

MINUTES

CITY COUNCIL MEETING

January 17, 2012

The regular meeting of the sixty-first City Council of Guthrie, Oklahoma was posted on Friday, January 13, 2012 before 5:00 p.m. and held January 17, 2012 in the Guthrie City Hall Council Chambers.

Mayor Chuck Burtcher called the meeting to order at 7:05 p.m.

Members Present:	Chuck Burtcher	Trey Ayers	Gaylord Z. Thomas
	John Wood	Sheri Mueller	Mary Coffin
	Patty Hazlewood		

Members Absent: None

Staff Present:	Matt Mueller	Randel Shadid	Kim Biggs
	Aaron Ryburn	Rene Spineto	Jim Ahlgren
	Eric Harlow	Jim Hanke	Kevin Dixon, Jr.

Mayor Burtcher declared a quorum with all (7) Councilmembers in attendance.

**Consent Agenda.** Motion by Vice Mayor Ayers, seconded by Councilmember Wood, moved approval of the Consent Agenda as follows:

A. Consider approval of Claims:

General Fund:	Claims	\$ 84,522.62
Grants Fund:	Claims	\$445,671.05
Hotel/Motel Tax Fund:	Claims	\$ 2,456.80
Capital Projects Fund:	Claims	\$ 2,366.29
CMOM Fund:	Claims	\$278,916.95
Utility Deposit Fund:	Claims	\$ 200.44
Airport Fund:	Claims	\$ <u>309.69</u>

Total Claims: \$814,443.84

- B. Consider approval to award Bid No. 2011-18, Construction of Municipal Services Building to the low bid of \$378,500 to Jim Cooley Construction, Inc. from Oklahoma City, Oklahoma.
- C. Consider approval of Budget Amendment No. 4 increasing the budget for the Capital Projects Fund.

- D. Consider approval to award Bid #2011-11, Two (2) Pre-Fabricated Metal Buildings to the low bid of \$85,500 to The Railroad Yard, Inc. from Stillwater, Oklahoma, impending approval of funds through the Federal Emergency Management Association.
- E. Consider approval to award Bid #2011-12, Construction/Erection of Two (2) Pre-Fabricated Metal Buildings to the low bid of \$156,890 to Lawson Construction and Welding, LLC from Guthrie, Oklahoma, impending approval of funds through the Federal Emergency Management Association.
- F. Consider approval to accept a sewer line easement from John and Shelly Dawes, located in Section 7, Township 16 North, Range 2 West of the Indian Meridian, Logan County, Oklahoma.

Councilmembers entered their votes and the votes were displayed with the following results:

Aye: Burtcher, Ayers, Wood, Mueller, Coffin, Thomas, Hazlewood  
Nay: None

Mayor Burtcher declared the motion carried unanimously.

**Public Hearing and consider approval to declare the property at 1223 W. College dilapidated and detrimental to the health, safety or welfare of the general public in the community, and proceed with action to tear down and remove the building.** A notice of intent to tear down or remove a dilapidated building was mailed to Henry Burchardt regarding the property located at 1223 W. College. The property was found to be in violation of ordinance Number 3203, Article Six, Sections 13-60 through 13-71. A letter was sent to the owner on November 30, 2011 and a second letter was sent on December 12, 2011 via certified mail, return receipt requested, and posted on the building. The letter notified the owner that a hearing is to be held on January 17, 2012 at 7:00 in the Guthrie City Council Chambers to determine if the property is dilapidated and if the findings of the hearing confirm that the condition of the property constitutes a detriment or a hazard and that the property would be benefited by removal of such conditions, the governing body may cause the dilapidated building to be torn down and removed. Section 13-64 of Ordinance 3203 declares a nuisance to be: "Any building or structure which upon examination by the City is deemed dangerous to the public health or safety because of damage, decay or other condition," or "all structures, premises and land which upon examination by the City is determined to be dilapidated and/or to cause a blighting problem on the surrounding neighborhood or area." A public hearing was held for the purpose of soliciting public comment(s) on declaring the property at 1223 W. College dilapidated and detrimental to the health, safety or welfare of the general public in the community and to tear down and remove the building. There was one public comment from Mr. O.J. Myers, who purchased the property January 1, 2012. Mr. Myers requested a 30 day continuance in order to submit a plan to rehabilitate the property. Motion by Vice Mayor Ayers, seconded by Councilmember Wood, moved to continue this item until February 21, 2012 with the stipulation that property owner will submit an engineering report that is acceptable for rehabilitation for 1223 W. Washington. Councilmembers entered their votes and the votes were displayed with the following results:

Aye: Burtcher, Ayers, Wood, Mueller, Coffin, Thomas, Hazlewood  
Nay: None

Mayor Burtcher declared the motion carried unanimously.

**Public Hearing and consider approval to declare the property at 905 W. Mansur dilapidated and detrimental to the health, safety or welfare of the general public in the community, and proceed with action to tear down and remove the building.** A notice of intent to tear down or remove a dilapidated building was mailed to Chappell Properties regarding the property located at 905 W. Mansur. The property was found to be in violation of ordinance Number 3203, Article Six, Sections 13-60 through 13-71. A letter was sent to the owner on November 30, 2011 and a second letter was sent on December 12, 2011 via certified mail, return receipt requested, and posted on the building. The letter notified the owner that a hearing is to be held on January 17, 2012 at 7:00 in the Guthrie City Council Chambers to determine if the property is dilapidated and if the findings of the hearing confirm that the condition of the property constitutes a detriment or a hazard and that the property would be benefited by removal of such conditions, the governing body may cause the dilapidated building to be torn down and removed. Section 13-64 of Ordinance 3203 declares a nuisance to be: "Any building or structure which upon examination by the City is deemed dangerous to the public health or safety because of damage, decay or other condition," or "all structures, premises and land which upon examination by the City is determined to be dilapidated and/or to cause a blighting problem on the surrounding neighborhood or area." A public hearing was held for the purpose of soliciting public comment(s) on declaring the property at 905 W. Mansur dilapidated and detrimental to the health, safety or welfare of the general public in the community and to tear down and remove the building. No action was taken due to property owner acquiring a demolition permit, which is good for sixty (60) days.

**Public Hearing and consider approval to declare property at 618 E. Perkins dilapidated and detrimental to the health, safety or welfare of the general public in the community, and proceed with action to tear down and remove the building.** A notice of intent to tear down or remove a dilapidated building was mailed to Barbra Baker regarding the property located at 618 E. Perkins. The property was found to be in violation of ordinance Number 3203, Article Six, Sections 13-60 through 13-71. A letter was sent to the owner on November 30, 2011 and a second letter was sent on December 12, 2011 via certified mail, return receipt requested, and posted on the building. The letter notified the owner that a hearing is to be held on January 17, 2012 at 7:00 in the Guthrie City Council Chambers to determine if the property is dilapidated and if the findings of the hearing confirm that the condition of the property constitutes a detriment or a hazard and that the property would be benefited by removal of such conditions, the governing body may cause the dilapidated building to be torn down and removed. Section 13-64 of Ordinance 3203 declares a nuisance to be: "Any building or structure which upon examination by the City is deemed dangerous to the public health or safety because of damage, decay or other condition," or "all structures, premises and land which upon examination by the City is determined to be dilapidated and/or to cause a blighting problem on the surrounding neighborhood or area." A public hearing was held for the purpose of soliciting public comment(s) on declaring the property at 618 E. Perkins dilapidated and detrimental to the health, safety or welfare of the general public in the community and to tear down and remove the

building. There was no public comment. Motion by Councilmember Wood, seconded by Councilmember Thomas, moved approval to declare the property at 618 E. Perkins dilapidated and detrimental to the health, safety or welfare of the public and proceed to tear down and remove the building. Councilmembers entered their votes and the votes were displayed with the following results:

Aye: Burtcher, Ayers, Wood, Mueller, Coffin, Thomas, Hazlewood

Nay: None

Mayor Burtcher declared the motion carried unanimously.

**Public Hearing and consider approval to declare the property at 518 S. 1<sup>st</sup> dilapidated and detrimental to the health, safety or welfare of the general public in the community, and proceed with action to tear down and remove the building.** A notice of intent to tear down or remove a dilapidated building was mailed to Lacey Williams regarding the property located at 518 S. 1<sup>st</sup>. The property was found to be in violation of ordinance Number 3203, Article Six, Sections 13-60 through 13-71. A letter was sent to the owner on November 30, 2011 and a second letter was sent on December 12, 2011 via certified mail, return receipt requested, and posted on the building. The letter notified the owner that a hearing is to be held on January 17, 2012 at 7:00 in the Guthrie City Council Chambers to determine if the property is dilapidated and if the findings of the hearing confirm that the condition of the property constitutes a detriment or a hazard and that the property would be benefited by removal of such conditions, the governing body may cause the dilapidated building to be torn down and removed. Section 13-64 of Ordinance 3203 declares a nuisance to be: "Any building or structure which upon examination by the City is deemed dangerous to the public health or safety because of damage, decay or other condition," or "all structures, premises and land which upon examination by the City is determined to be dilapidated and/or to cause a blighting problem on the surrounding neighborhood or area." A public hearing was held for the purpose of soliciting public comment(s) on declaring the property at 518 S. 1<sup>st</sup> Street dilapidated and detrimental to the health, safety or welfare of the general public in the community and to tear down and remove the building. There was no public comment. Motion by Councilmember Wood, seconded by Councilmember Coffin, moved approval to declare the property at 518 S. 1<sup>st</sup> Street dilapidated and detrimental to the health, safety or welfare of the public and proceed to tear down and remove the building. Councilmembers entered their votes and the votes were displayed with the following results:

Aye: Burtcher, Ayers, Wood, Mueller, Coffin, Thomas, Hazlewood

Nay: None

Mayor Burtcher declared the motion carried unanimously.

**Public Hearing and consider approval to declare the property at 514 S. 1<sup>st</sup> dilapidated and detrimental to the health, safety or welfare of the general public in the community, and proceed with action to tear down and remove the building.** A notice of intent to tear down or remove a dilapidated building was mailed to Lacey Williams regarding the property located at 514 S. 1<sup>st</sup>. The property was found to be in violation of ordinance Number 3203, Article Six,

Sections 13-60 through 13-71. A letter was sent to the owner on November 30, 2011 and a second letter was sent on December 12, 2011 via certified mail, return receipt requested, and posted on the building. The letter notified the owner that a hearing is to be held on January 17, 2012 at 7:00 in the Guthrie City Council Chambers to determine if the property is dilapidated and if the findings of the hearing confirm that the condition of the property constitutes a detriment or a hazard and that the property would be benefited by removal of such conditions, the governing body may cause the dilapidated building to be torn down and removed. Section 13-64 of Ordinance 3203 declares a nuisance to be: "Any building or structure which upon examination by the City is deemed dangerous to the public health or safety because of damage, decay or other condition," or "all structures, premises and land which upon examination by the City is determined to be dilapidated and/or to cause a blighting problem on the surrounding neighborhood or area." A public hearing was held for the purpose of soliciting public comment(s) on declaring the property at 514 S. 1st Street dilapidated and detrimental to the health, safety or welfare of the general public in the community and to tear down and remove the building. There was no public comment. Motion by Vice Mayor Ayers, seconded by Councilmember Wood, moved approval to declare the property at 514 S. 1st Street dilapidated and detrimental to the health, safety or welfare of the public and proceed to tear down and remove the building. Councilmembers entered their votes and the votes were displayed with the following results:

Aye: Burtcher, Ayers, Wood, Mueller, Coffin, Thomas, Hazlewood  
Nay: None

Mayor Burtcher declared the motion carried unanimously.

**Public Hearing and consider approval to declare the property at 402 N. Division dilapidated and detrimental to the health, safety or welfare of the general public in the community, and proceed with action to tear down and remove the building.** A notice of intent to tear down or remove a dilapidated building was mailed to Wanita Anthis regarding the property located at 402 N. Division. The property was found to be in violation of ordinance Number 3203, Article Six, Sections 1360-1371. A letter was sent to the owner on November 30, 2011 and a second letter was sent on December 12, 2011 via certified mail, return receipt requested, and posted on the building. The letter notified the owner that a hearing is to be held on January 17, 2012 at 7:00 in the Guthrie City Council Chambers to determine if the property is dilapidated and if the findings of the hearing confirm that the condition of the property constitutes a detriment or a hazard and that the property would be benefited by removal of such conditions, the governing body may cause the dilapidated building to be torn down and removed. Section 13-64 of Ordinance 3203 declares a nuisance to be: "Any building or structure which upon examination by the City is deemed dangerous to the public health or safety because of damage, decay or other condition," or "all structures, premises and land which upon examination by the City is determined to be dilapidated and/or to cause a blighting problem on the surrounding neighborhood or area." A public hearing was held for the purpose of soliciting public comment(s) on declaring the property at 402 N. Division dilapidated and detrimental to the health, safety or welfare of the general public in the community and to tear down and remove the building. There was no public comment; however, the property owner submitted a partial engineering report for rehabilitation and has requested a continuance to consult with a structural

engineer in order to complete and submit a more thorough plan. Motion by Vice Mayor Ayers, seconded by Councilmember Hazelwood, moved to continue this item until February 21, 2012 with the stipulation that owner will submit an approved plan for rehabilitation of 402 N. Division. Councilmembers entered their votes and the votes were displayed with the following results:

Aye: Burtcher, Ayers, Wood, Mueller, Coffin, Thomas, Hazlewood  
Nay: None

Mayor Burtcher declared the motion carried unanimously.

**Public Hearing and consider approval to declare the property at 212 E. Grant dilapidated and detrimental to the health, safety or welfare of the general public in the community, and proceed with action to tear down and remove the building.** A notice of intent to tear down or remove a dilapidated building was mailed to Darryl Hughes regarding the property located at 212 E. Grant. The property was found to be in violation of ordinance Number 3203, Article Six, Sections 13-60 through 13-71. A letter was sent to the owner on November 30, 2011 and a second letter was sent on December 12, 2011 via certified mail, return receipt requested, and posted on the building. The letter notified the owner that a hearing is to be held on January 17, 2012 at 7:00 in the Guthrie City Council Chambers to determine if the property is dilapidated and if the findings of the hearing confirm that the condition of the property constitutes a detriment or a hazard and that the property would be benefited by removal of such conditions, the governing body may cause the dilapidated building to be torn down and removed. Section 13-64 of Ordinance 3203 declares a nuisance to be: "Any building or structure which upon examination by the City is deemed dangerous to the public health or safety because of damage, decay or other condition," or "all structures, premises and land which upon examination by the City is determined to be dilapidated and/or to cause a blighting problem on the surrounding neighborhood or area." A public hearing was held for the purpose of soliciting public comment(s) on declaring the property at 212 E. Grant dilapidated and detrimental to the health, safety or welfare of the general public in the community and to tear down and remove the building. There was no public comment. Motion by Councilmember Wood, seconded by Councilmember Coffin, moved approval to declare the property at 212 E. Grant dilapidated and detrimental to the health, safety or welfare of the public and proceed to tear down and remove the building. Councilmembers entered their votes and the votes were displayed with the following results:

Aye: Burtcher, Ayers, Wood, Mueller, Coffin, Thomas, Hazlewood  
Nay: None

Mayor Burtcher declared the motion carried unanimously.

**Public Hearing and consider approval to declare the property at 915 W. Washington dilapidated and detrimental to the health, safety or welfare of the general public in the community, and proceed with action to tear down and remove the building.** A notice of intent to tear down or remove a dilapidated building was mailed to Lula Lee c/o Virgil Smith regarding the property located at 915 W. Washington. The property was found to be in violation

of ordinance Number 3203, Article Six, Sections 13-60 through 13-71. A letter was sent to the owner on November 30, 2011 and a second letter was sent on December 12, 2011 via certified mail, return receipt requested, and posted on the building. The letter notified the owner that a hearing is to be held on January 17, 2012 at 7:00 in the Guthrie City Council Chambers to determine if the property is dilapidated and if the findings of the hearing confirm that the condition of the property constitutes a detriment or a hazard and that the property would be benefited by removal of such conditions, the governing body may cause the dilapidated building to be torn down and removed. Section 13-64 of Ordinance 3203 declares a nuisance to be: "Any building or structure which upon examination by the City is deemed dangerous to the public health or safety because of damage, decay or other condition," or "all structures, premises and land which upon examination by the City is determined to be dilapidated and/or to cause a blighting problem on the surrounding neighborhood or area." A public hearing was held for the purpose of soliciting public comment(s) on declaring the property at 915 W. Washington dilapidated and detrimental to the health, safety or welfare of the general public in the community and to tear down and remove the building. There was one public comment from Mr. Virgil Smith who is interested in donating the property to Neighborhood Solutions. Motion by Vice Mayor Ayers, seconded by Councilmember Hazelwood, moved to continue this item until February 21, 2012 for 915 W. Washington. Councilmembers entered their votes and the votes were displayed with the following results:

Aye: Burtcher, Ayers, Wood, Mueller, Coffin, Thomas, Hazlewood

Nay: None

Mayor Burtcher declared the motion carried unanimously.

**Public Hearing and consider approval to declare the property at 624 S. Capital dilapidated and detrimental to the health, safety or welfare of the general public in the community, and proceed with action to tear down and remove the building.** A notice of intent to tear down or remove a dilapidated building was mailed to Marjorie Bohanan regarding the property located at 624 S. Capital. The property was found to be in violation of ordinance Number 3203, Article Six, Sections 1360-1371. A letter was sent to the owner on November 30, 2011 and a second letter was sent on December 12, 2011 via certified mail, return receipt requested, and posted on the building. The letter notified the owner that a hearing is to be held on January 17, 2012 at 7:00 in the Guthrie City Council Chambers to determine if the property is dilapidated and if the findings of the hearing confirm that the condition of the property constitutes a detriment or a hazard and that the property would be benefited by removal of such conditions, the governing body may cause the dilapidated building to be torn down and removed. Section 13-64 of Ordinance 3203 declares a nuisance to be: "Any building or structure which upon examination by the City is deemed dangerous to the public health or safety because of damage, decay or other condition," or "all structures, premises and land which upon examination by the City is determined to be dilapidated and/or to cause a blighting problem on the surrounding neighborhood or area." A public hearing was held for the purpose of soliciting public comment(s) on declaring the property at 624 S. Capital dilapidated and detrimental to the health, safety or welfare of the general public in the community and to tear down and remove the building. There was one public comment from Ms. Cheryl Bohanan requesting additional time to complete the demolition process. Motion by Vice Mayor Ayers, seconded by Councilmember

Hazelwood, moved to continue this item until February 21, 2012 for 624 S. Capital.  
Councilmembers entered their votes and the votes were displayed with the following results:

Aye: Burtcher, Ayers, Wood, Mueller, Coffin, Thomas, Hazlewood  
Nay: None

Mayor Burtcher declared the motion carried unanimously.

**Consider approval of allowing staff to solicit bids for demolition and removal of dilapidated structures as declared by City Council.** City staff identified over 50 dilapidated structures throughout the community in need of repair or removal. The structures are rated from 1=bad to 5=worst. Staff was directed by Council to focus on structures with the worst rating. In 2011, three structures were removed by the City, five structures were removed by property owners, and two structures are pending for removal by property owners. Currently, ten structures are listed to be either repaired or removed this fiscal year. The solicitation for bids will allow for an award to be based on the cost of a per lot basis or on a lump sum basis, whichever method is deemed to be in the best interest of the City. In addition, if any owners of the listed properties wish to demolish their structure, that individual piece of property will be removed from the list and will not be considered in making an award.

The properties identified include:

618 E. Perkins	518 S. 1 <sup>st</sup> Street
623 S. Capital	514 S. 1 <sup>st</sup> Street
624 S. Capital	905 W. Mansur
402 N. Division	915 W. Washington
212 E. Grant	1223 W. College

Motion by Councilmember Thomas, seconded by Councilmember Wood, moved approval to authorize staff to solicit bids for demolition and removal of dilapidated structures as declared by City Council. Councilmembers entered their votes and the votes were displayed with the following results:

Aye: Burtcher, Ayers, Wood, Mueller, Coffin, Thomas, Hazlewood  
Nay: None

Mayor Burtcher declared the motion carried unanimously.

**City Manager's Report.** Attended the CMAO Conference this week; Council Retreat scheduled for Saturday, January 28, 2012.

**Requests/comments from members of the City Council.** Councilmember Mueller congratulated the Guthrie High School wrestling program.

Councilmember Hazlewood announced the St. Mary's Church Chili cook-off is Saturday, January 21, 2012 at 7:00 p.m. and the Simple Life is holding a bake sale on Saturday as well.

Vice Mayor Ayers thanked the Planning staff for their work on the Dilapidated Structure Project.

Councilmember Thomas thanked the Planning staff for their work on the Parking on Grass ordinance.

Councilmember Coffin announced the Crystal Ball at the Dominion House is Saturday, January 28, 2012; Ground Hog Dinner is February 2, 2012 at the Fairgrounds; and the Forum for District 20 is January 31, 2012 at City Hall.

Councilmember Wood stated that the Chamber of Commerce has an event calendar on their website at [www.guthrieok.com](http://www.guthrieok.com); and thanked the Planning staff for their work on dilapidated structures and parking on grass ordinance.

Mayor Burtcher congratulated the Blue Jays for taking 3<sup>rd</sup> place at Carl Albert; thanked all Guthrie staff members for doing a good job; and shared the Parade Marshall award that he was given for Martin Luther King Day.

**Executive Session A and B.** Motion by Vice Mayor Ayers, seconded by Councilmember Thomas, moved approval to convene into Executive Session pursuant to the authority of Title 25, O.S. 2001, Section 307(B)(4) for the purpose of discussing confidential communications between the City Council and its Attorney concerning two pending investigations or claims (A) Initiative Petition filed September 7, 2008 for proposed Ordinance to the City of Guthrie, specifically Case No. CJ 2009-3; and, (B) Initiative Petition dealing with city attorney residence). Councilmembers entered their votes and the votes were displayed with the following results:

Aye: Burtcher, Ayers, Wood, Mueller, Coffin, Thomas, Hazlewood  
Nay: None

Mayor Burtcher declared the motion carried unanimously at 7:52 p.m. Attending the first Executive Session were Mayor Burtcher, Vice Mayor Ayers, Councilmembers Coffin, Mueller, Thomas and Wood, City Manager Mueller and City Attorney Shadid. Attending the second Executive Session were Mayor Burtcher, Vice Mayor Ayers, Councilmembers Coffin, Mueller, Thomas, Wood, and Hazelwood, and City Manager Mueller and City Attorney Shadid.

**Reconvene.** Mayor Burtcher reconvened the Guthrie City Council Meeting at 8:28 p.m.

**Consideration of action regarding Initiative Petition filed September 7, 2008 for proposed Ordinance to the City of Guthrie; specifically Case No. CJ 2009-3.** Motion by Vice Mayor Ayers, seconded by Councilmember Thomas, moved to authorize the City Attorney to take whatever action is necessary to determine that the Initiative Petition does not apply to the GPWA rate schedule at this time. Councilmembers entered their votes and the votes were displayed with the following results:

Aye: Burtcher, Ayers, Wood, Mueller, Coffin, Thomas

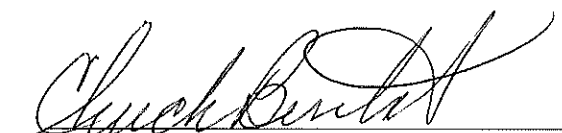
Nay: None

Mayor Burtcher declared the motion carried unanimously.

**Consideration of action regarding a pending investigation or claim (Initiative Petition dealing with city attorney residence). No action.**

**Adjournment.** There being no further business for the Guthrie City Council, Mayor Burtcher declared the meeting adjourned at 8:32 p.m.

  
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Kim Biggs, Deputy City Clerk

  
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Chuck Burtcher, Mayor