

**BROKEN ARROW CITY COUNCIL
CORRECTED MINUTES
COUNCIL CHAMBERS
220 SOUTH FIRST STREET
BROKEN ARROW, OKLAHOMA 74012**

May 4, 2010

6:30 PM

1. Call to Order

Section Minutes: Mayor Lester called the meeting to order at approximately 6:30 p.m.

2. Invocation

Section Minutes: No one was present to deliver an Invocation.

3. Roll Call

Present:	Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
Absent:	Wade McCaleb

4. Pledge of Allegiance to the Flag

Section Minutes: Councilor Carter led the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

Section Minutes: Mayor Lester asked if there were any items to be removed from the Consent Agenda for discussion. City Attorney, Ms. Beth Anne Wilkening, asked that item 5G be removed. Mayor Lester asked for a motion to approve the Consent Agenda except for Item 5G.

Motion:	Move to approve the Consent Agenda except Item 5G
Motion by:	Richard Carter
Second by:	Jill Norman
Ayes:	Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

- A. Approval of regular meeting minutes of April 6, 2010
- B. Approval of special meeting minutes of April 15, 2010
- C. Approval of regular meeting minutes of April 20, 2010
- D. Approval of special joint City Council and Broken Arrow Municipal Authority meeting minutes of April 27, 2010
- E. Acceptance of the minutes of the Planning Commission meeting held April 8, 2010.
- F. Consideration and possible approval of appointments for the Broken Arrow Economic Development Corporation Board of Directors
- G. Approval of and authorization to execute a 911 Maintenance Service Agreement between the City of Broken Arrow and Windstream Communications effective July 1, 2010
- H. Approval of a Lease Agreement between the City of Broken Arrow and Sprint Nextel for communications site
- I. Approval of Bids received, award the most advantageous bid to Tri-Star Construction, LLC and authorize the City Manager to execute a construction Contract implementing this award for Haikey Creek Bank Stabilization and Detention Pond Improvements (Buford Park)
- J. Approval of the Claims List

6. Consideration of Items Removed from Consent Agenda

5G. Approval of and authorization to execute a 911 Maintenance Service Agreement between the City of Broken Arrow and Windstream Communications effective July 1, 2010

Item Minutes: Ms. Wilkening asked that this item be tabled until the May 18, 2010 Council meeting because the parties named were not contracting entities.

Motion:	Move to table 911 Maintenance Service Agreement between the City of Broken Arrow and Windstream Communications effective July 1, 2010 until the May 18, 2010 Council meeting
Motion by:	Craig Thurmond
Second by:	Richard Carter

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3. Roll Call

Jill Norman. Richard Carter. Craig Thurmond. Mike Lester

Present:

Absent: Wade McCaleb

4. Pledge of Allegiance to the Flag

Section Minutes: Councilor Carter led the Pledge of Allegiance to the Flag.

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Section Minutes: Mayor Lester asked if there were any items to be removed from the Consent Agenda for discussion. City Attorney. Ms. Beth Anne Wilkening. asked that item 5G be removed. Mayor Lester asked for a motion to approve the Consent Agenda except for Item 5G.

Motion: Move to approve the Consent Agenda except Item 5G

Motion by: Richard Carter

Second by: Jill Norman

Ayes: Jill Norman. Richard Carter. Craig Thurmond. Mike Lester

Nays: None

A. Approval of regular meeting minutes of April 6. 2010

B. Approval of special meeting minutes of April 15. 20 0

C. Approval of regular meeting minutes of April 20. 20 0

D. Approval of special joint City Council and Broken Arrow Municipal Authority meeting minutes of April 27. 20 0

E. Acceptance of the minutes of the Planning Commission meeting held April K. 20 10.

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I. Approval of Bids received, award the most advantageous bid to Tri-Star Construction. LLC and authorize the City Manager to execute a construction Contract implementing this award for Haikey Creek Bank Stabilization and Detention Pond Improvements Buford Park)

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Item Minutes: Ms. Wilkening asked that this item be tabled until the May 18. 2010 Council meeting because the parties named were not contracting entities.

Motion: Move to table 911 Maintenance Service Agreement between the City of Broken Arrow and Windstream Communications effective Jul} 1, 2010 until the Ma}

18, 2010 Council meeting

Motion hv: Craig Thurmond

Second by: Richard Carter

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Ayes:	Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

7. Public Hearings, Appeals, Presentations, Recognitions, Awards and Oaths

- A. Approval of and authorization to execute a Proclamation recognizing Broken Arrow senior citizens for their contributions to the community and proclaiming May 10-14, 2010 as "Senior Celebration Week"

Item Minutes: City Manager, Mr. Dave Wooden, said the Proclamation declares May 10-14, 2010 as Senior Celebration week in honor of our senior citizens and their contributions to Broken Arrow. Mayor Lester called Ms. Sue Ann Ryan, Executive Director of Broken Arrow Seniors, to accept the Proclamation and he read the Proclamation aloud.

Motion:	Move to approve and authorize execution of a Proclamation recognizing Broken Arrow senior citizens for their contributions to the community and proclaiming May 10-14, 2010 as "Senior Celebration Week"
Motion by:	Richard Carter
Second by:	Craig Thurmond
Ayes:	Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

8. Citizens' Opportunity to Address the Council on General Topics Related to City Business or Services

Section Minutes: Mr. Kenneth Helm addressed Council regarding his wife's use of her mobility scooter on their residential street in order to get to Main Street. He said that the police stop her and tell her that she cannot drive the mobility scooter in the street. Mr. Helm said that their street is a dead end street and has no sidewalks. He explained that his wife became disabled about a year ago and that driving her mobility scooter on their street is the only way for his wife to reach the sidewalk on Main Street. Mr. Helm said that the mobility scooter allows his wife to maintain some independence and to get to Main Street to get her hair done and to accomplish other errands. He added that the policemen say that driving the mobility scooter on the street violates Title 25 (Oklahoma Statutes). He said that he and his wife are asking that she be allowed to use her mobility scooter on their dead end, residential street in order to be able to access Main Street.

The Mayor said that the City Attorney, Ms. Wilkening, will meet with them regarding this matter. Ms. Wilkening added that she will meet with the Helms and look into the matter.

Ms. Donna Stevick addressed Council regarding the pile of dirt left on the neighboring lot after the widening of New Orleans. She said she operates Shangri-La Kennels and showed photos of the mud that flowed into her kennels and onto her property. She said Mr. Kenny Schwab, City Engineer, was assisting her and expressed appreciation for his help. She added that the construction company, Becco, had put-up erosion barrier and had cleaned her kennels and property. Ms. Stevick said the property owner who owned the land where the dirt pile is located stated that he was going to get more dirt. She said she was concerned and upset because this would cause the flood of mud to continue impacting

her property and business. She said she appreciated any help that she could receive. Mr. Wooden stated that Mr. Schwab would continue to look into this issue and he would provide any assistance the City could except in those civil issues between property owners in which the City could not play a role. Ms. Stevick thanked everyone and said she took pride in her business operating the kennel and she said the before and after 'mud flow' photos showed that.

9. General Council Business

- A. Consideration and possible approval of First Amendment to Memorandum of Understanding Regarding the ONG Pipeline Relocation between the City of Broken Arrow and Roland Investments, Ltd.

Item Minutes: Ms. Wilkening stated the factual information as contained in the Fact Sheet provided in the agenda packet. She said this First Amendment to the MOU recognizes the completion of the relocation and provision of the relevant easement releases; and, it also memorializes Roland's agreement to reimburse the City the sum of \$190,000.00 on or before May 24, 2010.

Motion:	Move to approve First Amendment to Memorandum of Understanding Regarding the ONG Pipeline Relocation between the City of Broken Arrow and Roland Investments, Ltd.
Motion by:	Craig Thurmond
Second by:	Richard Carter
Ayes:	Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

- B. Consideration and possible approval of Second Amendment to Memorandum of Understanding regarding the proposed conference center site between the City of Broken Arrow and Roland Investments, Ltd.

Item Minutes: Ms. Wilkening stated the factual information as contained in the Fact Sheet provided in the agenda packet. She said that this Second Amendment provides for mutual rescission of the agreement pertaining to the donation of property, location of the conference center on the hilltop location, and involvement of Roland in the conference center project; and, it also provides for Roland's reimbursement of \$460,757.00 to the City for grading and earthwork on the areas specified in the previous documents on or before May 24, 2010.

Motion:	Move to approve Second Amendment to Memorandum of Understanding regarding the proposed conference center site between the City of Broken
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Aves: Jill Norman. Richard Carter. Craig Thurmond. Mike Lester

Jill Norman. Richard Carter. Craig Thurmond. Mike Lester

None

Nays:

7. Public Hearings, Appeals, Presentations, Recognitions, Awards and Oaths

A. Approval of and authorization to execute a Proclamation recognizing Broken Arrow senior citizens for their contributions to the community and proclaiming May 10-14, 2010 as Senior Celebration Week"

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Motion: Move to approve and authorize execution of a Proclamation recognizing Broken Arrow senior citizens for their contributions to the community and

proclaiming May 10-14, 2010 as Senior Celebration Week"

Motion by: Richard Carter

Second by Craig Thurmond

Ayes: Jill Norman. Richard Carter. Craig Thurmond. Mike Lester

Nays: None

8. Citizens' Opportunity to Address the Council on General Topics Related to City Business or Services

Section Minutes: Mr. Kenneth Helm addressed Council regarding his wife's use of her mobility scooter on their residential street in order to get to Main Street. He said that the police stop her and tell her that she cannot drive the mobility scooter in the street. Mr. Helm said that their street is a dead end street and has no sidewalks. He explained that his wife became disabled about a year ago and that driving her mobility scooter on their street is the only way for his wife to reach the sidewalk on Main Street. Mr. Helm said that the mobility scooter allows his wife to maintain some independence and to get to Main Street to get her hair done and to accomplish other errands. He added that the policemen say that driving the mobility scooter on the street violates Title 25 Oklahoma Statutes). He said that he and his wife are asking that she be allowed to use her mobility scooter on their dead end, residential street in order to be able to access Main Street.

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Ms. Donna Steyick addressed Council regarding the pile of dirt left on the neighboring lot after the widening of New Orleans.

She said she operates Shangri-La Kennels and showed photos of the mud that flowed into her kennels and onto her property. She said Mr. Kenny Schwab, City Engineer, was assisting her and expressed appreciation for his help. She added that the construction company, Becco, had put up erosion barrier and had cleaned her kennels and property.

Ms. Steyick said the property owner who owned the land where the dirt pile is located stated that he was going to get more dirt. She said she was concerned and upset because this would cause the flood of mud to continue impacting her property and business. She said she appreciated any help that she could receive. Mr. Wooden stated that Mr. Schwab would continue to look into this issue and he would provide any assistance the City could except in those civil issues between property owners in which the City could not play a role. Ms. Steyick thanked everyone and said she took pride in her business operating the kennel and she said the before and after mud flow photos showed that.

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Motion: Move to approve First Amendment to Memorandum of Understanding Regarding the ONG Pipeline Relocation between the City of Broken Arrow and Roland Investments, Ltd.

Motion by: Craig Thurmond

Second by: Richard Carter

Ayes: Jill Norman. Richard Carter. Craig Thurmond. Mike Lester

Nays: None

B. Consideration and possible approval of Second Amendment to Memorandum of Understanding regarding the proposed conference center site between the City of Broken Arrow and Roland Investments. Ltd.

Item Minutes: Ms. Wilkening stated the factual information as contained in the Fact Sheet provided in the agenda packet. She said that this Second Amendment provides for mutual rescission of the agreement pertaining to the donation of property, location of the conference center on the hilltop location, and involvement of Roland in the conference center project: and, it also provides for Roland's reimbursement of \$=460.757.00 to the City_ for grading and earthwork on the areas specified in the previous documents on or before May 2=4. 2010.

Motion:

Move to approve Second Amendment to Memorandum of Understanding regarding the proposed conference center site between the City of Broken Arrow City Council

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	Arrow and Roland Investments, Ltd.
Motion by:	Richard Carter
Second by:	Jill Norman
Ayes:	Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

- C. Consideration and approval of Resolution of Necessity No. 649 to condemn property located in the Northwest Quarter of Section 2, Township 18 North, Range 14 East of the Indian Base and Meridian, Tulsa County, Oklahoma

Item Minutes: Ms. Wilkening stated the factual information as contained in the Fact Sheet provided in the agenda packet. She said that this area of Bass Pro Drive is critical to the City because its tenant, Bass Pro Outdoor World, needs this roadway for access for its tractor-trailers to the retail store. She added that Roland and the City have been unable to reach an agreement as to compensation. As a result, Staff recommends that the Council approve this Resolution authorizing condemnation.

Motion:	Move to approve Resolution of Necessity No. 649 to condemn property located in the Northwest Quarter of Section 2, Township 18 North, Range 14 East of the Indian Base and Meridian, Tulsa County, Oklahoma
Motion by:	Jill Norman
Second by:	Craig Thurmond
Ayes:	Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

- D. Consideration of and approval for the Mayor to execute an official ballot from the Oklahoma Municipal Assurance Group (OMAG) to fill two Trustee positions for 3-year terms

Item Minutes: Mayor Lester said that this year the selected nominees on the ballot were Michael Bailey, City Clerk/Treasurer of the City of Bartlesville and, Brant Shallenburger, Mayor, City of Claremore.

Motion:	Move to authorize the Mayor to execute an official ballot from the Oklahoma Municipal Assurance Group (OMAG) to fill two Trustee positions for 3-year terms
Motion by:	Craig Thurmond
Second by:	Richard Carter
Ayes:	Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

10. City Manager's Report

- A. None

11. Preview Ordinances

- A. None

12. Ordinances

- A. An ordinance amending Chapter 5, Article I, Section 5-11 of the Broken Arrow Code pertaining to Restriction on location of stables, kennels, coops, etc.; repealing all ordinances to the contrary; and declaring an emergency

Item Minutes: Ms. Wilkening requested that this Ordinance be tabled until the May 18, 2010 meeting.

Motion:	Move to table until the May 18, 2010 Council meeting Ordinance 3111, an ordinance amending Chapter 5, Article I, Section 5-11 of the Broken Arrow Code pertaining to Restriction on location of stables, kennels, coops, etc.; repealing all ordinances to the contrary; and declaring an emergency
Motion by:	Craig Thurmond
Second by:	Richard Carter
Ayes:	Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

- B. An Ordinance amending Chapter 5, Article I, Section 5-22, which pertains to Keeping of animals other than dogs and cats; repealing all ordinances to the contrary; and declaring an emergency

Item Minutes: Ms. Wilkening said that this ordinance was brought back for preview at the last meeting because Councilor McCaleb had a question regarding acreage required for mini horses and for regular sized horses. Ms. Wilkening said the ordinance was discussed at the May 4 meeting and Council approved setting it for adoption. She said the ordinance reflected the requirement for mini horses of 1 acre minimum of available grazing area excluding the land occupied by structures. She said mini horses already owned prior to this ordinance were grandfathered in.

Motion:	Move to adopt Ordinance 3108, an Ordinance amending Chapter 5, Article I, Section 5-22, which pertains to Keeping of animals other than dogs and cats; repealing all ordinances to the contrary; and declaring an emergency
Motion by:	Richard Carter
Second by:	Jill Norman
Ayes:	Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

Arrow and Roland Investments, Ltd.

Motion by: Richard Carter

Second by: Jill Norman

Ayes: Jill Norman. Richard Carter. Craig Thurmond. Mike Lester

Nays: None

C. Consideration and approval of Resolution of Necessity No. 649 to condemn property located in the Northwest Quarter of Section 2, Township 19 North, Range 14 East of the Indian Base and Meridian, Tulsa Count., Oklahoma
Item Minutes: Ms. Wilkening stated the factual information as contained in the Fact Sheet provided in the agenda packet. She said that this area of Bass Pro Drive is critical to the City because its tenant, Bass Pro Outdoor World, needs this roadway for access for its tractor-trailers to the retail store. She added that Roland and the City have been unable to reach an agreement as to compensation. As a result, Staff recommends that the Council approve this Resolution authorizing condemnation.

Motion: Move to approve Resolution of Necessity No. 649 to condemn property located in the Northwest Quarter of Section 2, Township 18 North, Range 14 East of the Indian Base and Meridian, Tulsa County, Oklahoma

Motion by: Jill Norman

Second by: Craig Thurmond

Ayes: Jill Norman. Richard Carter. Craig Thurmond. Mike Lester

Nays: None

D. Consideration of and approval for the Mayor to execute an official ballot from the Oklahoma Municipal Assurance Group OMAG) to fill two Trustee positions for 3-year terms

Item Minutes: Mayor Lester said that this Near the selected nominees on the ballot were Michael Bailey, City Clerk/Treasurer of the City of Bartlesville and, Brant Shallenburger, Mayor, City of Claremore.

Motion: Move to authorize the Mayor to execute an official ballot from the Oklahoma Municipal Assurance Group OMAG) to fill two Trustee positions for 3-year terms

Motion by: Craig Thurmond

Second by: Richard Carter

Ayes: Jill Norman. Richard Carter. Craig Thurmond. Mike Lester

Nays: None

10. City Manager's Report

A. None

11. Preview Ordinances

A. None

12. Ordinances

A. An ordinance amending Chapter 5, Article I, Section 5-11 of the Broken Arrow Code pertaining to Restriction on location of stables, kennels, coops, etc.: repealing all ordinances to the contrary: and declaring an emergency

Item Minutes: Ms. Wilkening requested that this Ordinance be tabled until the May 19, 2010 meeting.

Motion: Move to table until the May 18, 2010 Council meeting Ordinance 3111, an

ordinance amending Chapter 5, Article 1, Section 5-11 of the Broken Arrow

Code pertaining to Restriction on location of stables, kennels, coops, etc.;

repealing all ordinances to the contrary; and declaring an emergency

Motion by: Craig Thurmond

Second by: Richard Carter

Ayes: Jill Norman. Richard Carter. Craig Thurmond. Mike Lester

Nays: None

B. An Ordinance amending Chapter 5, Article I, Section 5-22, which pertains to Keeping of animals other than dogs and cats: repealing all ordinances to the contrary: and declaring an emergency

Item Minutes: Ms. Wilkening said that this ordinance was brought back for preview at the last meeting because Councilor McCaleb had a question regarding acreage required for mini horses and for regular sized horses. Ms.

Wilkening said the ordinance was discussed at the May 4 meeting and Council approved setting it for adoption. She said the ordinance reflected the requirement for mini horses of 1 acre minimum of available grazing area excluding the land occupied by structures. She said mini horses already owned prior to this ordinance were grandfathered in.

Motion: Move to adopt Ordinance 3108, an Ordinance amending Chapter 5, Article 1, Section 5-22, which pertains to Keeping of animals other than dogs and cats; repealing all ordinances to the contrary; and declaring an emergency

Motion by: Richard Carter

Second by: Jill Norman

Ayes: Jill Norman. Richard Carter. Craig Thurmond. Mike Lester

Nays: None

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Motion:	Move to approve the Emergency Clause for Ordinance 3108
Motion by:	Craig Thurmond
Second by:	Richard Carter
Ayes:	Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

13. Remarks and Inquiries by Governing Body Members

Section Minutes: Mr. Dave Robinson asked to speak. He said he did not fill in a speakers form. The Mayor said he could address council but in the future need to fill in a request to speak. Mr. Robinson said that he has complained to the City repeatedly about debris in undeveloped lots in his neighborhood, in Belle Trace. He said that the developers come in and clean up only when a complaint is filed and then they go back to letting the grass grow up and trash pile up until the next complaint. The Mayor said that the nuisance ordinances establish how high the uncut grass must be to constitute a nuisance. Mr. Robinson said he is asking that something be done to make the developers consistently keep their undeveloped lots clean and mowed. He added that it ruins his neighborhood and he is tired of having to complain time after time.

At approximately 7:02 p.m., Mayor Lester asked for a motion to recess into the Broken Arrow Municipal Authority meeting and the Broken Arrow Economic Development Authority meeting.

Motion:	Move to recess into the Broken Arrow Municipal Authority meeting and the Broken Arrow Economic Development Authority meeting
Motion by:	Craig Thurmond
Second by:	Jill Norman
Ayes:	Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

Mayor Lester reconvened the regular meeting at approximately 7:05 p.m. Mayor Lester asked for a motion to take a short break in order to clear the room prior to entering into Executive Session

Motion:	Move to take a short break in order to clear the room prior to entering into Executive Session
Motion by:	Craig Thurmond
Second by:	Jill Norman
Ayes:	Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

Mayor Lester reconvened the regular meeting at approximately 7:12 p.m.

Motion:	Move to enter into Executive Session
Motion by:	Craig Thurmond
Second by:	Richard Carter
Ayes:	Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

14. Executive Session for the purpose of confidential communications between the City Council, the City Manager, and the City Attorney for the purpose of conferring on matters concerning potential litigation regarding Wagoner County Rural Water District No. 4 and the potential purchase and appraisal of all related real property and related appurtenances and reasonable action in open session, under 25 O.S. § 307(B)(4) and 25 O.S. § 307(B)(3); Lucky 4 Holdings, LLC, et al. v. City of Broken Arrow, et al., Tulsa County District Court Case Number CV-2010-00323 and authorization to agree to foreclosure of an easement or other reasonable action in open session, as authorized by 25 O.S. § 307(B)(4); the potential purchase and appraisal of real property located in the area of the Creek Turnpike and Elm Place and in the area of 209th East Avenue and New Orleans, and reasonable action in open session under 25 O.S. § 307(B)(3); the tort claim of Christian Udoumoh and possible action on a settlement offer as authorized by 25 O.S. § 307(B)(4); and an update on the status of negotiations between the City and the FOP under 25 O.S. § 307(B)(2). In the opinion of the City Attorney, the Council is advised that disclosure of the above will seriously impair the ability of the public body to process the pending and potential litigation or proceeding in the public interest. After the conclusion of the confidential portion of executive session, the Council will reconvene in open meeting, and the final decision, if any, will be put to a vote.

Mayor Lester reconvened the regular session of the City Council meeting at approximately 7:58 p.m., and the room was opened for those in attendance.

Motion:	Move to authorize the City Attorney to settle the claim by Okon Christian Udoumoh in the amount of \$75,000.00
Motion by:	Craig Thurmond
Second by:	Richard Carter
Ayes:	Jill Norman, Richard Carter, Craig Thurmond
Nays:	Mike Lester

Motion: Move to approve the Emergency Clause for Ordinance 3108

Motion by: Craig Thurmond

Second by: Richard Carter

Ayes: Jill Norman. Richard Carter. Craig Thurmond. Mike Lester

Nays: None

13. Remarks and Inquiries by Governing Body Members

Section Minutes: Mr. DaNe Robinson asked to speak. He said he did not ill in a speakers form. The Mayor said he could address council but in the future need to ill in a request to speak. Mr. Robinson said that he has complained to the City repeatedly about debris in undeveloped lots in his neighborhood. in Belle Trace. He said that the developers come in and clean up only when a complaint is filed and then the,, go back to letting the grass grow up and trash pile up until the next complaint. The Mayor said that the nuisance ordinances establish how high the uncut grass must be to constitute a nuisance. Mr. Robinson said he is asking that something be done to make the developers consistently keep their undeveloped lots clean and mowNed. He added that it ruins his neighborhood and he is tired of haying to complain time after time.

At approximately 7:02 p.m.. Mayor Lester asked for a motion to recess into the Broken Arrow Municipal Authority meeting and the Broken Arrow Economic Development Authority meeting.

Motion: Move to recess into the Broken Arrow Municipal Authority meeting and the Broken Arrow Economic Development Authority meeting

Motion by: Craig Thurmond

Second by: Jill Norman

Ayes: Jill Norman. Richard Carter. Craig Thurmond. Mike Lester

Nays: None

Mayor Lester reconvened the regular meeting at approximately 7:05 p.m. Mayor Lester asked for a motion to take a short break in order to clear the room prior to entering into Executive Session

Motion: Move to take a short break in order to clear the room prior to entering into Executive Session

Motion by: Craig Thurmond

Second by: Jill Norman

Ayes: Jill Norman. Richard Carter. Craig Thurmond. Mike Lester

Nays: None

Mayor Lester reconvened the regular meeting at approximately 7:12 p.m.

Motion: Move to enter into Executive Session

Motion by: Craig Thurmond

Second by: Richard Carter

Ayes: Jill Norman. Richard Carter. Craig Thurmond. Mike Lester

Nays: None

14. Executive Session for the purpose of confidential communications between the CitN Council. the City Manager. and the City Attorney for the purpose of conferring on matters concerning potential litigation regarding Wagoner Count Rural Water District No. 4 and the potential purchase and appraisal of all related real property and related appurtences and reasonable action in open session. under 25 O.S. 307(B)(4) and 25 O.S. 307(B)(3): Lucky 4 Holdings. LLC. et al. N. City of Broken Arrow. et al.. Tulsa County District Court Case Number CV-2010-00323 and authorization to agree to foreclosure of an casement or other reasonable action in open session. as authorized by 25 O.S. 307(B)(4): the potential purchase and appraisal of real property located in the area of the Creek Turnpike and Elm Place and in the area of 209th East Avenue and New Orleans. and reasonable action in open session under 25 O.S. 307(B)(3): the tort claim of Christian Udoumoh and possible action on a settlement offer as authorized by 25 O.S. 307(B)(4): and an update on the status of negotiations between the City and the FOP under 25 O.S. 307(B)(2). In the opinion of the City Attorney. the Council is advised that disclosure of the above will seriously impair the ability of the public body to process the pending and potential litigation or proceeding in the public interest. After the conclusion of the confidential portion of executive session. the Council will reconvene in open meeting. and the final decision. if any. will be put to a Note.

Mayor Lester reconvened the regular session of the City Council meeting at approximately 7:5 p.m.. and the room was opened for those in attendance.

Motion: Move to authorize the City Attorney to settle the claim by Okon Christian

Udumoh in the amount of \$75,000.00

Motion by: Craig Thurmond

Second by: Richard Carter

Ayes: Jill Norman. Richard Carter. Craig Thurmond

Nays: Mike Lester

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Motion:	Move to authorize the City Attorney to agree to foreclosure in the case of Lucky 4 Holdings v. the City of Broken Arrow
Motion by:	Craig Thurmond
Second by:	Richard Carter
Ayes:	Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

Motion:	Move to authorize the City Manager to continue discussions for the potential purchase and appraisal of real property in the area of 209th East Avenue and New Orleans
Motion by:	Craig Thurmond
Second by:	Jill Norman
Ayes:	Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

Motion:	Move to authorize the City Manager to advise the owner that the City is no longer interested in the real property located in the area of the Creek Turnpike and Elm Place
Motion by:	Craig Thurmond
Second by:	Richard Carter
Ayes:	Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None


Motion:	Move to discontinue efforts to acquire real property and related appurtenances owned by Wagoner County Rural Water District Number 4
Motion by:	Craig Thurmond
Second by:	Jill Norman
Ayes:	Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

15. **Adjournment**

Section Minutes: The meeting adjourned at approximately 8:02 p.m.


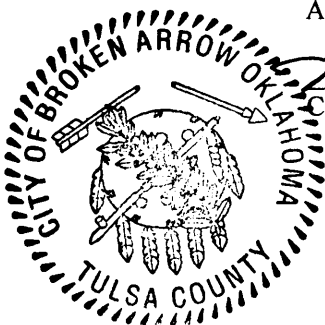
Motion:	Move to adjourn
Motion by:	Richard Carter
Second by:	Jill Norman
Ayes:	Jill Norman, Richard Carter, Craig Thurmond, Mike Lester
Nays:	None

Mayor



Attest:

City Clerk

Motion: Move to authorize the City Attorney to agree to foreclosure in the case of Lucky 4 Holdings v. the City of Broken Arrow

Motion b Craig Thurmond

Second b Richard Carter

Ayes: Jill Norman, Richard Carter, Craig Thurmond, Mike Lester

Nays: None

Motion: Move to authorize the City Manager to continue discussions for the potential purchase and appraisal of real property in the area of 209th East Avenue and

New Orleans

Motion b Craig Thurmond

Second b Jill Norman

Ayes: Jill Norman, Richard Carter, Craig Thurmond, Mike Lester

Nays: None

Motion: Move to authorize the City Manager to advise the owner that the City is no longer interested in the real property located in the area of the Creek Turnpike and Elm Place

Motion b Crai Thurmond

Second b Richard Carter

Ayes: Jill Norman, Richard Carter, Craig Thurmond, Mike Lester

Nays: None

Motion: Move to discontinue efforts to acquire real property and related appurtenances owned by Wagoner County Rural Water District Number 4

Motion b Crai Thurmond

Second b Jill Norman

Ayes: Jill Norman, Richard Carter, Craig Thurmond, Mike Lester

Nays: None

15. Adjournment

Section Minutes: The meeting adjourned at approximately 8:02 p.m.

Motion: Move to adjourn

Motion b Richard Carter

Second b Jill Norman

Ayes: Jill Norman, Richard Carter, Craig Thurmond, Mike Lester

Nays: None

Attest:

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