

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION EXPRESSING OBJECTION TO GAMING ON A MUSCOGEE CREEK NATION ALLOTMENT HELD IN TRUST FOR BY BIM “STEVE” BRUNER AND APROVAL OF AND AUTHORIZATION FOR THE CITY MANAGER TO TAKE ALL ACTIONS REASONABLY NECESSARY TO STOP ILLEGAL GAMING ON THIS TRACT OF LAND LOCATED BETWEEN THE CREEK TURNPIKE AND TUCSON STREET, WEST OF OLIVE STREET, IN THE CITY LIMITS OF BROKEN ARROW, OKALHAOMA**

**WHEREAS**, in August of 2016 the City of Broken Arrow (“City”) received a request from Dave Sanders (“Sanders”), a Civil Engineer with Sanders Engineering, Inc., to meet regarding a proposed dance hall and restaurant (“proposed development”) located on a Creek Indian Allotment, held in trust for Steve Bruner (“Bruner”), located South of the Creek Turnpike and West of Olive (South 129<sup>th</sup> East Avenue); and

**WHEREAS**, Sanders relayed to the City the proposed development would be serviced by on-site well water, on-site wastewater facility, and a storm water detention pond. Sanders was not seeking access to any City infrastructure or utilities, but Sanders indicated a willingness to work with City Inspectors and comply with all City Building Codes; and

**WHEREAS**, at the time of the meeting, Bruner indicated a possibility that Class 2 Gaming Machines would be included as part of the operation of the proposed development, although a final decision with regard to gaming had not been made at that time and the indication was that incorporation of as much would be made sometime in the future; and

**WHEREAS**, on October 18, 2016, the project concerning the proposed development was placed on the City Council agenda for an update and discussion; and

**WHEREAS**, Bruner declined the opportunity to make a formal presentation to the City Council due to his belief said presentation would have been pre-mature; and

**WHEREAS**, a number of concerned citizens attended the Council meeting in order to protest the possibility of gaming at the proposed development site; and

**WHEREAS**, the City Attorney and the Economic Development Coordinator met with Bruner and his representatives on at least two occasions, since this time and at which meetings they reviewed schematics of the proposed development, which included an apartment complex, a full-service hotel, an outdoor event area, as well as retail and other commercial businesses; and

**WHEREAS**, the Mayor, former Vice-Mayor, and City Manager met with Bruner and Bruner’s attorney, where conceptual drawings of the proposed development were reviewed, with the Mayor emphasizing multiple times his opposition to gaming at the proposed development; and

**WHEREAS**, the Mayor and City Manager met with Jared Cawley, an attorney working with citizen groups opposed to gaming in the City of Broken Arrow, with the Mayor and City Manager emphasizing opposition to gaming in the Broken Arrow area; and

**WHEREAS**, the *Tulsa World* has published several articles surrounding a variety of issues concerning the proposed development, the published articles including discussions about Luis Figuero ("Figuero"), an out of state attorney involved with a prior Casino project located to the North of the proposed development on another Creek Allotment, references to the Kialegee Tribal Town, and a notice letter of intent submitted to the National Indian Gaming Commission ("NIGC"); and

**WHEREAS**, the *Tulsa World* article also indicated the Muscogee (Creek) Attorney General sent a letter to Bruner advising him that the proposed development site was within the Nation's jurisdiction and all federal and tribal laws with regard to gaming must be followed; and

**WHEREAS**, Bruner continues to maintain that gaming is likely to be a part of the proposed development and future phases of development, but the present plan is to open a restaurant and a sports bar as a part of the proposed development without gaming at this time; and

**WHEREAS**, the City Council is opposed to gaming on the proposed development site.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Broken Arrow is opposed to gaming on a Muscogee Creek Nation Allotment held in Trust for Steve Bruner; and

**NOW, THEREFORE, BE IT RESOLVED**, the City Manager for the City of Broken Arrow is hereby authorized to take all actions reasonably necessary to stop illegal gaming on the tract of land located at the Creek Turnpike and Tucson Street, West of Olive Street in the City limits of Broken Arrow, Oklahoma.

**ADOPTED BY THE BROKEN ARROW CITY COUNCIL THIS 1<sup>st</sup> DAY OF AUGUST, 2017.**

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MAYOR

ATTEST:

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(Seal) City Clerk

APPROVED AS TO FORM:

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City Attorney