

**CITY OF PURCELL
REGULAR MEETING
JANUARY 6, 2020
6:00 P.M.
COMMUNITY ROOM OF THE
POLICE SERVICE BUILDING
1515 N. GREEN AVENUE**

MINUTES

1. Call to order and declaration of a quorum present.

Mayor Cox called the meeting to order and declared a quorum to be present at 6:00 p.m.

2. Roll Call.

Roll call was conducted by City Clerk, Dorothy Kennedy, with the following results:

Councilmen present: Danny Jacobs, Graham Fishburn, Theda Engert, Jay Tate, Ted Cox

Councilman absent: None

Staff present: Dale Bunn, Victor Lohn, Dorothy Kennedy, Jimmy New, John Blue, Clent Kennedy, Bobby Elmore, James Bolling, Tommy Mize

Counsel: Ted Haxel

3. Pledge of Allegiance.

Mayor Cox led the Pledge of Allegiance.

Mayor Cox asked for a moment of silence in honor of Ron Fishburn, long time member and friend of the community, veteran, former mayor and councilman and a friend to many.

Mr. Bunn offered the invocation.

4. Welcome.

Mayor Cox welcomed guests.

5. Discussion of agenda items.

Mayor Cox called for any discussion of agenda items. He announced that he had received Requests to be Heard from Mr. Bill Boyle and Mr. Steven Reeves.

Mr. Bill Boyle had made a request to address agenda item 12, Ordinance 18-08 Section 123.4 (C). Mr. Boyle advised this is the one that restricts days of operation to Monday thru Saturday from 9:00 am to 9:00 p.m. and requires closure for four holidays. Mr. Boyle advised Pharmacies are allowed to be open on Sundays with no restriction in hours. The State of Oklahoma has determined this product to be a medical product. He stated that he felt these type business should be treated like a pharmacy and with no restriction on days or hours of operation or holiday restrictions. Mr. Boyles advised he sees them as less problems than pharmacies because pharmacies sell opioids.

Mr. Steven Reeves had made a request to address agenda item 12, Ordinance 18-08 Section 123.4 (C). Mr. Steven Reeves a corporate citizen of Purcell provided the Mayor with a petition listing 7 concerns regarding Ordinance No. 18-08. He asked the Sunday and hours of operation be lifted. He stated that Sunday closure will result in the loss of tax revenue to the City and would eliminate two jobs. He advised he feels there should be no restrictions in terms of hours or days of operation since the same restrictions are not true of pharmacies. Mr. Reeves pointed out that it is "medical" marijuana. He reiterated it is counter productive for the City to force closure on Sundays, which will result in the loss of tax revenue and the elimination of two jobs.

He ask that the City stay with 788 and now SB-2612.

Councilman Fishburn asked Mr. Reeves if he had a business in Norman and was it open on Sundays. Mr. Reeves advised he did own a business and it is open on Sundays. He advised it is not common to be closed on Sundays. He stated the Council should have checked with industry owners prior to making laws. Mayor Cox stated that he had personally invited Mr. Reeves to a meeting while ordinance was being drafted.

6. Approve the Consent Agenda.

a. Approval of minutes for December 2, 2019 Meeting.

- b. **Approval of payment of claims as presented in the Council Expense Report in the amount of \$613,884.34.**
- c. **Approval of payment of Street & Alley Claims in the amount of \$10,300.00.**
- d. **Approval of payment for Unemployment Insurance in the amount of \$0.0.**
- e. **Approval of payment of Capital Improvement Claims in the amount of \$86,497.84.**
- f. **Approval of payment of Rural Fire Claims in the amount of \$0.0.**
- g. **Approval of payment for Airport Authority in the amount of \$9,647.73**
- h. **Approval of estimated payroll in the amount of \$240,000.00.**
- i. **Approval of the Treasurer's Financial Report.**

Councilman Jacobs made a motion second by Councilman Tate to approve the Consent agenda as written.

Yes: Jacobs, Tate, Fishburn, Engert, Cox No: None Absent: None

7. Consideration and possible action on items removed from the Consent Agenda.

There were no items removed from the Consent Agenda.

8. Discussion and possible action concerning Resolution No. 20-C01 A RESOLUTION OF THE CITY COUNCIL, CITY OF PURCELL, OKLAHOMA MAKING A REQUEST TO THE OKLAHOMA DEPARTMENT OF TRANSPORTATION (ODOT) TO DEDICATE THE BRIDGE OVER INTERSTATE 35 ON STATE HIGHWAY 74 IN THE CITY OF PURCELL, MCCLAIN COUNTY, OKLAHOMA AS SSGT CECIL WELLMAN MEMORIAL BRIDGE.

American Legion/VFW, Sgt Glen Parker, USAF was present to present their request to dedicate the bridge over I-35 on State Highway 74, as a memorial bridge, in honor of SSGT Cecil Wellman. He reported that SSGT Wellman served during the Vietnam War. He reported that is during a turbulent time in American History.

Sgt Parker reported that the American Legion had already honored a Veteran in Lexington and did not wish to leave veteran's from Purcell out. Sgt Parker stated that ODOT has already approved the request and the American Legion's request is for the City to draft a letter in support. He advised we needed to correct the resolution by replacing ODOT with Senator Paul Scott and Representative Sherrie Conley.

Councilman Jacobs made a motion second by Councilman Fishburn to amend Resolution No 20-C01 by removing Oklahoma Department of Transportation (ODOT) and replacing it with Senator Paul Scott and Representative Sherrie Conley.

Yes: Jacobs, Fishburn, Tate, Engert, Cox No: None Absent: None

Councilman Jacobs made a motion second by Councilman Fishburn to approve Resolution No. 20-C01 as amended in replacing ODOT with Senator Paul Scott and Representative Sherrie Conley.

Yes: Jacobs, Fishburn, Engert, Tate, Cox No: None Absent: None

9. Presentation and discussion of the Treasurer's Financial Report.

Mr. Lohn reported that November 2019 revenue continue to outpace the expenses for the current fiscal year. Tax revenue overall is flat, but on the positive side. The City continues to be able to cover expenses with current revenue streams.

10. Presentation and discussion of the City Manager Report.

Mr. Bunn reported on the following:

- Lights from the Heart had a positive year end with estimated attendance approximately 22,500. It had record donations this year up 16%, the best since it has begun. He noted the donations were record high even though there were 6 less days or about 17% less days this year than last year.
- The Multipurpose Center ceiling tiles have been replaced, interior painting is complete and roof repair is in progress.
- The Lake Trails base works is done. Concrete pads and sidewalks are complete and asphalt will go down when the weather is warmer.
- Restrooms are being rebid.
- Irrigation and planting along the Trails will be done this spring.

Mayor Cox asked if there is any grant funding available. Cody Penner advised they are looking at some potential grant funding but needed to know if the City supported it prior to applying.

Councilman Jacobs made a motion second by Councilman Tate to approve the City Council to serve notice in support of their efforts to write Federal Programs and gain direction and purpose and to complete a skate park.

Yes: Jacobs, Tate, Engert, Fishburn, Cox No: None Absent: None

Councilman Tate noted the agenda item does not say possible action. Mayor Cox advised the motion is voicing support of the project and is not approval of any funding.

15. Discussion and possible action concerning an update of status of 607 W Jefferson.

James New stated the owners of the property have done some clean up and cutting trees. The structure is boarded at this time but still needs to be torn down. Mr. New advised he had made several attempts to contact but was not able to do so. He advised he believes the owners will be willing to take it down.

16. Discussion and possible action to authorize the General Manager to sign closing documents on the Purchase of property for the new Hospital based on the understood site at 9th Avenue and Green Avenue for a cost of \$450,000.

Mayor Cox noted that the closing documents which include closing cost is \$456,145. He asked if we need to amend to include the closing cost amount? Mr. Haxel affirmed.

Councilman Fishburn made a motion second by Councilman Jacobs to amend the cost from \$450,000 to \$456,145.

Yes: Fishburn, Jacobs, Engert, Tate, Cox No: None Absent: None

Councilman Jacobs made a motion second by Councilwoman Engert to authorize the City Manager to sign closing documents based on the new amount of \$456,145.

Yes: Jacobs, Engert, Fishburn, Tate, Cox No: None Absent: None

17. Discussion and possible action concerning Budget Amendment GF- 2020-14 increasing Revenue - Reimbursement/Discount and increasing Appropriations – Vehicle Repairs both in the amount of \$4,084 due to an insurance claim to repair a police unit that was damaged.

Councilman Jacobs made a motion second by Councilwoman Engert to approve Budget Amendment GF-2020-14 as written.

Yes: Jacobs, Engert, Tate, Fishburn, Cox No: None Absent: None

18. Discussion and possible action concerning Budget Amendment GF-2020-15 increasing Revenue – Lakes Trails Donation and increasing Appropriations = Lake Trails Amenities both in the amount of \$1,253 due to the receipt of two benches, one chair and a grill.

Councilwoman Engert made a motion second by Councilman Tate to approve Budget Amendment GF-2020-15 as written.

Yes: Engert, Tate, Jacobs, Fishburn, Cox No: None Absent: None

19. Discussion and possible action concerning the recommendation of Oklahoma Municipal Assurance Group (OMAG) to deny Tort Claim No 207177-KW.

Ms. Kennedy explained the tort was in reference to brush that was cut by the City and stacked in the alley to be removed at a later time. After driving by the claimant noticed there were scratches on the side of her vehicle. OMAG investigated and found the City not at fault and have made the recommendation that the City deny the claim.

Councilman Fishburn made a motion second by Councilman Jacobs to deny the Tort Claim Number 207177-KW.

Yes: Fishburn, Jacobs, Engert, Tate, Cox No: None Absent: None

Mayor Cox declared the meeting to be in recess and short break prior to going into the Purcell Public Works Authority Meeting at 7:00 p.m.

Mayor Cox declared the City Council Meeting and the Purcell Public Works Authority in joint session in order to enter joint Executive Session at 7:12 p.m.

20. EXECUTIVE SESSION: DISCUSSION, CONSIDERATION RE: AN EXECUTIVE SESSION TO BE HELD IN ACCORDANCE WITH 25 O.S. § 307 (B) (3).

a. Discussion and consideration concerning the purchase or acquisition of certain land or property in accordance with 25 O.S. 307 § (B) (3).

Mayor/Chairman Cox made a motion second by Councilman/Trustee Jacobs to enter into joint Executive Session at 7:13 p.m. with the following persons entering: Councilmen/Trustees who are present, City/Trust Attorney Ted Haxel, City/Trust Manager Dale Bunn.

Yes: Cox, Jacobs, Fishburn, Engert, Tate No: None Absent: None

Mayor/Chairman Cox declared the Council has returned from Executive Session at 7:21 p.m.

Mayor Chairman Cox made a motion second by Councilman/Trustee Jacobs to return to regular Joint Session at 7:21 p.m.

Yes: Cox, Jacobs, Fishburn, Engert, Tate No: None Absent: None

21. EXECUTIVE SESSION: DISCUSSION, CONSIDERATION AND POSSIBLE ACTION CONCERNING ITEMS DISCUSSED IN EXECUTIVE SESSION IN ACCORDANCE WITH 25 O.S. § 307 (B) (3).

a. Discussion and consideration and possible action concerning the purchase or acquisition of certain land or property in accordance with 25 O.S. 307 § (B) (3).

No action taken on Executive Session.

22. City Council Comments.

Councilman/Trustee Tate complemented the City concerning the Lights from the Heart. He stated they were a big hit and the public loved them. He congratulated Chief Elmore and Captain Bolling.

Councilwoman/Trustee Engert congratulated Chief Elmore and Captain Bolling.

Councilman/Trustee Fishburn offered congratulations to Chief Elmore and Captain Bolling. The Police Department is very important link in the community. He also thanked the Council for their support during a very difficult time when his father had passed away. He advised his father, Ron Fishburn loved the community and was very proud of it.

Councilman/Trustee Jacobs offered his congratulations to Chief Elmore and Captain Bolling.

Mayor/Chairman Cox offered his congratulations as well to Chief Elmore and Captain Bolling. He also stated that he would like to see the feather grass replaced in areas along Green Avenue that are bare.

23. City Manager and staff comments.

None.

24. City Attorney comments.

None.

25. Adjourn.

Mayor Cox declared the meeting to be adjourned at 7:28 p.m.

Approved this 3rd day of February, 2020

Attest:

Ted Cox, Mayor

Dorothy Kennedy, City Clerk