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**61<sup>st</sup> City Council**

**Mayor** Chuck Burtcher

**Ward I** – Trey Ayers, John Wood    **Ward II** – Mary Coffin, Patty Hazlewood

**Ward III** – Gaylord Z. Thomas

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**SPECIAL CITY COUNCIL MEETING WORKSHOP**

City Hall – 101 N. 2<sup>ND</sup> Street; Guthrie, Oklahoma

Third Floor Conference Room

October 4, 2011, 6:00pm

Agenda

The special meeting of the Guthrie City Council will convene at 6:00 p.m. at Guthrie City Hall, 101 N. 2<sup>nd</sup> Street.

**CALL TO ORDER** – This meeting is called to order on Tuesday, October 4, 2011 at 6:00 p.m. Mayor and Council members are present and declare a quorum present.

1. Discussion of a proposed Ordinance involving restrictions for off-street parking.
2. Discussion of RecycleBank Program.
3. Discussion and consideration of action regarding online Sales Tax support letter.
4. Discussion of DCP Midstream request to construct a gas pipeline.
5. Questions and discussion regarding agenda items.
6. Request for future items of discussion.
7. Adjournment.

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Agenda posted on the bulletin board in the lobby of City Hall before 5:00pm on Friday, September 30, 2011. The City of Guthrie encourages participation from all its citizens. If participation at any public meeting is not possible due to a disability, notification to the city clerk at least 48 hours prior to the scheduled meeting is encouraged to make the necessary accommodations. The city may waive the 48 hours rule if signing is not the necessary accommodation.

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**DRAFT**  
**Revision to Ordinance #2422, Article 5, Section 10.7**

**1. The Section currently reads:**

**Article 5, Section #10.7 "PAVED SURFACE REQUIRED":**

"All parking spaces and driveways providing access thereto shall be paved with a sealed surface pavement and maintained in a manner that no dust will result from continued use."

**2. The Proposed Section would read:**

**Article 5, Section #10.7 "PAVED SURFACE REQUIRED":**

(a) *Motor vehicles.* In zoning districts R-1, R-2, R-4, and R-5, no part of a front yard or of a side yard shall be used as a parking space for a motor vehicle, boat, trailer, or other vehicle of equivalent or larger size, except upon a regularly constructed driveway or to the rear of the front wall of the main building on said property.

1. Approved materials for a regularly constructed driveway are as follows:

- a. A Portland Cement concrete pavement surface, four inches (4") thick minimum, wide enough to extend from side to side of the vehicles or trailers parked on said surface, and of sufficient length to extend from bumper to bumper of the vehicle parked on said surface; or
- b. Asphaltic-concrete pavement of uniform thickness of two inches (2") meeting all other requirements in (1) above.
- c. Stone, brick or similar sealed surface material (not crushed rock).

(b) *Exceptions.* The provisions of paragraph (a) of this section shall not be applicable in the following instances:

1. To real property under active construction and improvement pursuant to a duly-issued building permit.
2. To legally non-conforming off-street parking surfaces, i.e., parking in an area abutting an unpaved alley.
3. In any case where a variance from the provisions of paragraph (a) of this Section has been granted by the Board of Adjustment of the City of Guthrie.
4. Lots of one (1) acre or larger; however parking of all vehicles, boats or trailers must comply with the following:
  - a. vehicles must not be parked directly in front of the house.
  - b. vehicles must never be parked on the grass for more than thirty-six (36) consecutive hours
  - c. no more than two vehicles can be parked on an unsealed surface in a lot identified in item #4, above.

5. Except on Federal and State holidays when alternative parking is not available.

(c) *Commercial Vehicles.* All 18-wheelers, buses, dump trucks, vehicles in excess of two (2) tons or vehicles in excess of two (2) axles excluding recreational vehicles shall be prohibited from parking on any residentially zoned or used property, regardless of surface parked on.

(d) *Variances-procedures.* Any person may apply for, and the Board of Adjustment may grant, a variance from this Section to any property in the City where, due to the particular circumstances of the case, the strict application hereof would result in undue hardship.

(e) Any person violating the provisions of this section shall be subject to a fine of One Hundred Dollars (\$100.00).

**DRAFT**

**Addition to Ordinance #2422, Article 5, Section 10  
(add new Section 10.11)**

**Article 5, Section 10.11: CITATION TAGS.**

Police Officers, Code Enforcement Officers or others designated by the City Manager are hereby authorized to give notice to persons violating the parking regulations of this Title by delivering citations to violators or, if no person is present with the offending vehicle, to affix such citation to the subject vehicle.

September 29, 2011

The Honorable Tom Coburn  
100 North Broadway  
Suite 1820  
Oklahoma City, OK 73102  
FAX: (405) 231-5051

Dear Senator Coburn:

The municipalities of Oklahoma have joined together to ask you to address the issue of online sales tax collection when Congress returns to session in September. Our cities are reliant on sales tax in order to fund the city services our residents need.

Small businesses are the driving force behind the Oklahoma economy. These businesses are required to charge sales tax to their customers and remit that sales tax to the state where it is distributed to the municipalities. Unlike these businesses, out-of-state online companies have been exploiting a loophole in the tax code and do not charge sales tax at the time of purchase. This gives them an unfair advantage over small businesses and national businesses with a local presence as well as putting the burden of the sales tax on the customer. The customer is either not aware or disinclined to pay the tax on their yearly state tax filing and therefore views the untaxed item online as discounted.

As you know, in Oklahoma, our cities rely heavily on sales tax to fund police departments, fire departments, libraries, and road maintenance. The Oklahoma Municipal League calculated an average of 55% of municipal operating budgets came from sales tax in 2008, and that Oklahoma municipalities are projected to lose \$55-60 million in sales tax annually by next year as a result of the online sales tax loophole.

It is essential that the state of Oklahoma be allowed to require all retailers to collect sales tax from Oklahoma shoppers, regardless of whether the purchase was made online or in a local store. The revenue from online sales tax collection would benefit communities as well as allow equal and fair competition among both online and small businesses. States should have the right to determine the level of this compliance for their citizens.

Representatives of our municipalities would like to arrange either a meeting with you and staff when you return to Oklahoma or a conference call at your earliest convenience to discuss the issue of online sales tax collection and to ask for your support of this issue in Congress.

Sincerely,

# **Stand With Main Street**

## **End the Anti-Small Business Online Sales Tax Loophole!**

The Alliance for Main Street Fairness is working to ensure that there is a level playing field for our members, small businesses, and online-only retailers concerning the collection of sales tax.

### **The Law Today**

Currently, there is one system of sales tax collection for small businesses and another for online-only businesses.

As small businesses are collecting sales tax as required by law, retailers operating on the internet are exploiting a loophole that allows them to forgo collecting the sales tax at the point of purchase, leaving the burden of paying on the consumer who is not made aware that this fact by the online retailer.

### **What's the Problem?**

- **The current system is flawed** – Common sense would dictate that if someone buys a product online, they should pay the same sales tax as when they make a purchase on Main Street.
- **The current system hurts small businesses** – The unfair disadvantage to small businesses leads to less commerce at brick-and-mortar stores that contribute to the community.
- **The current system leaves individual consumers vulnerable** – Just because the online merchant does not collect the sales tax does not mean that it is not due. Online retailers simply leave consumers liable for the payment without informing them of the responsibility to pay it.

### **Why Change it?**

- **A sale is a sale is a sale** – whether the transaction takes place online or at a local business.
- **Fairness and leveling the playing field** – Everyone, whether they operate on the World Wide Web or on Main Street, should operate under the same rules and collect sales tax in the states in which they do business.
- **Support of the community** – Small businesses, the nation's top job creators, employ our family members, support civic organizations and sports teams, and are a vital component of our community.
- **Ease state and municipal budget problems** – Last year, the Oklahoma Policy Institute noted that Oklahoma lost an estimated \$92.7 million dollars in E-commerce sales tax in 2009, rising to an estimated loss of \$156.3 million in 2012.

### **What Can We Do? SUPPORT THE COLLECTION OF ONLINE SALES TAX!**

- **The goal** – End the unfair administration of the sales tax loophole that is hurting small businesses. The Alliance is committed to informing the public about the unfair tax obligation placed on small businesses and developing a solution to ensure that all businesses compete for customers on the same footing.
- **Contact the Alliance for Main Street Fairness – Oklahoma to learn more about how you can encourage our leaders to support this type of legislation:**  
Call Kate Schwartz: 405-488-2042 today!

**Alliance for Main Street Fairness**

# **E-Commerce Sales Tax Collection Oklahoma**

## **The Streamlined Sales and Use Tax Agreement (SSUTA)**

The purpose of the agreement is to simplify and modernize sales and use tax administration in order to substantially reduce the burden of tax compliance. This is accomplished through the following measures (among others):

- State level administration of sales and use tax collection
- Uniformity in the state and local tax bases
- Central, electronic registration system
- Simplification of state and local tax rates
- Simplification of tax remittance

To date, 24 states have passed legislation conforming to the SSUTA.

**Oklahoma became a full member of the SSUTA on October 1<sup>st</sup>, 2005 via legislative action**

- Every year, the Oklahoma Tax Commission has streamlined the tax code to be in compliance with the Agreement.
- The Oklahoma Tax Commission also yearly recertifies their participation.

## **Federal Action is Needed**

Pursuant to the interstate commerce clause, Congressional authorization of the Agreement is required for SSUTA to be enacted.

- Join the Alliance for Main Street Fairness in asking Senator Coburn to support the collection of online sales tax at the point of sale.

## DCP Midstream Request

**From:** Rene Spineto

**Sent:** Wednesday, September 28, 2011 8:49 AM

**To:** Matt Mueller

**Subject:** Council WORKSHOP Agenda Item - DCP Midstream Proposed Pipeline

Matt: I have received a request from DCP Midstream to construct a pipeline across city property. This may be a subject for discussion at the Council Workshop. DCP is requesting the following:

1. DCP requests approval from the City to construct a 16" gas pipeline and the right to survey the property.
2. Subject property is Parcel #42012280 in Section 18,, Township 15N, Range 2 West. The property is located on West Forrest Hills Road.
3. The line will not be going through the existing compressor station, but will go around it on the south side. The line will then go northwest, diagonally crossing the city owned parcel.
4. The pipeline will be buried four feet.
5. The permanent right-of-way will be 50' wide, with a building restriction over the top of the pipeline.
6. The proposed route is subject to change after DCP completes the survey they are requesting.

I have requested a preliminary map showing their proposed location of the line..

If this right-of-way goes into our proposed development around Liberty Lake that would have a major negative impact to our proposed project, and I would not recommend it. However at this point I am not fully certain of their proposed location.

Attached are copies of the emails from DCP, and internal email discussions.

Rene Spineto  
Community Development Director  
City of Guthrie  
rspineto@cityofguthrie.com  
www.cityofguthrie.com  
405.282.0197



Cindy Kenyon

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**From:** tww7153@aol.com  
**Sent:** Tuesday, August 30, 2011 7:30 PM  
**To:** Rene Spineto  
**Cc:** jeff.blake57@yahoo.com; jncollier1@yahoo.com  
**Subject:** DCP Midstream Proposed Pipeline

Dear Ms. Spineto:

I spoke with you earlier today regarding a parcel of land that is apparently owned by the City of Guthrie and located on West Forrest Hills Road in Guthrie. DCP Midstream has proposed construction of a 16" gas pipeline across that area and is requesting confirmation from you and the Guthrie City Council that there is no conflict that would prevent this possible route.

For your information and ease in identifying this parcel, the tax records identify it as **Parcel #42012280, Cadastral # 171180-000000-000000**. It is further identified as **Section 18, Township 15N, Range 2 West, and being 100.5 acres, City Reserve, in the NW quarter.**

I understand that you must present this issue before the City Council. Please feel free to contact me or the Project Supervisor, Jeff Blake (903-216-0513) with any questions or concerns. We will be happy to provide any information that you require.

I appreciate your attention to this request and look forward to hearing from you soon.

With kindest regards,

Tylene Wilcox  
Sr. Right of Way Agent representing  
DCP Midstream  
210-501-5344

cc: Jeff Blake, Jesse Collier

**Cindy Kenyon**

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**From:** tww7153@aol.com  
**Sent:** Wednesday, August 31, 2011 7:22 PM  
**To:** Rene Spineto  
**Cc:** jeff.blake57@yahoo.com  
**Subject:** DCP Compressor Station, Guthrie, OK

Renee, I talked to Jeff today and he told me that the proposed line will not be going through the compressor station, but will go around it on the south side. The line will then go northwest, diagonally crossing the city owned parcel. New construction methods call for burying pipelines 4 feet underground now, rather than 3 feet as with older lines. The proposed permanent right of way will be 50' wide, with a 25' temporary workspace which will be utilized only during the period of construction. There will be a building restriction over the top of the pipeline, but any permanent structure may be built abutting the right of way.

As I said before, this is a "proposed" route and may be changed at any time. However, at this point, we are asking the city if there are plans for any future development or use for this parcel, and at the same time, asking for the city's permission to survey said property. Any discussion of acquiring the right of way will be scheduled at a later date, if at all.

I'm glad you called with a question. It gave me the opportunity to offer you more information than I originally did. Please feel free to call me at any time with any more questions or concerns.

With kindest regards,

Tylene

Tylene Wilcox  
Sr. Right of Way Agent representing  
DCP Midstream  
210-501-5344