

**CITY OF ADA  
REGULAR MEETING  
AUGUST 4, 2014**

**The Ada City Council met in regular session, Monday, August 4, 2014 at 5:45 p.m. at City Hall in the Dr. Ray L. Stout City Council Chamber. Advanced public notice was given by posting the agenda on the City Hall bulletin boards on Thursday, July 31, 2014 at 1:45 p.m. An amended agenda was posted on Friday, August 1, 2014 at 2:30 p.m.**

Council Members Present: Greg McCortney, Ben McFarlane, Bryan Morris, Darrell Nemecek

Council Members Absent: Guy Sewell

Councilman Greg McCortney gave the invocation.

City Manager Holcomb presented an Employee Recognition Award to Officer Matthew Mericle with the Ada Police Department.

**Discussion of and action on Consent Agenda**

- 1. Consideration of the Minutes (July 21, 2014 meeting).**
- 2. Consideration of receipt of committee/board recommendations and reports: None.**
- 3. Written reports from departments.**

Motion was made by **Councilman Nemecek** and seconded by **Councilman McFarlane** to approve the Consent Agenda as presented. Mayor Morris called for the vote recorded as follows:

AYE McCortney, McFarlane, Morris, Nemecek

NAY: None

Motion carried 4-0.

**Discussion of and action on items removed from the Consent Agenda**

There were no items removed from the Consent Agenda.

**Discussion of and action on appointment to the Ada Arts and Heritage Authority**

The motion was made by **Councilman McCortney** and seconded by **Councilman Nemecek** to approve the appointment of Kathy Wellington to the Board of Trustees of the Ada Arts and Heritage Authority, term expiring August 2020. Mayor Morris called for the vote recorded as follows:

AYE McCortney, McFarlane, Morris, Nemecek  
NAY: None  
Motion carried 4-0.

**Discussion of and action on a resolution supporting continued participation in the Main Street Program in Ada, Pontotoc County, Oklahoma**

Motion was made by **Councilman McCortney** and seconded by **Councilman McFarlane** to adopt **Resolution No. 14-15A, a resolution supporting continued participation in the Main Street Program in Ada, Pontotoc County, Oklahoma**. Mayor Morris called for the vote recorded as follows:

AYE McCortney, McFarlane, Morris, Nemecek  
NAY: None  
Motion carried 4-0.

**Discussion of and action on request from Ada Professional Firefighters Local 2298 for temporary street closures and assistance with traffic and crowd control during the Firemen's Rodeo Parade on Saturday, August 23, 2014**

The motion was made by **Councilman Nemecek** and seconded by **Councilman McFarlane** to approve request from Ada Professional Firefighters Local 2298 for temporary street closures and assistance with traffic and crowd control during the Firemen's Rodeo Parade on Saturday, August 23, 2014. Mayor Morris called for the vote recorded as follows:

AYE McCortney, McFarlane, Morris, Nemecek  
NAY: None  
Motion carried 4-0.

**Discussion of and action on a resolution finding that the structures located at 1201 Sandy Creek Drive (Parcel 0540-32-004-006-0-020-00), Ada, Pontotoc County, Oklahoma are dilapidated and a nuisance; that the property would be benefited by the removal of the buildings; ordering that the dilapidated buildings be torn down and removed; fixing dates for commencement and completion of the work; and authorizing the City Attorney to file suit in the District Court for abatement of the nuisance existing on the property (Tabled 12/2/13, 2/3/14, 3/3/14 and 4/7/14)**

Director of Community Development, Todd Kennemer, addressed the Council. Mr. Kennemer reported on the progress of the property owner at 1201 Sandy Creek Drive. He requested no action taken on this resolution.

Mayor Morris called for a motion.

The agenda item died for lack of a motion.

**Discussion of and action on a resolution finding that the main dwelling located at 901 South Broadway, Ada, Pontotoc County, Oklahoma is dilapidated and a nuisance; that the property would be benefited by the removal of the building; ordering that the dilapidated building be torn down and removed; fixing dates for commencement and completion of the work; and authorizing the City Attorney to file suit in the District Court for abatement of the nuisance existing on the property**

Mr. Kennemer addressed the Council concerning the property at 901 South Broadway. He reported there had been no additional repairs to the structure since it had last been before the Council on December 16, 2013, and the resolution rescinded.

Motion was made by **Councilman Nemecek** and seconded by **Councilman McCortney** to adopt **Resolution 14-16A, a resolution finding that the main dwelling located at 901 South Broadway, Ada, Pontotoc County, Oklahoma is dilapidated and a nuisance; that the property would be benefited by the removal of the building; ordering that the dilapidated building be torn down and removed; fixing dates for commencement and completion of the work; and authorizing the City Attorney to file suit in the District Court for abatement of the nuisance existing on the property.** Mayor Morris called for the vote recorded as follows:

AYE McCortney, McFarlane, Morris, Nemecek

NAY: None

Motion carried 4-0.

**Discussion of and action on a resolution finding that the main dwelling and the accessory building located at 431 North Townsend, Ada, Pontotoc County, Oklahoma are dilapidated and a nuisance; that the property would be benefited by the removal of the buildings; ordering that the dilapidated buildings be torn down and removed; fixing dates for commencement and completion of the work; and authorizing the City Attorney to file suit in the District Court for abatement of the nuisance existing on the property**

Mr. Kennemer spoke on this property and requested the resolution tabled until the first meeting in September.

Motion was made by **Councilman McFarlane** and seconded by **Councilman McCortney** to table action on a resolution finding that the main dwelling and the accessory building located at 431 North Townsend, Ada, Pontotoc County, Oklahoma are dilapidated and a nuisance; that the property would be benefited by the removal of the buildings; ordering that the dilapidated buildings be torn down and removed; fixing dates for commencement and completion of the work; and authorizing the City Attorney to file suit in the District Court for abatement of the nuisance existing on the property, until the September 2, 2014 City Council Meeting. Mayor Morris called for the vote recorded as follows:

AYE McCortney, McFarlane, Morris, Nemecek

NAY: None

Motion carried 4-0.

**Public hearing and discussion of and action on an ordinance providing for the re-zoning of certain property within the City of Ada, Oklahoma, from A-2, Suburban District, to C-2, General Commercial District, and declaring an emergency for the following described property:**

**A tract of land in the SE/4 of SE/4 of NW/4 of Section 16, Township 4 North, Range 6 East, more particularly described as follows: Beginning at the southeast corner of said SE/4 of SE/4 of NW/4; thence S 89°36'59" W along the south line of said NW/4 a distance of 202.00 feet; thence N 24°54'35" W a distance of 206.24 feet; thence N 89°20'37" E a distance of 286.72 feet to a point on the east line of said NW/4; thence S 00°39'23" E a distance of 189.00 feet to the point of beginning, containing 1.057 acres, more or less.**

**This property is also known as 120 Pruitt Road.**

**(If passed, must consider Emergency Clause.)**

Mr. Kennemer spoke concerning the request of Mr. Tommy Epperly to rezone the property located at the northwest corner of Broadway and Pruitt Road. Mr. Kennemer explained the Long-Range Plan shows future land use at this intersection to be Light Industrial and the request of Mr. Epperly is compatible with Industrial Zoning, and was approved by the Planning and Zoning Commission.

Mr. Epperly addressed the Council concerning the five graves located on this property he owns, and his plans to relocate the graves as the law allows him to do so.

Motion was made by **Councilman Nemecek** and seconded by **Councilman McFarlane** to enact **Ordinance No. 14-09, an ordinance providing for the re-zoning of certain property within the City of Ada, Oklahoma, from A-2, Suburban District, to C-2, General Commercial District, and declaring an emergency.** Mayor Morris called for the vote recorded as follows:

AYE McCortney, McFarlane, Morris, Nemecek  
NAY: None  
Motion carried 4-0.

Motion was made by **Councilman Nemecek** and seconded by **Councilman McCortney** to invoke the emergency clause. Mayor Morris called for the vote recorded as follows:

AYE McCortney, McFarlane, Morris, Nemecek  
NAY: None  
Motion carried 4-0.

**Public hearing and discussion of and action on an ordinance providing for the re-zoning of certain property within the City of Ada, Oklahoma, from R-1, One-Family District, to R-2, Two-Family District, and declaring an emergency for the following described property:**

**Lot 14, Block 68, Original Townsite of Ada, Pontotoc County, Oklahoma.**

**This property is also known as 406 West 8<sup>th</sup> Street.**

**(If passed, must consider Emergency Clause.)**

Mr. Kennemer spoke about rezoning request of George and Barbara Peters. Mr. Kennemer reported the Planning & Zoning Commission had recommended approval of the rezoning request.

Motion was made by **Councilman McCortney** and seconded by **Councilman McFarlane** to enact **Ordinance No. 14-10, an ordinance providing for the re-zoning of certain property within the City of Ada, Oklahoma, from R-1, One-Family District, to R-2, Two-Family District, and declaring an emergency.** Mayor Morris called for the vote recorded as follows:

AYE McCortney, McFarlane, Morris, Nemecek  
NAY: None  
Motion carried 4-0.

Motion was made by **Councilman McCortney** and seconded by **Councilman McFarlane** to invoke the emergency clause. Mayor Morris called for the vote recorded as follows:

AYE McCortney, McFarlane, Morris, Nemecek  
NAY: None  
Motion carried 4-0.

**Discussion of and action on approval of Consulting Agreement with Tri-Stem, Ltd., to conduct audit and study of prior utility billing and payments, and to seek recovery of underpayments from utility providers**

City Manager Holcomb advised the agreement with Tri-Stem Ltd., would allow them to conduct audits and study our prior utility billing and payments to determine that the amounts paid have been accurate.

Motion was made by **Councilman Nemecek** and seconded by **Councilman McCortney** to approve Consulting Agreement with Tri-Stem, Lt., to conduct audit and study of prior utility billing and payments, and to seek recovery of underpayments from utility providers. Mayor Morris called for the vote recorded as follows:

AYE McCortney, McFarlane, Morris, Nemecek  
NAY: None  
Motion carried 4-0.

**Discussion of and action on approval of Agreement with Hinderliter Geotechnical Engineering, LLC, to provide geotechnical engineering services for the proposed Police Station (13<sup>th</sup>/Townsend) and Fire Station (14<sup>th</sup>/Broadway) in the Not-To-Exceed amount of**

**\$9,500.00; approval for the Mayor to execute any and all necessary documents related to said agreement**

City Manager Holcomb discussed the Agreement with Hinderliter Geotechnical Engineering, LLC, was to provide professional geotechnical services including soil borings, sub-surface, soil samples, bulk soil samples, bulk soil samples, groundwater data, and evaluation of moisture contents and report those findings. The City Manager explained it is necessary in order to finalize footing, slab and parking lot design criteria for both the proposed Fire Station and Police Station.

Motion was made by **Councilman McFarlane** and seconded by **Councilman McCortney** to approve Agreement with Hinderliter Geotechnical Engineering, LLC, to provide geotechnical engineering services for the proposed Police Station (13<sup>th</sup>/Townsend) and Fire Station (14<sup>th</sup>/Broadway) in the Not-To-Exceed amount of \$9,500.00; approval for the Mayor to execute any and all necessary documents related to said agreement. Mayor Morris called for the vote recorded as follows:

AYE McCortney, McFarlane, Morris, Nemecek  
NAY: None  
Motion carried 4-0.

**Discussion of and action on approval of a Revocable Telecommunications Cable Permit for Chickasaw Telecommunications Services, Inc., also known as Indian Nation Fiber Optics, allowing a right-of-way permit for fiber optic cable as follows (Job Number IJ14115):**

**Starting at existing HH#55, build south along the east side of North Monte Vista approximately 1200 feet, then turn west crossing North Monte Vista to 201 North Monte Vista Mercy Clinic. Pull a new fiber optic cable in the new conduit.**

**(Mercy Hospital to Mercy Clinic at 201 N. Monte Vista)**

Motion was made by **Councilman Nemecek** and seconded by **Councilman McFarlane** to approve Revocable Telecommunications Cable Permit for Chickasaw Telecommunications Services, Inc., also known as Indian Nation Fiber Optics, allowing a right-of-way permit for fiber optic cable as follows (Job Number IJ14115. Mayor Morris called for the vote recorded as follows:

AYE McCortney, McFarlane, Morris, Nemecek  
NAY: None  
Motion carried 4-0.

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Mayor Morris asked the Council to consider agenda item seventeen next.

## Reports by City Manager

Public Information Director, Lisa Bratcher, discussed the upcoming movie night to be held in Wintersmith Park on Saturday, August 9, 2014. Ms. Bratcher also announced that “National Night Out” would be held on the East Central University Campus on Tuesday, August 5, 2014. The dates of the Pontotoc Free Fair, August 27 – 30, 2014 was also discussed by Ms. Bratcher.

City Manager Holcomb updated the Council on current city activities and projects.

## Persons to be heard on any matter not on the agenda

Mr. Jody Reader spoke to the Council concerning turning the old Kmart Building into a grocery store, such as comparable to Fire Lake in Shawnee. Also Mr. Reader suggested that Farmer’s Market be moved to the parking lot of the old Kmart Building to allow for more room and safety for pedestrians.

Mayor Morris requested to recess the meeting of the Ada City Council before going into Executive Session.

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Motion was made by **Councilman McCortney** and seconded by **Councilman McFarlane** to recess the meeting of the Ada City Council, and reconvene as the governing body of the Ada Public Works Authority. Mayor Morris called for the vote recorded as follows:

AYE McCortney, McFarlane, Morris, Nemecek  
NAY: None  
Motion carried 4-0.

Following the Ada Public Works Authority meeting, the motion was made by **Councilman McFarlane** and seconded by **Councilman McCortney** to reconvene the meeting of the Ada City Council. Mayor Morris called for the vote recorded as follows:

AYE McCortney, McFarlane, Morris, Nemecek  
NAY: None  
Motion carried 4-0.

## Executive Session for the purpose of discussing the purchase or appraisal of real property [As provided in Title 25, Oklahoma Statutes, Section 307(B)(3)]

Mayor Morris stated he would not be participating in the Executive Session due to the property being considered was owned by one of his clients.

Motion was made by **Councilman McFarlane** and seconded by **Councilman Nemecek** to go into Executive Session for the purpose of discussing the purchase or appraisal of real property. Mayor Morris called for the vote recorded as follows:

AYE McCortney, McFarlane, Nemecek  
NAY: None  
Motion carried 3-0.

Councilman McCortney, Councilman McFarlane and Councilman Nemecek left the Council Chambers at 6:32 p.m.

The Council Members returned to the Council Chambers at 6:52 p.m.

Motion was made by **Councilman McCortney** and seconded by **Councilman McFarlane** to return from Executive Session and reconvene the meeting of the Ada City Council. Mayor Morris called for the vote recorded as follows:

AYE McCortney, McFarlane, Nemecek  
NAY: None  
Motion carried 3-0.

### **Adjournment**

There being no further business to come before the Ada City Council, Mayor Morris adjourned the meeting.

Attest: Sally Pool, City Clerk

Bryan Morris, Mayor