

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
JANUARY 28, 2020 – 6:00 P.M.
LAWTON CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Stan Booker, Mayor

Also Present:
Michael Cleghorn, City Manager
Bob Ross, Interim City Attorney
Traci Hushbeck, City Clerk
COL Don A. King, Fort Sill Liaison

Mayor Booker called the meeting to order at 6:03 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Charles Barnett, followed by the Pledge of Allegiance

ROLL CALL

PRESENT: Mary Ann Hankins, Ward One
Linda Chapman, Ward Three
Jay Burk, Ward Four
Allan Hampton, Ward Five
Sean Fortenbaugh, Ward Six
Onreka Johnson, Ward Seven
Randy Warren, Ward Eight

ABSENT: Keith Jackson, Ward Two

EMPLOYEE SPOTLIGHT PRESENTATION TO JUDY FRANCO AND BRITTANY SAWYER – INFORMATION TECHNOLOGY DEPARTMENT

The City Manager recognized Judy Franco and Brittany Sawyer for their outstanding performance.

REPORTS: MAYOR/CITY COUNCIL

Mayor Booker stated he added up the \$55 million street bond passed in 2017 and all the road projects and street projects in the current 2015 and 2016 sales tax CIP that will be voted on in two weeks to roll into an extension that will address even more streets. He added some estimates on what they believe will happen and when the new CIP is in place the community will have voted over \$120 million for street projects. That includes the local obligation, the state and federal funds and that includes the extension from Goodyear Boulevard out and the estimates for that, He stated he is excited that the citizens have voted for these projects.

Johnson stated the signing of the proclamation for Black History Month will be held on Friday, January 31st at 5 p.m. at the Patterson Center. She stated all the activities for the month will be listed on Facebook. She stated on February 27th she will be having her Citizens with Solutions meeting at the Patterson Center starting at 5:30 p.m.,

Hampton stated the Asian New Year just took place this past week. He wished a happy new year to our Asian population.

AUDIENCE PARTICIPATION: None

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL SPECIAL MEETING OF JANUARY 13, 2020 AND THE REGULAR MEETINGS OF NOVEMBER 12, 2019 AND JANUARY 14, 2020.

MOVED by Burk SECOND by Hankins to approve the minutes of the special meeting of January 13, 2020 and the regular meetings of November 12, 2019 and January 14, 2020. AYE: Hankins, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

CONSENT AGENDA:

Mayor Booker stated the Jackie Jackson claim on item #1 will be stricken from the agenda. Hampton requested item #5 and Warren requested #12 be considered separately.

MOVED by Burk SECOND by Chapman to approve the consent agenda with the exception of the Jackson claim on item #1 and items #5 and #12. AYE: Hankins, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for denial: Jackie Jackson in the amount of \$2,707.53 (**STRICKEN**) and Warren Power & Machinery, Inc. in the amount of \$1,721.26. Exhibits: Legal Opinions/Recommendations.
2. Consider adopting a resolution rescinding Resolution 2019-119 and approving the joint petition settlement and making payment in the workers' compensation claim of Gene Sovo. Exhibits: **Resolution 20-06**.
3. Consider entering into a Memorandum of Understanding with Lawton Economic Development Authority to clarify and codify the agreement between the parties concerning advancement of funds to pay expenses of TIF District 3, and the repayment and accounting for the same. Exhibits: Proposed Memorandum of Understanding.
4. Consider an agreement with Margaret Sprague regarding an insurance check provided to her for the rehabilitation of the roof and associated water damage at her residence located at 2602 NW Wesley Avenue, Lawton, OK 73505, and authorizing the Mayor and City Clerk to execute the agreement. Exhibits: Agreement on file in the City Clerk's office.

5. Consider approving a lease agreement with the Lawton Farmers Market Institute for a portion of the old Wayne Gilley City Hall property adjacent to SW 4th Street and authorize the Mayor to execute the agreement. Exhibits: Lease Agreement and map of leased premise.

Hampton stated he pulled this item for an administrative change of date. He thanked those citizens who have come together with private funding and have partnered with the City of Lawton to place a very attractive building in Shepler Park. The new date for the project is set for June 1, 2020. It was changed from March 1, 2020 to accommodate the Arts for All Festival.

Mayor Booker stated this is a big deal for our community. He requested that Dr. Legako come forward and talk about the farmers market.

Dr. Legako stated they started looking at this project two years ago to have a permanent farmers market. He stated they need a sustainable twelve months out of the year market, so they need an indoor/outdoor building. They have been given space at the fairgrounds in the summer and Cameron University in the winter, but they have grown out of those spaces. This building will provide indoor/outdoor space. The inside is 8,000 square feet, which will have a warming kitchen and an education center. There will be a large area in the middle, which will provide functions for downtown. They will hold markets on Wednesday and Saturday. This will go along with the concept of Open Streets which will bring people downtown. They hope to start June 1st because they did not want to mess with the Arts For All Festival and they feel like it will be a 9 to 12 month venture to get the building done.

Burk stated at one time there was talk about sizing it down and everyone agreed that it needed to be done right. He congratulated Dr. Legako and his team on raising the money and he is happy that LETA can help with the landscaping. It will be a great asset to the city of Lawton.

Dr. Legako stated he dreamed about a large festival in Lawton and that is why they started the Tomato Festival. This building will give them the ability to have a three-day event and no other city in Oklahoma has this type of festival. He thanked Richard and Kim Rogalski who have been part of the team.

Warren stated he supports this project 98%. The first night they talked about this he made the comment that he could support this but he cannot support the City of Lawton paying for upkeep of the landscape. He stated we could not even afford to keep the grass mowed on Gore Boulevard so how could we take on more commitment. The only issue he has is that there is \$9,000 involved every year in grounds upkeep for this facility. If they could figure out a way that the City did not have to pay this it would make him a lot happier. The citizens of Lawton are already paying for the water, sewer and refuse collection and the facility has been provided a lease for \$10 a year for 50 years.

Burk stated that was an addition they made to the Bedrock contract and they will be doing the maintenance and taking care of the outside. He stated LETA gave money to help do the landscaping around the building so it would be beautiful. He stated a \$9,000 investment to a

beautiful building is nothing compared to what we spend on other things. It is part of doing business and this is a quality of life issue.

Mayor Booker stated the city is already mowing that area.

MOVED by Hampton SECOND by Burk to approve a lease agreement with the Lawton Farmers Market Institute for a portion of the old Wayne Gilley City Hall property adjacent to SW 4th Street and authorize the Mayor to execute the agreement. AYE: Hankins, Chapman, Burk, Hampton, Fortenbaugh, Johnson. NAY: Warren. MOTION CARRIED.

6. Consider approving the initial Sidewalk Prioritization Plan as submitted by the Lawton Enhancement Trust Authority for the construction of sidewalks using general sales taxes collected from the sale of medical marijuana and medical marijuana products. Exhibits: Sidewalk Prioritization Plan and Sketch.
7. Consider accepting bids offered for four tracts of city-owned land previously declared surplus, authorizing staff to process all documents for and finalize the sale for the four properties, authorizing the Mayor to sign contracts of sale, quit claim deeds and other closing documents. Exhibits: Memorandum from Parks and Recreation Director referencing surplus auction of city-owned real property.
8. Consider adopting a resolution for the selection of a consulting engineer to conduct the bi-annual inspections required by the National Bridge Inspection Standards (NBIS) Program. Exhibits: Letter from ODOT and **Resolution 20-07**.
9. Consider acknowledging receipt of Tier I permit from the Oklahoma Department of Environmental Quality for the construction of 120 linear feet of 8-inch PVC pipe for water line distribution and all appurtenances to serve BMT located at 1002 SW Goodyear Boulevard, in the SE/4 of Section 31, T2N, R12W, Comanche County, Oklahoma. Exhibits: Permit to Construct is on file in the City Clerk's Office.
10. Consider approving the record plat for Rogers Lane Commercial Addition, located at the northwest corner of NE Angus Place and NE Rogers Lane, accepting the water and sewer improvements and maintenance bond, and granting a revocable permit for an existing billboard. Exhibits: Plat Map. Maintenance Bond and Revocable Permit are on file in the City Clerk's Office.
11. Consider extending contract (CL19-016) Electro Fusion Polyethylene Pipe (Items 1, 3, 6 & 8) to Core & Main LP of Owasso, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
12. Consider awarding (RFPCL20-010) Maintenance of Public Grounds to Bedrock Nursery of Lawton, OK. Exhibits: Department Recommendation, Specs & Exhibits, Vendor Narrative Summary with price breakdown.

Warren stated he pulled this in order to talk about the cost of the monthly upkeep, which is \$750 a month for the Farmers Market. He requested that under the funding source they show the name of the funding source, not just the account number.

MOVED by Burk SECOND by Warren to award (RFPCL20-010) Maintenance of Public Grounds to Bedrock Nursery of Lawton, OK. AYE: Hankins, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

13. Consider approving appointments to boards and commissions. Exhibits: None

Waurika Lake Master Conservancy District

Larry Neal
Existing Member
02/06/2024

Justin Phelps
Existing Member
02/08/2024

NEW BUSINESS ITEMS:

14. Hold a public hearing and adopt a resolution declaring the structures located at 2803 SW I Avenue, 2807 SW I Avenue, 4523 SW G Avenue, 1311 SW Bishop Road, and 908 SW Jefferson Avenue to be dilapidated pursuant to Section 6-5-1 Lawton City Code, ordering the owner to abate the nuisance, authorizing summary abatement, and authorizing the City Attorney to commence legal action in District Court to abate the nuisance. Exhibits: Resolution and exhibits for the property.

2803 SW I Avenue

Will Hines, Neighborhood Services Supervisor, reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since 2014.

PUBLIC HEARING OPENED.

Harold Edwards, 2724 SW I Avenue, stated his wife's assets and property are currently in probate. The case has a docket number and they are waiting for a final decision from the regional probate judge. The house is not dilapidated, his son lived there while attending college three years ago. The house has graffiti all around it and he would have painted it sooner but his wife passed away in March 2019. The yard is mowed weekly and the sidewalk and driveway is cleaned weekly. Litter is picked up. After the home is released from probate he plans on painting the house and putting on a new roof. He wants to replace the glass and the front door. He can repair the minor blemishes.

Burk stated even if the council places the property on the D&D list, it does not mean it will be torn down. This will give Mr. Edwards 30 days to pull a permit and staff will give him a timeline and work with him.

Mr. Edwards stated the utilities are on and he has security lights. He has also paid the taxes.

PUBLIC HEARING CLOSED.

MOVED by Hampton SECOND by Burk, to adopt **Resolution 20-08** declaring the structure located at 2803 SW I Avenue to be a dilapidated public nuisance. AYE: Hankins, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

2807 SW I Avenue

Hines reported the numerous violations of city code existing on the property, which are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since 2009.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Hampton SECOND by Chapman, to adopt **Resolution 20-09** declaring the structure located at 2807 SW I Avenue to be a dilapidated public nuisance. AYE: Hankins, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

4523 SW G Avenue

Hines reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since 2018. He stated they did send a notice of hearing to the owner and it was returned yesterday afternoon with a forwarding address. Legal staff has recommended it stay on this agenda but it will be brought back after they send the owner another notice.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Johnson SECOND by Chapman, to adopt **Resolution 20-10** declaring the structure located at 4523 SW G Avenue to be a dilapidated public nuisance. AYE: Hankins, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

1311 SW Bishop Road

Hines reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since 2008.

PUBLIC HEARING OPENED.

Demetrius Hicks, 4502 SW Cherokee Avenue, stated he bought this property in August of last year. He cleaned up the property and boarded up the windows so they would not be broken. He has new doors and screens so it is secure. He works on the property on the weekends because he has a full time job on Fort Sill. He is fixing up the property so that his daughter and her two children can live there.

Burk stated the goal is that Mr. Hicks get a permit and then staff will work with him.

PUBLIC HEARING CLOSED.

MOVED by Johnson SECOND by Burk, to adopt **Resolution 20-11** declaring the structure located at 1311 SW Bishop Road to be a dilapidated public nuisance. AYE: Hankins, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

908 SW Jefferson Avenue

Hines reported the numerous violations of city code existing on the property which are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since 2006.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Johnson SECOND by Hankins, to adopt **Resolution 20-12** declaring the structure located at 908 SW Jefferson Avenue to be a dilapidated public nuisance. AYE: Hankins, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

15. Consider providing direction to staff indicating the desire of Council regarding the disposition of a private sewer main line located in Trope's Five Acre Blocks, located on the south side of SW Lee Boulevard, west of SW 24th Street. Exhibits: Map of existing private sewer and staff's design and estimate for a public sewer to serve the subject properties.

Richard Rogalski, Community Services Director, stated the Tropes Five Acre Blocks subdivision was platted in 1906 as a 5-acre tract development. There are several properties located along the south side of SW Lee Boulevard, roughly between SW 24th Street and SW 27th Street that are served by a 6" diameter private sewer line that is approximately 80 years old, deteriorated, and not part of a sewer or owners association that could provide maintenance or reconstruction, as required. In October of 2018, in response to a request from Mike Cornish, on the property owners served by said sewer, the City Council directed staff to study the situation and prepare a design and cost estimate for a possible solution. He stated Rusty Whisenhunt put together a set of plans and an extended sewer would have to be constructed in order to provide public sewer service to these lots. That section of sewer would be 4,800 LF of 8" sanitary sewer main at an estimated cost of \$750,000, plus any costs to acquire needed utility easements. Staff is now requesting guidance from the City Council on whether or not to proceed with the bidding and construction of this project and additionally, how the City Council would direct that this project be funded. There are three primary alternatives: 1) Do nothing; leave the private main as is, allowing the property owners to find their own solution to the maintenance problem, such as creating an owners association, 2) Construct the new public main with funding from the Water and Sewer Infrastructure allocation within the proposed 2020 CIP or 3) Construct the new public main with funding derived from an improvement district per the Oklahoma Improvement District Act, whereby the cost of the project would be borne by the owners of properties served by the new public sewer. He stated Improvement District Act is a great tool to use in many different circumstances. In this case, with the cost of the sewer, that is a lot of money to put on 17 acres. You would end up with an annual assessment per each acre of approximately \$1,500 - \$2,800 per year, depending upon the bonding rate and how it was financed. The Tropes Five Acre Blocks subdivision was platted in 1906 as a 5-acre tract development. Over the years, unregulated re-subdivision (creating new parcels by deed rather than through the subdivision process) resulted in

the creation of a number of different parcels without access to a public sewer. Staff's understanding is that the private sewer line serving Blocks 1 through 8 of said subdivision was constructed sometime in the 1940's using 6" concrete pipe. This line was not dedicated to the public and no utility easement was provided. Following this relatively short section of private sewer, the effluent flows through several miles of public sewer main and is treated by the City's wastewater treatment facility. A re-plat of Blocks 3 and 4 was completed in 1960 creating residential lots on the south part of those blocks. This re-plat provided public sewer access to the newly created lots as well as the remaining portions of those blocks. In 2002 Gene Burk Auto glass reconstructed the portion of the private sewer main on Blocks 1 and 2 to City standards and dedicated it as a public sewer main extending to 24th Street. However, west of 24th Street there are still a number of properties under separate ownership that are served by this 6" private sewer, with some buildings even being constructed directly over the line. As the properties developed, the City issued building permits as long as the building construction followed building codes, even allowing connection to the private sewer.

Mayor Booker stated to get a building permit they were required to get approval to be on a private sewer.

Rogalski stated they just had to show that they had a sewer to connect to and they were connecting to a sewer that was on their property. He stated they had a legal opinion from the city attorney that said we needed to issue a permit because we could not hold it up. He stated this is not the only place in town where this has happened, we probably have 100 situations where there is a small sewer that is serving more than one property. When the council looks at a solution, it should be a solution that we can provide over the course of a number of different locations.

Fortenbaugh questioned if all these property owners pay the City of Lawton for sewer.

Rogalski stated yes, they pay for sewer service. He stated on his property he pays a full water bill even though he has to maintain their six miles of 2-inch line.

Fortenbaugh questioned if this sewer line failed, what would the City do about it.

Rogalski stated the City would not repair this line, this is a private sewer line.

Fortenbaugh questioned who owned it, do all the property owners collectively own it? If it fails or one of the property owners digs it up and disables it, we can't let those people operate there without having an attachment to sewer. It is 60 years old, it seems that at some point the City will have to take over this area.

Burk stated he has a private sewer line in Green Terrace West and they have to maintain all of it. They have to flush it and when they have a break they have to fix it and they all pay water and sewer fees because it does tie into something else that goes on to the sewer plant. He stated McArthur Park Townhouse Association has a private sewer line that goes between the middle of their property. They must maintain it, repair it, and replace it. He stated these private lines are all over Lawton and if they are going to take one they will have to take them all and they would need a large funding source to be able to handle it because we are talking millions of dollars in

repairs and replacement. The City did not take responsibility for those lines then and he does not see how we can financially take the responsibility today. You are talking about \$750,000 for this one project.

Mayor Booker stated he has private sewer lines and he has to maintain those as well. He does like the idea of this improvement district per the Oklahoma Improvement District Act. He requested Rogalski talk about how this works.

Rogalski stated this would be a solution available for everyone. A petition of half the property owners in an area can create an improvement district or the council can create it. If created by the council, then if half the property owners objected then you could not create it. There is a process to go through and it is basically assessed on the property, like a property tax. It is a way to pay for the \$750,000 sewer in increments over 30 years.

Cleghorn stated it is more than half of the property owners, it is 51%.

Warren stated this is not just this situation, there is a problem with sewer lines all over town as well as water lines. There are water lines out there that are not dedicated to the City. Whatever they do is going to set a precedent for what happens everywhere else in town. They will have to be ready to solve every sewer problem that way and solve every water problem that way. He stated this improvement district is the same way a neighborhood could facilitate putting a sidewalk in a residential neighborhood.

Rogalski stated this is a tool to make improvements for specific areas around town.

Mayor Booker does not see any way that we can start taking care of private sewer lines. He owns several and he does not expect the City to take care of them. With all of the challenges the City is facing he does not see how we can open up that can of worms. This is an option that is worth exploring. He questioned how they would proceed.

Rogalski stated the council could allow the property owners to bring a petition or you could direct staff to start the process. Staff would do additional property research and create an assessment area. Two public hearings will be held and several resolutions will have to be passed by council. There is a public hearing to create the district and a public hearing to assess the cost. This will allow the input from people who will be affected by it.

Mayor Booker stated if over 50% of the property owners did not object, we would move forward.

Rogalski stated when the public hearing for the assessment took place, if enough opposition came forward or if there was a petition with that opposition, it would die at that point.

Ross stated the 50% can be figured two ways. Fifty percent of the people or the owners of 50% of the land. If a person had ten acres they would have ten votes and a person with one acre would have one vote. The patrons are being billed for the miles of the City's line and the treatment of the waste.

Warren stated when this was originally put in back in the 40's, the cost of that was born by the people that were going to benefit from it. The question of cost is really not prudent here, it is more a question of the cost then versus the cost now. This is the only way to get this accomplished. It is not fair to the citizens of Lawton to have to go in there and pay for something that should have been dedicated to the City originally. That cost still needs to be borne by the individuals who will benefit from it.

Mayor questioned if Councilmember Warren supports the improvement district option.

Warren stated he feels this is the only thing that is fair to everyone. He heard that someone was billing the property owners for maintenance on the line.

Mayor Booker questioned if someone was claiming ownership of the line.

Warren stated he is not sure, he just received a phone call. He stated the cost still needs to be borne by the individuals who will benefit.

Fortenbaugh stated if the City was to rebuild this through the improvement district act, would it still remain a privately owned sewer line after it was rebuilt.

Rogalski stated the City would build that line and then it would be a public sewer and the City would maintain it forever. The City would bond the project based on that improvement district and that bond would be paid for over the course of 30 years or whatever term was chosen.

Hampton stated he was speaking to someone about some subdivisions that had roads that belonged to the subdivision and they were supposed to maintain those roads. He questioned if this was a similar situation.

Rogalski stated there is a way you can go through the subdivision process and create private roads. This situation was done before there were a lot of rules on this sort of thing. Now you would not be able to connect more than one facility to a private sewer.

Hampton questioned who would pay for the cost of the City to go through all the hearings and the process.

Rogalski stated the City is allowed to put those types of costs into an improvement district or it could be rolled into the construction costs and be part of the assessment costs.

Mayor Booker stated he has a copy of a letter from Mr. Cornish and it says that the City proclaimed on April 24, 2019 that the sewer line is considered privately owned by Cornish Properties.

Rogalski stated he does not believe staff said Cornish Properties owned it. Someone might have said that they thought his father built it.

Mayor Booker stated that we just said it was not ours.

Rogalski stated it is not owned by the City. He feels that it is owned in little tiny segments by each property owner.

Ross stated that absent some kind of record notice then you will own the sewer line that is underneath your house or on your property.

Mayor Booker stated a citizen has signed up to speak on this issue.

Robert Cook, 2610 SW Lee Boulevard, stated he and his wife bought the property in 2004. They put up a commercial building on the property and they were never told that it was a private sewer. They assumed since they paid the utility bills that they had a sewer. He stated when they built the building Mr. Cornish asked him what they were going to do about the sewer. He stated they were going to connect to the sewer where the previous home had been. He stated that Mr. Cornish said no because he owned the sewer line. The City of Lawton permitted his new building. He would have never bought this property if he knew it had a private sewer. He stated early last year a City employee, Britt Hubbard, came to his store and they made an agreement with him that easements would be provided to the City and his wife signed the papers. That is the last time they have heard from the City. He would like to be able to put in his own septic system. He wants to get away from the City and Mr. Cornish.

Mayor Booker stated he does not believe this is the City's problem.

Mr. Cook stated it is not his problem. He did not know when he bought the property that it did not have City sewer. He would have never bought the property.

Mayor Booker questioned if he could put in a septic system.

Rusty Whisenhunt, Director of Water/Wastewater, stated the city code reads that if it is over 200 feet from a public sewer main, which that tract of property is, and it has enough area in the property to meet ODEQ regulations, which that property does, then the city code would allow for that. They would have to permit it through ODEQ.

Valerie Cook, 2610 SW Lee Boulevard, stated the City really needs to give all those businesses sewer. They are paying sewer taxes.

Mayor Booker stated that brings up a fourth option, that some could put in their own septic system.

Whisenhunt stated if the City went with the improvement district option, that would make it a public sewer and would preclude them from having a septic system. They would have to do it prior to improvement district being established and it would be grandfathered in.

Mayor Booker questioned if Mr. Cook would be able to keep everyone from the west from accessing public sewer through the improvement district.

Whisenhunt stated that is a civil matter between all the property owners.

Steve Stricklin, Eisenhower Drive, stated he has a warehouse building facing Lee Boulevard which that private line crosses. He feels that this line should be the first line the City should address because they are talking about a sewer line that is servicing many commercial businesses on Lee Boulevard. Last year around April a city engineer came to him and asked if he would agree to allowing the City to have easement across the center of his property. He did agree to give the easement. This is an extremely important sewer line that the City should take over. A private individual should not have to maintain such a major sewer line for a business facing Lee Boulevard.

Burk stated he is assuming the reason the engineer went by to see about the easements is to see if people were going to allow us to have easements for a sewer line. Last April council directed staff to go out and give them a cost estimate and he is sure that is why they were asking about easements. He would not have the right to say that we were putting in a new sewer line.

Mr. Stricklin stated the subject matter has been broached.

Mayor Booker stated the engineer was working on a cost estimate.

Mr. Stricklin stated he personally has spent \$8,000 to fix the sewer line on his portion.

Whisenhunt stated the construction inspector was directed to make contact to see if there was any objection to a utility easement if a main was to be constructed. The design is completed and they are pricing the cost.

Mayor Booker requested Rogalski go through the process of the improvement district.

Rogalski stated you start out with doing a resolution and then staff will determine the assessment area and they will send notice to those property owners of a public hearing. The public hearing is where the council will make the determination of setting up the improvement district. The next step is for staff to determine the cost and then council would hold another public hearing to assess that cost on that property and then it would be paid back.

Mayor Booker stated we are in a no win situation. His recommendation would be to direct staff to start the plan for the improvement district. It is a good plan.

Johnson stated if they start the process, at what point does the City take responsibility for that line.

Rogalski stated the City would never take responsibility for the existing line, it would build a new line and be responsible for the new line once it is in place.

MOVED by Warren SECOND by Burk, to direct staff to move forward with the possible creation of an improvement district and to bring those documents forward. AYE: Hankins, Chapman, Burk, Hampton, Fortenbaugh, Johnson, Warren. NAY: None. MOTION CARRIED.

16. Consider recommendations for honoring the late Sgt. C.H. Brazzel of the Lawton Police Department. Exhibits: None.

Mayor Booker stated he was getting requests from citizens so he decided to place this on the agenda to discuss options of how to honor C.H. Brazzel.

Burk stated he took liberty of calling the fire union to see if there was any opposition to the facility being named the C.H. Brazzel Public Safety Facility. He stated they felt it was a wonderful idea. He stated everyone in the community feels that he needs to be remembered.

Warren stated he agrees because C.H. was an awesome person. He has received a lot of calls and there are a lot of ideas. He suggested the Mayor appoint a committee to hear some of the suggestions from citizens to look at the cost of anything that we might do and maybe come up with a couple of options. A more expensive option may have to be funded from the public because we would only have a limited amount of dollars we could commit.

Burk stated LETA could become involved and they will do what they need to do to find the funding.

Hankins stated this is too important of a decision to make quickly. She agrees with the appointment of the committee.

Mayor Booker appointed Warren, Burk, Fortenbaugh and Johnson to the council committee.

Hankins suggested the council direct staff to develop a policy because this situation will come up again.

Mayor Booker stated they cannot direct staff with this agenda item, but they could direct the council committee to look at developing a policy.

- 17 Consider an ordinance pertaining to Utilities amending Section 22-2-3-231, Division 22-2-3, Article 22-2, Chapter 22, Lawton City Code, 2015, by changing the approval for the sale of water and sewer service outside the city limits to an administrative function and transferring the authority to approve outside water agreements from City Council to the City Manager or his designee; amending Section 22-2-3-232, Division 22-2-3, Article 22-2, Chapter 22, Lawton City Code, 2015, by allowing the City Manager or his designee to waive the development requirements per circumstances established in this section; providing for severability, and establishing an effective date. Exhibits: Ordinance 20-__.
- STRICKEN**

ADDENDUM:

1. Consider Change Order #13 to the contract between Flintco, LLC and the City of Lawton for construction of the Public Safety Facility. Exhibits: Change Order #13 - Public Safety Facility.

George Hennessee, Engineering Director, reviewed the following change order:

- PCO #3 Requests for delays due to the unforeseen underground tanks and concrete removal and backfill early in the project. These delays were considered by a prior project manager to be outside the Critical Path of the project and unwarranted. Review of the pay claims by Flintco indicate the inclusion of these would definitely be a Critical Path element in the completion of our project and are worthy of consideration.
- PCO #54 R1 Adds a Drinking Fountain to the specified Drinking Fountain Refill Station. The documents described the Drinking Fountain fully, but the specified Manufacturer Item Number was for the refill station only.
- PCO #63 Requires the removal of ProGuard and replacement with Laticrete on the first level, along with modification of window brake metal and a request for 10 days.
- PCO #71 provides four doors and hardware that were not on the door schedules and a request for 2 days. PCO #73 modifies ductwork that was in conflict with beams and a request for 2 days.
- PCO #72 R1 provides high pressure line from the 6000psi compressor for Self Contained Breathing Apparatus (SCBA) used by firemen to the testing station and a request of 2 days.
- PCO #91 R1 provides a modification of the natural gas meter/regulator station to accept a 5 psi meter instead of the 2 psi station proposed and a request for 1 day.
- PCO 93 eliminates insulation in the door frames of 300 doors within the facility.
- PCO 99 provides Paper Towel Dispenser and Soap Dispenser in the Support Building restroom and a request for 1 day.

Hennessee stated this Change Order will deplete the Contingency Account by \$21,265.00 and extend the project by 18 Calendar Days. That leaves a balance in that account of \$27,928. They did identify \$500,000 of IT money that they could put into the project. The prior City Attorney indicated that they could only use \$300,000 of that because that was the initial contingency allowance provided. They have \$200,000 they need to put back into the contingency account and it is justifiable at this time. That would give a balance in the contingency of \$227,928. If approved, this will add 96 days to the project and it will have a final completion date of May 19, 2020.

Burk stated he does agree that they should have been given some days in the beginning. It makes if fair to the contractor.

Warren stated he does not want to hold some of this stuff against the contractor because some of it looks like things an architect should have known. He does not agree with the 96 calendar days. He would like to go with 48 days, which would be the 18 plus 30 days for the beginning tank fiasco.

Hennessee stated when you follow the money it looks like the 78 days would be justifiable for the oil tanks and the concrete foundation for the old cement and power plant.

Burk stated no one thought all that was there. He feels they should be given back those days from the beginning and he feels the 78 days would be fair.

Johnson questioned if they are asking for a full day to put in one paper tower and soap dispenser.

Hennessee stated yes.

Burk stated that is not included in the 78 days.

Fortenbaugh questioned why they are not just making adjustments for the rail cars when they knew about them in the beginning.

Hennessee stated they issue the contract based on a five day work period so they can work Monday through Friday 8 – 5. If they get rained out on that week day we give them a delay day. When we hit the end of a project, we take calendar days, which include weekends. There is a 40% differential between what we give and what we take.

Burk stated that is not fair and he would like to see that changed.

Cleghorn stated it should be a day for day.

MOVED by Burk SECOND by Warren, to approve Change Order #13 with 78 days. AYE: Hankins, Chapman, Burk, Hampton, Warren. NAY: Fortenbaugh, Johnson. MOTION CARRIED.

STAFF REPORTS

Cleghorn stated he will email the City Manager's Report to the council.

Kara Haynes, Finance Director, presented revenue and expenditure highlights for the period ending December 31, 2019. (On file in the City Clerk's office).

The Mayor and Council convened in executive session at 7:56 p.m. and reconvened in regular, open session at 8:38 p.m. Roll call reflected all members present.

EXECUTIVE SESSION ITEMS:

18. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2020-2021 between the International Union of Police Associations (IUPA), Local 24, and the City of Lawton, and, if necessary, take appropriate action in open session. Exhibits: None.

Ross read the title of item #18. No action was taken.

There being no further business to consider, the meeting adjourned at 8:39 p.m. upon motion,
Second and roll call vote.

STAN BOOKER, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK