE SOUTH 79⁰01’14” WEST A DISTANCE OF 882.02FT THENCE NORTH 0⁰32’20” WEST A DISTANCE OF 2091.63FT TO THE POINT OF BEGINNING-SAID TRACT CONTAINS 40ACRS MORE OR LESS

**Joshua Rowton made a motion to approve the Specific Use Permit for 20100 NE 178th, 2nd by Brian Hall. The Vote: All (4) Yes.**

**Trustee One (Terry Arps)**

1. Consideration, discussion and possible action to accept an estimate from Cavin Consulting in an amount up to $750.00 for archiving all inactive Town emails to external drives. **Terry Arps made a motion to approve as written, 2nd by Joshua Rowton. The Vote: All (4) Yes.**
2. Consideration, discussion and possible action to designate ARPA funds for sewer infrastructure in the general area of 8th to 178th and S Birch Street. **Terry Arps made a motion to approve as written, 2nd by Joshua Rowton. The Vote: All (4) Yes.**
3. Consideration, discussion, and possible ratification of the Surplus Property Transfer Agreement with the City of Edmond for the receipt of a 2009 Dodge Charger Patrol Vehicle and a 2012 Dodge Charger Patrol Vehicle. **Terry Arps made a motion to approve as written, 2nd by Brian Hall. The Vote: All (4)Yes.**
4. Consideration, discussion and possible action to enter into an agreement with Wilson Homes or their investor for sewer infrastructure funding match. Tabled from February 8, 2022. **Tabled to March 24, 2022.**
5. Consideration, discussion and possible adoption of ORDINANCE 2022-02, AN ORDINANCE Amending the EMPLOYEE RETIREMENT SYSTEM, DEFINED CONTRIBUTION PLAN FOR THE Town of Luther, OKLAHOMA by adopting a revised and restated retirement plan; PROVIDING RETIREMENT BENEFITS FOR ELIGIBLE EMPLOYEES OF THE Town of Luther, OKLAHOMA; PROVIDING FOR PURPOSE AND ORGANIZATION; PROVIDING FOR DEFINITIONS; PROVIDING FOR ELIGIBILITY AND PARTICIPATION; PROVIDING FOR NON-ALIENATION OF BENEFITS; PROVIDING FOR EMPLOYER AND EMPLOYEE CONTRIBUTIONS; PROVIDING FOR ACCOUNTING, ALLOCATION, AND VALUATION; PROVIDING BENEFITS; PROVIDING FOR REQUIRED NOTICE; PROVIDING FOR AMENDMENTS AND TERMINATION; PROVIDING FOR TRANSFER TO AND FROM OTHER PLANS; CREATING A RETIREMENT COMMITTEE AND PROVIDING FOR POWERS, DUTIES, AND RIGHTS OF RETIREMENT COMMITTEE; PROVIDING FOR PAYMENT OF CERTAIN OBLIGATIONS; PROVIDING FOR DURATION AND PAYMENT OF EXPENSES; PROVIDING FOR EFFECTIVE DATE; PROVIDING FOR VESTING SCHEDULES; PROVIDING FOR A FUND TO FINANCE THE SYSTEM TO BE POOLED WITH OTHER INCORPORATED CITIES, TOWNS AND THEIR AGENCIES AND INSTRUMENTALITIES FOR PURPOSES OF ADMINISTRATION, MANAGEMENT, AND INVESTMENT AS PART OF THE OKLAHOMA MUNICIPAL RETIREMENT FUND; PROVIDING FOR PAYMENT OF ALL CONTRIBUTIONS UNDER THE SYSTEM TO THE OKLAHOMA MUNICIPAL RETIREMENT FUND FOR MANAGEMENT AND INVESTMENT; PROVIDING FOR REPEALER AND SEVERABILITY; ADOPTING THOSE AMENDMENTS MANDATED BY THE INTERNAL REVENUE CODE; AND DECLARING AN EMERGENCY. **Jeff Schwarzmeier made a motion to adopt Ordinance 2022-02 as written, 2nd by Terry Arps. The Vote: All (4) Yes. Jeff Schwarzmeier made a motion to adopt the emergency clause, 2nd by Terry Arps. The Vote: All (4) Yes.**
6. Consideration, discussion and possible adoption of ORDINANCE NO. 2022-03, AN ORDINANCE AMENDING PART 10, “OFFENSES AND CRIMES,” CHAPTER 4, “OFFENSES AGAINST THE HEALTH, WELFARE AND MORALS” OF THE CODE OF ORDINANCES OF THE TOWN OF LUTHER, OKLAHOMA, AND SPECIFICALLY AMENDING SECTION 10-422, “YOUTH ACCESS TO TOBACCO,” BY BRINGING THE PROVISIONS FOR DEFINITIONS, FURNISHING TOBACCO, NICOTINE AND VAPOR PRODUCTS TO THOSE UNDER TWENTY-ONE YEARS OF AGE, PROHIBITING THE DISTRIBUTION OF TOBACCO PRODUCTS AND VAPOR PRODUCT SAMPLES, DISPLAY OF TOBACCO, NICOTINE AND VAPOR PRODUCTS, AND REPORT OF VIOLATIONS AND COMPLIANCE CHECKS, INTO COMPLIANCE WITH STATE STATUTE; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; AND DECLARING AN EMERGENCY. **Terry Arps made a motion to adopt Ordinance 2022-03, 2nd by Jeff Schwarzmeier. The Vote: Arps Yes, Hall Yes, Schwarzmeier Yes. Rowton No. Motion passed 3-1. The Emergency Clause was not voted upon, therefore not passed.**
7. Consideration, discussion, and possible adoption of ORDINANCE NO. 2022-04, AN ORDINANCE AMENDING CHAPTER 4, “OFFENSES AGAINST THE HEALTH, WELFARE AND MORALS,” OF THE CODE OF ORDINANCES OF THE TOWN OF LUTHER, OKLAHOMA, AND SPECIFICALLY AMENDING SECTION 10-423, “REGULATION OF SMOKING AND USE OF TOBACCO AND VAPOR PRODUCTS” BY BRINGING THE PROVISIONS FOR DEFINITIONS, PROHIBITED CONDUCT, REQUIRED SIGNS, AND PENALTIES AND ENFORCEMENT, INTO COMPLIANCE WITH STATE STATUTE; REPEALING SECTIONS 10-424, 10-425, 10-426, 10-427, 10-428, AND 10-429 OF THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; AND DECLARING AN EMERGENY. **Terry Arps made a motion to adopt Ordinance 2022-04, 2nd by Jeff Schwarzmeier. The Vote: Arps Yes, Hall Yes, Schwarzmeier Yes. Rowton No. Motion passed 3-1. The Emergency Clause was not voted upon, therefore not passed.**
8. Consideration, discussion, and possible adoption of ORDINANCE NO. 2202-05, AN ORDINANCE AMENDING CHAPTER 4, “OFFENSES AGAINST THE HEALTH, WELFARE AND MORALS,” OF THE CODE OF ORDINANCES OF THE TOWN OF LUTHER, OKLAHOMA, AND SPECIFICALLY ADDING SECTION 10-424, “LOCATION OF STORES SELLING TOBACCO AND VAPOR PRODUCTS;” PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; AND DECLARING AN EMERGENCY. **Terry Arps made a motion to adopt Ordinance 2022-03, 2nd by Brian Hall. The Vote: Arps Yes, Hall Yes, Schwarzmeier Yes. Rowton No. Motion passed 3-1. The Emergency Clause was not voted upon, therefore not passed.**
9. Consideration, discussion and possible action to authorize the acceptance of the Oklahoma TSET Certification of Non-Acceptance of Tobacco Funds. **Terry Arps made a motion to authorize as written, 2nd by Brian Hall. The Vote: Arps Yes, Hall Yes, Schwarzmeier Yes. Rowton No. Motion passed 3-1.**
10. Consideration, discussion and possible action to create a community garden at Wildhorse Park. **Terry Arps made a motion to approve creation of a community garden, 2nd by Brian Hall. The Vote: Arps Yes, Hall Yes, Schwarzmeier Yes. Rowton No. Motion passed 3-1.**
11. Consideration, discussion and possible action to ratify a $1,000 grant application to the Oklahoma Code Enforcement Association (OCEA) to implement park improvements at Booker T Washington and/or Wildhorse Park. **Terry Arps made a motion to ratify the application, 2nd by Brian Hall. The Vote: All (4) Yes.**
12. Consideration, discussion and possible action to renew the rental lease with the Community Action Agency for the building located at 319 SW 25th Street, known as the Armstrong Head Start building, in the amount of $1,000 per month for the period of March 31, 2022 to March 31, 2023. **Terry Arps made a motion to renew the lease as written, 2nd by Brian Hall. The Vote: All (4) Yes.**

**Trustee Two (Brian Hall)**

**Trustee Three (Carla Caruthers)**

1. Consideration, discussion and possible action Consideration, discussion and possible action concerning size, composition, charter and meeting dates, times and places for the Luther Fire Department Advisory Committee. **Tabled to March 24, 2022.**
2. Consideration, discussion and possible action to approve an estimate from CASCO Industries for $1,008.59, to conduct required annual maintenance and testing on Cascade air system and MSA air packs. **Terry Arps made a motion to approve the estimate, 2nd by Brian Hall. The Vote: All (4) Yes.**

**Trustee Four (Jeff Schwarzmeier)**

**Trustee Five (Joshua Rowton)**

1. Consideration, discussion and possible action to investigate the possibility of selling the property located on the NW corner of 3rd and Curtis. **Tabled to April 12, 2022.**

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. **Anna Campbell asked if we could find out what the different sirens at the OG&E plant mean.**
3. Adjourn. **Terry Arps made a motion to adjourn, 2nd by Joshua Rowton. The Vote: All (4) Yes.**

Minutes Transcribed by Scherrie Pidcock, Town Clerk