

## MEETING NOTICE AND AGENDA

**Sand Springs City Council**  
**January 25, 2016 – 7:00 pm**  
**Sand Springs Municipal Building**  
**100 East Broadway – Room 203**  
**Sand Springs, Oklahoma 74063**  
[www.sandspringsok.org](http://www.sandspringsok.org)

1. **Call to Order** Time \_\_\_\_\_

2. **Roll Call**

Ward 1-Phillips \_\_\_\_\_ Ward 2-Nichols \_\_\_\_\_ Ward 3-Burdge \_\_\_\_\_  
Ward 4-Fothergill \_\_\_\_\_ Ward 5-Wilson \_\_\_\_\_ Ward 6-Jackson \_\_\_\_\_  
At Large – Spoon \_\_\_\_\_

3. **Invocation**

Invocation will be provided by Mayor Burdge.

4. **Pledge of Allegiance**

Pledge of Allegiance will be provided by Vice Mayor Fothergill.

5. **Consent Agenda (A-C)**

All matters listed under "Consent" are considered by the City Council to be routine and will be enacted by one motion. Any Council member may, however, remove an item from the Consent Agenda by request.

A) Approval of the minutes of the January 11, 2016 regular City Council meeting. (Administration)

B) Approval of the minutes of the January 13, 2016 special City Council meeting. (Administration)

C) Approval of the monthly Transfers of Funds. (Finance)

Motion \_\_\_\_\_ Second \_\_\_\_\_

**6. RiverWest Addition No. 3 – Partial Project Acceptance**

Council may consider the acceptance of infrastructure improvements (water, sanitary sewer, street and storm sewer) constructed for the RiverWest Addition No. 3 project, Bid No. 1020, by Dunham's Asphalt Services, Inc. (Presented by: Cody Blair, Assistant City Engineer)

Motion\_\_\_\_\_ Second\_\_\_\_\_

**7. Resolution No. 16-26 Establishing a Process for Implementation of the Requirements of 11 O.S. 51-108, Including Establishing the Process for Calling and Scheduling Elections Pursuant to Said Statute**

Council may consider the approval of Resolution No. 16-26, a resolution establishing a process for implementation of the requirements of 11 O.S. 51-108, including establishing the process for calling and scheduling elections pursuant to said Statute .(Presented by: David Weatherford, City Attorney)

Motion\_\_\_\_\_ Second\_\_\_\_\_

**8. Ordinance No. 1279 – Creating a No Knock List**

Council may consider approval of Ordinance No. 1279, an ordinance amending Chapter 5, Section 5.16.050 of the Code of Ordinances of the City of Sand Springs, by creating a "No Knock" List for solicitors within the City, repealing ordinances in conflict herewith. (Presented by: Michael S. Carter, Police Chief)

Motion\_\_\_\_\_ Second\_\_\_\_\_

**9. Financial Reports**

The regular monthly Financial Reports for all funds are provided to Council for their review and information. (Presented by: Kelly Lamberson, Finance Director)

**10. Correspondence**

The following correspondence is provided to Council for their review and information.

- A) Regular monthly bills. (Finance)
- B) 2016 Ok Freewheel Route Announcement. (Administration)
- C) An email, dated January 19, 2016, from Barbie Jackson expressing appreciation of Police Officer Kristie Behar for her dedication to keep our city and youngest citizens safe. (Police)
- D) An email, dated January 15, 2016, from Cathy Burdge expressing appreciation of the Parks Department for their work at the baseball complex. (Administration)

- E) A letter, dated January 8, 2016, from Oklahoma Department of Environmental Quality regarding Permit No. WL000072151027, Highway 51 Potable Water Line Extension, Facility No. 1020420, for the construction of 827 linear feet of twelve (12) inch PVC potable water line and all appurtenances to serve the City of Sand Springs, Tulsa County, Oklahoma. (Public Works)
- F) A letter, dated January 11, 2016, from Oklahoma Department of Environmental Quality regarding Permit No. SL000072150938, Sonic Drive In located at 210 South Adams Road, Facility No. S-20457, for the construction of 220 linear feet of eight (8) inch PVC sanitary sewer line and all appurtenances to serve the City of Sand Springs, Tulsa County, Oklahoma. (Public Works)

#### 11. City Manager's and Council Members Report

The City Manager and Council members will provide updates regarding recent and upcoming events and projects, including events of interest and the general operations of the City. No action is to be taken. (Administration)

- A) List of Upcoming Events:
  - 1) WSA Polar Bear Showcase: 01/30-31/16
  - 2) Street Dept Chipper Days: 02/06, 03/05, 04/02, 05/07, 06/04, 07/02, 08/06, 09/03, 10/10, 11/05, 12/03/16
  - 3) CASEtime Movie Night: 02/12, 03/11, 04/08, 05/13, 06/10, 07/08, 08/12, 09/09, 10/14, 11/11, 12/09/16
  - 4) KAF Hike Days: 02/13, 03/12, 03/19, 03/26, 04/02, 04/09, 04/16, 04/23, 04/30, 05/07, 05/14, 06/11, 07/09, 08/13, 09/10/16
  - 5) Home and Garden Show: 03/10, 03/11, 03/12, and 03/13/16
  - 6) Clean and Green Day: 03/17/16
  - 7) Good Friday Holiday: City Offices Closed 03/25/16
  - 8) WSA Cup: 04/01-03/2016
  - 9) Chillin' & Grillin': 04/08-09/16
  - 10) Annual Herbal Affair and Festival: 04/16/16
  - 11) Memorial Day Holiday: City Offices Closed: 05/30/16
  - 12) City-Wide Yard Sale: 06/18/16
  - 13) Ok FreeWheel: 07/19-25/16
  - 14) Independence Day Holiday: City Offices Closed: 07/04/16
  - 15) Labor Day Holiday: City Offices Closed: 09/05/16
  - 16) Boo on Broadway: 10/29/16
  - 17) Veterans' Day Holiday: City Offices Closed 11/11/16
  - 18) Festival of Lights Christmas Parade: 12/02/16
  - 19) Employee Recognition Luncheon: 12/07/16
  - 20) Christmas Holiday: City Offices Closed: 12/23, 12/26/16

12. **Recess City Council Meeting**

Council may consider approval to recess the City Council Meeting, to be convened following the Municipal Authority meeting. (Administration)

Motion \_\_\_\_\_ Second \_\_\_\_\_

13. **Reconvene Council Meeting**

Council may consider approval to reconvene the City Council Meeting, following the Municipal Authority meeting. (Administration)

Motion \_\_\_\_\_ Second \_\_\_\_\_

14. **Executive Session**

A) Council will consider retiring into Executive Session for the purpose of conferring on matters pertaining to economic development within the RiverWest development area and for the purpose of conferring on other economic development projects in which public disclosure of the matter discussed would interfere with the confidentiality of the business in accordance with O.S. Title 25, Section 307(C)(10) and for the purpose of discussion related possible claims against the Tulsa County Commissioners and/or Tulsa County Sheriff concerning jail operations in accordance with O.S. Title 25, Section 307(B)(4). (Administration)

Motion \_\_\_\_\_ Second \_\_\_\_\_

B) Council will consider returning to the City Council meeting following the Executive Session. (Administration)

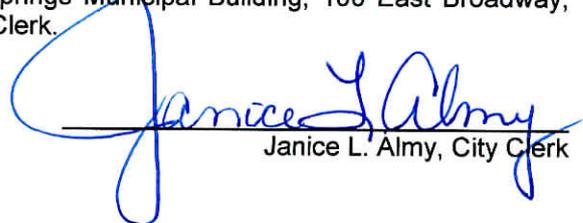
Motion \_\_\_\_\_ Second \_\_\_\_\_

C) Council will consider and take any action deemed appropriate as a result of the Executive Session. (Administration)

Motion \_\_\_\_\_ Second \_\_\_\_\_

15. **Adjournment** Time \_\_\_\_\_

This agenda was filed in the office of the City Clerk and posted at 9:00 am on January 21, 2016 on the digital display board located in the lobby of the Sand Springs Municipal Building, 100 East Broadway, Sand Springs, Oklahoma 74063, by Janice L. Almy, City Clerk.

  
Janice L. Almy, City Clerk

## MINUTES

**Sand Springs City Council  
Regular Meeting  
January 11, 2016 – 7:00 p.m.  
Sand Springs Municipal Building  
100 East Broadway – Room #203  
Sand Springs, Oklahoma 74063**

**MEMBERS PRESENT:** Mayor Mike Burdge (12-2)  
Vice Mayor John M. Fothergill (11-1)  
Councilman Michael Phillips (12-0)  
Councilman Dean Nichols (11-1)  
Councilman Beau Wilson (10-2)  
Councilman Brian Jackson (12-0)  
Councilman Jim Spoon (9-3)

**MEMBERS ABSENT:** None

**ALSO PRESENT:** City Manager Elizabeth A. Gray  
Assistant City Manager Daniel Bradley  
City Attorney David Weatherford  
City Clerk Janice L. Almy

The Sand Springs City Council met in regular session on January 11, 2016 in Room No. 203 of the Sand Springs Municipal Building pursuant to the agenda filed with the City Clerk's office and posted at 11:30 am on January 7, 2016, on the digital display board located in the first floor lobby of the Sand Springs Municipal Building, 100 East Broadway, Sand Springs, Oklahoma 74063.

**1. Call to Order**

Mayor Burdge called the meeting to order at the noted time of 7:00 pm.

**2. Roll Call**

Mayor Burdge called for an individual roll call with members replying in the following manner:

Councilman Jackson, here; Councilman Nichols, here; Councilman Spoon, here; Vice Mayor Fothergill, here; Mayor Burdge, here; Councilman Wilson, here; Councilman Phillips, here.

**3. Invocation**

Following roll call Vice Mayor Fothergill provided the invocation.

**4. Pledge of Allegiance**

Pledge of Allegiance was provided by Councilman Spoon.

**5. Swearing In Ceremony – Police Officer**

Judge Askew administered the Oath of Office to Police Officer Emily Chisum.

Police Chief Michael S. Carter presented Police Officer Emily Chisum with her C.L.E.E.T. certification lapel pin and certificate.

**6. Presentations/Recognition****Employee Steering Committee and Mission Statement**

Assistant City Manager Daniel Bradley provided a brief overview of the 2015 Employee Steering Committee and recognized the members.

City Clerk Janice L. Almy reported the 2016 Employee Steering Committee, with a new group of employees, will begin in February and noted that the Committee worked on a variety of items, such as policy updates for call-back and timesheet process, as well as the Employee Mission Statement.

2015 Employee Steering Committee Representative Gary Duplissey read aloud and presented the Employee Mission Statement to Mayor Burdge.

**7. Consent Agenda (A-C)**

Mayor Burdge informed Council that all matters listed under the Consent Agenda to be considered by Council are to be routine and will be enacted by one motion.

Mayor Burdge noted that question or clarification on any consent agenda items could be addressed prior to taking action or be removed and considered separately.

Mayor Burdge requested if Council had questions or needed clarification on any consent agenda item or whether any item needed to be considered separate. There being none, Mayor Burdge requested consideration of Consent Agenda Item No. 7.

A motion was made by Councilman Phillips and seconded by Councilman Wilson to approve the Consent Agenda Items No. 7A through 7C.

- A) The minutes of the December 8, 2015 special City Council Meeting.
- B) The minutes of the December 9, 2015 special City Council meeting.
- C) The minutes of the December 14, 2015 regular City Council meeting.

Mayor Burdge called for the vote recorded as follows:

Councilman Phillips, aye; Councilman Wilson, aye; Mayor Burdge, aye; Vice Mayor Fothergill, aye; Councilman Spoon, aye; Councilman Nichols, aye; Councilman Jackson, aye.

The motion carried 7-0-0

**8. Studio 45 Contract for Design, Development and Construction Services – Case Community Park and Sand Springs Expressway Corridor**

Parks Director Grant Gerondale requested Council's approval of a contract with Studio 45 for design, development and construction services as it relates to the Case community Park and Sand Springs Expressway Corridor project.

A motion was made by Councilman Phillips and seconded by Councilman Wilson that the requested approval of a contract with Studio 45 for design, development and construction services as it relates to the Case community Park and Sand Springs Expressway Corridor project, as presented, be approved.

Mayor Burdge called for the vote recorded as follows:

Councilman Jackson, aye; Councilman Nichols, aye; Councilman Spoon, aye; Vice Mayor Fothergill, aye; Mayor Burdge, aye; Councilman Wilson, aye; Councilman Phillips, aye.

The motion carried 7-0-0

**9. Ordinance No. 1278 – SSZ-482 Rezoning from AG (Agricultural) to an RE (Residential Estate) Classification – Located in Section 25, Township 19 North, Range 11 East**

Planning Director Brad Bates requested Council's approval of Ordinance No. 1278, an ordinance amending the zoning map of the City of Sand Springs, Oklahoma, rezoning from AG (Agriculture District) to RE (Residential Estate District) unplatted property located in Section 25, Township 19 North, Range 11 East, Tulsa County, City of Sand Springs, Oklahoma, in Ward Boundary District 4, repealing all ordinances or part of ordinances in conflict herewith; and declaring an effective date.

A motion was made by Vice Mayor Fothergill and seconded by Councilman Spoon that the requested approval of Ordinance No. 1278, an ordinance amending the zoning map of the City of Sand Springs, Oklahoma, rezoning from AG (Agriculture District) to RE (Residential Estate District) unplatted property located in Section 25, Township 19 North, Range 11 East, Tulsa County, City of Sand Springs, Oklahoma, in Ward Boundary District 4, repealing all ordinances or part of ordinances in conflict herewith; and declaring an effective date, as presented, be approved.

Mayor Burdge called for the vote recorded as follows:

Councilman Phillips, aye; Councilman Wilson, aye; Mayor Burdge, aye; Vice Mayor Fothergill, aye; Councilman Spoon, aye; Councilman Nichols, aye; Councilman Jackson, aye.

The motion carried 7-0-0

#### 10. Correspondence

The following correspondence is provided to council for their review and information

- A) Regular monthly bills. (Finance)
- B) Christmas Card/"Thank you" note from SBA following the tornado disaster.
- C) A letter, dated December 10, 2015, from Oklahoma Department of Environmental Quality regarding Permit No. WL000072150970, Facility No. 1020420, for the construction of one (1) 0.2-MG with an alternative bid for 0.25-MG water storage tank and all appurtenances to serve the City of Sand Springs, Tulsa County, Oklahoma, was attached in the addendum to be noted in the minutes of the regular City Council meeting, after which it will become a matter of permanent record as required by the Department of Environmental Quality.
- D) A letter, dated December 30, 2015, from Sand Springs cultural and historical Museum Trust Authority President Cynthia Phillips regarding the City's participation in the 2015 Art of Giving Christmas Tree event.
- E) A letter, dated January 3, 2016, from the Charles Page High School Student Council recognizing Fire Chief Mike Wood as a part of their 2015-2016 Year of Thanksgiving campaign.

#### 11. City Manager's and Council Members Report

The City Manager and Council members will provide updates regarding recent and upcoming events and projects, including events of interest and the general operations of the City. No action is to be taken. (Administration).

## A) List of Upcoming Events:

- 1) Martin Luther King, Jr. Holiday – City Offices Closed 2016-01-18.

## B) City Manager, Elizabeth Gray reported on the following items:

- 1) Election filings are in place with Patty Dixon, running unopposed, for Ward 2; and Michael Phillips and Phil Nollan running for the Ward 1 seat.
- 2) Audit is complete with no issues.
- 3) Annual Herbal Affair and Festival is scheduled with plans underway.
- 4) Civitan Park is near completion and looks really good.
- 5) Park Concession/Restrooms, splash pad and baseball complex projects continues. Expression of appreciation to the Parks Department employees for doing several stages of the baseball projects themselves to stay within budget.

## C) Councilman Jackson stated the students at Limestone Elementary are excited about the new playground and splash pad built at Civitan Park.

## D) Councilman Jackson expressed appreciation of Mayor Burdge's letter of support for his consideration and approval for the 55 Leadership Class of Tulsa.

**12. Executive Session**

A) Mayor Burdge informed Council retiring into Executive Session for the purpose of conferring on matters pertaining to economic development within the RiverWest development area; SpringLoaded Brewery development; and for the purpose of conferring on other economic development projects in which public disclosure of the matter discussed would interfere with the confidentiality of the business in accordance with O.S. Title 25, Section 307(C)(10).

A motion was made by Vice Mayor Fothergill and seconded by Councilman Phillips of retiring into Executive Session for the purpose of conferring on matters pertaining to economic development within the RiverWest development area; SpringLoaded Brewery development; and for the purpose of conferring on other economic development projects in which public disclosure of the matter discussed would interfere with the confidentiality of the business in accordance with O.S. Title 25, Section 307 (C) (10).

Mayor Burdge called for the vote recorded as follows:

Councilman Phillips, aye; Councilman Wilson, aye; Mayor Burdge, aye; Vice Mayor Fothergill, aye; Councilman Spoon, aye; Councilman Nichols, aye; Councilman Jackson, aye.

The motion carried 7-0-0

Mayor Burdge, Vice Mayor Fothergill, Councilman Jackson, Councilman Nichols, Councilman Spoon, Councilman Wilson, Councilman Phillips, City Manager Elizabeth Gray, Assistant City Manager Daniel Bradley, City Attorney David

Weatherford, Ken Alexander of SpringLoaded Brewery and Sean Copeland, CEO of Regency Bank, retired into Executive Session at the noted time of 7:20 pm.

Discussion was held in accordance with O.S. Title 25, Section 307 (C) (10) regarding the SpringLoaded Brewery development.

Ken Alexander and Sean Copeland exited the Executive Session at the noted time of 7:40 pm.

Discussion was then held in accordance with O.S. Title 25, Section 307 (C) (10) regarding the RiverWest development area and other economic development projects in which public disclosure of the matter discussed would interfere with the confidentiality of the business.

B) Following the Executive Session, A motion was made by Councilman Phillips and seconded by Vice Mayor Fothergill to return to the regular City Council Meeting.

Mayor Burdge called for the vote recorded as follows:

Councilman Jackson, aye; Councilman Nichols, aye; Councilman Spoon, aye; Vice Mayor Fothergill, aye; Mayor Burdge, aye; Councilman Wilson, aye; Councilman Phillips, aye.

The motion carried 7-0-0.

The regular Council meeting continued at the noted time of 8:25 pm.

C) Mayor Burdge stated there was no action deemed appropriate as a result of the Executive Session.

13. **Adjournment**

There being no other discussion, the meeting adjourned at the noted time of 8:26 pm.

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Janice L. Almy, City Clerk

## MINUTES

**Sand Springs City Council  
Special Meeting  
January 13, 2016 – 7:00 p.m.  
Case Community Center  
1050 West Wekiwa Road  
Sand Springs, Oklahoma 74063**

**MEMBERS PRESENT:** Mayor Mike Burdge  
Vice Mayor John M. Fothergill  
Councilman Michael Phillips  
Councilman Beau Wilson  
Councilman Brian Jackson  
Councilman Jim Spoon

**MEMBERS ABSENT:** Councilman Dean Nichols

The Sand Springs City Council met in special session on January 13, 2016 in ABC Room of the Sand Springs Case Community Center pursuant to the agenda filed with the City Clerk's office and posted at 11:35 am on January 5, 2016, on the digital display board located in the first floor lobby of the Sand Springs Municipal Building, 100 East Broadway, Sand Springs, Oklahoma 74063.

**1. Call to Order**

Mayor Burdge called the meeting to order at the noted time of 11:30 am.

**2. Roll Call**

Mayor Burdge called for an individual roll call with members replying in the following manner:

Councilman Jackson, here; Councilman Nichols, no response; Councilman Spoon, here; Vice Mayor Fothergill, here; Mayor Burdge, here; Councilman Wilson, here; Councilman Phillips, here.

It was noted for the record that Councilman Nichols was absent for said meeting.

**3. Stability Test and Improvement Plan for 2016**

City Attorney David Weatherford provided an overview of the stability test, test results and improvement plan.

Vice Mayor Fothergill stated that we need to move forward on the improvement plan, basically take action and get the items completed.

Councilman Phillips suggested a meeting or two-or three meetings to determine how to proceed in completing the various improvement items.

Following discussion, it was determine that Council members would suggest their list of prioritized item to City Manager Elizabeth Gray by February 1 and then place on the next Council meeting for consideration.

**4. Budget Preparation**

Finance Director Kelly Lamberson provided a brief overview of the FY17 Budget preparation process and calendar.

**5. Economic Development Web Page**

City Manager Elizabeth Gray and Marketing Director Kasey St. John provided an overview of the new Economic Development Web Page as designed/created by Ms. St. John.

Discussion was held regarding the maintenance and update of the web page.

**6. Discussion of Pending Projects**

City Manager Elizabeth Gray provided an update of pending projects.

**7. Review of "Things We Do Well"**

Discussion was held in regards to "Things the City Does Well."

**8. Adjournment**

There being no other discussion, the meeting adjourned at the noted time of 12:45 pm.

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Janice L. Almy, City Clerk

CITY OF SAND SPRINGS  
MONTHLY TRANSFERS  
January 2016

	ANNUAL BUDGET		MONTH TRANSFER	YEAR TO DATE
	FROM	TO		
<b>TRANSFERS PER BOND INDENTURE</b>				
FROM: General Fund	\$ 4,627,793		\$ 388,108	\$ 2,680,644
TO: Mun Auth Water Utility Fund		3,085,195	258,739	1,787,096
Street Impr Fund		1,542,598	129,369	893,548
(sales tax)				
<b>TRANSFERS PER COUNCIL ACTION</b>				
FROM: General Fund	\$ 1,430,616		\$ 21,523	\$ 572,997
TO: General Short Term Capital Fund(E911)		15,200	1,267	8,869
General Short Term Capital Fund		206,980	17,248	120,736
Capital Improvement Fund		36,100	3,008	21,056
Tax Increment District Fund		1,172,336	-	422,336
FROM: Sinking Fund (Interest)	\$ 1,500		\$ 5	\$ 1,481
TO: General Fund		1,500	5	1,481
FROM: G.O. Bond 2006 Fund	\$ 39,531		\$ 4,941	\$ 14,824
TO: Street Improvement Fund		39,531	4,941	14,824
FROM: Capital Impr W&WW Fund	\$ 800,000		\$ 66,667	\$ 466,669
TO: Mun Auth Water Util Fund		800,000	66,667	466,669



# CITY OF SAND SPRINGS

100 E. Broadway St. • P.O. Box 338 • Sand Springs, Oklahoma 74063  
Phone: 918.246.2500 • sandspringsok.org

C6

Agenda item # \_\_\_\_\_

CITY OF SAND SPRINGS  
COUNCIL/AUTHORITY STAFF REPORT  
MEETING DATE: JANUARY 25, 2016

**SUBJECT:**

**RIVER WEST ADDITION NO. 3  
COSS PROJECT NO. P-1311, BID NO. 1020  
PARTIAL PROJECT ACCEPTANCE**

**STAFF RECOMMENDATION:**

Accept infrastructure improvements (water, sanitary sewer, street, & storm sewer) constructed for the River West Addition No. 3 project, Bid No. 1020, by Dunham's Asphalt Services, Inc.

**BACKGROUND AND HISTORY:**

River West Addition No. 3 is a commercial development located north of Morrow Road between State Hwy 97 and Main Street. Plans and specifications were prepared by the developer's engineer (SMC, Inc.) which include grading, public street & storm sewer, public water lines and public sanitary sewer lines. On July 22, 2014, City Council awarded the River West Addition No. 3 project to Dunham's Asphalt Services, Inc. in the amount of \$2,554,371.00, with an original contract time of 190 calendar days.

Since that time, three Change Orders and one additional Work Change Directive have been approved for a net increase in the contract amount of \$115,106.55 and an increase in the contract time of 29 calendar days.

**EXECUTIVE SUMMARY:**

Dunham's Asphalt Services, Inc. has satisfactorily completed construction of the project. A Final Inspection was conducted on December 7, 2015, with all punch-list items being addressed within the allowable 15 days of the Final Inspection date.

The actual project duration has significantly exceeded the contract time as extended by the above referenced Change Orders. These project delays can in part be attributed to weather delays, project design issues, and delays resulting from necessary coordination with other utility companies. With the contract documents specifying liquidated damages in the amount of \$500/calendar day exceeding the contract time, Staff is in the process of working with the Contractor to sort through these project delays to determine which were beyond the

Contractor's control and arrive at a mutually agreeable recommendation for reconciling the final contract time and amount.

Since, the exact time frame required to arrive at a mutually agreeable recommendation for reconciliation of final quantities and time is unknown, and to avoid further delay in opening the streets within the development, it seems mutually beneficial to both parties that the infrastructure constructed be accepted and put into service. Staff discussed this recommendation to move forward with the acceptance of the infrastructure constructed as part of the project with the Public Works Advisory Committee (PWAC) at their January 19, 2016 meeting. This Partial Acceptance would be followed with a Final Reconciliatory Change Order and Final Acceptance of the full project at a future meeting date upon conclusion of the ongoing negotiations. This will allow the City to move forward with opening the streets to the public and allow the Contractor's 1-year maintenance period to begin while the details of Final Payment are sorted out.

**BUDGETARY IMPACT:**

Final Reconciliatory Change Order to be negotiated and presented for Council's consideration at a future meeting date.

**COMPILED BY:** Cody Blair  
Assistant City Engineer

**PRESENTED BY:** Cody Blair  
Assistant City Engineer

**Attachments:**

Inspection Memo  
Letter of Partial Acceptance



# CITY OF SAND SPRINGS

100 E. Broadway St. • P.O. Box 338 • Sand Springs, Oklahoma 74063  
Phone: 918.246.2500 • sandspringsok.org

## MEMO

**TO:** Elizabeth Gray, City Manager  
Derek Campbell, Public Works Director/City Engineer

**FROM:** Kurt Baker

**DATE:** January 19, 2016

**RE:** River West Addition #3  
Bid No. 1020  
Acceptance of Project

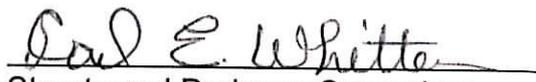
City of Sand Springs personnel have performed a final inspection of the River West Addition #3 project. The improvements have been constructed according to the approved plans and specifications.

Staff is in possession of the required one-year maintenance bond for 100 percent of the amount of the construction cost and Staff is prepared to assume maintenance of these improvements upon expiration of the one-year period, if accepted by the Sand Springs City Council.

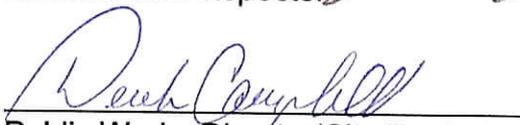
MAINTENANCE BOND  
IN POSSESSION  
CERTIFIED BY:

\_\_\_\_\_  
Janice Almy, City Clerk

  
\_\_\_\_\_  
Public Works Division Supervisor

  
\_\_\_\_\_  
Streets and Drainage Supervisor

  
\_\_\_\_\_  
Construction Inspector

  
\_\_\_\_\_  
Public Works Director/City Engineer



# CITY OF SAND SPRINGS

100 E. Broadway St. • P.O. Box 338 • Sand Springs, Oklahoma 74063  
Phone: 918.246.2500 • sandspringsok.org

January 26, 2016

Mr. Eddie Dunham  
Dunham Asphalt Services, Inc.  
6213 South 103<sup>rd</sup> West Avenue  
Sapulpa, OK 74067

**Re: River West Addition #3 (Bid No.1020)  
Partial Acceptance of Project**

Dear Mr. Dunham,

This letter will serve as notice that on January 25, 2016 the Sand Springs City Council voted to accept the infrastructure improvements (water, sanitary sewer, street, & storm sewer) constructed for the River West Addition No. 3 project, which has been constructed according to the approved plans and specifications.

With this acceptance, the City of Sand Springs will assume maintenance of these improvements upon expiration of the one-year maintenance bond. A future Final Reconciliatory Change Order will need to be negotiated and approved by Council before Final Acceptance of the project can occur.

If additional information is required, please call Sand Springs City Hall at (918) 246-2500.

\_\_\_\_\_  
Mike Burdge, Mayor

ATTEST:

\_\_\_\_\_  
Janice Almy, City Clerk



# CITY OF SAND SPRINGS

100 E. Broadway St. • P.O. Box 338 • Sand Springs, Oklahoma 74063  
Phone: 918.246.2500 • sandspringsok.org

## CITY OF SAND SPRINGS COUNCIL/AUTHORITY STAFF REPORT MEETING DATE: January 25, 2016

### SUBJECT:

**RESOLUTION NO. 16-26, A RESOLUTION ESTABLISHING A PROCESS FOR IMPLEMENTATION OF THE REQUIREMENTS OF 11 O.S. 51-108, INCLUDING ESTABLISHING THE PROCESSING FOR CALLING AND SCHEDULING ELECTIONS PURSUANT TO SAID STATUTE**

### STAFF RECOMMENDATION:

Approval of the Resolution No. 16-26.

### BACKGROUND AND HISTORY:

Oklahoma law concerning collective bargaining with our police and fire unions is unique, and in some instances poorly written. The attached resolution attempts to clarify some of the terms used by the legislature and to make clear the process that would be followed if we were unable to reach an agreement with either union.

By way of background, we currently have two-year contracts with both unions that expire on June 30, and will begin negotiations for a new contract in the near future. We have every expectation that the negotiations will result in a new agreement that is favorable to all parties.

However, the attached resolution is intended to cover not only this year but future years to ensure we all are well aware of the process that governs us. The statute provides that if the parties are unable to reach an agreement, the dispute is to be submitted to arbitration. Thereafter, if the City is not satisfied with the arbitration result, it has the option of submitting the dispute to the voters (as opposed to City Council being able to offer input). The confusion in the statute arises from the following section in 11 O.S. § 51-108, as follows:

B. If the city's last best offer is not selected by the arbitration board, that party may submit the offers which the parties submitted to the arbitration board to the voters of the municipality for their selection by requesting a special election for that purpose. The request for an election must be filed with the clerk of the municipality within ten (10) days of the date of the written decision of the arbitration board. Written notice of the filing of the request shall be given to the bargaining agent. If a request for

an election is not filed in a timely manner, the board's selection decision shall be final, and the last best offer it selected shall constitute the agreement of the parties.

C. Upon receiving a request for an election pursuant to the provisions of this section, the clerk shall notify the mayor and governing body of the request. Within ten (10) days of such notification the municipal authorities shall call for a special election. The election shall be governed by the state laws on special municipal elections. Only residents of the municipality shall be eligible to vote in said election. The ballot shall inform the voters that they must choose either the last best offer of the bargaining agent or the last best offer of the corporate authorities. Within twenty (20) days of the date of the decision to call for the election, the municipal authorities and the bargaining agent shall agree on a ballot. If no agreement is reached within that time, each party shall present a proposed ballot to the arbitration board. The parties shall present their ballot to the board no later than seven (7) days after the aforementioned twenty-day period. The board shall consider the proposed ballots and shall select one or the other within seven (7) days of the date of receipt of the parties' proposed ballots. The last best offer receiving a majority of the votes shall become the agreement of the parties.

Clearly, the reference to "that party" refers to the City, but fails to identify the individual or group that would be involved in the decision. By the inclusion within Section C of a notice requirement to the "mayor and governing body" after the request for election has been filed by the City Clerk, the clear inference is that the "bargaining agent" for the City, or City Manager, would have the authority to request the election and reject the arbitrator's award.

The attached resolution makes clear that the decision making concerning the contract and arbitration is within the City Manager's authority, as bargaining agent, and further gives the City Manager the authority to sign an agreement, if within budgeted funds.

The council legislative committee reviewed the resolution at its meeting on January 11, 2016, and has recommended that it be submitted to the full council for consideration.

**BUDGETARY IMPACT:**

None.

**COMPILED BY:** City Attorney.

**PRESENTED BY:** City Attorney.

**ATTACHMENTS:**

Resolution No. 16-26  
City of Tulsa Legal Opinion

CITY OF SAND SPRINGS  
SAND SPRINGS, OKLAHOMA

RESOLUTION NO. 16-26

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAND SPRINGS  
ESTABLISHING A PROCESS FOR IMPLEMENTATION OF THE REQUIREMENTS  
OF 11 O.S. 51-108, INCLUDING ESTABLISHING THE PROCESSING FOR CALLING  
AND SCHEDULING ELECTIONS PURSUANT TO SAID STATUTE**

WHEREAS, the City of Sand Springs, Oklahoma, regularly negotiates with the Fraternal Order of Police and the International Association of Firefighters related to local labor contracts concerning certain employees of the police and fire department of the City; and,

WHEREAS, under the Charter of the City of Sand Springs, the City Manager is the chief administrative officer of the City, and is vested exclusively with the responsibility to hire, manage, supervise, direct and control all non-appointed employees of the City; and

WHEREAS, pursuant to the Charter of the City of Sand Springs, the City Manager is the "bargaining agent" of the City and responsible for negotiation of labor contracts with the local bargaining units of the City; and

WHEREAS, the statutory process provides for arbitration, if the parties are unable to reach an agreement, and further provides that an election by the voters can be held to determine the terms of the parties contract, as set forth in 11 O.S. § 51-108, as follows:

B. If the city's last best offer is not selected by the arbitration board, that party may submit the offers which the parties submitted to the arbitration board to the voters of the municipality for their selection by requesting a special election for that purpose. The request for an election must be filed with the clerk of the municipality within ten (10) days of the date of the written decision of the arbitration board. Written notice of the filing of the request shall be given to the bargaining agent. If a request for an election is not filed in a timely manner, the board's selection decision shall be final, and the last best offer it selected shall constitute the agreement of the parties.

C. Upon receiving a request for an election pursuant to the provisions of this section, the clerk shall notify the mayor and governing body of the request. Within ten (10) days of such notification the municipal authorities shall call for a special election. The election shall be governed by the state laws on special municipal elections. Only residents

of the municipality shall be eligible to vote in said election. The ballot shall inform the voters that they must choose either the last best offer of the bargaining agent or the last best offer of the corporate authorities. Within twenty (20) days of the date of the decision to call for the election, the municipal authorities and the bargaining agent shall agree on a ballot. If no agreement is reached within that time, each party shall present a proposed ballot to the arbitration board. The parties shall present their ballot to the board no later than seven (7) days after the aforementioned twenty-day period. The board shall consider the proposed ballots and shall select one or the other within seven (7) days of the date of receipt of the parties' proposed ballots. The last best offer receiving a majority of the votes shall become the agreement of the parties.

WHEREAS, In order to establish clear guidelines concerning the process and the City's interpretation of the process, approval of this resolution is in the best interest of the City and the residents of the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAND SPRINGS, AS FOLLOWS:**

1. All statutory references to the "bargaining agent" for the City of Sand Springs, Oklahoma, shall refer to the City Manager.
2. The statutory reference in 11 O.S. § 51-108(B) to "that party" in reference to the non-acceptance of the City's Last Best Offer, shall refer to the City Manager as the bargaining agent for the City, who upon receipt of an arbitration award in favor of the Fraternal Order of Police or International Association of Fire Fighters, shall have the authority and discretion to determine whether the issues are to be submitted to the voters, as directed by statute.
3. As set forth in 11 O.S. § 51-108(C), within ten (10) days of such notification (from the City Manager) the municipal authorities shall call for a special election. The Sand Springs City Council Determines that the requirement of an election, upon a timely request from the City Manager, is a mandatory, required and non-discretionary act, and thereby "shall" be scheduled. Pursuant to 11 O.S. § 16-112, the Mayor is authorized and directed by Council to "call" or schedule the election by execution of the appropriate election resolution, without any additional vote of the Sand Springs City Council.
4. The City Manager, as the bargaining agent for the City, is authorized to execute Collective Bargaining Agreements with the FOP and IAFF, if said agreements do not commit to spending in excess of the budget approved by the City Council.
4. The City Clerk and City Manager, are directed to proceed in a manner consistent with the requirements of this resolution.

Dated this \_\_\_\_ day of January, 2015.

**CITY OF SAND SPRINGS, OKLAHOMA**

\_\_\_\_\_  
Mike Burdge, Mayor

ATTEST:

\_\_\_\_\_  
Janice L. Almy, City Clerk

Approved as to Form:

\_\_\_\_\_  
David L. Weatherford, City Attorney

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TO: Jim Twombly, City Manager  
Honorable Karen Gilbert, Council Chair

CC: Mayor and City Council

FROM: David E. O'Meilia, City Attorney   
Jessica Rainey, Senior Assistant City Attorney

DATE: June 4, 2014

SUBJECT: **Legal Opinion 2014-02**  
Post-Interest Arbitration Process – Calling an Election –Vote of the People

The following constitutes my formal legal opinion answering the question raised by your June 4, 2014, written requests for such opinion, which is essentially, as follows:

**What is the post-interest arbitration process, as well as, the legal requirements and related issues for the Mayor and Council involved in the calling of a special election?**

**STATUTORY AUTHORITY:**

Title 11 Oklahoma Statutes, Section 51-108 provides the process for interest arbitration. *See Attached, Ex. A, 11 O.S. §51-108.* If a majority of the arbitration board does not select the City's last best offer, the City has the right to submit the "last best offers" (LBO) to the voters for selection. The relevant sections of the statute state:

B. . . . that party [corporate authorities] may submit the offers which the parties submitted to the arbitration board to the voters of the municipality for their selection by requesting a special election for that purpose. The request for an election must be filed with the clerk of the municipality within ten (10) days of the date of the written decision of the arbitration board.

\* \* \*

C. Upon receiving a request for an election pursuant to the provisions of this section, the clerk shall notify the mayor and governing body of the request. Within ten (10) days of such notification the municipal authorities shall call for a special election. The election shall be governed by the state laws on special municipal elections

11 O.S. §51-108 (B) and (C), respectively.

## DISCUSSION AND REQUIREMENTS:

The Oklahoma Legislature enacted the Fire and Police Arbitration Act (FPAA) in recognition that public health, safety and welfare is compromised if firefighters and police officers were given the right to strike or engage in a work stoppage/slowdown. 11 O.S. §51-101. In exchange for denying firefighters and police officers the right to strike or engage in a work stoppage/slowdown, the Legislature allows these employees to collectively bargain for wages, hours, and other conditions of employment with the corporate authorities. 11 O.S. §51-102.

The FPAA's interest arbitration provision, §51-108, identifies the procedure for an arbitration that selects either the LBO of the City or of the Union. Section A of this provision identifies the parties to the arbitration as the "bargaining agent" and the "corporate authorities." For the City's sworn employees, the bargaining agent is the Fraternal Order of Police, Lodge 93 and Local 176, International Association of Fire Fighters (generally referred to as the "Union"). 11 O.S. §51-102. The term "corporate authorities" is defined as "the proper officials, singly or collectively, within any municipality whose duty or duties it is to establish the wages, salaries, rates of pay, hours, working conditions and other terms and conditions of employment of fire fighters or police officers, . . ." *Id.* The City's Charter specifies that the Mayor has executive and administrative powers for the City. 1989 Am. Charter, Art. III, Sec. 1.1. As part of those powers, the Mayor adopts and implements pay plans and agreements, rules and regulations for leaves, administers and enforces contracts, and administer, maintain, and operate the police and fire protection departments. 1989 Am. Charter, Art. III, Sec. 1.4. Based upon the definition in the Charter, the Mayor is the City's corporate authority for the purpose of collective bargaining. The practical effect of the Charter is that the Mayor, or designee(s), negotiates and executes the binding collective bargaining agreement between the Union and City. ;

After the interest arbitration, a majority of the interest arbitration board, composed of a neutral arbitrator and an arbitrator for each of the parties, selects either the City's LBO or the Union's LBO, the statute sets forth the final selection process for a LBO. This process allows the corporate authority to adopt the majority's selection as the CBA or to submit that decision to the voters.<sup>1</sup> Section B identifies the first step where the party representing the City (the "corporate authorities") initiates the request for calling a special election. As such, the Mayor "may" submit the LBOs to the voters.

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<sup>1</sup> Prior to July 1, 1994, the process for selecting a LBO was different. The result of interest arbitration was merely a written opinion which the corporate authorities could adopt or resume the negotiation process. With the 1994 amendment, the Legislature changed the process resulting in binding arbitration and removed the choice between the LBOs from the corporate authorities and gave it to the voters. The change evidences a compromise where the Union's obtained binding arbitration and the selection of the LBO ultimately resided with the voters instead of the corporate authorities.

The Legislature's use of the word "may" denotes a discretionary act where the Mayor makes a decision either to accept the interest arbitration selection or to have the voters makes the determination. The Oklahoma Supreme Court in *Welch v. Key*<sup>2</sup> explained that "may" indicates a discretionary act, whereas, "shall" is a mandatory act.<sup>3</sup> In *Welch v. Key*, the Court examined whether the Governor had a mandatory duty or discretionary authority in appointing individuals to the state Election Board. The statute at issue provided, in relevant part:

*When the State Central Committee of a political party so submits a list of electors, the Governor may select one which shall be the representation allowed such political party, from such list.*<sup>4</sup>

The Governor had appointed two individuals to the Election Board who were not on the lists presented by the State Central Committee. The Court concluded that the "may" was permissive authority that allowed for the Governor to appoint or not to appoint individuals to the Election Board. However, once the Governor decided to exercise that authority, the statute mandated the Governor must select from the lists submitted by the Committees. Ultimately, the Court found that the two appointments were contrary to law and ineffective because those individuals were not legal members of the Election Board. Likewise, for the City of Tulsa, the Mayor has the permissive authority to adopt the LBO selection or to initiate the process for a vote. However, similar to the Governor, the Mayor does not have the discretion to adopt contractual provisions different from the LBOs.

To exercise the discretionary authority to present the LBOs to the voters, Section B requires that the Mayor as the corporate authority file a request for the special election with the City Clerk within ten (10) days of the written decision from the arbitration board. The request for a special election was filed by the Mayor within the time limit. Failure to timely file with the clerk would have resulted in the arbitration board's award regarding the Union's LBO becoming the contract. After the request for election is completed, Section C mandates the next steps in the process.

Section C specifies that the City Clerk shall provide notice to the Mayor and governing body of the request. Unlike Section B which used the term "party" referring to

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<sup>2</sup> 1961 OK 201, 365 P.2d 154.

<sup>3</sup> See also, *Grimes v. City of Oklahoma City*, 49 P.3d 719, 723, ¶ 11 (citations omitted); *Oklahoma Public Employees Ass'n v. State ex rel. Oklahoma Office of Personnel Management*, 2011 OK 68, 267 P.3d 838, ¶ 13.

<sup>4</sup> *Id.* at 157-58 (emphasis in original).

the corporate authorities in Section A, the statute's Section C expressly identifies that notice will be given to a Mayor and governing body. The use of different descriptive words than the previous sections is an acknowledgment that the expressed entities could be different in different municipalities than those previously specified. In other words, the Legislature recognized that the Mayor and governing body could be different than the "corporate authorities" and required notification of permissive exercise of authority, so that the Mayor and governing body could take appropriate action carrying out the necessary requirements to submit the LBOs to the voters.

Further, Section C uses the word "shall," thereby compelling the City Clerk and others specified in this Section to take action. The section specifies that upon receipt of the notification the "municipal authorities shall call for a special election. The election shall be governed by the state laws on special municipal elections." While the FPAA does not define "municipal authorities," the use of this term instead of "corporate authorities" recognizes that the "corporate authorities" may not have the ability to "call" an election. In a form of municipal government different from the City of Tulsa, the corporate authority could be a city council or board of aldermen which has the discretion to request the election. The mandatory duties would then fall to both the city council and the mayor. Under such a scenario, the mayor would be compelled to acquiesce and call the election even though that individual may disagree with the request for an election.

For the City of Tulsa, the "municipal authorities" are the Mayor and the City Council. The City Charter provides that the City Council is given powers as specified in the Charter or "delegated to the legislative body of a municipality by the Constitution or law of Oklahoma." 1989 Am. Charter, Art. II, Sec. 1. Within the Charter, only the City Council is referenced with the ability to pass resolutions. The Charter gives the Mayor the ability to veto the City Council's ordinances and resolutions. 1989 Am. Charter, Art. III, Sec. 1.5.

Additionally, the Charter provides:

Except as otherwise provided in this amended Charter, all City elections and recounts of votes shall be conducted and the qualifications of the electors determined in accord with the laws of Oklahoma . . . In addition to the dates specified by the laws of Oklahoma, any special election of the City of Tulsa may also be called and held on the Primary and General Election dates.

1989 Am. Charter, Art. VI, Sec. 5. Section C specifies the special election is a creature of state law. In order to call an election, the City Council shall pass a resolution that is submitted to the election board. 26 O.S. §13-102. The City Council can either submit a resolution calling the election, or pursuant to 11 O.S. §16-112, the City Council may pass an ordinance or resolution which would:

authorize the mayor to call a special election for the purpose of submitting to the registered voters of a municipality the question of issuing municipal bonds, of granting franchise, or *for any other purpose authorized by law*.

While the Charter states that "[t]he Mayor shall issue proclamations and notices calling all elections in the City," the City Council has not previously used the discretion provided in 11 O.S. §16-112 to pass an ordinance or resolution giving the Mayor the authority for calling a special election under these circumstances.

In 2011, the City of Norman (Norman) called a special election for the voters to determine the selection of the LBOs. Rather than pass a resolution for the calling of the election and then passing another resolution after the ballot title is determined, Norman's City Council utilized 11 O.S. §16-112 authorizing its mayor to call the election and to deliver the ballot title to the local election board with a copy of the original resolution.<sup>5</sup>

Based upon state law and the Charter, the current procedure for calling a City of Tulsa special election is:

- The Mayor submits a written request for an election to the City Clerk with a copy to the Union.
- The City Clerk gives notice of the request to the City Council and Mayor;
- The City Council shall pass a resolution either:
  - Calling for an election (26 O.S. §13-102) **or**
  - Authorizing the Mayor to call for a special election (11 O.S. §16-112);
- The Mayor shall sign the resolution **and** issues a notice and proclamation calling the election (1989 Am. Charter, VI, Sec. 4; 11 O.S. §16-112, depending on if authorized in the resolution);
- The resolution is filed with the Tulsa County Election Board;
- The ballot title is determined (either by resolution or through authorization of the Mayor, 11 O.S. §51-108 (C) and (D));
- Depending on the type of resolution originally passed by the City Council, either the City Council will pass another resolution containing the ballot title or the Mayor can submit the ballot title with a copy of the authorizing resolution, to the election board.

#### *Charter Provisions on Resolutions*

Questions have been raised about the Charter provisions governing approval and effective dates of resolutions. After the City Council passes a resolution, the Mayor has

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<sup>5</sup> See *Attached*, City of Norman resolution example.

fifteen (15) days to approve or veto the resolution. 1989 Am. Charter, Art. II, Sec. 9. Generally, resolutions become effective not less than thirty (30) days after first publication. 1989 Am. Charter, Art. II, Sec. 10. However, these provisions Charter provisions do not supersede the requirements for calling the election stated in 11 O.S. §51-108 of the state statute.

In *City of Enid v. Public Employee Relations Board*, the City argued that its Charter provisions superseded the statutory FPAA. While the Oklahoma Supreme Court agreed that the matters of local concern are controlled by the Charter and can supersede state law,<sup>6</sup> the FPAA will override a Charter or Ordinance if the matter is of state-wide concern.<sup>7</sup> The expedited nature of calling an election to resolve a Collective Bargaining Agreement within the same fiscal year is probably a matter of state-wide concern because it correlates to the FPAA's public policy. The Oklahoma Supreme Court recognized this principle *Clappsaddle v. Blevins*,<sup>8</sup> and held:

A city charter will control over a contrary state statute only when the matter at hand is one of purely local concern. The setting of a special municipal election, *which must be conducted by the county election board under the oversight of the State Election Board, is not a matter of local concern.* It is clear that, as the Secretary of the Oklahoma County Election Board testified at length, the election board requires a minimum of 60 days to prepare adequately for an election. State law will on this point supplant nonconforming city law. *Simpson v. Dixon*, 1993 OK 71, 853 P.2d 176, 183–187.

As such, the approval and effective date provisions within the Charter are superseded by the deadline requirements in 11 O.S. §51-108.

#### *Whether the Calling of a Special Election is a Vain Act*

The concept that "the law does not require one to do a vain or useless thing or to perform an unnecessary action to obtain relief" is an equitable doctrine that courts may employ excuse a failure to act. However, this equitable doctrine does not apply with a statute that requires an act for compliance.<sup>9</sup> Until the beginning of the new fiscal year,

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<sup>6</sup> Cf., *Tulsa Fire Fighters Association, IAFF Local 176, AFL-CIO v. City of Tulsa*, 834 F. Supp.2d 1277 (N.D. OK 2011) (local political elections are a matter of local concern).

<sup>7</sup> 2006 OK 16, 133 P.3d 281.

<sup>8</sup> 1998 OK 5, ¶28, 66 P.3d 352, 359-60.

<sup>9</sup> *Apache Corp. v. State ex rel. Oklahoma Tax Com'n*, 2004 OK 48, 98 P.3d 1061.

the procedures established in §51-108 are not vain and require compliance. The City should rescind the request or cancel the special election when the fiscal year that is the subject of the interest arbitration ends because Article 10, Section 26 of Oklahoma's Constitution requires cities to operate on a cash basis. Operating on a cash basis precludes re-opening a previous fiscal year's books to pay for collective bargaining agreement. Thus, special election results in the next fiscal year cannot create a contractual obligation retroactive to a previous fiscal year.<sup>10</sup>

### *Refusal or Failure to Comply with a Mandatory Duty*

Because the Mayor decided to call a special election, 11 O.S. §51-108 requires the municipal authorities (the Mayor and City Council) to call the special election, which is accomplished by passing the appropriate resolution. As discussed previously, "shall" is not permissive. The Oklahoma Supreme Court identifies two types of functions: discretionary and ministerial. A discretionary function is the determination of initial policy or planning decisions.<sup>11</sup> A ministerial function is carrying out or operational effect of the discretionary function. Based upon the language in §51-108, the discretionary action to request a special belongs to the corporate authority (Mayor). The City Clerk and City Council, as well as, the Mayor<sup>12</sup> are each then mandated to carry out the ministerial acts to accomplish the decision rendered. Unlike discretionary functions which are not subject to liability, a failure or refusal to perform a ministerial/mandatory action subjects the individuals failing or refusing to perform the required acts to legal liability.<sup>13</sup> Furthermore, the City is not liable for any act or failure to act if City Councilors are acting contrary to their ministerial duties.<sup>14</sup> Thus, any legal action resulting from such a failure or refusal would require the City Councilors to obtain personal legal representation.

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<sup>10</sup> *IAFF, Local 4067 v. Town of Skiatook*, Case No. 101062 (Okla. Court of Civil Appeals April 1, 2005) (originally released for publication then withdrawn). *See also, City of Norman v. IAFF, Local 2067*, 2013 OK CIV APP 57, ¶¶ 4-8, 307 P.3d 351 (an election after the fiscal year is moot).

<sup>11</sup> *Teeter v. City of Edmond*, 2004 OK 5, ¶ 10, 85 P.3d 817.

<sup>12</sup> The Mayor is likewise required to sign and approve the appropriate resolution passed by the Council. If the resolution authorizes the Mayor to call the special election, the Mayor is then mandated to do so.

<sup>13</sup> *Id.*; *see also, Gilmore v. Bd. Of Commissioners of Logan Co.*, 2006 OK CIV APP 125, 147 P.3d 296.

<sup>14</sup> *Speight v. Presley*, 2008 OK 99, ¶14, 203 P.3d 173.

One possible legal action that could result from a refusal or failure to pass a resolution complying with §51-108 is a writ of mandamus. A writ of mandamus compels "the performance of any action which the law specifically enjoins as a duty, resulting from an office, trust or station; . . ." <sup>15</sup> The Oklahoma Supreme Court recognizes that mandamus is appropriate to compel a ministerial duty. <sup>16</sup>

In *Jones v. Hanger*, Hanger, an appointed assistant county attorney, sought a writ of mandamus to compel the Board of County Commissioners to pay his salary. <sup>17</sup> The Board argued it had the discretion to confirm or reject the appointment, and because they rejected Hanger's appointment, the Board argued it had the discretion to reject Hanger's claim for payment. The Court concluded that while the Board had the discretion to set the number of deputy county attorneys and the salaries, it did not have the discretion to approve or reject a particular appointment. The Court stated that the Board has "no discretion whatever in the matter of who shall be the assistant county attorney." Therefore, the remaining act of the Board was the required ministerial duty of approving and paying the claim. Likewise, the City Council's passing of a resolution in this situation is a ministerial act which can be legally compelled.

As your legal counsel, it is my obligation to advise that in addition to personal liability, the City Charter, coupled with state law, provides for removal from office for "any willful failure or neglect to diligently and faithfully perform any duty enjoined upon such officer by the laws of the state." 1989 Am. Charter, Art. VII, Sec. 1.1; 51 O.S. §93. In 1981, the Attorney General ("AG") examined whether the failure to perform a mandatory duty could result in removal. <sup>18</sup> Senator Smith sought advice from the AG concerning whether the members of the State Board of Equalization would be subject to removal from office for refusing to comply with their duties under the Constitution. The AG acknowledged that Constitution stated that the Board "shall certify the total amount of revenue which accrued to each General Revenue Fund and each special fund . . ." Furthermore, the Oklahoma Supreme Court found the Board "shall certify each special fund . . ." The AG concluded these were mandatory duties of the Board members, and a deliberate refusal "would certainly pose a possible violation" of the oath of office warranting removal.

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<sup>15</sup> 12 O.S. §1451; *see also*, *Kelly v. City of Bethany*, 1978 OK 136, 588 P.2d 567 (After the City Council accepted a dedication, it must approve the plat for recording. The City Council does not have the discretion to accept the dedication and deny the approval of the plat.)

<sup>16</sup> *Jones v. Hanger*, 1953 OK 178, 258 P.2d 176.

<sup>17</sup> *Id.*

<sup>18</sup> 1981 OK AG 295.



**CITY OF SAND SPRINGS  
COUNCIL/AUTHORITY STAFF REPORT  
MEETING DATE: 01/25/2016**

**SUBJECT:**

**ORDINANCE NO. 1279, AN ORDINANCE AMENDING CHAPTER 5, SECTION 5.16.050 OF THE CODE OF ORDINANCES OF THE CITY OF SAND SPRINGS, BY CREATING A “NO KNOCK” LIST FOR SOLICITORS WITHIN THE CITY, REPEALING ORDINANCES IN CONFLICT HEREWITH.**

**STAFF RECOMMENDATION:**

Staff recommends approval of Ordinance No. 1279.

**BACKGROUND AND HISTORY:**

Each year, the Sand Springs Police Department receives numerous calls from citizens who experience unwanted sales persons knocking on their door at private residences. The No Knock Ordinance allows for a citizen to opt out of intrusive behavior upon private property while still allowing for free commerce within the City of Sand Springs. This ordinance was adapted from a similar program in the City of Owasso which has received over 3000 households that have signed up.

This was reviewed, modified and approved by the Legislative Committee.

**BUGETARY IMPACT:** None

**COMPILED BY:** Michael S. Carter – Chief of Police

**PRESENTED BY:** Elizabeth A. Gray, City Manager

**ATTACHMENTS:** Ordinance No. 1279

CITY OF SAND SPRINGS  
SAND SPRINGS, OKLAHOMA

ORDINANCE No. 1279

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAND SPRINGS, OKLAHOMA, AMENDING CHAPTER 5, AMENDING SECTION 5.16.050 OF THE CODE OF ORDINANCES OF THE CITY OF SAND SPRINGS, BY CREATING A "NO KNOCK" LIST FOR SOLICITORS WITHIN THE CITY, REPEALING ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, the City of Sand Springs currently requires Solicitors and itinerant Peddlers to obtain a license from the City; and,

WHEREAS, a number of residents prefer that itinerant peddlers and solicitors not contact them or approach their residence; and

WHEREAS, amendment of the City's current ordinance is in the best interest of the residents of the City of Sand Springs.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Sand Springs, Oklahoma, as follows:

Section One: The City Ordinances of the City of Sand Springs are hereby amended by the amendment of 5.16.050, as set forth below:

**Section 5.16.050 Itinerant Peddlers and Solicitors**

A. All persons, firms or corporations providing goods, services or merchandise for sale on a temporary basis within the corporate limits of the city shall first obtain an itinerant peddlers and solicitors license from the City Clerk. Said license shall be valid for one year from the issuance date. For purposes of this section, "temporary" shall be defined as a business or service operation provided from a nonfixed or non-permanent location. (1229, adopted 08/27/2012)

B. The City Clerk, upon issuance of an itinerant peddlers and solicitors license, shall provide documentation of such. A copy of such documentation shall be in possession of the itinerant peddler or solicitor while engaged in such business activities. Such documentation shall be presented upon request for inspection by any peace officer, code enforcement officer or other authorized employee of the city.

C. In addition to the general requirements of this chapter, an applicant for an itinerant peddlers and solicitors license located upon private property shall present documentation from the property owner or person in control of the property authorizing its use for such purposes. **Additionally, the City Clerk shall prepare and maintain a**

list of all residents within the City who desire to prevent soliciting and peddling at their residence which shall be known as the No Knock List. Residents of the City who desire to have their addresses placed on the No Knock List may do so by contacting the City Clerk's office.

1. Solicitors must obtain a copy of the No Knock List from the City Clerk's office at the time they obtain a license, and are expressly prohibited from soliciting or peddling at any residence listed on the No Knock List. Contacting residents in disregard of the No Knock List may result in revocation of a Solicitor's license and/or assessment of a fine.
2. This provision shall not apply to non-profit organizations, groups and associations.
3. It shall be unlawful for a Solicitor to ring the bell, or knock on the door, or otherwise attempt to gain admittance for the purpose of soliciting at a residence or dwelling which is listed on the No Knock List or upon which a sign stating "No Solicitors," "No Trespassers," or words of similar import indicating such persons are not wanted on the premises, is painted, affixed or otherwise plainly displayed to public view either on or near the primary entrance of the residence. This paragraph shall not apply to any Solicitor who gains admittance to a residence either by invitation or consent of the residence's occupant.
4. The registration with the City of Sand Springs shall be effective for three (3) years.

D. Business locations and functions for itinerant peddlers and solicitors must be in compliance with the Zoning Code of the city, as well as all other municipal, county, state and federal laws and regulations.

E. No itinerant peddler or solicitor shall use any public property within the corporate limits of the city - including streets, parks and public rights-of-way - to establish a fixed business or service operation. Exempt from this provision are itinerant peddlers and solicitors engaged in a special event or other activity authorized by the City Council, City Manager, Chief of Police or other persons or entities permitted to make such authorizations.

F. An itinerant peddlers and solicitors license is required for all persons, firms or corporations providing goods for sale dispensed from a moving vehicle or other form of mobile conveyance upon the public streets of the city.

G. An itinerant peddlers and solicitors license is required for all person, firms or corporations conducting residential door-to-door sales of goods, services or merchandise.

H. Exempt from the provisions of this section are persons, firms or corporations engaged in sale of goods, services or merchandise to businesses for use or resale; and sales of goods, services or merchandise by a governmental entity or an organization given non-profit or not-for-profit status by the Internal Revenue Service. Also exempt are temporary endeavors that are related to an approved special event by the special events committee of the City of Sand Springs. (1114, Amended, 09/12/2005)

I. The City Council may waive fees for itinerant peddlers and solicitors selling goods, services or merchandise at a special event or other activity authorized by the City Council, City Manager, Chief of Police or others persons or entities permitted to make such authorizations.

### **Section 5.16.060 Penalty**

A. Any person, firm or corporation found to be in violation of this chapter shall be deemed guilty of a Class C offense, and upon conviction thereof, shall be punished as provided in Section 1.20.010 of this Code. Each day that any violation of this chapter is committed shall constitute a separate offense.

B. Provisions of this chapter shall be enforceable by any peace officer, code enforcement or other authorized employee of the city. (1079, Amended, 05/24/2004; 1114, Amended, 09/12/2005)

Section Two: All ordinances or parts of ordinances in conflict are repealed to the extent of the conflict only.

Dated this 25th day of January, 2016.

CITY OF SAND SPRINGS, OKLAHOMA

\_\_\_\_\_  
Mike Burdge, Mayor

ATTEST:

\_\_\_\_\_  
Janice L. Almy, City Clerk

Approved as to Form:

\_\_\_\_\_  
David L. Weatherford, City Attorney

AFFIDAVIT OF FINANCE DIRECTOR  
FOR BILLS AND SALARIES STATEMENT

I, the undersigned, am the duly appointed and acting Finance Director/ Treasurer, in and for the City of Sand Springs, Oklahoma, and upon oath do depose and say that each purchase order listed in the attached statement for bills and salaries was itemized in detail, verified and filed for allowance with the amount shown thereon pursuant to the Statutes of the State of Oklahoma and requirements of the Charter and Ordinances of the City of Sand Springs, Oklahoma: that each purchase order has indicated thereon that all items have been delivered and/or the services have been rendered and that each purchase and contract was made pursuant to all applicable law and the Charter and Ordinances of the City of Sand Springs, Oklahoma, so help me God.

*Kelly A Lamberson*

Kelly A. Lamberson  
Finance Director / City Treasurer

Subscribed and sworn to before me this 20<sup>th</sup> day of

January, 2016.



*Janice L. Almy*  
Notary Public

My Commission Expires \_\_\_\_\_

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**CITY OF SAND SPRINGS  
CITY COUNCIL BILLS**

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**01/25/2016**

**210 GENERAL FUND**

002035	AMERICAN MUNICIPAL SERVICES CORP	DEC 2015	514.75
001976	BANK OF AMERICA	WM SUPERCENTER #838	1,000.00
001977	BANK OF AMERICA	WAL-MART #0838	650.00
001978	BANK OF AMERICA	WAL-MART #0838	650.00
PI3089	BEWLEY SWEEPER SERVICE INC	SWEEPER BELT	8.10
PI3088	BUBBLETOWN CARWASH LLC	SALES OF TOKENS	160.00
001932	CLEET	DEC 2015 COURT COSTS	1,487.64
PR0108	FRATERNAL ORDER OF POLICE	PAYROLL SUMMARY	725.00
PI3287	INDUSTRIAL MAINTENANCE SUPPLY INC	TRASH CAN LINERS	436.80
PI3288	INDUSTRIAL MAINTENANCE SUPPLY INC	TOILET CLEANER & TISSUE	370.17
PR0108	INT'L ASSOC OF FIREFIGHTERS	PPE 01/01/2016 PP#016	73.00
PR0108	OKLAHOMA FIREFIGHTERS PENSION BRD	PPE 01/01/2016 PP#01	17,632.59
PR0108	OKLAHOMA POLICE PENSION	PPE 01/01/2016 PP#01	13,209.39
001931	OSBI	DEC 2015 COURT COSTS	1,488.61
002023	POPE, GLENN	FOP UNION DUES REIMBURSEM	25.00
PR0108	SS FIREFIGHTERS STATION FUND	PPE 01/01/2016 PP#012	58.50
PR0108	TULSA AREA UNITED WAY INC	PAYROLL SUMMARY	212.43
PR0108	TULSA AREA UNITED WAY INC	PAYROLL SUMMARY	167.45
	<b>TOTAL</b>		<b>39,669.43</b>

**MUNICIPAL COURT**

160053	EXPRESS SERVICES INC	TEMP LABOR W/E12.20	616.00
160053	EXPRESS SERVICES INC	TEMP LABOR W/E 12.27	376.53
160723	OKLAHOMA MUNICIPAL ASSURANCE GROUP	3RD QRTR WCOMP PYMNT	3,376.13
160621	STAPLES ADVANTAGE	15 FT PWR CORD	11.49
160655	STAPLES ADVANTAGE	OFFICE SUPPLIES	40.29
160655	STAPLES ADVANTAGE	PREFORMED COIN WRAPPER	18.89
160662	TURNER, RUSSELL	JUVENILE CLASS	60.00
	<b>MUNICIPAL COURT ADMINISTRATION TOTAL</b>		<b>4,499.33</b>

**CITY MANAGER**

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**CITY OF SAND SPRINGS  
CITY COUNCIL BILLS**

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**01/25/2016**

160723	OKLAHOMA MUNICIPAL ASSURANCE GROUP	3RD QRTR WCOMP PYMNT	6,941.16
001909	VERIZON WIRELESS	VERIZON	120.03
<b>CITY MANAGER ADMINISTRATION TOTAL</b>			<b>7,061.19</b>

**CITY CLERK**

160053	EXPRESS SERVICES INC	TEMP LABOR W/E 12.20.15	616.00
160053	EXPRESS SERVICES INC	TEMP LABOR W/E 12.27	308.00
160723	OKLAHOMA MUNICIPAL ASSURANCE GROUP	3RD QRTR WCOMP PYMNT	2,616.64
160719	OMCTFOA	OMCTFOA MEMBERSHIP DUES	30.00
001910	VERIZON WIRELESS	VERIZON	40.01
<b>CITY CLERK CITY CLERK TOTAL</b>			<b>3,610.65</b>

**GENERAL ADMINISTRATION**

001966	BANK OF AMERICA	PEAK UPTIME	109.01
001959	BANK OF AMERICA	SWEETIE PIE'S BAKE	23.76
001960	BANK OF AMERICA	BILLY SIMS BBQ - SAND	289.84
<b>GENERAL ADMINISTRATION GENERAL ADMINISTRATION TOTAL</b>			<b>422.61</b>

**PLANNING & DEVELOPMENT**

160309	INCOG	3RD QTR MEMBER DUES	3,605.25
160723	OKLAHOMA MUNICIPAL ASSURANCE GROUP	3RD QRTR WCOMP PYMNT	2,632.99
160633	STAPLES ADVANTAGE	CYAN & MAGENTA TONER	149.98
001920	VERIZON WIRELESS	VERIZON	40.01
<b>PLANNING &amp; DEVELOPMENT ADMINISTRATION TOTAL</b>			<b>6,428.23</b>

**HUMAN RESOURCES**

001956	BANK OF AMERICA	RIB CRIB 34	25.00
001957	BANK OF AMERICA	WM SUPERCENTER #838	19.06

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**CITY OF SAND SPRINGS  
CITY COUNCIL BILLS**

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**01/25/2016**

001958	BANK OF AMERICA	TMS DARREN MILLS	90.00
160179	EON APPLICATIONS INC	HR APP SOFTWARE	279.85
160723	OKLAHOMA MUNICIPAL ASSURANCE GROUP	3RD QRTR WCOMP PYMNT	2,823.96
160167	SAND SPRINGS FLOWERS	FAYE BARNARD FLOWER	50.00
160617	STAPLES ADVANTAGE	PASTELS SALMON PAPER	33.46
160623	SUNDANCE OFFICE SUPPLY	COLORED PAPER, POST IT	96.07
001911	VERIZON WIRELESS	VERIZON	40.01
<b>HUMAN RESOURCES ADMINISTRATION TOTAL</b>			<b>3,457.41</b>

**FINANCE**

151334	ARLEDGE & ASSOCIATES, P.C.	AUDIT OF FINANCIAL SRCS	3,687.50
001964	BANK OF AMERICA	WAL-MART #0838	32.91
160723	OKLAHOMA MUNICIPAL ASSURANCE GROUP	3RD QRTR WCOMP PYMNT	7,719.34
001912	VERIZON WIRELESS	VERIZON	80.02
<b>FINANCE ADMINISTRATION TOTAL</b>			<b>11,519.77</b>

**CITY ATTORNEY**

160723	OKLAHOMA MUNICIPAL ASSURANCE GROUP	3RD QRTR WCOMP PYMNT	481.49
<b>CITY ATTORNEY ADMINISTRATION TOTAL</b>			<b>481.49</b>

**INFORMATION SERVICES**

002046	A T & T		286.90
001967	BANK OF AMERICA	EIG DOTSTER	17.49
001925	COX COMMUNICATIONS CENTRAL II INC	COX	196.34
002044	COX COMMUNICATIONS CENTRAL II INC	0016311068531301	112.61
002045	COX COMMUNICATIONS CENTRAL II INC	0016311068885201	84.46
160723	OKLAHOMA MUNICIPAL ASSURANCE GROUP	3RD QRTR WCOMP PYMNT	2,476.89
001913	VERIZON WIRELESS	VERIZON	197.38
<b>INFORMATION SERVICES ADMINISTRATION TOTAL</b>			<b>3,372.07</b>

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**CITY OF SAND SPRINGS  
CITY COUNCIL BILLS**

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**01/25/2016**

**FACILITIES MANAGEMENT**

001934	AMERICAN ELECTRIC POWER	AEP PSO MISC ACCTS	25.41
001935	AMERICAN ELECTRIC POWER	AEP PSO MISC ACCTS	117.33
001936	AMERICAN ELECTRIC POWER	AEP PSO MISC ACCTS	194.50
002048	AMERICAN ELECTRIC POWER	AEP PSO	1,923.50
002049	AMERICAN ELECTRIC POWER	AEP PSO	193.62
002050	AMERICAN ELECTRIC POWER	AEP PSO	552.29
002051	AMERICAN ELECTRIC POWER	AEP PSO	240.08
002052	AMERICAN ELECTRIC POWER	AEP PSO	101.94
002053	AMERICAN ELECTRIC POWER	AEP PSO	285.35
002054	AMERICAN ELECTRIC POWER	AEP PSO	170.51
002055	AMERICAN ELECTRIC POWER	AEP PSO	133.03
160017	ATWOODS-SAND SPRINGS	DURACELL AA 20 PACK	8.88
160032	CHARLES PEST CONTROL INC	JAN - MON PEST CONTROL	76.12
160032	CHARLES PEST CONTROL INC	JAN - MON PEST CONTROL	12.87
160032	CHARLES PEST CONTROL INC	JAN - MON PEST CONTROL	12.87
160032	CHARLES PEST CONTROL INC	JAN - MON PEST CONTROL	12.88
160032	CHARLES PEST CONTROL INC	JAN - MON PEST CONTROL	61.78
160032	CHARLES PEST CONTROL INC	JAN - MON PEST CONTROL	17.30
160032	CHARLES PEST CONTROL INC	JAN - MON PEST CONTROL	17.30
160037	COMMERCIAL CLEANING SERVICES	JANITORIAL SRVC-SR. CENTE	580.00
160447	COMMERCIAL ROOFING INC	FIRE STATION #2-LEAK REPA	308.40
160451	COMMERCIAL ROOFING INC	CITY HALL, LEAK REPAIRS	344.25
160723	OKLAHOMA MUNICIPAL ASSURANCE GROUP	3RD QRTR WCOMP PYMNT	4,354.83
001927	SAPULPA RURAL WATER CO	ACCT 20025	29.50
160124	THYSSENKRUPP ELEVATOR CORP	QRTLY MAINT AGREEMNT-CITY	1,153.92
001914	VERIZON WIRELESS	VERIZON	40.01
<b>FACILITIES MANAGEMENT ADMINISTRATION TOTAL</b>			<b>10,968.47</b>

**FLEET MAINTENANCE**

160019	AUTOZONE	THERMOSTAT - 41603	17.57
160019	AUTOZONE	ROCKER SWITCH	17.54
160019	AUTOZONE	BULLS EYE LIGHT	7.62
160036	COMDATA	FUEL CARD PURCHASES	14,554.79
160089	O'REILLY AUTO PARTS - S.S.	OIL,CABIN FILTERS, WIPERS	18.16

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**CITY OF SAND SPRINGS  
CITY COUNCIL BILLS**

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**01/25/2016**

160089	O'REILLY AUTO PARTS - S.S.	TPMS SRVC KT	7.00
160089	O'REILLY AUTO PARTS - S.S.	TPMS SENSOR	44.79
160089	O'REILLY AUTO PARTS - S.S.	RETURNED TPMS SRVC KT	-7.00
160089	O'REILLY AUTO PARTS - S.S.	IDLER PULLY	16.14
160089	O'REILLY AUTO PARTS - S.S.	IDLER PULLEY	16.18
160089	O'REILLY AUTO PARTS - S.S.	MICRO-V BELT, BATTERY	139.77
160723	OKLAHOMA MUNICIPAL ASSURANCE GROUP	3RD QRTR WCOMP PYMNT	4,640.74
160104	SAND SPRINGS REBUILDERS	STARTER, FORD POST & MOD	44.63
160104	SAND SPRINGS REBUILDERS	DIAPHRAGM	2.49
160108	SECURCARE STORAGE	MAINT GARAGE FACILITY LEA	1,707.00
160147	WELDON OF TULSA INC	PUSH PULL VALVE	54.42
160147	WELDON OF TULSA INC	PUSHLOCK	22.93
160147	WELDON OF TULSA INC	SPINNER MOTOR	275.00
160233	WHITE STAR MACHINERY & SUPPLY	BOBCAT COM TRACK LOADER R	1,002.26
<b>FLEET MAINTENANCE ADMINISTRATION TOTAL</b>			<b>22,582.03</b>

**POLICE**

002056	AMERICAN ELECTRIC POWER	AEP PSO	127.18
001970	BANK OF AMERICA	SPECIAL OPS UNIFORMS	277.89
001974	BANK OF AMERICA	STAPLES 00111310	75.99
001975	BANK OF AMERICA	URBAN TAILS	75.98
001979	BANK OF AMERICA	VW GRAINGER	91.22
001965	BANK OF AMERICA	PEAK UPTIME	109.00
001986	BANK OF AMERICA	REASOR'S #21	109.24
160028	CBCINNOVIS INC	CREDIT CKS/BACKGROUND CKS	3.90
002033	CLEET	REINSTATEMENT FOR D.MCCAG	150.00
160070	LEXISNEXIS RISK DATA MANAGEMENT	PERSON SEARCHES	25.00
160723	OKLAHOMA MUNICIPAL ASSURANCE GROUP	3RD QRTR WCOMP PYMNT	53,023.96
160122	THOMAS ALLEN CUPPS TRUST	MCKINLEY PARKING LOT LEAS	300.00
<b>POLICE ADMINISTRATION/PATROL TOTAL</b>			<b>54,369.36</b>

001993	BANK OF AMERICA	MANNFORD VETERINARY SERVI	183.50
001994	BANK OF AMERICA	RANKIN VETERINARY HOSP.	65.00
001996	BANK OF AMERICA	RANKIN VETERINARY HOSP.	65.00
001997	BANK OF AMERICA	MANNFORD VETERINARY SERVI	121.50
160723	OKLAHOMA MUNICIPAL ASSURANCE GROUP	3RD QRTR WCOMP PYMNT	1,644.28
<b>POLICE ANIMAL CONTROL TOTAL</b>			<b>2,079.28</b>

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**CITY OF SAND SPRINGS  
CITY COUNCIL BILLS**

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**01/25/2016**

**COMMUNICATIONS**

001924	AT&T LONG DISTANCE	410 072 5054 177	281.25
001971	BANK OF AMERICA	INDUSTRIAL MAINTENANCE	63.90
001972	BANK OF AMERICA	REASOR'S #21	169.46
001973	BANK OF AMERICA	WM SUPERCENTER #838	10.72
001982	BANK OF AMERICA	REASOR'S #21	105.01
001981	BANK OF AMERICA	PAM DISTRIBUTING	53.08
001980	BANK OF AMERICA	PAM DISTRIBUTING	115.00
160044	DEPARTMENT OF PUBLIC SAFETY	OLETS USER FEE	350.00
160723	OKLAHOMA MUNICIPAL ASSURANCE GROUP	3RD QRTR WCOMP PYMNT	7,795.87
001907	VERIZON WIRELESS	VERIZON	1,069.91
001908	VERIZON WIRELESS	VERIZON	40.01
<b>COMMUNICATIONS ADMINISTRATION TOTAL</b>			<b>10,054.21</b>

**FIRE**

160017	ATWOODS-SAND SPRINGS	STEEL WOOL EXTRA FINE	1.49
001988	BANK OF AMERICA	WITMER PUBLIC SAFETY G	158.55
001989	BANK OF AMERICA	WM SUPERCENTER #838	56.97
001990	BANK OF AMERICA	CONRAD FIRE EQUIPMENT	239.38
001991	BANK OF AMERICA	CUMMINS SO PLAINS 27	27.43
001992	BANK OF AMERICA	CHIEF FIRE SAFETY COMPA	114.70
160478	NORTH AMERICA FIRE EQUIP CO	42XL - SUPER DELUXE PANTS	819.24
160478	NORTH AMERICA FIRE EQUIP CO	13 PANTS AND ONE SHIRT	1,287.35
160478	NORTH AMERICA FIRE EQUIP CO	15 NAVY DUTY PANTS	1,394.25
160479	NORTH AMERICA FIRE EQUIP CO	2106BK-BL PANTS SIZE 34	318.00
160089	O'REILLY AUTO PARTS - S.S.	AIR CHUCK	5.89
160723	OKLAHOMA MUNICIPAL ASSURANCE GROUP	3RD QRTR WCOMP PYMNT	55,920.79
160575	OSU FIRE SERVICE TRAINING	REG FOR BENTLEY C POTTS	300.00
001915	VERIZON WIRELESS	VERIZON	440.11
<b>FIRE ADMINISTRATION TOTAL</b>			<b>61,084.15</b>

**EMERGENCY MANAGEMENT**

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**CITY OF SAND SPRINGS  
CITY COUNCIL BILLS**

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**01/25/2016**

001937	AMERICAN ELECTRIC POWER	AEP PSO MISC ACCTS	30.04
002057	AMERICAN ELECTRIC POWER	AEP PSO	281.48
001928	INDIAN ELECTRIC COOP INC	INDIAN ELECTRIC	24.28
160723	OKLAHOMA MUNICIPAL ASSURANCE GROUP	3RD QRTR WCOMP PYMNT	827.01
	<b>EMERGENCY MANAGEMENT ADMINISTRATION TOTAL</b>		<b>1,162.81</b>

**NEIGHBORHOOD SERVICES**

160017	ATWOODS-SAND SPRINGS	HARD HAT W/PINLOCK WHITE	7.99
001998	BANK OF AMERICA	OKLAHOMA MUNICIPAL LEAGUE	70.00
001995	BANK OF AMERICA	WM SUPERCENTER #838	25.19
160059	GENESIS OF OKLAHOMA	PRINTER/COPIER SUPPLIES	44.00
160059	GENESIS OF OKLAHOMA	PRINTER/COPIER SUPPLIES	44.00
160723	OKLAHOMA MUNICIPAL ASSURANCE GROUP	3RD QRTR WCOMP PYMNT	4,931.94
160123	THULIN, HOVEY	ABATEMENT CLEAN UPS	957.53
	<b>NEIGHBORHOOD SERVICES ADMINISTRATION TOTAL</b>		<b>6,080.65</b>

**STREET**

160009	ALLOY WELDING SUPPLY, INC	TANK RENTAL	15.30
001938	AMERICAN ELECTRIC POWER	AEP PSO MISC ACCTS	6,760.00
002058	AMERICAN ELECTRIC POWER	AEP PSO	322.65
001969	BANK OF AMERICA	LIGHTING INC	58.95
160047	DUNHAM'S ASPHALT SERVICES, INC	TCKT 990237	175.00
160053	EXPRESS SERVICES INC	TEMP LABOR W/E 12.20	1,159.20
160053	EXPRESS SERVICES INC	TEMP LABOR W/E 12.27	695.52
160072	LOCKE SUPPLY	250W MH BALLAST 5-TAP	327.18
160077	MID CONTINENT CONCRETE	ASH	246.25
160089	O'REILLY AUTO PARTS - S.S.	WINTER BLADES	35.52
160723	OKLAHOMA MUNICIPAL ASSURANCE GROUP	3RD QRTR WCOMP PYMNT	7,771.37
	<b>STREET STREET MAINTENANCE TOTAL</b>		<b>17,566.94</b>

**PARKS & RECREATION**

002002	BANK OF AMERICA	ABCO RENTS	116.27
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**CITY OF SAND SPRINGS  
CITY COUNCIL BILLS**

**01/25/2016**

001968	BANK OF AMERICA	SHI INTERNATIONAL CORP	79.00
001999	BANK OF AMERICA	LOS PRIMOS RESTAURANT	14.23
160600	GERONDALE, GRANT	LOT FOOD	185.59
160723	OKLAHOMA MUNICIPAL ASSURANCE GROUP	3RD QRTR WCOMP PYMNT	2,133.84
160690	SAND SPRINGS HOME INC	SUPPLEMENTAL INSURANCE	14.29
001916	VERIZON WIRELESS	VERIZON	80.02
<b>PARKS &amp; RECREATION ADMINISTRATION TOTAL</b>			<b>2,623.24</b>

160612	ADVANCE ALARMS INC	SERVICE CALL CAMERA	92.00
160612	ADVANCE ALARMS INC	CAMERA REPLACEMENT	287.00
001940	AMERICAN ELECTRIC POWER	AEP PSO MISC ACCTS	2,541.36
160608	AMSAN	INCLUDES \$17.90-353125404	77.90
160017	ATWOODS-SAND SPRINGS	CABLE TIES & POWERLOCK TA	49.89
002011	BANK OF AMERICA	CORE HEALTH & FITNESS	14.86
002003	BANK OF AMERICA	DOMINO'S 6431	34.80
002009	BANK OF AMERICA	ON THE BORDER	131.52
160032	CHARLES PEST CONTROL INC	JAN - MON PEST CONTROL	18.53
160072	LOCKE SUPPLY	150MH 1985 LUMENS	325.72
160723	OKLAHOMA MUNICIPAL ASSURANCE GROUP	3RD QRTR WCOMP PYMNT	3,246.71
<b>PARKS &amp; RECREATION COMMUNITY CENTER TOTAL</b>			<b>6,820.29</b>

160568	AFFORDABLE ASPHALT & MAINTENANCE CO	CLYDE BOYD TRAIL-ASPHALT	17,770.00
002059	AMERICAN ELECTRIC POWER	AEP PSO	209.41
001939	AMERICAN ELECTRIC POWER	AEP PSO MISC ACCTS	69.04
160017	ATWOODS-SAND SPRINGS	TARP 20' X 30' BLUE POLY	39.99
160017	ATWOODS-SAND SPRINGS	1/8IN STEP DRILL BIT	45.98
160017	ATWOODS-SAND SPRINGS	SHOCKWAVE 1/4IN HEX SHANK	9.98
002001	BANK OF AMERICA	BSN SPORT SUPPLY GROUP	3,607.90
002000	BANK OF AMERICA	QT 53 01000538	26.01
002007	BANK OF AMERICA	LOWES #02756	498.71
002004	BANK OF AMERICA	MAXWELL SUPPLY OF TULSA I	33.60
002005	BANK OF AMERICA	MAXWELL SUPPLY OF TULSA I	184.87
002006	BANK OF AMERICA	MAXWELL SUPPLY OF TULSA I	-90.40
002008	BANK OF AMERICA	SHERWIN WILLIAMS #7217	738.82
002010	BANK OF AMERICA	METAL PANELS INC-TULSA	1,417.82
002012	BANK OF AMERICA	SHERWIN WILLIAMS #7217	526.39
002013	BANK OF AMERICA	QUIK SERVICES STEEL OF TU	66.00
151468	BREWER CONST CO OF EASTERN OK INC	BUILDING RCP CONCESSION	14,725.00
160054	FASTENAL	15 GREEN SCAPES	209.85
160054	FASTENAL	SDS+ 5/16" X 6" OAL	83.76
160054	FASTENAL	1/2-13S/S NYLOCK	151.53
160077	MID CONTINENT CONCRETE	ASH - 1519241	355.25

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**CITY OF SAND SPRINGS  
CITY COUNCIL BILLS**

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**01/25/2016**

160077	MID CONTINENT CONCRETE	ASH-1033441	776.00
160077	MID CONTINENT CONCRETE	ASH-1033462	776.00
160077	MID CONTINENT CONCRETE	ASH - TICKET 1519507	776.00
160077	MID CONTINENT CONCRETE	ASH-1033474,1033479	1,649.00
160079	MOHAWK MATERIALS CO INC	CONCRETE MIX, WHITE PORTL	856.30
160723	OKLAHOMA MUNICIPAL ASSURANCE GROUP	3RD QRTR WCOMP PYMNT	4,787.46
<b>PARKS &amp; RECREATION MAINTENANCE TOTAL</b>			<b>50,300.27</b>

160093	PORTA JOHN CO INC	ANCIENT FOREST-MON RENT	181.50
<b>PARKS &amp; RECREATION SPECIAL EVENTS TOTAL</b>			<b>181.50</b>

001941	AMERICAN ELECTRIC POWER	AEP PSO MISC ACCTS	144.76
002060	AMERICAN ELECTRIC POWER	AEP PSO	549.28
160690	SAND SPRINGS HOME INC	SUPPLEMENTAL INSURANCE	1,347.54
160103	SAND SPRINGS HOME INC	RODEO ARENA/LOW WTR LEASE	1,875.00
<b>PARKS &amp; RECREATION SPORTS PROGRAMS TOTAL</b>			<b>3,916.58</b>

**MUSEUM**

160008	ALLIANCE MAINTENANCE INC	JAN JANITORIAL	235.00
001942	AMERICAN ELECTRIC POWER	AEP PSO MISC ACCTS	489.28
001943	AMERICAN ELECTRIC POWER	AEP PSO MISC ACCTS	43.76
160032	CHARLES PEST CONTROL INC	JAN - MON PEST CONTROL	41.00
160723	OKLAHOMA MUNICIPAL ASSURANCE GROUP	3RD QRTR WCOMP PYMNT	215.25
160098	POWELL, RICK	MUSEUM STORAGE RENTAL	600.00
160124	THYSSENKRUPP ELEVATOR CORP	MUSEUM - MAINT AGREEMENT	1,153.92
<b>MUSEUM ADMINISTRATION TOTAL</b>			<b>2,778.21</b>

**SENIOR CITIZENS**

160723	OKLAHOMA MUNICIPAL ASSURANCE GROUP	3RD QRTR WCOMP PYMNT	540.06
<b>SENIOR CITIZENS ADMINISTRATION TOTAL</b>			<b>540.06</b>

**CITY OF SAND SPRINGS  
CITY COUNCIL BILLS**

**01/25/2016**

**ECONOMIC DEVELOPMENT**

002014	BANK OF AMERICA	AMAZON MKTPLACE PMTS	33.99
160723	OKLAHOMA MUNICIPAL ASSURANCE GROUP	3RD QRTR WCOMP PYMNT	1,440.36
160488	ST. JOHN, KASEY	TUIT REIMBURS-KASEY ST.JO	135.00
<b>ECONOMIC DEVELOPMENT ADMINISTRATION TOTAL</b>			<b>1,609.35</b>

**GRAND TOTAL FOR FUND \$335,239.58**

**410 GO BOND 2014 FUND**

**PARKS & RECREATION**

151427	HEMPHILL SERVICES LLC	RCP CONCESSION WATER/SEWE	15,235.00
151427	HEMPHILL SERVICES LLC	RCP CONCESSION WTR/SEWER	7,150.00
<b>PARKS &amp; RECREATION MAINTENANCE TOTAL</b>			<b>22,385.00</b>

**GRAND TOTAL FOR FUND \$22,385.00**

**420 CAPITAL IMPROVEMENT FUND**

**ECONOMIC DEVELOPMENT**

001944	AMERICAN ELECTRIC POWER	AEP PSO MISC ACCTS	42.06
<b>ECONOMIC DEVELOPMENT ADMINISTRATION TOTAL</b>			<b>42.06</b>

**GRAND TOTAL FOR FUND \$42.06**

**440 STREET IMPROVEMENT FUND**

**STREET**

150592	DUNHAM'S ASPHALT SERVICES, INC	RIVER WEST ADDITION	115,875.21
160716	OKLAHOMA DEPT OF TRANSPORTATION	DESIGN-PED & BICYCLE SW E	19,523.00

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**CITY OF SAND SPRINGS  
CITY COUNCIL BILLS**

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**01/25/2016**

STREET STREET MAINTENANCE TOTAL

135,398.21

<b>GRAND TOTAL FOR FUND</b>	<b>\$135,398.21</b>
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**470 CAPITAL IMPR W & WW FUND**

**WATER**

160582 LIGHTING INC	FILTER ROOM LIGHTING REPL	6,600.20
<b>WATER TREATMENT TOTAL</b>		<b>6,600.20</b>
160302 CIRCLE P WELDING INC	N MCKINLEY HILLS WTR TANK	278,117.03
151404 TOTAL RADIO INC	WIRELESS WATER TANK WORK	5,513.50
<b>WATER WATER MAINT &amp; OPERATIONS TOTAL</b>		<b>283,630.53</b>

**WASTEWATER**

160676 ACCURATE ELECTRIC LLC	ANGUS LIFT STA-30 AMP DIS	498.00
160674 AEP/PSO	SEWER PUMP STATION UPGRAD	1,190.69
<b>WASTEWATER MAINTENANCE &amp; OPERATIONS TOTAL</b>		<b>1,688.69</b>
160583 VARA CORP LLC	TURBINE AERTOR (3 FULL UN	23,863.00
<b>WASTEWATER TREATMENT TOTAL</b>		<b>23,863.00</b>

<b>GRAND TOTAL FOR FUND</b>	<b>\$315,782.42</b>
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**480 AIRPORT CONSTRUCTION FUND**

**AIRPORT**

160718 GARVER LLC	OMNI-DIRECTIONAL APPROACH	12,849.68
<b>AIRPORT OPERATIONS TOTAL</b>		<b>12,849.68</b>

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**CITY OF SAND SPRINGS  
CITY COUNCIL BILLS**

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**01/25/2016**

<b>GRAND TOTAL FOR FUND</b>	<b>\$12,849.68</b>
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**530 GENERAL STCF**

**COMMUNICATIONS**

001983	BANK OF AMERICA	BEST BUY	00014993	429.96
001984	BANK OF AMERICA	ATWOOD 22	SAND SPRINGS	17.98
001985	BANK OF AMERICA	PAM	DISTRIBUTING	25.00
001987	BANK OF AMERICA	BEST BUY	00014993	24.99
<b>COMMUNICATIONS ADMINISTRATION TOTAL</b>				<b>497.93</b>

<b>GRAND TOTAL FOR FUND</b>	<b>\$497.93</b>
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<b>GRAND TOTAL</b>	<b>\$822,194.88</b>
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CITY OF SAND SPRINGS  
CITY COUNCIL BILLS  
WIRE TRANSFERS

01/25/2016

**FUND 210 GENERAL FUND**

1/15/2016 JE951	Prepaid Flex Benefits	1,118.81
1/14/2016 JE967	Suntrust Pumper Lease-Feb	5,746.59
1/13/2016 JE928	Vision-Jan Premium	744.83
1/11/2016 JE943	FSA Fees-Jan Premium	301.00
1/11/2016 JE945	Health-Jan Premium General	37,618.68
1/11/2016 JE946	Health-Jan Premium Fire & Police	73,425.27
1/8/2016 JE872	Child Supp Pmt Bi-wkly p/d 1/8/16	873.77
1/8/2016 JE872	Child Supp Pmt Bi-wkly p/d 1/8/16	154.31
1/8/2016 JE873	ICMA p/d 1/8/16	288.47
1/8/2016 JE874	ICMA Roth p/d 1/8/16	170.00
1/8/2016 JE875	Nationwide p/d 1/8/16	315.00
1/8/2016 JE875	Nationwide p/d 1/8/16	3,405.00
1/8/2016 JE876	OMRF p/d 1/8/16	14,523.91
1/8/2016 JE876	OMRF p/d 1/8/16 p/d 1/8/16	400.92
1/8/2016 JE878	Federal Tax p/d 1/8/16 General	18,372.98
1/8/2016 JE879	Federal Tax p/d 1/8/16 Fire & Police	31,861.97
1/8/2016 JE882	Payroll p/d 1/8/16 Fire & Police	113,121.80
1/8/2016 JE883	Payroll p/d 1/8/16 General	51,037.06
1/8/2016 JE884	State Tax p/d 1/8/16 Fire & Police	5,331.57
1/8/2016 JE885	State Tax p/d 1/8/16 General	2,252.48
1/8/2016 JE904	Prepaid Flex Benefits	251.82

**FUND TOTAL** \$ 361,316.24

**GRAND TOTAL** \$ 361,316.24

2012 REVENUE BOND  
DETAIL TRANSACTIONS

01/25/2016

<u>Invoice Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Invoice Amt</u>	<u>Category</u>
12/31/2015	Peak Uptime	IT Equipment for Spring Lake Campus	316.99	Spring Lake Campus
12/20/2015	CMSWillowbrook Inc	Construction on Spring Lake Campus	45,518.26	Spring Lake Campus
12/15/2015	Schneider Electric USA, Inc.	WWTP Scada Phase 3	1,950.80	Wastewater Treatment Plant
12/18/2015	Walters-Morgan Construction	Construction on WWTP	760,535.41	Wastewater Treatment Plant
12/17/2015	Schuermann Enterprises, Inc.	WWTP Scada Phase 3	73,940.80	Wastewater Treatment Plant
<b>GRAND TOTAL</b>			<b>\$ 882,262.26</b>	

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## 2016 Route Announced Today

### 2016 OK Freewheel Route Announced Today

Oklahoma City, OK, 1/16/2016 – The route for the 2016 Oklahoma Freewheel cross-state bicycle tour was announced today in Oklahoma City. Speaking at the Coop Ale Works Tap Room, Executive Director Trevor Steward made the much-anticipated route announcement to a large group of new and experienced Oklahoma Freewheel riders. The 2016 tour will start June 19 and conclude June 25.

Along with the route, the theme for this year's tour was announced. "A Tribute to the Five Tribes of Oklahoma", is what guided the route development and helped determine the entertainment that riders will experience in each host town. The theme also guided the design of the 2016 OK Freewheel jersey and ride t-shirt. With the goal of highlighting and celebrating the culture and traditions of The Five Tribes of Oklahoma, the tour will stay at least one night in each of the Five Nations.

Oklahoma Freewheel participants will be treated to a mostly south-to-north route across the east-central portion of Oklahoma. On June 19 riders will start their weeklong event in Madill, OK. Located in the Chickasaw Nation and near the Red River and Lake Texoma, Madill is best known for hosting the annual National Sand Bass Festival. From Madill, riders will cross over into the Choctaw Nation and ride to Coalgate. Coalgate is well known for its small town charm and its coal production in the early 1900's.

From Coalgate, the riders will take in the beautiful scenery on their way to the Seminole Nation capital of Wewoka. Wewoka is best known for its annual Sorghum Festival. From Wewoka, the tour continues on to Okmulgee located in the Muscogee (Creek) Nation. Along with being the capital of the Seminole Nation, Okmulgee is also home to the historic Creek Council House. From Okmulgee, the tour heads to Sand Springs, also located in the Muscogee (Creek) Nation. Sand Springs will host this year's fast-paced and exciting Speedwheel Criterium bicycle race presented by Team Soundpony.

From Sand Springs, the tour work it's way around Tulsa to Claremore. Located in the Cherokee Nation, Claremore is the home to Will Rogers and Rogers State University. After a night in Claremore, the tour makes its way to the northwest corner of the Cherokee Nation and to Bartlesville. Bartlesville is the home of the OK Mozart festival and the Price Tower, designed by Frank Lloyd Wright. The final day of the 2016 Oklahoma Freewheel tour takes riders across the Oklahoma-Kansas border into downtown Caney, KS. Lying just north of the border, Caney is home to the Safari Zoological Park.

Oklahoma Freewheel also announced the continuation of the gravel route option for this year's tour. Believed to still be the only organized gravel tour in the country, the gravel route will closely follow the road route while giving participants a very different view of Oklahoma. The first ever gravel tour option was introduced in 2015 and had approximately 30 participants.

The participants of Oklahoma Freewheel will travel around 460 miles to complete the 2016 cross-state bicycle tour.

Oklahoma Freewheel's mission is to promote and strengthen cycling tourism in Oklahoma. For more information on this great ride and to register, visit [www.okfreewheel.com](http://www.okfreewheel.com).

For questions and/or concerns, please contact Trevor Steward, Executive Director, at (918) 344-5987 or [director@okfreewheel.com](mailto:director@okfreewheel.com)

**Elizabeth A. Gray**

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**To:** Barbie Jackson  
**Subject:** RE: Officer Kristie Behar

Barbie,

Thank you for recognizing one of our employees. It means so much to us when citizens let us know when they have received excellent service from the City. Kristi is a great face for our team and we are so proud to have her as one of our own.

*Elizabeth A. Gray, MPA*  
City Manager  
City of Sand Springs  
918-246-2502

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**From:** Barbie Jackson [<mailto:barbie.jackson@sandites.org>]  
**Sent:** Tuesday, January 19, 2016 4:39 PM  
**To:** Mike Carter; Elizabeth A. Gray; Daniel Bradley  
**Cc:** Lloyd Snow; Rob Miller; durkee, sherry; Kristie Behar  
**Subject:** Officer Kristie Behar

**I wanted to let you know what an amazing job Officer Behar is doing for our schools. Last week, Officer Kristie Behar went above and beyond in dealing with a sensitive situation involving 3 of our Sand Springs students. She showed professionalism in listening to our counselor and myself as we described the heartbreaking family situation. She showed sensitivity and great care in listening to my young student discuss what was happening at home. Thanks to Officer Behar's efficiency, within a few hours, all three students were being taken care of and removed from a dangerous situation. I appreciate her and her dedication to keep our city and youngest citizens safe!**

--

**Barbie Jackson**  
**3rd Grade Teacher**  
**Limestone Technology Academy**  
**Sand Springs, OK 74063**  
**918.246.1560 ex:3315**

**Find us on [Twitter](#)**  
**Find us on [Facebook](#)**  
**Visit our [Class Page](#)**  
**Visit our [Blog](#)**

From: clburdge@aol.com  
Sent: Friday, January 15, 2016 8:49 AM  
To: Elizabeth A. Gray; Daniel Bradley  
Subject: Sand Springs Parks Department

I want to let you all know how much ABOVE AND BEYOND those guys in the SS Parks Department are going at the baseball complex. They have worked their fingers to the bones doing and building and improving the complex. They have been visionary - they have been hard working - they have been extremely valuable.

As one whose heart is right there in the center of that park - I can not say enough good things about what they have done and continue to do.

They are the best group of guys around and we are super fortunate to have their knowlege, expertise, and strong backs!

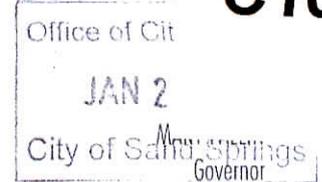
Thank you SS Parks Staff.

Cathy Burdge



OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

SCOTT A. THOMPSON  
Executive Director



C10e

January 8, 2016

Ms. Elizabeth A. Grey, City Manager  
City of Sand Springs  
P.O. Box 338  
Sand Springs, Oklahoma 74063

Re: Permit No. WL000072151027  
Highway 51 Potable Water Line Extension  
Facility No. 1020420

Dear Ms. Grey:

Enclosed is Permit No. WL000072151027 for the construction of 827 linear feet of twelve (12) inch PVC potable water line and all appurtenances to serve the City of Sand Springs, Tulsa County, Oklahoma.

The project authorized by this permit should be constructed in accordance with the plans approved by this Department on January 8, 2016. Any deviations from the approved plans and specifications affecting capacity, flow or operation of units must be approved, in writing, by the Department before changes are made.

Receipt of this permit should be noted in the minutes of the next regular meeting of the City of Sand Springs, after which it should be made a matter of permanent record.

We are returning one (1) set of the approved plans to you, one (1) set to your engineer and retaining one (1) set for our files.

Respectfully,

Qusay R. Kabariti, P.E.  
Construction Permit Section  
Water Quality Division

QRK/RC/bg

Enclosure

c: Rick Austin, Regional Manager, DEQ  
REGIONAL OFFICE AT TULSA  
Jarrod Sanders, P.E., AAB Engineering, LLC





SCOTT A. THOMPSON  
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

MARY FALLIN  
Governor

PERMIT No. WL000072151027

WATER LINES

FACILITY No. 1020420

PERMIT TO CONSTRUCT

January 8, 2016

Pursuant to O.S. 27A 2-6-304, the City of Sand Springs is hereby granted this Tier I Permit to construct 827 linear feet of twelve (12) inch PVC potable water line and all appurtenances to serve the City of Sand Springs, located in Section 16, T-19-N, R-10-E, Tulsa County, Oklahoma, in accordance with the plans approved January 8, 2016.

By acceptance of this permit, the permittee agrees to operate and maintain the facility in accordance with the Public Water Supply Operation rules (OAC 252:631) and to comply with the State Certification laws, Title 59, Section 1101-1116 O.S. and the rules and regulations adopted thereunder regarding the requirements for certified operators.

This permit is issued subject to the following provisions and conditions.

- 1) This water line provides adequate fire flow in accordance with the 2009 International Fire Code through the approved hydraulic analysis. The fire flow provided is 1,000 gpm.
- 2) That the recipient of the permit is responsible that the project receives supervision and inspection by competent and qualified personnel.
- 2) That construction of all phases of the project will be started within one year of the date of approval or the phases not under construction will be resubmitted for approval as a new project.
- 3) That no significant information necessary for a proper evaluation of the project has been omitted or no invalid information has been presented in applying for the permit.
- 4) That the Oklahoma Department of Environmental Quality shall be kept informed on occurrences which may affect the eventual performance of the works or that will unduly delay the progress of the project.
- 5) That wherever water and sewer lines are constructed with spacing of 10 feet or less, sanitary protection will be provided in accordance with Public Water Supply Construction Standards [OAC 252:626-19-2].





SCOTT A. THOMPSON  
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

MARY FALLIN  
Governor

PERMIT No. WL000072151027

WATER LINES

FACILITY No. 1020420

PERMIT TO CONSTRUCT

- 6) That before placing this facility into service, at least two samples of the water, taken on different days, shall be tested for bacteria to show that it is safe for drinking purposes.
- 7) That any deviations from approved plans or specifications affecting capacity, flow or operation of units must be approved by the Department before any such deviations are made in the construction of this project.
- 8) That the recipient of the permit is responsible for the continued operation and maintenance of these facilities in accordance with rules and regulations adopted by the Environmental Quality Board, and that this Department will be notified in writing of any sale or transfer of ownership of these facilities.
- 9) The issuance of this permit does not relieve the responsible parties of any obligations or liabilities which the permittee may be under pursuant to prior enforcement action taken by the Department.
- 10) That the permittee is required to inform the developer/builder that a DEQ Storm Water Construction Permit is required for a construction site that will disturb one (1) acre or more in accordance with OPDES, 27A O.S. Section 2-6-201 *et. seq.* For information or a copy of the GENERAL PERMIT (OKR10) FOR STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITIES, Notice of Intent (NOI) form, Notice of Termination (NOT) form, or guidance on preparation of a Pollution Prevention Plan, contact the Storm Water Unit of the Water Quality Division at P.O. Box 1677, Oklahoma City, OK 73101-1677 or by phone at (405) 702-8100.
- 11) That any notations or changes recorded on the official set of plans and specifications in the Oklahoma Department of Environmental Quality files shall be part of the plans as approved.
- 12) That water lines shall be located at least fifteen (15) feet from all parts of septic tanks and absorption fields, or other sewage treatment and disposal systems.
- 13) That whenever plastic pipe is approved and used for potable water, it shall bear the seal of the National Sanitation Foundation and meet the appropriate commercial standards.





SCOTT A. THOMPSON  
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

MARY FALLIN  
Governor

PERMIT No. WL000072151027

WATER LINES

FACILITY No. 1020420

PERMIT TO CONSTRUCT

- 14) That when it is impossible to obtain proper horizontal and vertical separation as stipulated in Public Water Supply Construction Standards OAC 252:626-19-2(h)(1) and OAC 252:626-19-2(h)(2), respectively, the sewer shall be designed and constructed equal to water pipe, and shall be pressure tested to the highest pressure obtainable under the most severe head conditions of the collection system prior to backfilling.

Failure to appeal the conditions of this permit in writing within 30 days from the date of issue will constitute acceptance of the permit and all conditions and provisions.

A handwritten signature in blue ink, appearing to read "Rocky Chen", is written over a horizontal line.

Rocky Chen, P.E., Engineering Manager, Construction Permit Section  
Water Quality Division

Handwritten initials "ca" in blue ink, located to the right of the signature line.





SCOTT A. THOMPSON  
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

Office of City Manager  
JAN 20 2016  
City of Sand Springs

C10f

MARY FALLON  
Governor

January 11, 2016

Ms. Elizabeth Gray, City Manager  
City of Sand Springs  
P.O. Box 338  
Sand Springs, Oklahoma 74063

Re: Permit No. SL000072150938  
Sonic Drive In at 210 South Adams Road  
Facility No. S-20457

Dear Ms. Gray:

Enclosed is Permit No. SL000072150938 for the construction of 220 linear feet of eight (8) inch PVC sanitary sewer line and all appurtenances to serve the City of Sand Springs, Tulsa County, Oklahoma.

The project authorized by this permit should be constructed in accordance with the plans approved by this Department on January 11, 2016. Any deviations from the approved plans and specifications affecting capacity, flow or operation of units must be approved, in writing, by the Department before changes are made.

Receipt of this permit should be noted in the minutes of the next regular meeting of the Sand Springs, City of, after which it should be made a matter of permanent record.

We are returning one (1) set of the approved plans to you, one (1) set to your engineer and retaining one (1) set for our files.

Respectfully,

Qusay R. Kabariti, P.E.  
Construction Permit Section  
Water Quality Division

QK/RC/bg

Enclosure

c: Rick Austin, Regional Manager, DEQ  
REGIONAL OFFICE AT TULSA  
Jason Mohler, P.E., Cedar Creek, Inc.





SCOTT A. THOMPSON  
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

MARY FALLIN  
Governor

PERMIT No. SL000072150938

SEWER LINES

FACILITY No. S-20457

PERMIT TO CONSTRUCT

January 11, 2016

Pursuant to O.S. 27A 2-6-304, the City of Sand Springs is hereby granted this Tier I Permit to construct 220 linear feet of eight (8) inch PVC sanitary sewer line and all appurtenances to serve the City of Sand Springs, located in Section 11, T-19-N, R-11-E, Tulsa County, Oklahoma, in accordance with the plans approved January 11, 2016.

By acceptance of this permit, the permittee agrees to operate and maintain the facilities in accordance with the "Oklahoma Pollutant Discharge Elimination System Standards - OPDES" (OAC 252:606) rules and to comply with the state certification laws, Title 59, Section 1101-1116 O.S. and the rules and regulations adopted thereunder regarding the requirements for certified operators.

This permit is issued subject to the following provisions and conditions.

- 1) That the recipient of the permit is responsible that the project receives supervision and inspection by competent and qualified personnel.
- 2) That construction of all phases of the project will be started within one year of the date of approval or the phases not under construction will be resubmitted for approval as a new project.
- 3) That no significant information necessary for a proper evaluation of the project has been omitted or no invalid information has been presented in applying for the permit.
- 4) That wherever water and sewer lines are constructed with spacing of 10 feet or less, sanitary protection will be provided in accordance with OAC 252:656-5-4(c)(3) of the standards for Water Pollution Control Facility Construction.
- 5) That tests will be conducted as necessary to insure that the construction of the sewer lines will prevent excessive infiltration and that the leakage will not exceed 10 gallons per inch of pipe diameter per mile per day.
- 6) That the Oklahoma Department of Environmental Quality shall be kept informed of occurrences which may affect the eventual performance of the works or that will unduly delay the progress of the project.





SCOTT A. THOMPSON  
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

MARY FALLIN  
Governor

PERMIT No. SL000072150938

SEWER LINES

FACILITY No. S-20457

PERMIT TO CONSTRUCT

- 7) That the permittee will take steps to assure that the connection of house services to the sewers is done in such a manner that the functioning of the sewers will not be impaired and that earth and ground water will be excluded from the sewers when the connection is completed.
- 8) That any deviations from approved plans or specifications affecting capacity, flow or operation of units must be approved by the Department before any such deviations are made in the construction of this project.
- 9) That the recipient of the permit is responsible for the continued operation and maintenance of these facilities in accordance with rules and regulations adopted by the Environmental Quality Board, and that this Department will be notified in writing of any sale or transfer of ownership of these facilities.
- 10) The issuance of this permit does not relieve the responsible parties of any obligations or liabilities which the permittee may be under pursuant to prior enforcement action taken by the Department.
- 11) That the permittee is required to inform the developer/builder that a DEQ Storm Water Construction Permit is required for a construction site that will disturb one (1) acre or more in accordance with OPDES, 27A O.S. 2-6-201 *et. seq.* For information or a copy of the GENERAL PERMIT (GP-005) FOR STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITIES, Notice of Intent (NOI) form, Notice of Termination (NOT) form, or guidance on preparation of a Pollution Prevention Plan, contact the Storm Water Unit of the Water Quality Division at P.O. Box 1677, Oklahoma City, OK 73101-1677 or by phone at (405) 702-8100.
- 12) That all manholes shall be constructed in accordance with the standards for Water Pollution Control Facility Construction (OAC 252:656-5-3), as adopted by the Oklahoma Department of Environmental Quality.
- 13) That when it is impossible to obtain proper horizontal and vertical separation as stipulated in Water Pollution Control Facility Construction OAC 252:656-5-4(c)(1) and OAC 252:656-5-4(c)(2), respectively, the sewer shall be designed and constructed equal to water pipe, and shall be pressure tested using the ASTM air test procedure with no detectable leakage prior to backfilling, in accordance with the standards for Water Pollution Control Facility Construction OAC 252:656-5-4(c)(3).





SCOTT A. THOMPSON  
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

MARY FALLIN  
Governor

PERMIT No. SL000072150938

SEWER LINES

FACILITY No. S-20457

PERMIT TO CONSTRUCT

Failure to appeal the conditions of this permit in writing within 30 days from the date of issue will constitute acceptance of the permit and all conditions and provisions.

A handwritten signature in black ink, appearing to read "Rocky Chen", is written over a horizontal line.

Rocky Chen, P.E., Engineering Manager, Construction Permit Section  
Water Quality Division

Handwritten initials in blue ink, possibly "COX", are written to the right of the signature line.

