

**CLEVELAND CITY COUNCIL
MINUTES
Thursday, February 13, 2020**

Members of the Cleveland City Council met in a regularly scheduled meeting at 6:00 p.m. on Thursday, February 13, 2020, in the Council Chambers of the Cleveland Municipal Building located at 201 North Broadway, Cleveland, Oklahoma with Mayor Scott Rusher presiding. The agenda for this meeting was posted on the front door of the Cleveland City Hall on February 11, 2020, at 9:00 a.m.

**** Tiger Valley students participated in the voting of Agenda Item #7. ****

**** Their votes hold no official action. ****

1. **Call to order.** Mayor Scott Rusher called the meeting to order at 6:05 p.m.
2. **Roll Call.** Clerk Michelle Lehnus called roll with the following members present:
Present: Scott Rusher, Brian Torres, Lee Merrifield, David Carter, Mike Carroll
Absent: None
3. **Discussion and action to approve or reject the minutes of the previous meeting(s). Discussion concerning actions taken in relation to the minutes of the previous meeting (s).** The minutes of the previous meetings were reviewed by the council. No discussion occurred. A motion was made by Brian Torres and seconded by Mike Carroll to approve the minutes for the regular meeting held on January 9, 2020 and the special meeting held on January 15, 2020. The motion passed with the following roll call vote: (5-0)
Aye: Scott Rusher, Brian Torres, Lee Merrifield, David Carter, Mike Carroll
Nay: None
4. **Discussion and action to approve or reject the Treasurer's Report.** The Treasurer's Report was reviewed by the council. No discussion occurred. A motion was made by Brian Torres and seconded by David Carter to approve the Treasurer's Report. The motion carried with the following roll call vote: (5-0)
Aye: Scott Rusher, Brian Torres, Lee Merrifield, David Carter, Mike Carroll
Nay: None
5. **Discussion concerning list of purchase orders paid.** Purchase orders were reviewed by the council members. No discussion occurred.
6. **Public Comments. All comments will be limited to agenda items only. Participants are required to sign in prior to the start of the meeting.** The following members of the public signed in to speak: David Cordle – Commercial Lease
7. **Discussion and possible action to sell metal long benches and metal octagon picnic tables to be used as a fundraiser for the pool project. This may include setting the selling price for metal long benches and metal octagon picnic tables.** The council was joined by three students from Cleveland Middle School's Tiger Valley program: Jagger Forbes, Noah Sanders, and Isabella Morgan. Discussion occurred regarding the history of the green benches within the city and how the tradition began. Discussion occurred among the council and Tiger Valley students regarding the cost for citizens to purchase the metal long benches and the metal octagon tables. A motion was made by Brian Torres and seconded by Lee Merrifield to sell green metal long benches and metal octagon picnic tables for \$700.00 as a fundraiser for the pool project and to allow the bench and table location to be selected by the buyer on a first paid, first selected basis. The motion carried with the following roll call vote: (5-0)

Aye: Scott Rusher, Brian Torres, Lee Merrifield, David Carter, Mike Carroll

Nay: None

8. Discussion and possible action to approve or reject:

- a. Change Order No 002 in the amount of \$960.00 to J.P. Construction Inc. Change order is for: Furnishing pipe only and installation for pool lighting for all three pools, the slide pump, and deck boxes.** City Manager Vicki Hagerman explained that conduit only was laid to allow the construction company to continue progress with construction. A motion was made by Brian Torres and seconded by Scott Rusher to approve Change Order No 002 in the amount of \$960.00 to J.P. Construction Inc. The motion carried with the following roll call vote: (5-0)

Aye: Scott Rusher, Brian Torres, Lee Merrifield, David Carter, Mike Carroll

Nay: None

- b. Change Order No 003 in the amount of \$3,120.00 to J.P. Construction Inc. Change order is for: Removal of buried debris and filling and compacting excavation site.** City Manager Hagerman advised the council that the city had saved money by hauling debris away themselves. A motion was made by Brian Torres and seconded by Scott Rusher to approve Change Order No 003 in the amount of \$3,120.00 to J.P. Construction Inc. The motion carried with the following roll call vote: (5-0)

Aye: Scott Rusher, Brian Torres, Lee Merrifield, David Carter, Mike Carroll

Nay: None

- 9. Discussion and possible action to confirm Mayor Scott Rusher's nomination and appointment of Vicki Hagerman to the Cleveland Area Hospital Trust Authority to fulfill the unexpired term of Elzie Smith; term expires in June 2022.** Discussion occurred among the council reminding everyone that the City Manager normally sits on the Cleveland Area Hospital Trust Authority to provide the council with insight on the decisions and financials of the Cleveland Area Hospital. A motion was made by Scott Rusher and seconded by Lee Merrifield to appoint Vicki Hagerman to the Cleveland Area Hospital Trust Authority to fulfill the unexpired term of Elzie Smith. The motion carried with the following roll call vote: (5-0)

Aye: Scott Rusher, Brian Torres, Lee Merrifield, David Carter, Mike Carroll

Nay: None

- 10. Discussion and possible action to approve or reject ORDINANCE No. 2020-630: AN ORDINANCE AMENDING THE EMPLOYEE RETIREMENT SYSTEM, DEFINED CONTRIBUTION PLAN FOR THE POSITION OF CITY MANAGER FOR THE CITY OF CLEVELAND, OKLAHOMA; PERTAINING TO PLAN DESIGN; PROVIDING FOR EMPLOYER PICKUP OF REQUIRED CONTRIBUTIONS; PROVIDING FOR THE REPEALER AND SEVERABILITY; AND DECLARING AN EMERGENCY. Amendment proposed to set Pick-Up Option amount at 1% of his or her compensation.** City Manager Hagerman advised that the document required council approval due to a change in the contribution percentage. Discussion occurred among council and a motion was made by Lee Merrifield and seconded by Scott Rusher to approve ORDINANCE NO. 2020-630: AN ORDINANCE AMENDING THE EMPLOYEE RETIREMENT SYSTEM, DEFINED CONTRIBUTION PLAN FOR THE POSITION OF CITY MANAGER FOR THE CITY OF CLEVELAND, OKLAHOMA; PERTAINING TO PLAN DESIGN; PROVIDING FOR EMPLOYER PICKUP OF REQUIRED CONTRIBUTIONS; PROVIDING FOR THE REPEALER AND SEVERABILITY; AND DECLARING AN EMERGENCY. The motion carried with the following roll call vote: (5-0)

Aye: Scott Rusher, Brian Torres, Lee Merrifield, David Carter, Mike Carroll

Nay: None

**** Emergency Clause to be voted on separately. ****

A motion was made by Lee Merrifield and seconded by Mike Carroll to approve the emergency clause on ORDINANCE No. 2020-630: AN ORDINANCE AMENDING THE EMPLOYEE RETIREMENT SYSTEM,

DEFINED CONTRIBUTION PLAN FOR THE POSITION OF CITY MANAGER FOR THE CITY OF CLEVELAND, OKLAHOMA; PERTAINING TO PLAN DESIGN; PROVIDING FOR EMPLOYER PICKUP OF REQUIRED CONTRIBUTIONS; PROVIDING FOR THE REPEALER AND SEVERABILITY; AND DECLARING AN EMERGENCY. The motion carried with the following roll call vote: (5-0)

Aye: Scott Rusher, Brian Torres, Lee Merrifield, David Carter, Mike Carroll

Nay: None

- 11. Discussion and possible action to approve or reject the Commercial Lease for David Cordle DBA BA Wellness Services and Natalie Engeldow DBA Natalie's Dance Studio at 217 S. Broadway, Cleveland, Oklahoma.** Operations Manager Clint Stout explained to the council that the calculations for rent that were provided was based on the average market value of commercial rental space on Broadway in the City of Cleveland. David Cordle spoke to council, advising that he currently uses the space for counseling sessions. Discussion occurred among the council regarding price per renter. City Manager Hagerman advised the council that due to the fact that the building was owned by the City of Cleveland, rent had to be set at the fair market value. A motion was made by Scott Rusher and seconded by Brian Torres to approve the commercial lease agreements for David Cordle DBA BA Wellness Services and Natalie Engeldow DBA Natalie's Dance Studio at 217 S. Broadway, Cleveland, Oklahoma. The motion carried with the following roll call vote: (3-2)

Aye: Scott Rusher, Brian Torres, David Carter

Nay: Lee Merrifield, Mike Carroll

- 12. Proposed executive session to discuss the appraisal of real property for the City of Cleveland where the disclosure of information would violate confidentiality requirements of federal and state law as authorized by OKLA. STAT, Title 25, Section 307 (B)(3); Section (C)(10); Section (10).**
- a. **Vote to convene in Executive Session.** A vote to convene in Executive Session was made by Scott Rusher and Brian Torres. The motion passed with the following roll call vote: (5-0)
Aye: Scott Rusher, Brian Torres, Lee Merrifield, David Carter, Mike Carroll
Nay: None
 - b. **Vote to acknowledge return to open session.** A motion to return to open session was made by Scott Rusher and seconded by Brian Torres. The motion carried with the following roll call vote: (5-0)
Aye: Scott Rusher, Brian Torres, Lee Merrifield, David Carter, Mike Carroll
Nay: None
 - c. **Statement of executive session minute.** Scott Rusher read the executive session minute.

- 13. City Manager's Report which may include updates and/or announces of events, projects, and general operations of the City of Cleveland.** City Manager Hagerman updated the council on various departments within the City of Cleveland and the following items:
- a. **2020 Census** – Ms. Hagerman stressed the importance of participating in the Census and noted that the Census was still hiring and that applications could be picked up at the Jay C. Byers Memorial Library
 - b. **Oklahoma Department of Transportation Bridge Project** – She notified the council that the shoe fly is set to open at the first of March. Ms. Hagerman reminded everyone that no pedestrian traffic would be allowed once the shoe fly opens.
 - c. **Pool Project** – Ms. Hagerman advised the council that the pool project is currently halted due to the rainfall and water accumulations.
 - d. **Water Plant Project** – Ms. Hagerman told the council that she and water superintendent traveled to tour a water plant in similar size and structure as to what our new one will be. She also advised that the City of Cleveland is currently working on applying for a

Community Development Block Grant to help offset the cost of building new sludge ponds at the new water plant. As a requirement of the grant, Cleveland LMI (Low Moderate Income) has to be 51% or more, so citizens will be receiving a survey in the mail in the next two weeks that will need to be completed and returned for processing.

14. New Business. New business being defined as any business that could not be foreseen at the time of posting the agenda. There was no new business.

15. Adjournment. A motion was made by Brian Torres and seconded by David Carter to adjourn. The motion carried with the following roll call vote: (5-0)

Aye: Scott Rusher, Brian Torres, Lee Merrifield, David Carter, Mike Carroll

Nay: None

The meeting adjourned at 8:10 p.m.

Signature on File

Scott Rusher, Mayor

Signature on File

Michelle Lehnus, City Clerk