



City of Broken Arrow
Special Meeting Minutes
City Council

City Hall
220 S 1st Street
Broken Arrow OK
74012

Mayor Craig Thurmond
Vice-Mayor Scott Eudey
Council Member Mike Lester
Council Member Johnnie Parks
Council Member Debra Wimpee

Tuesday, September 25, 2018

Time 5:00 p.m.

Council Chambers

1. Call to Order

Mayor Craig Thurmond called the meeting to order at approximately 5:00 p.m.

2. Roll Call

Present: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

3. Pledge of Allegiance to the Flag

Mayor Thurmond led the Pledge of Allegiance to the Flag.

4. General Council Business

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Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1136, a Resolution approving an amendment to the Fiscal Year 2019 Amended Manual of Fees, which establishes the fees and costs charged by the City of Broken Arrow; authorizing periodic adjustment and the waiver of fees by the City Manager; and providing an effective date of October 1, 2018

Assistant City Attorney, Kim Slinkard, reported Staff recommended Council amend the recently adopted Manual of Fees. She reported, specifically, Staff recommended a medical marijuana license fee change for dispensaries, growers and processors. She reported Staff analyzed the cost of processing this type of license and determined it would cost Staff approximately \$1,000 dollars for the initial license, and approximately \$700 dollars for the renewal. She stated she would be happy to answer any questions.

City Manager, Michael Spurgeon, reported he had felt \$2,500 dollars was a reasonable fee, but it had been brought to his attention that perhaps it was not, and following discussion with Larry Curtis, Plan Development Manager, and Trevor Dennis, Acting City Attorney, he asked City Council to consider the fee change. He stated he did not personally approve the fee change, as he felt there were many reasons to keep the fee higher, but he asked Council to discuss and decide.

Council Member Mike Lester asked if \$1,000 covered staff expense for processing. City Manager Spurgeon responded in the affirmative; however, additional unanticipated cost to the city could be incurred as this was a new process. He stated he anticipated the fee would be adjusted next year once the city understood exactly what would go into the permit process.

Vice Mayor Eudey stated the legislative piece indicated \$750 dollars for the initial application fee and \$450 dollars for renewal, and now \$1,000 dollars initial and \$700 dollars renewal was recommended. He asked if it would be a problem as the legislative piece read differently and was staff certain that the cost was higher than first determined. Ms. Slinkard responded when the legislative piece was initially posted, calculations were made low to be safe; however, the cost had been thoroughly analyzed since. She explained this was a new and unique field, the city had no guidance from State Legislature and it was unknown what it would actually cost the city; however, this was the best possible educated estimate. Council Member Lester asked if the city was required to wait an entire year before changing the fee if processing cost was found to be higher. City Manager Spurgeon responded in the negative. Council Member Lester stated he wanted to be certain if the fees were raised the residents understood it was not arbitrary, it was necessary to cover cost. Ms. Slinkard concurred and stated she hoped the State would provide guidance soon. She stated the Legal Department was given ninety days to enact criminal ordinances, zoning, ordinances, licensing, application processes, etc. She explained this was a very unusual situation and ninety days was a very short time period in which to complete the enactment.

City Manager Spurgeon stated he felt it was important to discuss said fees and as the City became more experienced with the process, the fees would be adjusted accordingly. Mayor Thurmond asked if the City could reevaluate the cost and make adjustments as soon as four months into the process. Assistant City Attorney Slinkard responded in the affirmative. Council Member Debra Wimpee stated the fees would not be retroactive once changed. Ms. Slinkard concurred. Vice Mayor Eudey asked if there was a chart which listed how the cost

was broken down and calculated. Ms. Slinkard responded in the affirmative; Development Services had a chart which listed the estimated cost for each item in the application process.

Council Member Johnnie Parks stated he was not opposed to making this change, since as he understood it, there would be many changes moving forward due to the lack of guidance from the State level; however, he was uncomfortable changing the fee during this Special Meeting, after being served a law suit today. Ms. Slinkard reported the proposed fee change was posted well in advance of the city being served the law suit and had nothing to do with the law suit. She reported citizens had called and complained to staff regarding the cost of the application fee, and after speaking with the City Manager regarding said complaints the cost of processing the license was analyzed. She stated she felt this would be a positive in the law suit as it showed the city had analyzed the expense. Council Member Parks stated he wanted to be certain this was not a response to the law suit, but was an effort to be fair to the citizens of Broken Arrow in identifying the cost of the application process. Ms. Slinkard indicated it was indeed an effort to be fair to the Citizens of Broken Arrow.

City Manager Spurgeon stated while the law suit could not currently be discussed, if City Council desired, a special discussion could be held on Thursday or Friday morning; otherwise, Council would receive an update during the Executive Session at the next City Council Meeting.

MOTION: A motion was made by Mike Lester, seconded by Scott Eudey.
Move to approve and authorize execution of Resolution No. 1136, indicating an initial application fee for medical marijuana dispensaries, growers and processors of \$1,000 dollars, with a renewal application fee of \$750 dollars

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

5. Remarks and Inquiries by Governing Body Members

There were no Remarks and Inquiries by Governing Body Members.

6. Remarks and updates by City Manager, including Recognition of Recent Accomplishments by Employees and Elected Officials

City Manager Spurgeon thanked City Council for meeting on such short notice and for consideration of this item.

7. Adjournment

The meeting adjourned at approximately 5:09 p.m.

MOTION: A motion was made by Johnnie Parks, seconded by Scott Eudey.

Move to adjourn

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

Attest:

Mayor

City Clerk