

CITY OF SAPULPA, OKLAHOMA
COUNCIL PROCEEDINGS
Special Meeting of April 11, 2016

The City Council of Sapulpa, Oklahoma, met in special session Monday, April 11, 2016, at 7:00 o'clock P.M. in the City Hall Council Chambers, 425 East Dewey Avenue, Sapulpa, Oklahoma.

Councilors Present: Reg Green, Mayor
Louis Martin, Jr., Vice-Mayor
John Anderson
Marty Cummins
Craig Henderson
Mike Hurt
Alan Jones
Theresa Jones
Hugo Naifeh
Charles Stephens

Staff Present: City Clerk Shirley Burzio, Urban Development Director Rachel Clyne, Urban Development Administrative Assistant Amy Hoehner, Environmental Administrator/Consultant Brooke Kononchuk, Manager Pro Tem Rick Rumsey and City Attorney David Widdoes

INVOCATION:

The invocation was given by Rev. Wally Johnson.

PLEDGE OF ALLEGIANCE:

The "Pledge of Allegiance" was led by Mayor Reg Green.

CONSIDER APPEAL FILED IN SUP-001 BY APPLICANT MILLER PRODUCTS, LLC, D/B/A GEM DIRT, AND TAKE ACTION ACCORDINGLY:

City Attorney David Widdoes provided an overview of the process involved in the filing of an application for a Specific Use Permit by Mr. Ron Miller, d/b/a Gem Dirt, for surface mining of sandy loam soil on 40 acres at 9999 South 49th West Avenue, formerly Clary Fields Golf Course.

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Per state law, the council adopted Ordinance No. 2744 on January 10, 2016, which established a specific use permit process. The process requires having applications heard before the Sapulpa Metropolitan Area Planning Commission and the Sapulpa City Council rather than the Board of Adjustment.

On February 9, 2016, Mr. Ron Miller, d/b/a Gem Dirt, LLC, filed an application with the Urban Development Department for a specific use permit (SUP-001). And on February 23, 2016, the matter of SUP-001 was heard before the Sapulpa Municipal Planning Commission, which was denied. An appeal was filed with the city on March 1, 2016, appealing the recommendation of the planning commission and requesting a hearing before the city council to grant the issuance of SUP-001.

City Attorney David Widdoes introduced the following:

1. Joint Exhibit "1" consisting of supporting documentation relative to the filing of SUP-001;
2. Joint Exhibit "2" consisting of supporting documentation relative to the appeal of Sapulpa Metropolitan Area Planning Commission's decision to deny SUP-001;
3. City's Exhibit "1" consisting of correspondence received from individuals opposed to SUP-001;
4. Applicant's Exhibit "1" providing information relative to Gem Dirt's generated gross revenue for the calendar year 2015;
5. City Exhibit "2" information from Kerry Elias citizens in opposition to SUP-001.

Mr. Stuart E. Van De Wiele, legal counsel for Mr. Ron Miller, d/b/a Gem Dirt, LLC, spoke to the council at-length on the facts surrounding SUP-001.

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The following citizens spoke to the council in opposition of SUP-001 by stating concerns about existing oil wells, heavy truck traffic, damage to streets from heavy truck traffic, negative effects on development, environmental issues with the creek, inconsistency with comprehensive plan, excessive dust, negative impact on Sapulpa's image, decrease of property tax, too many dirt pits in proximity of each other, and negates any future grants for roads and bridges: Bill Bacon, Walt Conner, Pat Graham, Cheryl Cheadle, Ryan Ritchie, Kerri Elias, Brad Bingman, Guy Berry, Dave Bennett, Jimmy Naifeh, Carlos Hernandez, Mike Brady, Russell Crosby, Rick Engleman, Dennis Parker, Susie Fleming, Cheryl Hall, Ted Branscum, Mike Wiederstein.

The following citizens spoke to council in support of SUP-001 by stating the company has been awarded safe mining practices and is monitored closely by state and federal agencies, family involvement in community and church, family operated business, company provides a need, without company construction costs in area will increase and projects will take longer to complete, excessive vehicular speed also by local residents not just heavy truck drivers, and company providing dirt to Gathering Place project: Jean Ann Thompson, Caitlin Moore, Jim Perigo, Nate Ellsworth, Birch Williams, Ed Banks, and Brian Johnson.

According to City Planner Rachel Clyne, staff recommended the approval of SUP-001 for a Use Unit 23 (Dirt Mining) at the subject property with stipulations and conditions from the Environmental Administrator.

Environmental Administrator/Consultant Brook Kononchuk, recommended the approval of SUP-001, subject to the following stipulations and conditions:

1. All permits obtained and filed;
2. Best management practices be installed and maintained;
3. Stockpiles located away from creek;
4. No mining in creek;
5. No change to watercourse of creek;
6. A minimum 100' boarder of natural vegetation between the water's edge and plant site;
7. Submittal to city of list outlining area to be permitted;
8. Develop a stream monitoring plan for both upstream and downstream;
9. Restore habitat which has been degraded;
10. Develop a closure and remediation plan.

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CONSIDER ENTERING INTO AN EXECUTIVE SESSION TO DISCUSS THE PENDING APPEAL IN SUP-001 UPON THE ADVICE FROM COUNSEL THAT DISCLOSURE WILL SERIOUSLY IMPACT THE ABILITY OF THE PUBLIC BODY TO CONDUCT THE LITIGATION IN THE PUBLIC'S INTEREST (25 O. S. SECTION 307(B)4):

Motion was made by Councilor Stephens, seconded by Councilor Theresa Jones, to approve an executive session to discuss the pending appeal in SUP-001 upon advice from counsel that disclosure will seriously impact the ability of the public body to conduct the litigation in the public's interest.

ROLL CALL: AYE-John Anderson, Marty Cummins, Reg Green, Craig Henderson, Mike Hurt, Alan Jones, Theresa Jones, Louis Martin, Hugo Naifeh, Charles Stephens. NAY-None. Motion carried 10-0.

The council departed from the council chamber to convene into an executive session at 9:47 o'clock P.M.

CONSIDER TAKING ACTION ON MATTER DISCUSSED IN EXECUTIVE SESSION:

At 10:04 o'clock P.M. and in open session, Mayor Reg Green called the regular council meeting to order.

Motion was made by Vice-Mayor Louis Martin, seconded by Councilor Charles Stephens, to deny the appeal of SUP-001 and deny the application for a Specific Use Permit submitted by Mr. Ron Miller, d/b/a Gem Dirt, LLC, as not being in the best interest of the public's welfare.

ROLL CALL: AYE-John Anderson, Marty Cummins, Reg Green, Craig Henderson, Theresa Jones, Louis Martin, Hugo Naifeh, Charles Stephens. NAY-Mike Hurt, Alan Jones. Motion carried 8-2.

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ADJOURNMENT:

There being no further business to consider, motion was made by Councilor Mike Hurt, seconded by Councilor Charles Stephens, to adjourn the meeting.

ROLL CALL: AYE-John Anderson, Marty Cummins, Reg Green, Craig Henderson, Mike Hurt, Alan Jones, Theresa Jones, Louis Martin, Hugo Naifeh, Charles Stephens. NAY-None. Motion carried 10-0.