

**CLEVELAND CITY COUNCIL**  
**NOTICE OF REGULAR SCHEDULED MEETING**  
**Thursday, August 13, 2020 – 6:00 p.m.**

Members of the Cleveland City Council met in a regularly scheduled meeting at 6:03 p.m. on Thursday, August 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 August 12, 2020, at 3:02 p.m.

1. **Call to order.** Mayor Scott Rusher called this meeting to order at 6:03 p.m.
2. **Roll Call.** Clerk Michelle Lehnus called roll with the following members present:  
**Present:** Scott Rusher, Lee Merrifield, David Cordle, Mike Carroll  
**Absent:** Brian Torres
3. **Flag Salute.** Flag salute was led by Mayor Rusher
4. **Invocation.** Invocation was led by Mike Carroll
5. **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 meeting were reviewed. No discussion occurred. A motion was made by Scott Rusher and seconded by Lee Merrifield to approve the minutes for the regular meeting held on July 9, 2020. This motion carried with the following roll call: (4-0)  
**Aye:** Scott Rusher, Lee Merrifield, David Cordle, Mike Carroll  
**Nay:** None
6. **Discussion and action to approve or reject the Treasurer's Report.** The Treasurer's Report was reviewed by the council. City Manager Vicki Hagerman reminded council that it was a different format and that this was the second month the new format was in place. Ms. Hagerman noted that the revenue and expense is in line with the expected 8%. She noted that sales and use tax came in higher because people are shopping local. Mr. Carroll asked about a possible format change requesting that the 'Dollar Amount Over Budget' column reflect what should be left year to date instead of the overall budget. Ms. Hagerman advised that the change would not be something that could be generated from the computer program and would require manual entry and would probably cost an additional fee. A motion was made by Scott Rusher and seconded by Mike Carroll to approve the Treasurer's Report. This motion carried with the following roll call vote: (4-0)  
**Aye:** Scott Rusher, Lee Merrifield, David Cordle, Mike Carroll  
**Nay:** None
7. **Discussion concerning list of purchase orders paid.** Purchase orders were reviewed by the council. No discussion occurred.
8. **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: Cynthia Dresback- Airport; Glen Dresback- Airport; Gayla Smith- Benches; Michelle Miller- as needed

**9. Presentation of final Property Schedule, Automobile Schedule, Mobile Equipment Schedule, Automobile and/or Miscellaneous Equipment Schedule, and Municipal Property Protection Plan.** Ms. Hagerman reminded the council that this item had been previously brought to the council and this was just a follow up to notify council of changes made to the existing policies. She advised council that 8 locations had been amended, 13 locations had been added, 21 automobiles had been amended, 6 automobiles had been deleted, and 4 automobiles had been added. She also noted that there was an amended to the automobile and/or miscellaneous equipment coverage blanket limit as well as adding the raw water intake and removing the south water tower. This created an annual savings for the City of Cleveland of over \$3,000.00. Larry Brown with Overman Insurance also advised council that the policies reflected functional replacement cost.

**10. Discussion and possible action to approve or reject the cancellation of North Star Mutual Insurance.** Ms. Hagerman advised the council that this policy covered two maintenance buildings and the concession stand but that those items had been rolled into the policies with OMAG (Oklahoma Municipal Assurance Group) and that the City of Cleveland had saved over \$600.00 and lowered the deductible from \$5000.00 to \$1000.00 with this change. A motion to approve the cancellation of North Star Mutual Insurance was made by Scott Rusher and seconded by Lee Merrifield. This motion carried with the following roll call vote: (4-0)

**Aye:** Scott Rusher, Lee Merrifield, David Cordle, Mike Carroll

**Nay:** None

**11. Discussion regarding services provided by Republic Trash Services and an increase in their fees to the City of Cleveland.** Ms. Hagerman advised the council that she had requested a meeting with Republic Trash Service to go over the contract and services provided. Prior to the meeting, City of Cleveland employees were delivering and removing polycarts; however, after the meeting it was determined that Republic Trash Services staff were supposed to be carrying out these duties. Republic Trash Services staff is now delivering and picking up polycarts. Ms. Hagerman informed the council that during the meeting Republic Trash Services had said that due to the current pandemic they had seen a rise in the volume of trash they were picking up and that due to the increased volume they would be increasing their billing to the City of Cleveland by twenty cents per residential customer. Ms. Hagerman explained that the City of Cleveland is absorbing that cost increase and is not raising rates at this time. Ms. Hagerman also asked Republic Trash Service about them supplying staff to man the collection site located at the maintenance yard and is currently waiting on a response.

**12. Discussion and action to approve David Cordle and remove David Carter and George Nobles as signatories for existing bank accounts.** No discussion occurred. A motion was made by Scott Rusher and seconded by Mike Carroll to approve David Cordle and remove David Carter and George Nobles as signatories for existing bank accounts. This motion carried with the following roll call vote: (4-0)

**Aye:** Scott Rusher, Lee Merrifield, David Cordle, Mike Carroll

**Nay:** None

- 13. Discussion and action to approve Resolution 2020-09: A RESOLUTION TO APPROVE FINAL PROPOSED 2019-2020 BUDGET AMENDMENTS.** Ms. Hagerman reminded council that they had previously approved budget amendments to the 2019-2020 fiscal year. She noted that after final review of the 2019-2020 fiscal year one final budget amendment of \$2000.00 transferred from the streets department to 911 operations expense. A motion to approve Resolution 2020-09: A RESOLUTION TO APPROVE FINAL PROPOSED 2019-2020 BUDGET AMENDMENTS WAS made by Lee Merrifield and seconded by Mike Carroll. This motion carried with the following roll call vote: (4-0)

**Aye:** Scott Rusher, Lee Merrifield, David Cordle, Mike Carroll

**Nay:** None

- 14. Discussion and action to approve or reject naming Vicki Hagerman as board member for COEDD (Central Oklahoma Economic Development District) and keeping Clint Stout as an alternate board member for COEDD.** Mayor Scott Rusher reminded council members that COEDD is something that is in different areas throughout the state and that is where we get the REAP (Rural Economic Action Plan) Grants. He stated that being a part of the COEDD board offers great networking opportunities and hopefully will allow our city to participate in different programs. A motion was made by Scott Rusher and seconded by Lee Merrifield to approve naming Vicki Hagerman as board member for COEDD and keeping Clint Stout as an alternate board member for COEDD. This motion carried with the following roll call vote: (4-0)

**Aye:** Scott Rusher, Lee Merrifield, David Cordle, Mike Carroll

**Nay:** None

- 15. Discussion and action to approve or reject JP Construction Proposal Addendum and Change Order in the amount of \$18,720.00 to furnish and install piping and installation of a cinder block wall. Additional changes at no additional charge are as follows: fencing includes 65' of permanent temporary fence, decking includes the equipment pad, backwash sump and installation, stub out 4" sanitary and relocation of light conduit, and repair work for existing retaining wall.** Ms. Hagerman advised the council that because we are not currently constructing the pool house, the piping to get utilities to the buildings needs to be in place before the deck goes down and that JP Construction currently has the pumps in storage and they need to be put on site. She also reminded council that because the original design was changed there is an additional 65 feet of fence that is included in this change order. Mayor Rusher answered Gayla Smith's question about the retaining wall, stating that both JP Construction and Magnum had agreed to work together to get it fixed but it was not yet fixed. Mayor Rusher also advised that there would be four cinder block walls placed around the pumps. David Cordle asked if we were on track to open the pool next year without the bathhouse but Ms. Hagerman advised that the pool cannot be opened without a bathhouse. Mayor Rusher asked that everyone continue to fundraise to raise money. A motion was made by Scott Rusher and seconded by Lee Merrifield to approve JP Construction Proposal Addendum and Change Order in the amount of \$18,720.00 to furnish and install piping and installation of a cinder block wall with additional changes at no additional costs as follows: fencing includes 65' of permanent temporary fence,

decking includes the equipment pad, backwash sump and installation, stub out 4” sanitary and relocation of light conduit, and repair work for existing retaining wall. The motion carried with the following roll call vote: (4-0)

**Aye:** Scott Rusher, Lee Merrifield, David Cordle, Mike Carroll

**Nay:** None

**16. Presentation by City Manager Vicki Hagerman and Mayor Scott Rusher regarding the upcoming 1/2 cent sales tax election on August 25, 2020.** Ms. Hagerman began by stating that absentee voting had already started, early voting was scheduled for August 20-21 from 8 a.m. – 6 p.m., and the election was August 25. She asked that everyone go vote. Ms. Hagerman reminded everyone that the 1/2 cent sales tax had originally been passed in 1995 and had most recently passed in a revote in 2013. She reminded everyone that this would not be adding anything else to the sales tax, that it would stay at the same 10%. Mr. Cordle asked what we would lose by not passing the 1/2 sales tax. Ms. Hagerman explained that since September of 2013 there had been approximately \$1,796,000 collected through the 1/2 cent sales tax and approximately \$400,000 in additional funds received in grant monies that required matching funds for a total of \$2,175,000. Ms. Hagerman noted that the money collected had been used for 8 street repairs, 33 street projects, 21 water/sewer repairs, and 6 water/sewer projects. Mayor Rusher asked that citizens go to our surrounding cities and drive on their side streets. He asked that citizens compare the condition of those surrounding cities side streets to the streets in Cleveland. He noted that most of the surrounding cities side streets are chip and seal, not asphalt. He explained that the City of Cleveland had used the monies collected through the 1/2 cent sales tax as matching funds for the REAP grant to maximize the amount the money available for street projects. Ms. Hagerman stated that when asked, most citizens felt that the city sales tax was high. She explained that out of the 10% sales tax, the City of Cleveland only gets a portion of that money. The sales tax breaks down to:

State of Oklahoma: 4.5%  
 County of Pawnee: 2%  
 City of Cleveland: 3.5%

She further explained that of the 3.5% that the City of Cleveland does get, 1% immediately goes to the Cleveland Area Hospital. The City of Cleveland gets 2% into its general fund budget and the remaining 1/2% is what we are talking about. In an effort to show where the City of Cleveland’s sales tax amount sets among surrounding cities, she shared those rates as well.

<u>City</u>	<u>State</u>	<u>County</u>	<u>City</u>	<u>Total Tax</u>
Cleveland:	4.5%	2.0%	3.5%	10.0%
Pawnee:	4.5%	2.0%	3.5%	10.0%
Hallet:	4.5%	2.0%	4.5%	11.0%
Oilton:	4.5%	1.0%	5.0%	10.5%
Jennings:	4.5%	2.0%	4.0%	10.5%
Sand Springs:	4.5%	0.367%	4.05%	8.9%

Ms. Hagerman noted that the sales tax in Sand Springs was lower than that of the City of Cleveland but also pointed out that the amount of their sales tax that was going to their county was much lower than our county and that the amount the City of Sand Springs was getting to retain was higher than that of the City of Cleveland. Ms. Hagerman also gave a realistic example of what the actual out of pocket cost to a citizen of Cleveland would look like. She explained that for a family that spent \$100 a week, the cost of the 1/2 cent sales tax would be 50 cents per week and that for a family that spent \$1,000 a month, the cost of the 1/2 cent sales tax would be \$5.00 per month. As a final note, Ms. Hagerman stated that to vote down the 1/2 cent sales tax would be to vote down street repair, infrastructure repair, and economic development. Mayor Rusher finished by stating that we need help from citizens.

**17. Discussion and possible action to sell metal long benches and metal octagon picnic tables to be used as a fundraiser for the pool project. Discussion and action may include setting the selling price, type of benches to be sold, colors of benches to be sold, and where benches may be placed.** Mayor Rusher reminded everyone that as part of a fundraiser for the pool, the pool committee will start selling benches and tables. This matter had come before the council previously but needed further discussion. Discussion among council members occurred regarding locations and color. Mayor Rusher noted that any person, business, club, or organization should be able to purchase benches. He also stated that the benches could be purchased for personal use; however, those purchased for personal use would not be city property and pick up and installation would be the purchaser's responsibility. Mayor Rusher stated that he would like to see the benches purchased for placement on city property be green to remain consistent with other benches purchased previously. He did note that the exception to that would be at the pool where benches could be purchased in colors that matched the city logo. Ms. Hagerman said that there were multiple locations throughout the City of Cleveland where benches and tables could be installed. She did remind everyone that those locations had a limited number of space for the benches and tables and the locations would be sold on a first come, first serve basis. The city locations are as follows:

City Pool	Arlington Park	Arlington Parking Lot
Library	Feyodi Park	Billy Vessel's Park
Community Center	Cedar Creek Walking Trail	Golf Course
Cemetery		

Ms. Hagerman did note that to keep track of where benches were going and how many could be purchased at each location, all bench and table purchases would have to be done at city hall. Ms. Hagerman advised that benches and tables could be purchased starting Wednesday morning at 7:30 a.m. at city hall. She also mentioned that usually Oklahoma Correctional Industries was about 60 days out on fillings after they received the order but because of COVID they were expecting to be approximately 90 days out on orders. A motion was made by Mayor Rusher and seconded by Mike Carroll to sell benches and tables for a fundraiser for \$700 each; benches and tables can be purchased for placement at designated city locations and the City of Cleveland be responsible for pick up and installation of the benches and tables; benches and tables

can purchased for placement on personal property and the purchaser will be responsible for pick up and installation; benches and tables that are placed at the city pool may be purchased in colors that match the city logo; benches and tables that are placed at other city designated locations may only be purchased in the color green; benches that are purchased as personal property may be purchased in any color. The motion passed with the following roll call vote: (4-0)

**Aye:** Scott Rusher, Lee Merrifield, David Cordle, Mike Carroll

**Nay:** None

- 18. Discussion and possible action to approve or reject the Mayor's recommendation for the appointment of individuals to the city planning/zoning commission.** Mayor Rusher reminded the council that they had talked in depth about CIEDA and the new authority that is forming. He said that we also need a planning and zoning committee. Mayor Rusher said his suggestion would be to use the same people that had already been named to the Cleveland Industrial Trust Authority. He did note that as mayor, he would automatically become an ex-officio member of the committee as per city code; therefore, an additional person would have to be named. Mayor Rusher recommended that city employee Brian Donnelly be named as the final member of the city planning/zoning committee. Although it would primarily be the same group of people, there would be two separate boards as required by statues and ordinances. The City of Cleveland would oversee the agenda. Ms. Hagerman advised that this had been in the code for a long time but the last record of a meeting was from 1999. She reiterated that this would not be part of the trust but would be a part of the city. She explained that the board members would be seated for 3 year terms, staggered. Ms. Merrifield asked if there was any downside to having the same members involved in the trust and the planning/zoning commission. Ms. Hagerman responded by saying that she thinks it will fit nicely into the next step of what the trust does and City Attorney Bryan Drummond stated that there were no legal impediments to having the same members on both the board and the trust. Mayor Rusher made the following recommendations: Alan Hall- 1 year, Shannon Freeman- 2 years, CL Stallard- 2 years, Chris Gabriel- 3 years, Brian Donnelly- 3 years, and the mayor as an ex-officio member. A motion was made by Lee Merrifield and seconded by Mike Carroll to approve the Mayor's recommendations for appointment of Alan Hall- 1 year, Shannon Freeman- 2 years, CL Stallard- 2 years, Chris Gabriel- 3 years, Brian Donnelly- 3 years, and the mayor as an ex-officio member of the city planning and zoning commission. The motion carried with the following roll call vote: (4-0)

**Aye:** Scott Rusher, Lee Merrifield, David Cordle, Mike Carroll

**Nay:** None

- 19. City Manager's Report which may include updates and/or announcements of events, projects, and general operations of the City of Cleveland.** Ms. Hagerman began her report by notifying the council that water plant operator Joey Lay had passed away on August 8. His services will be at Woodland Cemetery on August 15, 2020 at 10:00 a.m. He was a good worker and he will be missed. Ms. Hagerman asked Fire Chief Ryan Murray to speak about the upcoming fireworks display. Chief Murray advised that there would be a fireworks display on September 5 at Feyodi. Police Chief Stout provided the

police update. Ms. Hagerman advised the council that the police department had received their computers from the COVID grant. Ms. Hagerman told the council that Water Superintendent Gaylen Vaughn had agreed to work until November 1, 2020. She also provided a bridge update, stating that ODOT was currently waiting on ATT to move their lines and that there is no expected change in the flow of traffic for the next 3-6 months. Ms. Hagerman shared that she had gotten 50 dump truck loads of millings donated to the City of Cleveland. Chief Stout also provided an update on the tornado sirens. He said that all the new sirens had been installed and two retrofits on old sirens had been completed. He said that they were entering the last phase of testing.

**20. Adjournment.** A motion to adjourn was made by Mike Carroll and seconded by Lee Merrifield. This motion carried with the following roll call vote: (4-0)

**Aye:** Scott Rusher, Lee Merrifield, David Cordle, Mike Carroll

**Nay:** None

The meeting adjourned at 7:47 p.m.

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Signature on File  
Scott Rusher, Mayor

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Signature on File  
Michelle Lehnus, City Clerk