

**CITY OF PURCELL
REGULAR MEETING
APRIL 5, 2021
6:00 P.M.
IN THE COMMUNITY ROOM OF
THE PURCELL POLICE SERVICE BUILDING
1515 N. GREEN AVENUE**

Special Notice applicable to the April 5, 2021 Purcell City Council Meeting:

*Because of the pandemic coronavirus (COVID-19) properly wearing personal protective
Mask or face shields and personal distancing of at least six (6) feet will be required.*

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, Bobby Elmore, John Blue, Michael Minor, Josh Van Ort, Kraig Eddleman, Rocky Claunch, Greg Cypert, Lain Bralley, Mike Lewis, Clent Kennedy, Justin Howell

Counsel: Greg Dixon, Ted Haxel joined the meeting in progress at 6:11 p.m.

3. Pledge of Allegiance.

Mayor Cox led the Pledge of Allegiance.

Mr. Bunn offered the invocation.

4. Welcome.

Mayor Cox welcomed guests, staff, and Council Members.

5. Discussion of Agenda Items.

Mayor Cox called for any discussion of agenda items. He acknowledged the Consent Agenda has many items and ask if there were any questions. There were none.

Mayor Cox advised when we get to agenda item number 23, we will recess the City meeting and enter a public hearing for discussion and close the public hearing and return to the regular meeting.

6. Approve the Consent Agenda:

- a. **Approval of minutes for March 1, 2021 and March 3, 2021 Meeting(s).**
- b. **Approval of payment of claims as presented in the Council Expense Report in the amount of \$583,912.38.**
- c. **Approval of payment of Street & Alley Claims in the amount of \$3,410.40.**
- d. **Approval of payment for Unemployment Insurance in the amount of \$0.00**
- e. **Approval of payment of Capital Improvement Claims in the amount of \$161,505.24.**
- f. **Approval of payment of Rural Fire Claims in the amount of \$0.00.**
- g. **Approval of payment of Cemetery Care in the amount of \$0.00.**
- h. **Approval of payment for Airport Authority Claims in the amount of \$0.00.**
- i. **Approval of estimated payroll in the amount of \$275,00.00**
- j. **Approval of the Treasurer's Financial Report.**
- k. **Approval of Final Grading & Retention Change Order No. 1 in the amount of \$1,800.**

- l. Approval of Sewer Improvements New Hospital Change Order No. 2 in the amount of \$7,340.**
- m. Approval of a Proclamation declaring April 2021 as Fair Housing Month.**
- n. Approval of a Proclamation declaring April 2021 as Child Abuse Prevention Month in the City of Purcell.**
- o. Approval of a Proclamation declaring April 10-16, 2021 as the Week of the Young Child.**
- p. Approval of Proclamation declaring May 6, 2021 as a National Day of Prayer in the City of Purcell.**
- q. Approval of Budget Amendment GF-2021-10 increasing Grant Expense – SLA in the amount of \$710.65.**
- r. Approval of Budget Amendment GF-2021-11 increasing Covid-19 Appropriations in the amount of \$4,706.52.**
- s. Approval of Budget Amendment GF-2021-12 increasing Trsf Out – Capital Improvement Appropriations in the amount of \$13,471.03.**
- t. Approval of Budget Amendment GF-2021-13 decreasing Misc. revenues and increasing Grant Monies Received both in the amount of \$494,855.05.**
- u. Approval of Budget Amendment Cap Imp-2021-3 increasing Grant Revenue in the amount of \$105,097.95, due to receipt of Grant from Oklahoma Department of Tourism & Recreation for Lake Trails Phase 1 and the receipt of a \$10,000 grant from OMAG for the Police Department.**
- v. Approval of Budget Amendment GF-2021-14 increasing Buy Back Appropriations in the amount of \$35,380.76.**
- w. Approval of Red Hill Storage Rehabilitation Change Order No. 3 in the amount of \$2,000.**

Councilman Jacobs made a motion second by Councilwoman Engert to approve the consent agenda as written.

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

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

No items were removed from the Consent Agenda.

8. Presentation and discussion of the Treasurer’s Financial Report.

Treasurer Victor Lohn gave a verbal financial report for February 2021. Revenues have outpaced expenses for the current fiscal year thru February 2021. Tax Revenue overall Year-to-Date is up 10.16% versus last year. Both City and Public Works revenues are higher than expenses in February 2021. The monthly profit for February was \$235,167 and year to date thru February is \$692,922.

- General Fund Year-to-Date Revenue budget comparison thru February is 75.21%
- General Fund Year-to-Date Expense budget comparison thru February is 65.66%
- PWA Year-to-Date Revenue budget comparison thru February is 74.71%
- PWA Year-to-Date Expense budget comparison thru February is 62.17%
- Mr. Lohn reported the standard percentage for comparisons is 66.67%

The City received payment from Lime Rock Resources Operating in the amount of \$78,927.78. Apparently is catch up for the past five years. We put funds back into the ICS account plus \$200,000. The account’s original balance was \$1.3M, we took out \$800,000, and put back \$1M. The current balance is \$1.5M.

9. Presentation and discussion of the City Manager Report.

Mr. Bunn reported on the following:

- Storm Sewer project is complete
- Rough Grading project is complete
- Sewer Upsizing project is complete with clean up being the only thing that remains
- Hospital Water Line is 70% complete
- We have experienced some issues on the north end of 9th Avenue due to unmarked utility lines. Especially with Windstream which has resulted in cut lines twice. Mayor Cox asked

if all the lines are going to be located on the west side, or will the water line move to the east side? Mr. Bunn stated we will have to have a discussion concerning that. He stated the current plan is to jog from being on the east side at the north end to go to the west side, which was in the plans. The reason for crossing the road is, there are so many utilities including gas lines in that area. We have a debate from a property owner in that area but to move to the other side would be at substantial increased cost estimated at \$50,000. Mr. Sullivan explained either option will be tight. There are no utilities on one option, but we would be right on the right of way. The other option is where there is a lot of utilities and will need to proceed slowly. We are weighing it out and will bring it back before the Council.

- The Hospital is going up. There was a Topping Out Beam Signing.
- Hospital erosion control is huge due to property owners downstream.
- Hospital projects remain within budget.
- The Chickasaw Wellness Center is requesting environmental information for the area. We are not aware of any.
- The Electric Department added new lighting to graphics on water storage towers.
- Red Hill sand blasting is complete, interior painting is complete. The outside painting has been waiting for calmer winds.
- EST continues to work on the interchange.
- Halff has sent final plans to ODOT for Main Street in February. The next step will come from ODOT. Mr. Bunn reported discovering “WPA” emblem was recognized and will need to be preserved.
- We received notification from OML that from the Infrastructure fund Purcell’s share is \$1M. We should receive half now and the other half in one year. All funds must be used for predetermined projects. Those that apply to Purcell are water, sewer or broadband. Next month we will present a water project in the Criner area. The project will benefit many people in that area.
- OMPA took board action that will be finalized Thursday. This will be the refinancing of the \$60M cost of the Winter Weather Impact.
- Chamber banquet is May 27 at the Southwind Hills, in Goldsby. The Giving Time nominations will awarded.

10. Discussion and possible action concerning an address from Dian Ramirez concerning:

- a. 300 Block N. Santa Fe has a hole wash out and fire plug bear (sic?).**
- b. Diner parking in street blocking driveway and mail block on 200 Block N. Canadian.**
- c. 206 N Canadian Street Fire Hazard with tall weeds.**

Ms. Dian Ramirez and Garland Hall were present. Ms. Ramirez stated customers from the Diner block residential driveways and mailboxes. Mayor Cox advised if we make it no parking, then the residents would not be able to park there either.

She reported there is a fire plug that is buried approximately 3 feet underground and has been since the 60’s. The complaint was that there is not a fire hydrant in their area. Mr. Bunn asked the Fire Chief if the hydrant is listed active. Chief Cypert advised it is not on their list and is not considered an active plug. He reported there is a hydrant approximately a block away.

Ms. Ramirez and Mr. Hall reported there is a lot next to Mr. Hall that is overgrown and is a fire hazard. The property is vacant other than a detached garage in which the roof is caved in. Mr. Hall’s complaint was that other property owners are picked on, but this one is not.

11. Discussion and possible action concerning a status report concerning drainage on the 500 Block South 6th Avenue.

Mr. Bunn advised he had asked Mr. Sullivan to look at the drainage in the 500 Block South 6th Avenue after last month’s meeting. Mr. Sullivan reported historically the drainage that feeds 6th and Eel River which totals 12.3 acres. Road-side ditches are basically nonexistent and most of the flow is contained in the street.

He advised all the flow comes down to at least Delaware. Delaware to the east is a street, but to

the west it is not a street, however, it is platted as one. Much of the flow from Delaware is taken west to a low area to an existing pond. More flow is picked up in an alley between Delaware and Eel River and taken to the west to the low area. The rest continues south to a man-made channel near Fox.

Mr. Sullivan advised there is an old culvert that the Water Department jetted both ends. It appears to have originally been installed for the drive to the Ready-Mix place. Mr. Sullivan suggested to try to pick up all the flow possible at Delaware because there is a ditch there. He advised the ditch could be extended further to get to the pond.

Mr. Sullivan advised historically the drainage feeds along roadside ditches however he didn't feel roadside ditches would work in that area. He stated just visually you can see most of the houses in that area are lower than the road. He suggested creating a gentle swell forcing the water to the street and until it can be carried further south. He advised he would start at Delaware.

Mr. Mize asked wouldn't it need to be built up from the alley of the Mini Storage all the way down? Mr. Sullivan stated from Delaware down would need to be built up. Mr. Mize stated concern that water would be forced into homes.

12. Discussion and possible action concerning the recommendation from Staff to renew Dillon & Associates firm for auditing services of the 2020-2021 fiscal year in the amount of \$28,750.

Mayor Cox reported that he, Vice Mayor Jacobs, Mr. Lohn and Mr. Bunn met with Mr. Dillon and it was agreed that there will be both pre-audit and post-audit meetings.

Councilman Jacobs made a motion second by Councilman Fishburn to approve staff recommendations to renew Dillon & Associates firm for auditing services for the 2020-2021 fiscal year in the amount of \$28,750.

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

13. Consideration and possible action concerning the City of Purcell continuing as a 2021-2022 Diamond Level Member of the Heart of Oklahoma Chamber of Commerce in the amount of \$26,000.

Ms. Elizabeth Baker presented the mission statement and activities of the Chamber. She reported the Chamber has 156 active members in which Purcell is at a Diamond Level. Councilman Fishburn asked if the Chamber has seen any decline in membership due to Covid. Ms. Baker advised she really has not. A few businesses have gone out but really wasn't Covid related. Much of Chamber activities are economic development oriented. The Lodging Tax Committee plans the first meeting this month.

Councilman Jacobs made a motion second by Councilwoman Engert to approve the 2021-2022 Chamber of Commerce Membership in the amount of \$26,000 as written.

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

14. Discussion and possible action concerning Ordinance No. 21-04 An ordinance for the City of Purcell implementing tiers for Medical Marijuana Processing.

Mayor Cox advised this is a follow up ordinance of a special meeting.

Attorney Greg Dixon advised the proposed ordinance allows processing in Commercial Zoned areas with water based only and it allows it to tie to a retail store. Mr. Justin Howell stated that staff had reviewed, and Code Enforcement approves the ordinance.

Councilman Fishburn made a motion second by Councilman Tate to approve Ordinance 21-04 as written.

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

15. Discussion and possible action to declare Ordinance No. 21-21-04 an emergency.

Councilman Fishburn made a motion second by Councilman Tate to declare Ordinance No. 21-04 an emergency.

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

16. Discussion and possible action concerning RESOLUTION 21-C08 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PURCELL (PURCELL) FOR THE PURPOSE OF FILING FOR A NATIONAL PARK SERVICE LAND AND WATER CONSERVATION GRANT TO REPLACE PLAYGROUND EQUIPMENT; AND AUTHORIZING THE MAYOR TO SIGN ALL RELATED DOCUMENTS.

Mr. Blue stated this concerns a 50/50 Land and Water Grant with a July 2021 filing deadline. He displayed a turnkey playground in the amount of \$210,264.09. This playground includes good size playground has some ADA accessibility which makes it more inclusive. The second playground which is smaller and could be built on at a later date at a turnkey cost of \$104,499.00.

If the smaller option is selected, we would be able to add to it in time. Mr. Blue also reported the playground is located next to the Rotary Pavilion which has fallen into disrepair over time. We would not be able to go back for additional funding through the Land and Water Conservation should we decide to make improvements. They will not award a second grant to the same location. Mr. Blue stated to replace would be \$40,000 to \$50,000. If we do not replace the Pavilion, we will have a new playground, new restrooms etc. right next to an old pavilion in disrepair in the same location.

Councilman Jacobs stated it is his feeling that we need to do it right because we are directing everything to that area. He advised he feels it needs to include replacing the Rotary Pavilion. He asked if the City received a grant that could be utilized on this project. Mr. Bunn affirmed it could because it was not project restricted. Councilman Jacobs recommended that we pursue the large playground and include replacing the pavilion in the grant, because we have the trails, restroom, the new playground with a pavilion in disrepair.

Mr. Bunn advised they would bring it back to the Council via resolution for approval.

17. Discussion and possible action concerning a recommendation from the Parks and Recreation Board to set July 2, 2021 as Independence Day Celebration and Fireworks display at the Purcell Lake.

Mr. John Blue informed the Council that last year Independence Day Celebration was held on a Friday and had a good turnout. Mayor Cox said the good turnout may be because it was a national holiday. This year Friday would not be a national holiday and your working crowd will not be able to be there. If food trucks and other activities may not be well attended on a workday.

Mr. Blue stated he would take it back before the Parks Board. Mayor Cox stated it can be placed on April 19 Special Meeting.

18. Discussion and possible action concerning Ordinance No. 21-02 AN ORDINANCE OF THE CITY OF PURCELL, OKLAHOMA ADOPTING AND ENACTING A NEW SECTION, DESIGNATED AS SECTION 10-7 TO CHAPTER 10 (ANIMALS), ARTICLE I (IN GENERAL) OF THE PURCELL CODE OF ORDINANCES; MAKING IT UNLAWFUL TO ALLOW ANIMALS TO DEFECATE IN CERTAIN AREAS WITHOUT REMOVING AND DISPOSING OF ANY SOLID WASTE DEPOSITED BY SAID ANIMAL; PROVIDING FOR PENALTY; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH;

Mr. Blue advised is the result of pet owners allowing dogs to utilize the splash pad, walking trails etc. These are location in which children play and it is a problem.

Councilman Jacobs made a motion second by Councilman Tate to approve Ordinance No. 21-02 as written.

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

19. Discussion and possible action concerning Ordinance No. 21-05 AN ORDINANCE OF THE CITY OF PURCELL RELATING TO CHAPTER 106 (TRAFFIC AND VEHICLES); ARTICLE 8 (STOPPING STANDING AND PARKING) DIVISION 1

(GENERAL); SECTION 106-228 (PARKING TIME LIMITS MAY BE ESTABLISHED; SIGNS); DIRECTING THE CITY MANAGER TO ESTABLISH TIME LIMITS FOR PARKING ON MAIN STREET BETWEEN CANADIAN STREET AND THIRDS AVENUE AND ON SECOND STREET BETWEEN MAIN STREET AND THE ALLEY; DIRECTING THE PURCHASE OF SIGNS; AND PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR FINES AND DECLARING AN EMERGENCY.

Mr. Bunn advised this has been a resolution, but he had asked that it become an Ordinance. We have some folks who are disputing it. The Ordinance mirrors what was already in resolution.

Mayor Cox asked if this is just around sidewalks or all parking. Mr. Bunn advised it is just around sidewalks. It does not affect the center parking area.

Councilman Jacobs made a motion second by Councilwoman Engert to approve Ordinance No. 21-05 as written.

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

20. Discussion and possible action to declare ordinance 21-05 and emergency.

Councilman Jacobs made a motion second by Councilwoman Engert to declare Ordinance 21-05 an emergency.

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

21. Discussion and possible action concerning a recommendation from the Purcell Rural Fire Board to purchase Wildland Gear from Casco Industries, Inc in the amount of \$8,570.50.

Fire Chief Cypert reported the current gear is good for ten years and then it is mandatory to replace. He reported current gear is eight and a half years old and he is attempting to replace half now and the other half next year to avoid replacing everything at one time.

Mayor Cox stated this is coming from Rural Fire Fund we just need to approve the purchase.

Councilman Jacobs made a motion second by Councilman Fishburn to approve the purchase of Wildland Gear as written.

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

22. Discussion and possible action to replace 12-year-old radios by the purchase of new radios that are compatible to the statewide radio system in the amount of \$11,750.

Chief Cypert advised this too will come from Rural Fire Fund. Currently the Fire Department has five radios that are not repairable and need to be replace.

Councilwoman Engert made a motion second by Councilman Fishburn to approve agenda item 22 to replace 12-year old radios as written.

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

Mayor Cox called the City Council Meeting in recess at 7:17 p.m. to enter a Public Hearing.

23. Public Hearing concerning declaration of a dilapidated structure at 520 Apache.

Mayor Cox declared the Public Hearing be opened at 7:17 p.m.

Mr. Mike Lewis of Code Enforcement reported having started the process July 2020. The matter appeared on the agenda. The owner requested to be allowed until winter and he would have it removed. Mr. Lewis contacted the owner in December 2020, and he ask for time to get through Christmas and the first of the year he was to obtain a quote. Mr. Lewis spoke to him again in February and was advised he would have it done by Spring. Mr. Lewis spoke to him March 22 informing the owner it would be back on the agenda. Mr. Lewis stated it was his recommendation to declare the structure dilapidated and have it torn down.

Mayor Cox called for anyone who wants to speak concerning this matter three times. No one appearing.

Mayor Cox declared the Public Hearing Adjourned at 7:19 p.m.

Mayor Cox declared the Council returned to regular session at 7:19 p.m.

24. Discussion and possible action concerning declaration and condemnation of dilapidated structure at 520 Apache.

Councilman Jacobs made a motion second by Councilman Tate to declare 520 Apache a dilapidated structure and condemn it.

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

25. Discussion and possible action to Name the New Airport Office Building after Lieutenant Colonel Ron Fishburn.

Mayor Cox advised he would like to see some type of policy or guidelines as to how we go about naming things (public property) after someone. Mayor Cox stated he is not against naming the building after Colonel Fishburn but would like some guidelines in place. He stated he felt we need to check with other communities as to what their policy. If anything, that the national political structure has taught us about naming things after individuals can have political repercussions.

Councilman Tate stated the previous policy was to bring it to the Council. He gave the example of a request to name the Municipal Airport after an individual. He advised he had gone to the Airport Board, obtained their approval and presented it to the Council for approval.

Councilman Tate made a motion second by Councilwoman Engert to approve the nomination to Name the Airport Office building after Lieutenant Colonel Ron Fishburn.

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

26. Discussion and possible action concerning Red Hill Water Storage Rehabilitation Change Order No 2 in the amount of \$35,623.57 and authorize the City Manager to sign Change Order approval and related documents.

Mr. Kenny Sullivan reported that all their records indicated the Red Hill storage to be 54 feet in diameter however the contractor discovered that it was in-fact 60 feet. Sullivan and Associates confirmed so the Change order has no increase included. It is passing along cost that would have been included in the original bid.

Councilman Jacobs made a motion second by Councilman Tate to approve Change Order No 2 as written.

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

Mayor Cox declared the meeting to be in recess in order to go into the Purcell Public Works Authority Meeting at 6:35 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 7:57 p.m.

27. EXECUTIVE SESSION: DISCUSSION, CONSIDERATION RE: AN EXECUTIVE SESSION TO BE HELD IN ACCORDANCE WITH 25 O. S. 307 § (B) (2).

- a. Discussion and consideration of labor contract for fiscal year 2021-2022 between the City of Purcell and the IAFF Local 3596 in accordance with 25 O.S. § 307 (B) (2).
- b. Discussion and consideration of labor contract for fiscal year 2021-2022 between the City of Purcell and the FOP #194 in accordance with 25 O.S. § 307 (B) (2).

Mayor Cox made a motion second by Councilman/Trustee Fishburn to enter into joint Executive Session at 7:57 p.m. with the following persons entering: Councilmen/Trustees who are present,

City/Trust Attorney Greg Dixon, City/Trust Manager Dale Bunn, and City/Trust Treasurer Victor Lohn.

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

Mayor/Chairman Cox declared the Council has returned from Executive Session.

Mayor Cox made a motion second by Councilman Jacobs to return to regular Joint Session at 9:02 p.m.

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

28. EXECUTIVE SESSION: DISCUSSION, CONSIDERATION AND POSSIBLE ACTION CONCERNING ITEMS DISCUSSED IN EXECUTIVE SESSION IN ACCORDANCE WITH 25 O. S. 307 § (B) (2).

- a. Discussion and consideration and possible action concerning labor contract for fiscal year 2021-2022 between the City of Purcell and the IAFF Local 3596 in accordance with 25 O.S. § 307 (B) (2).
- b. Discussion and consideration and possible action concerning labor contract for fiscal year 2021-2022 between the City of Purcell and the FOP #194 in accordance with 25 O.S. § 307 (B) (2).

Mayor Cox advised there will be no action on Executive Session.

29. City Council Comments.

Councilwoman/Trustee Engert thanked Ms. Kennedy and Mr. Lohn for coming to her grandmother's funeral.

Mayor/Chairman Cox stated he had information from a friend that there is a problem with soft porn in their home. He wondered if we need to address it by ordinance.

30. City Manager and staff comments.

None.

31. City Attorney comments.

None.

32. Adjourn.

Mayor Cox declared the meeting to be adjourned at 9:07 p.m.

Approved this 3rd day of May 2021

Attest:

Ted Cox, Mayor

Dorothy Kennedy, City Clerk