

## Special Work Session Minutes

Dawes Conference Room  
113 West Dawes Avenue, Bixby, Oklahoma 74008  
October 10, 2016 5:00 p.m.

The Special Work Session agenda for the regularly scheduled meeting of the City of Bixby was posted on the bulletin board at City Hall, 116 W. Needles Avenue, Bixby, Oklahoma on October 7, 2016, on or before 5:00 p.m.

Vice Mayor Guthrie called the meeting to order at 5:02 p.m. Deputy City Clerk Gladys Gill called the roll and all members were present. Mayor Easton entered the meeting at 5:05 p.m. and Councilor Richie Stewart entered in at 5:04 p.m.

### Members Present

Guthrie  
Decatur  
Stewart  
King  
Easton

### Staff Present

Jared Cottle, City Manager  
Patrick Boulden, City Attorney  
Charles Barnes, Finance Dir.  
Marcae Hilton, City Planner  
Jason Mohler, Dev. Service Dir.  
Bea Aamodt, Public Works Dir.  
Ike Shirley, Police Chief  
Shirley Brown, Code Enforce  
Gladys Gill, Deputy Clerk

Vice Mayor Guthrie move to item #2 and will come back to item 1.

### **Vice Mayor Guthrie said item #1 on the Special Work Session agenda is:**

Discussion on pending residential and commercial rezoning applications for the Conrad Farms properties, generally located near the 7400 block of East 151<sup>st</sup> Street, extending west to South Sheridan Road and from East 151<sup>st</sup> Street to East 161<sup>st</sup> Street.

Presented by: Marcae Hilton

Others that spoke: Ricky Jones, Tanner Consulting, Brian Green

City Planner Marcae Hilton stated that tonight we have on the agenda the Conrad Farms PUD and basically the zoning requests proposed to change Development Area A & B from AG to CG, and Development Area C-1 from AG to RMH or RS-3 which you will find out that is what Planning Commission and Staff has recommended with the proposed companion PUD for the purpose of a Master Planned, Multiuse Development of 182 acres. Marcae stated that I think you have seen this a couple of times and Tanner Consulting is representing the applicant which we revamp the PUD just a little bit and I would like to see. Marcae stated that she would like to move forward with all of our PUD's. Marcae stated that we have the developer here tonight if you have any questions for him, Planning Commission and Staff agree with the recommendation and approval.

Ricky Jones stated that the most significant thing for the City stand point is taking that RM-2 and changing the zoning and the use of the property to Single-Family, Marcae stated that was approved in March or April and they are asking to be as Multi-Family and to Single-Family and they are asking for smaller lots.

Discussion continued on this item.

Discussion only. No action taken.

**Vice Mayor Guthrie said item #2 on the Special Work Session agenda is:**

Discussion on the lack of maintenance and nuisance high grass and weeds within a Stormwater retention facility privately owned by Retention Pond LLC, near 8700 East 132<sup>nd</sup> Street, in the Sunburst Addition.

Presented by: Patrick Boulden

City Attorney Patrick Boulden stated that this is a unique nuisance that we have, Shirley Brown Code Enforcement Officer will pass out pictures of the property of the area, and Patrick continued to explain that this is a Retention Pond located at 87<sup>th</sup> E. Ave and the pictures will show the condition of it. Patrick stated that any history of the property is in the Sunburst Addition plat and there was no creation of any Home Owners Association to take care of the common areas and the original owners of the land retained ownership of the Retention Pond and some years back they sold it to Retention Pond LLC and the register agent of the LLC is a Tulsa Police Officer and whether he is a managing member of it I don't know. Patrick explained that he has been asked to keep this pond up and neighbors have been complaining about it and he has mowed it once in August and he has a broken foot, so normally we would have someone mow it and file a lien on the property, now it's LLC status has been cancelled and I have tried to find out the legal effect of that is which is only one case that touches on it if we can go after the managers or the members of the LLC, Patrick stated that he would be willing to go after both to prosecute to see if we can get them to take care of the property. Patrick explained that the real problem is it needs to be mowed now and there is nobody there to take care of it.

City Manager Jared Cottle stated that the reason I asked Patrick to put this on here is right now this property is worth zero dollars and once we mow it and it becomes negative and he is not going to be able to sell it and so what would happen we would probably be mowing this property for an absent or neglect owner. Jared stated that this is why I want council in on this and how we want to handle this and one thing is yearly we would have to set aside money to abate this nuisance with no way to collect those dollars. Vice Mayor Guthrie asked if the owner is current on his taxes, Shirley Bowen Code Enforcement stated I believe he is but he doesn't want the property, so he does not care what we do.

Councilor King stated that he is trying to talk to the soccer club to see if they would like to take it over to use it, but I have not heard back from them yet. Jared stated that one path here might be to prosecute and does take care of it, and otherwise I see us in a long term commitment to mowing this property that we don't want or maintain, or if we find someone to expect it and maintain it. Jared stated that we are looking for some directions. Councilor Stewart asked how long would they have to

pay their taxes before it goes to a tax auction, Vice Mayor Guthrie stated that if they don't pay their taxes in one year they will get notified and about two to three years before it goes to a tax sale.

Patrick Boulden stated that we typically have someone mow about three times a year and Shirley got estimates of the cost to have this done and the one person she talked to does retentions ponds in Tulsa and he would charge \$60.00 a hour with an estimation of 4 hours and he walked down there and said the ground is two soft and you would need a special tractor to do it and I can't do it. Patrick stated that we don't have money to throw down this hole and that's where we are right now. Patrick stated that my idea for the short term would be let's find someone to mow it and let me prosecute as best as I can to hopefully get our money back that way and motivate him to continue in taking care of it.

Discussion only. No actions taken.

**Vice Mayor Guthrie said item #3 on the Special Work Session agenda is:**

Motion to enter into Executive Session for the following purposes:

Vice Mayor Guthrie asked for a motion to enter into Executive Session. Councilor Decatur made motion, seconded by Councilor King. The vote was taken with the following results:

Carried 5-0

Yes: Decatur, King, Stewart, Guthrie, Easton.

No: None.

Discussion on the appraisal and/or purchase of certain real properties located near the City's 131<sup>st</sup> & Mingo Intersection Widening Project. **Authority:** Oklahoma Open Meeting Act, Title 25 Oklahoma Statutes, Section 307.B.3.

No action taken in Executive Session.

**Vice Mayor Guthrie said item #4 on the Special Work Session agenda is:**

Motion to exit Executive Session and reconvene in open session.

Vice Mayor Guthrie asked for a motion to exit Executive Session. Councilor Stewart made the motion, seconded by Mayor Easton. The vote was taken with the following results:

Carried 5-0

Yes: Stewart, Easton, Decatur, King, Guthrie.

No: None

Adjournment was at 6:00 p.m.

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MAYOR

ATTEST

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CITY CLERK