

**CITY OF PURCELL  
REGULAR MEETING  
MARCH 2, 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, Jay Tate, Ted Cox  
Councilman absent: Theda Engert was absent at roll call and joined the meeting at 6:02  
Staff present: Dale Bunn, Victor Lohn, Dorothy Kennedy, Gale McCarrell, James  
New, John Blue, Tommy Mize, Bobby Elmore, Clent Kennedy, Michael Minor, Mike Lewis  
Counsel: Ted Haxel

**3. Pledge of Allegiance.**

Mayor Cox led the Pledge of Allegiance.

Mr. Bunn offered the invocation.

**4. Welcome.**

Mayor Cox welcomed guests.

**5. Discussion of agenda items.**

Chairman Cox called for any discussion of agenda items. He announced that he had a request from Mr. Jon Lawson and Mr. Eric Cruikshank both to speak in support approval of agenda item 16. Mr. Lawson introduced himself and stated he was with Mid State Housing in Purcell. He also advised that he owns the property on South 6<sup>th</sup>. He has a potential buyer who applied through the Planning Commission to have it rezoned, but the request was denied. Mr. Lawson advised he feels the property has commercial potential because it can be seen from the old Spencer parking lot. Mr. Cruikshank added that his intended use of the property is to store vehicles only. He advised there is no intent to use it as a salvage yard. This will be vehicles that they pickup from insurance companies awaiting going to dealerships. Mayor Cox advised this item would be further discussed in item number 16.

*Councilwoman Engert joined the meeting already in progress at 6:02 p.m.*

**6. Approve the Consent Agenda.**

- a. **Approval of minutes for February 3, 2020 Meeting.**
- b. **Approval of payment of claims as presented in the Council Expense Report in the amount of \$554,891.52.**
- c. **Approval of payment of Street & Alley Claims in the amount of \$0.0.**
- 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 \$53,230.00**
- f. **Approval of payment of Rural Fire Claims in the amount of \$1,456.71.**
- g. **Approval of payment for Airport Authority in the amount of \$0.0**
- 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 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.**

None.

**8. Presentation and discussion of the Treasurer's Financial Report.**

Treasurer Victor Lohn gave the January 2020 financials report. He reported revenues were outpaced by expenses for the current fiscal year thru January 2020. Sales Tax revenue is overall flat. The City used \$295,000 reserves to cover expenses in January.

**9. Presentation and discussion of the City Manager Report.**

Mr. Bunn reported on the following activities:

- The Multi-Purpose Center ceiling, painting and roofing is complete.
- Lake Trails still need the asphalt laid however, the weather has continued to be too wet.
- The New Hospital ground breaking took place today.
- Mr. Bunn advised the Water well is moving forward.
- The Site Clearing Bid will open this Thursday and there will be a special meeting Friday at 1:00 p.m. at City Hall.
- Mr. Haxel introduced attorneys Chris Lynd and Greg Dixon. He informed the Council that they will be filling in for him during the month of May and possible from time to time at his own expense.
- Mr. Bunn asked Chief Elmore to offer an Accreditation and Certification Assessment Report through the Oklahoma Law Enforcement Accreditation Program. The program demonstrates that the agency meets minimum requirements for professional standards and best practices for efficient and effective delivery of law enforcements services. Chief Elmore reported the Purcell Police Department was unanimously recommended for certification status by the Assessment Team. The recommendation results will be presented and voted on by the Accreditation Commission on March 19<sup>th</sup>. Chief Elmore advised the Council the certification is not easy to attain stating out of 483 police agencies in Oklahoma only 16 are accredited.
- Mr. Bunn noted that Mayor Cox was recognized as "Gateway Guardian" at the Chamber Banquet.

**10. Discussion and possible action concerning an address from Gary Huddleston requesting additional stop signs, speed limit signs and slow children at play in the area of South Canadian.**

Mr. Gary Huddleston was not present at the time the agenda came up.

Mr. Bunn provided some background, advising this same item was brought up in 2011, when Sam Vaughn had made a request to reduce the number of stop signs in that area. There was an approximate four block section that had a stop sign at every intersection. Stop signs on Comanche and Eel River were removed. There was a group that came in opposition but have since changed their position. Mr. Bunn advised upon the request he asked it to be reviewed again.

Chief Elmore reported extra patrol was conducted in the area from February 27<sup>th</sup> to today. During that time one speeding ticket and one ticket for failure to fully stop at a stop sign was issued. No other contact was made in the area as compared to other areas in the City, there were 18 warnings and 9 total citations issued. They spent several hours patrolling the designated area.

Mr. Bunn advised there are problems with drivers cutting through the area to avoid traffic on Green Avenue. Mr. Bunn advised putting up children at play signs is not a good answer.

**11. Discussion and possible action concerning Resolution No. 20-C03 a resolution of the City of Purcell to execute certain project agreement for STATE Job Piece No. 32802(4), Project I-35/State Highway 74, by and between the City of Purcell and Oklahoma Department of Transportation and authorizing the Mayor to execute said agreement.**

Mr. Bunn introduced Mr. T.J. Dill and Secretary Ridley with ODOT if there are any questions. Mayor Cox asked if this is a necessary step to keep things moving along, and with nothing changed from previous discussions. Mr. Dill advised this is the progression, once signed, ODOT will enter into a contract with Purcell to get the design going.

Mayor Cox advised according to his understanding some of the things in place go hand-in-hand with this project. He advised he did not want public misunderstanding that this would be a one-time payment, but would be a pay as you go project. Mr. Bunn advised this would be a 2-3-year phased project.

Councilman Jacobs made a motion second by Councilman Tate to approve Resolution 20-C03 as written.

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

**12. Discussion and possible action concerning a Project Agreement No. 32802(04) I-35/SH-74 W Intersection Modifications McClain County, Oklahoma which outlines both City and ODOT responsibilities.**

Councilman Jacobs made a motion second by Councilman Engert to approve Project Agreement No 32802(04) as written.

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

**13. Discussion and possible action concerning Joint Resolution No. 20-C04 – 20-P03 a resolution acknowledging a request from the Town of Washington to provide and regulate water for residential us in the Oakmont Development, and to maintain said lines and meters.**

Mr. Bunn advised the City of Washington has a resolution that was set to go before them allowing us to place meters. Mr. Bunn advised Washington did not have a quorum and were unable to meet. If we have Washington’s approval prior to posting Friday’s special meeting, we will place it on the agenda.

Councilman Jacobs stated that he has no problem selling Washington water but had questions concerning placing meters within their city. He stated he has no problem with selling Washington water. He advised he thinks they should put their own meters. Mr. Bunn advised the proposal is that these customers will be considered “Rural Water Customers”. Michael Minor, Water Superintendent advised we already have water lines and meters in the area, so we are not out anything extra to monitor.

Mr. Bunn advised that Washington understands that they will authorize the City of Purcell regulate water usage within the Oakmont Addition. The developer will install the water lines and meters at his expense.

Mr. Sullivan advised this is a practice that generally happens in rural areas. It is generally not from City to City, but it is not unheard of. Washington does not want to be out the cost of drilling wells and further updating their system to accommodate this addition. The project will be at no cost to Purcell and we have the water available in this area.

Councilman Tate asked if water rationing became necessary, how would we enforce it there. Mayor Cox advised for customers that do not comply with water rationing, one enforcement strategy would be to cut the water off. We have meters that are able to monitor that. We need to set up a fee for violating a water ration order.

No action taken.

**14. Discussion and possible action concerning a request to pass Resolution No. 20-C05 a resolution recognizing availability of fresh fruits and vegetables and encouraging a healthy diet for children and adults.**

Mr. Joe Johnson advised he has done some research and surveys over the past several months. The resolution just recognizes that it is difficult to get fresh fruits and vegetables. Mr. John Blue advised the Farmers Market was inconsistent and there is ongoing discussion of setting it up at McCurdy Park.

Councilman Fishburn made a motion second by Councilman Tate to approve Resolution No. 20-C05 recognize the research.

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

**15. Discussion and possible action to approve the City’s share of the cost estimated to be \$25,330.31 and the total project cost is \$117,544.92 for Oklahoma Natural Gas to move gas lines to allow improvements to roadway and drainage around the Chickasaw Wellness Center along Sherri Classic and Hardcastle Boulevard.**

Mr. Bunn advised that Mr. Sullivan recognized that there were gas lines that needed to be moved in order to do the improvements on Sherri Classic and Hardcastle Boulevard. We caught ONG at a time when they needed to do other improvements in that location. The \$25,330.31 was calculated

for items that they would not have done for themselves. Mayor Cox advised he understood the City was doing engineering only and did not include utilities. Mr. Bunn advised he believed we were going to need to pay our part of moving our utilities.

Mr. Kenny Sullivan noted that ONG needed some improvements in the area but the \$25,330 is the City's portion items that they would not have done.

Councilman Fishburn made a motion second by Councilman Jacobs to approve upon verification that the cost is determined to be in the contract.

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

**16. Discussion and possible action concerning Ordinance No. 20-01 AN ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICTS MAPS ESTABLISHED BY THE ZONING ORDINANCE OF THE CITY OF PURCELL; AUTHORIZING SAID CHANGES TO BE MADE TO THE OFFICIAL ZONING DISTRICTS MAP OF SAID CITY; with respect to 529 S 6<sup>th</sup>.**

Mayor Cox asked what the Planning Commission recommendation is. Mr. Clent Kennedy advised there were only three members present but among members present the decision was unanimous to deny the request to rezone. He advised there was opposition at the meeting, and it is located between two residential structures.

Councilman Fishburn made a motion second by Councilman Jacobs to deny Ordinance No 20-01.

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

Mayor Cox advised he hopes they will take this matter back before the Planning Commission.

**17. Discussion and possible action to declare Ordinance No. 20-01 an emergency.**

No action taken.

**18. Discussion and possible action concerning the Ordinance No. 20-02 AN ORDINANCE OF THE CITY OF PURCELL AMENDING CHAPTER 123, OF THE PURCELL CODE OF ORDINANCES BY DELETING SECTION 123.04 (CONDITIONS OF OPERATION FOR RETAIL MARIJUANA ESTABLISHMENTS) SUBSECTION C; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.**

Mayor Cox advised the Council that this items comes before the Council after a moratorium was set in place concerning hours of operation. The proposed ordinance allows dispensaries to be open the same hours as the State allows. Mr. Haxel advised currently the State does not place restrictions concerning hours or days of operation.

Councilman Jacobs made a motion second by Councilman Tate to approve Ordinance No. 20-02 as written.

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

**19. Discussion and possible action to declare Ordinance No. 20-02 an emergency.**

Councilman Jacobs made a motion second by Councilman Engert to declare Ordinance No 20-02 an emergency, so that it goes into effect immediately.

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

**20. Discussion and possible action on a moratorium on enforcement sections of Ordinance with respect to permitting of home-grown cannabis limits.**

Mayor Cox advised that he had asked for this to be placed on the agenda after some social media discussions with concerned citizens. Currently Purcell has a \$50 per year permit for home-grown cannabis. He advised he believes it was approved November 2018. Currently we have had no one who has requested a permit and there have been no citations issued. Mr. Haxel stated that we cannot charge for a home-grown cannabis.

Mayor Cox requested that the Council approve a six-month moratorium, which will come back to Council in the September meeting. This will allow the State to finish the legislation session and the City to compare for possible updating with State Law.

Mayor Cox made a motion second by Councilman Tate that we place a six-month moratorium on enforcement of sections of our Medical Marijuana Ordinance with respect to permitting home-grown cannabis limits.

Yes: Cox, Tate, Jacobs, Fishburn, Engert

No: None Absent: None

**21. Discussion and possible action to award contract to CXT, Inc., for the Purcell Lake Restroom Project No. 2019 RR from the following bid pricing.**

**a. Base price 49,902 Total Price \$51,502**

Mayor Cox asked what the \$1,600 difference between the base price and the total price was. Mr. Bunn advised it was hand dryers and a water heater.

Councilman Jacobs made a motion second by Councilman Fishburn to award to CXT for the Lake Restroom Project in the amount of \$51,502.

Yes: Jacobs, Fishburn, Engert, Tate, Cox

No: None Absent: None

**22. Discussion and possible action concerning a report from Code Enforcement on property condition of following locations:**

Mr. James New presented slide show demonstrating the condition of listed properties. Mr. New advised most of the properties would be on the April Agenda for possible dilapidated action.

- a. **1723 Pybas** – Transients, drug activity and no utilities.
- b. **415 N. Santa Fe** – Complaints of transients and drug activity.
- c. **25468 Johnson Road** – In 2014 the owner was supposed to shut it down. Has not happened and the trailers are falling apart and frequently have transients.
- d. **402 N. Canadian** the son is working with Code and has a large dumpster while cleaning.
- e. **912 N. 7<sup>th</sup>** - Trash and graffiti.
- f. **605 Adams** – has been boarded up for 25-30 years.
- g. **607 Adams** – house falling apart.
- h. **211 Fox** has been occupied by homeless people and will bring evidence next month as to why it needs to be declared delapidated.
- i. **629 S 3<sup>rd</sup>**- Broken glass, Chimney coming out of the window.

*Mayor Cox went back to Agenda Item #10*

**10. Discussion concerning an address from Gary Huddleston requesting additional stop signs, speed limit signs and slow children in the area of South Canadian.**

Mr. Huddleston advised he lived in the 600 Block North Canadian. He advised a few years ago a petition was presented to the City Council requesting additional stop signs to help control speeders in the area. He stated the location is near a school bus stop and vehicles come down the road speeding. He advised vehicles go so fast that it is unsafe for children to play. He asked the speed limit, stop signs be put back up.

Mr. Bunn advised in 2012 the same area was evaluated and a couple of stop signs were removed from South Canadian and Eel River. Councilman Fishburn asked if the Police Department would be able to make some type of assessment. Chief Elmore advised he could look at a mobile radar unit.

**23. Discussion and possible action concerning Budget Amendment GF-2020-16 increasing Revenue – Disc Golf Donations \$200 and increasing Appropriations – Disc Golf Events \$200.**

Councilman Jacobs made a motion second by Councilman Fishburn to approve Budget Amendment GF-2020-16 as written.

Yes: Jacobs, Fishburn, Engert, Tate, Cox

No: None Absent: None

**24. Discussion and possible action concerning Budget Amendment GF-2020-17 increasing Revenue – Insure Oklahoma Reimbursement \$18,946.75 and Trsf In – GF \$18,946.75 and increasing Appropriations – Trsf Out – Health Savings Acct \$18,946.75 and Provision for Claims \$18,946.75.**

Councilman Jacobs made a motion second by Councilman Fishburn to approve Budget Amendment GF-2020-17 as written.

Yes: Jacobs, Fishburn, Tate, Engert, Cox

No: None

Absent: None

**25. Discussion and possible action concerning Budget Amendment RF-2020-2 Increasing Appropriations – Equipment \$9,769, funds from Reserves to purchase Rural Fire Equipment.**

Councilman Jacobs made a motion second by Councilman Engert to approve Budget Amendment RF-2020-2 as written.

Yes: Jacobs, Engert, Fishburn, Tate, 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 7:40 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 8:01 p.m.*

**26. 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 8:01 p.m. with the following persons entering: Councilmen/Trustees who are present, City/Trust Attorney Ted Haxel, City/Trust Manager Dale Bunn, City/Trust Treasurer Victor Lohn and Ben Oglesby.

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

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

Mayor/Chairman Cox made a motion second by Councilman/Trustee Jacobs to return to regular Joint Session at 8:41 p.m.

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

**27. 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 on the City side.

**14. City Council Comments.**

Councilman/Trustee Tate informed Mr. Bunn that he had been contacted by a constitute concerning property at 105 Monroe. He asked if there were plans concerning the Corona Virus. Mr. Bunn advised emergency personal would handle it.

Councilman/Trustee Fishburn informed the north water tower was only half lit.

**15. City Manager and staff comments.**

Treasurer asked if April 16<sup>th</sup> at 6:00 would be good for a budget meeting.

**16. City Attorney comments.**

None.

**17. Adjourn.**

Mayor Cox declared the meeting to be adjourned at 8:50 p.m.

*Approved this 6th day of April, 2020*

**Attest:**

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**Ted Cox, Mayor**

\_\_\_\_\_  
**Dorothy Kennedy, City Clerk**