

COLDWATER CITY COUNCIL
REGULAR MEETING

Monday July 19, 2021, at 7:00 p.m.

The governing body of the City of Coldwater met in regular session, after postponing from July 12, 2021, with the following present: Mayor Penny Bruckner presiding, Council members Renee Blasi, Mike Bushnell, Cleta Lampe, and Ashta Rosson, City Attorney Charley Herd, Public Works Director Danny Shaw, Co-Lake Managers Don & Debbie Dutton and City Clerk Kristal Sherman.

Visitors: Dan & Kay Rich, May Jay, John & Lisa Moore, Britt Lenertz and Chris Bruckner.

Mayor Bruckner called the council meeting to order, City Clerk, Kristal Sherman conducted roll call, council member Robert Cardoza was absent. Minutes from the June 14th regular meeting, June 28th special meeting and July 14th special meeting were approved as written, motion by Renee, seconded by Ashta and all voted Yes.

Comanche County Emergency Manager, Britt Lenertz presented the council with a resolution for the adoption of the Emergency Mitigation Plan, she said it “opens us up to FEMA federal funding in the event of a disaster.” Mike made a motion to adopt Resolution 2021-2, seconded by Cleta and all voted Yes.

City Attorney Charley Herd told the council the Sheriff came and talked to him about an issue with the work-site utility vehicle permit application that Mike Jellison was given from the city clerk. They are getting a vehicle for Zach Jellison to drive back and forth to work at Dave’s Pizza, and it says on the permit application “at no time will the vehicle be allowed to be on Central Avenue, this includes driving on or crossing Central Avenue.” He wants to revise the application, and also the golf cart permit application form since it’s very similar, to allow for the vehicles to be able to cross Central, but said he didn’t get it finished in time for the meeting tonight, he will have it for the August meeting. Charley also reported he has been in contact with Haviland Broadband regarding the lot they are purchasing from the City, he said they have had the lot surveyed and emailed the survey drawing to him on Friday, but didn’t send the legal description and the actual name of the entity in order for him to prepare the deed, and said they are supposed to get him that information the first of the week. Charley then asked the council to go into executive session for 20 minutes. Mike made a motion the council go into executive session for 20 minutes to consult with the city attorney regarding legal documents, seconded by Renee and everyone voted Yes. After returning to open session, no decisions were made.

Public Works Director Danny Shaw relayed a request from Jash Clark who asked that he be permitted to tear down the trailer house that sits on Byram Manufacturing’s lot and use the materials to build a garage at his mom’s house. City Attorney Charley Herd asked Danny if a permit is needed to demo the trailer, which Danny told him no, the only permit that would be needed is when he builds the garage. Charley said the government entity has to wait until an individual violates something before action can be taken against them, and the proper time to address it would be when he applies for a permit. Danny asked the council for permission to purchase an extra pickup, said he’s needing something cheap for them to run around in.....after discussion, the council asked Danny to check into pricing a mule or a ranger utility vehicle and report at the next meeting. Mayor Bruckner asked Danny if it was him or parks manager, Lynda Cooley who takes care of the ditch by Sherry Shelton’s home. Danny said Lynda has mowed it several times this summer. Danny reported that Circle C Paving will be here Thursday of this week to start chip-sealing the streets, and also he met with Steve Broussard regarding drilling a new water well on his property. He told the council Steve told him he will need to meet with his attorney before they are ready to proceed with the water well.

Lake Co-Manager Don Dutton asked the council for an evaluation of his job and asked if there was anything they want him to do differently. Mike said him and Debbie have been doing a great job. Don said he would like to look into getting a stump grinder to get rid of some tree stumps at the lake, there was discussion on different options....renting one, hiring Duane Mosshart, Mike

wondered if there was an attachment for the skid steer to take care of stumps, Mike also said they could look into a turbo saw that cuts them off at grade so they could be mowed over, no final decision was made.

Lake Co-Manager Debbie Dutton told the council there was a money order from Bret Nixon in the lake drop box and she wasn't sure what to do with it. The Mayor told her to bring it to City Hall and give it to Kristal. Debbie also asked what to do about Bret Nixon's golf cart permit, was he supposed to turn it in since he is not supposed to use his golf cart for the rest of the season? Mayor said he is supposed to remove his golf cart from the lake and is not supposed to be driving any golf cart. Debbie asked if they need to redo the other golf cart permits since two of them are in Bret's name. After discussion, it was said "to just leave it how it is" and "there's only two months left of lake season and it is over and done, to just let them do their thing." Debbie also asked what she's supposed to do about campers paying their September rent to be put on the list for next year.....the city attorney explained the mechanics of the lease agreement that was signed by the seasonal campers at the beginning of the lake season and "on September 30, 2021 the lease is over, there is no rider extension and no preferential for the next year, and assume the way it's going to work is next year the City will send out a generic notice to have campers send in their application by such and such date and there's no assurance just because you have had a spot for 20 years or 10 years that you will get one, it will be determined by a certain date."

Kay Rich, who is a seasonal camper at the lake, asked if she could say something.....she asked why there are rules at the lake if they are not going to be enforced and said the Mayor is the one allowing them to break the rules because the punishment that was given to the camper that drove his golf cart onto the boat dock was just \$200.....the Mayor said he lost his golf cart privileges as well. Kay told the Mayor to "come out there sometime, you might see what goes on", she said "Debbie and Don are doing a great job, but don't seem to have the support of you guys" and said an example of that is there is a dog that likes to bite and run after people out there, that has been passed over too, she said it was in a meeting because she saw it in the newspaper. The Mayor told her that Don has been given permission to do what he needs to do out there, that's why he is the lake manager. Charley said the council delegates the function of the lake to the lake manager, they are paid to take care of things out there and that's why they are paid to do it.....Kay asked why the last decision that was made was made by the Mayor. Charley said "because it was a contract that she entered into on behalf of the city.....the City at the time they made these lease agreements, delegated that function to the Mayor, she was the only member of the governing body that was signatory to that lease.....her job was to grant those, to enforce them and to modify them, that is her function and whether you agree with her decision or not, legally it was her function." Kay said "the punishment was just a slap on the hand, it was just an example what goes on in that area all the time and nothing is ever done." Danny Rich said "I know there is a generation gap here, right is right and wrong is wrong, it's always been that way, it's how I was raised, you got rules and laws and if you don't back them and enforce them, what's going to happen to your kids, they are going to be the same way." Lisa Moore said she was gone the weekend a dog bit someone in her family and found out about it after the fact, but wanted to know what the protocol was when something like that happens. The Mayor told everyone when there is a problem out there they need to notify Don and he can call law enforcement to take care of it, it's Don's job to report problems, that's why he is the lake manager. They can also fill out a complaint form and it will be turned over to law enforcement as well. Council member Cleta Lampe said they can also call the sheriff's office to have someone dispatched.

After the lake visitors left the meeting, Cleta said "I support Penny's decision and I think she did the best that she could, she had a bad legal situation she had to deal with, so I think you did the best you could" Mike told Penny "it was bad it got dumped on you, and not sure how it got there.....Charley looked into that and you dug to probably help figure that out" Mike asked Charley what was the resource in figuring it out and if it was a sole decision or not. Charley explained how

the issue came about and further explained how he came to the conclusion after doing legal research into state statutes and the section of the city code that states the Mayor has superintending control of the affairs of the City.

Mayor Bruckner informed the council that Devon was gone to a 3-day class on child safety seats and will be back Friday.

Council member Mike Bushnell said he asked for code enforcement - cars at Teresa Brooks to be put on the agenda. He said the cars are still on the property and wondered why they hadn't been taken care of. Charley said that Devon needs to come in and talk to him about what notice he sent and see what can be done.

Don Dutton said he had one more issue to ask about.....he said there are people not mowing and cleaning inside their spot at the lake where the city mowers are not supposed to mow. The council told Don to get with the code enforcement officer and give them a notice.

A kennel license application from LeeAnn Alley was presented to the council, and after discussion, they want to ask LeeAnn to come to the next meeting to answer questions they had about her intentions for the kennel license.

Council member Ashta Rosson said she had visited with Aaron Sawyers and he provided her with a list of trees that would thrive at the city park. She also said the downtown trees need to be watered or they are going to die. Danny said park manager Lynda Cooley is working on a drip system to get the trees watered without much maintenance.

The council discussed the proposed 2022 budget as presented. Ashta explained the state legislature removed the tax lid, but established new notice and public hearing requirements if the proposed budget will exceed the property tax levy's revenue neutral rate. Kristal said the proposed budget is below the Revenue Neutral Rate (RNR) and the city would not have to have the RNR hearing, but Ashta said we should go ahead and have the RNR hearing in case the city's valuation changed at the time taxes go out so we don't have to pay back tax payers that have overpaid taxes. After further discussion, Ashta made a motion to have the Revenue Neutral Rate hearing, seconded by Cleta and everyone voted Yes.

Bills in the amount of \$316,743.89 were presented for payment. Renee made a motion to pay the bills as presented, seconded by Ashta and all voted Yes.

With no other business presented, Renee made a motion to adjourn the meeting, seconded by Ashta and all voted Yes.