

**MINUTES
CITY OF PURCELL
REGULAR MEETING
MAY 2, 2022
6:00 P.M.
IN THE COMMUNITY ROOM OF
THE PURCELL POLICE SERVICE BUILDING
1515 N. GREEN AVENUE**

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

Interim Vice-Mayor Fishburn 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, Andrea Millsap, with the following results:

Councilmen present: Allen Eubanks, Graham Fishburn, Theda Engert, Jay Tate

Councilman absent: Ted Cox

Staff present: Andrea Millsap, Victor Loan, Dale Bunn, Bobby Elmore, Serena Melton, Justin Howell, Michael Minor

Counsel: Greg Dixon

3. Pledge of Allegiance.

Interim Vice-Mayor Fishburn led the Pledge of Allegiance.

Dale Bunn offered invocation.

Mr. Bunn received a phone call from Emergency Management that they were going to sound tornado sirens.

At 6:03 p.m., Councilman Eubanks made a motion seconded by Councilman Tate to recess for the duration of the storm.

Yes: Eubanks, Tate, Engert, Fishburn

No: None Absent: Cox

At 6:44 Interim Vice-Mayor Fishburn called the meeting back to order.

4. Welcome.

5. Discussion of Agenda Items.

Interim Vice-Mayor Fishburn called for any discussion of agenda items. Items No. 6 & 7 will be heard at 7:30 p.m.

6. Consideration and possible to elect a Mayor (According to the City of Purcell City Charter, Effective April 1, 1999, the Council shall elect from among its own members a Mayor at 7:30 p.m. for a term of one year).

7. Consideration and possible action to elect a Vice Mayor (according to the City of Purcell City Charter, Effective April 1, 1999, the Council shall elect from among its own members a Vice Mayor at 7:30 p.m. for a term of one year.)

8. Approve the Consent Agenda:

All items listed under the Consent Agenda are deemed to be non-controversial and routine in nature by the governing body. They will be approved by one motion of the governing body. The items on the Consent Agenda WILL NOT be discussed. Any member of the governing body desiring to discuss an item on the Consent Agenda may request it be removed from the Consent Agenda and placed in its proper order on the regular agenda for consideration.

a. Approval of minutes for April 4, 2022, meeting.

b. Approval of minutes for April 11, 2022, meeting.

c. Approval of payment of claims as presented in the Council Expense Report in the amount of \$546,690.26.

d. Approval of payment of Street & Alley Claims in the amount of \$0.00.

e. Approval of payment for Unemployment Insurance in the amount of \$2,095.00.

- f. **Approval of payment of Capital Improvement Claims in the amount of \$46,630.56.**
- g. **Approval of payment of Rural Fire Claims in the amount of \$813.85.**
- h. **Approval of payment of Cemetery Care in the amount of \$5.00.**
- i. **Approval of payment for Airport Authority Claims in the amount of \$4,216.88.**
- j. **Approval of estimated payroll in the amount of \$295,000.00.**
- k. **Approval of the Treasurer's Financial Report.**
- l. **Approval of the 2022-2023 Agreement for Library Services, Facilities and Maintenance.**

9. Consideration and possible action on items removed from the Consent Agenda.
None.

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

Yes: Engert, Tate, Eubanks, Fishburn

No: None Absent: Cox

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

- Sales Tax thru March 2022 is up 8.78% over last year or \$437,029.90; up 20.34% over budget or \$915,309.79.
- Use Tax thru March 2022 is up 13.77% over last year or \$67,858.96; up 24.57% over budget or \$110,586.92.
- Tobacco Tax thru March 2022 is down 4.35% over last year or \$2,024.37; up 18.66% over budget or \$6,997.19.
- Electricity in March 2022 had a positive variance of \$160,054.00 vs last year; YTD the variance is positive \$313,922.00.
- Water in March 2022 had a positive variance of \$6,183.00 vs last year; YTD variance is positive \$134,176.00.
- General Fund in March 2022 the revenues were below expenses by \$61,327.00; YTD revenues were below expenses by \$931,763.00.
- Public Works in March 2022 the revenues were above expenses by \$7,061.00; YTD revenues are above expense by \$1,022,186.00.
- Noted that we're still waiting on health insurance and worker's compensation rates for budgeting.

11. Presentation and discussion of the City Manager Report.

Hospital

- Sanitary sewer, storm sewer, and work roadways are done.
- Water Main under the road was accepted by City. Will have 1 year warranty.
- Water main addition along 9th Ave., is in final cleanup and repair work stage.
- Engineering of road final grading revised for failed items, was put out for bid, no bid were submitted. Contractors in the bid room stated shortage of workers is why people aren't bidding. Put back out for bid, 21 days out will accept bids again.

Medical Office Building

- Land sale completed and we've received funds.
- Access roadway and worker parking easement, we have to provide a temporary road until final grading is completed.

I-35 Interchange

- EST designing with ODOT and the City, and it's moving along as planned.
- Environmental studies continue.
- Right of way acquisitions will happen after studies completed.
- Construction tentatively set to start in 2025.

Main Street Scope

- ODOT creating agreement with State Historic Preservation Office acknowledging SHPO had some concerns about the design (they wanted asphalt instead of bricks in places and we declined) and ODOT sided with the City on that.

- Should bid and September, award in October, contracts in November, and then a 3 month flexible start for the project to get us past the holidays to avoid interruption of businesses during the holidays.

Chickasaw Wellness

- Utility work is complete.
- Sherry Classic is complete.
- Storm water revisions on south end complicated so Hardcastle first layer of asphalt paving has been done by Farm & Home Building. They'll have to go over with a second layer.

OEC Fiber

- Home installations have started.
- Renewed meetings with contractors because locates on the north end are required.

New Well at Wellfield

- Still waiting on parts for this well and a couple other wells that we have down.

Trails

- Pillars for bridge we to be placed this week but weather has not cooperated.

Electric Department

- Outage at substation related to a lightening strike and had to reprogram the computerized resets on it.
- American Public Power Association recognized the City of Purcell's electric department with a certificate of excellence for rating in the top 10% in the U.S. with the least outages.

Citizen of the Year

Congratulations to Mayor Cox for Citizen of the Year and to Council member Theda Engert as the 2022 Giving Time Gateway Guardian, an award for exceptional public service.

Interim Vice Mayor Fishburn recognized Jerry Hayes Request to be Heard. Noted this was a request to be heard and the rules need to be followed to limit to this issue only, we're not prepared to have a presentation. Mr. Hayes passed out documents and noted he is not trying to make money, just wants to get more information about the city with livestream meetings. Mr. Hayes presented his information. Asked for the matter to be on the next agenda for a vote.

12. Discussion and possible action to award a contract for 9th Avenue Paving Improvements, and authorizing the Mayor, Vice-Mayor, or City Manager to sign.

Mr. Bunn briefly went over the plan. Glen Sullivan answered questions presented by council.

Councilman Tate made a motion second by Councilwoman Engert to approve contract to the low bidder, Ellsworth Construction dba A-Tec Paving of Oklahoma City, in the amount of \$171,918.50.

Yes: Tate, Engert Fishburn, Eubanks

No: None. Absent: Cox

13. Discussion and possible action to award a contract for Penn Avenue Bridge Water Line Relocation, State Job No. 33484(04), and authorizing the Mayor, Vice-Mayor, or City Manager to sign.

Mr. Bunn briefly went over the plan. Noted county will be reimbursing us for this. Councilman Eubanks asked the difference in the alternate bid. Sullivan noted going from 4" to 8" and Mr. Bunn noted that are is planned to eventually be 8" line. While constructing we could have them go to 8" and the alternate bid, the additional cost, would be all our cost. Sullivan noted approximately \$57,000.00. Mr. Minor noted that due to the plans of growth the city has no plans on it for the next 5 years to increase the size. If area is developed, the developer will pay for the upgrade. Also noted after discussion between Minor and Sullivan, it was not a smart investment to do at this time.

Councilman Eubanks made a motion second by Councilwoman Engert to approve contract to the low bidder, Wee Construction, in the amount of \$67,349.00 for the Penn Avenue Bridge Water Line Relocation project.

Yes: Eubanks, Engert, Tate, Fishburn

No: None. Absent: Cox

14. Discussion and possible action to award a contract for Canadian Avenue Lift Station, and authorizing the Mayor, Vice-Mayor, or City Manager to sign.

Mr. Bunn gave overview of the plan. Mr. Minor gave information about issues with the current lift station. Currently running on only 1 pump and if it fails, we'll have to bypass with a diesel generator to hold over until repairs are made. Has been approve 3 different times by council and approved in the budget and rolled over each year but delays with COVID and other interruptions has delayed the project. Mr. Bunn noted we have over 1 million dollars of ARPA funds we can use to pay for this.

Councilman Eubanks made a motion second by Councilman Tate to accept the Canadian Avenue Lift Station bid for \$802,790.00 to Orr Construction.

Yes: Eubanks, Tate, Engert, Fishburn

No: None Absent: Cox

15. Consideration and possible action to approve the 2021-2022 Delta Public Transit Assistance Agreement.

Councilman Tate made a motion seconded by Councilman Eubanks to amend Agenda Item No. 15 to 2022-2023.

Yes: Tate, Eubanks, Fishburn,

No: None Absent: Cox

Councilwoman Engert did not vote due to conflict.

Councilman Tate made a motion second by Councilman Eubanks to approve the 2022-2023 Delta Public Transit Assistance Agreement as presented.

Yes: Tate, Eubanks, Fishburn

No: None Absent: Cox

Councilwoman Engert did not vote due to conflict.

16. Consideration and possible action to approve payment of Signal Tek invoice in the sum of \$47,109.00 for signal light replacement at Grant & Green Ave.

Councilman Eubanks asked if we filed an insurance claim and Mr. Bunn replied yes. Mr. Lohn said we have not heard back from the insurance company. Eubanks asked if we have a deductible, Mr. Lohn said he believes it is \$2,500.00.

Councilman Eubanks made a motion second by Councilman Tate to approve Agenda Item No. 16 in the amount of \$47,109.00 to Signal Tek for signal light replacement at Grant & Green Ave.

Yes: Eubanks, Tate, Engert, Fishburn

No: None Absent: Cox

17. Discussion and possible action concerning Budget Amendment GF-2022-6 appropriating animal shelter donation funds to animal shelter budget.

Mr. Lohn noted this is donations that go to the animal shelter and he has set up line for better tracking so just adjusting the money to where it needs to be.

Councilman Tate made a motion second by Councilwoman Engert to approve Agenda Item No. 17 to for the budget amendment FD-2022-6 for the animal shelter.

Yes: Tate, Engert, Eubanks, Fishburn

No: None Absent: Cox

Interim Vice-Mayor Fishburn called for a 3-minute recess at 7:27.

Interim Vice-Mayor Fishburn called the meeting back to order at 7:30 p.m.

BACK TO AGENDA ITEMS NO. 6 & 7.

6. Consideration and possible to elect a Mayor (According to the City of Purcell City Charter, Effective April 1, 1999, the Council shall elect from among its own members a Mayor at 7:30 p.m. for a term of one year).

Councilman Tate nominated Graham Fishburn seconded by Councilwoman Engert to serve as mayor for a term of one (1) year.

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

7. Consideration and possible action to elect a Vice Mayor (according to the City of Purcell City Charter, Effective April 1, 1999, the Council shall elect from among its own members a Vice Mayor at 7:30 p.m. for a term of one year.)

Councilwoman Engert nominated Ted Cox seconded by Councilman Cox to serve as vice-mayor for a term of one (1) year.

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

18. Discussion and possible action to approve Planning Commission's recommendation for approval of PUD (Planned Unit Development) rezone of the W½ NE¼, NE¼ SW¼, and W½ NW¼ SE¼, Sec. 2, Township 6 North, Range 2 West (South Brook).

Mr. Bunn noted the developer has made several changes to the information presented last month and suggested developer make presentation of those accommodations and then if there are remaining concerns the request to be heard will be recognized if necessary.

Mason Schwartz on behalf of the applicant, Mr. Reid. Changes made are as follows: Added a second access point be required on South through Adams; no construction traffic through Westbrook; expand Westbrook Blvd. north, 3 lane entrance, 2 lanes out and 1 lane in; added stub street on West; no multi family; required 2 car garage; lot size was adjusted 4800 sq ft min lot (less density but more flexibility in lot widths); abutting property will meet R-2 standards.

Request to be Heard:

Mr. Hadley was called and was not present.

Ms. Tammi Johnson was called and addressed council with her concerns.

Mr. Deveraux was called and addressed council with his concerns.

Discussion was had and Mr. Schwartz addressed questions. Existence of Comprehensive Plan and costs associated with preparing one was discussed.

Councilman Eubanks asked question concerning specific of the plat.

Councilman Tate, while sympathetic to Westbrook residents, asserted a need for housing.

Councilman Eubanks asked additional question about covenants, square footage, lot lines, etc.

Councilman Jay Tate made a motion second by Councilwoman Engert to approve the Planning Commission's recommendation for approval of the PUD rezone as written.

Yes: Tate, Engert, Fishburn, No: Eubanks Absent: Cox

Discussion was had about the PUD Master Plan revision.

Councilman Tate made a motion seconded by Councilwoman Engert to strike the vote on Agenda Item No. 18 due to the wrong information in the item.

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

Councilman Tate made a motion seconded by Councilwoman Engert to amend Agenda Item No. 18 to contain the language of 7.1 Streets to say...Access to the property will be from the north side off W. Grant Street, through three existing street stubs in the Westbrook neighborhood, as well as a secondary / southern access point from W. Adams Street. The southern access point from W. Adams Street shall be fully constructed upon final plat approval for the adjoining southeast portion of the project (which is currently anticipated as "Phase 3"). Provided further, that construction traffic shall take access from W. Adams Street through the southern access point. Thus, developer shall provide temporary construction access from W. Adams Street through the southern access point during Phases

1 and 2 of the project. Construction traffic shall not take access through the Westbrook Subdivision on the North. A street stub will be provided to the west, to the property that begins approximately 500 feet south of the Westbrook Addition. Westbrook Boulevard at W. Grant Street will be modified to a 36' wide entrance, with three 12-foot lanes, including one southbound lane, one northbound left turning lane and one northbound right turning lane. This will be constructed as part of the first phase of this PUD. The widened section will extend 80 feet from the edge of the existing W Grant Street and will have 40' radii.

Yes: Tate, Engert, Fishburn

No: Eubanks

Absent: Cox

19. Consideration and possible action to approve Ordinance No. 22-05 AN ORDINANCE OF THE CITY OF PURCELL, OKLAHOMA, AMENDING THE OFFICIAL ZONING DISTRICTS MAP OF SAID CITY, BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE TRACT OF LAND DESCRIBED HEREIN; AUTHORIZING THE CHANGE OF SAID ZONING DISTRICT OF THE OFFICIAL ZONING DISTRICT MAP OF SAID CITY.

Councilman Tate made a motion second by Councilwoman Engert to approve Agenda Item No. 19, Ordinance No. 22-05 as written.

Yes: Tate, Engert, Fishburn,

No: Eubanks

Absent: Cox

20. Discussion and possible action on submitting plans and application to ODEQ for water system improvements to serve Everlee Heights Estates. Project is located south of SH 39, between Bryant and Eastern.

Councilwoman Engert made a motion second by Councilman Eubanks to approve Agenda Item No. 20 as written.

Yes: Engert, Eubanks, Tate, Fishburn

No: None

Absent: Cox

21. Discussion and possible action on submitting plans and application to ODEQ for water system improvements to serve The Oaks. Project is located south of SH 39, between Bryant and Eastern.

Councilwoman Engert made a motion second by Councilman Eubanks to approve Agenda Item No. 21 as written.

Yes: Engert, Eubanks, Tate, Fishburn

No: None

Absent: Cox

Mayor Fishburn declared the meeting to be in recess in order to go into the Purcell Public Works Authority Meeting at 8:19 p.m.

Mayor Fishburn declared the City Council Meeting and the Purcell Public Works Authority in joint session in order to enter joint Executive Session at 8:52 p.m.

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

a. Discussion and consideration of labor contract (Collective Bargaining Agreement) for fiscal year 2022-2023 between the City of Purcell and the FOP #194 in accordance with 25 O.S. § 307 (B) (2).

Mayor Fishburn made a motion second by Councilwoman Engert to enter into joint Executive Session at 8:52 p.m. with the following persons entering: Council persons who are present, City Attorney Greg Dixon, City Manager Dale Bunn, City Treasurer Victor Lohn, and Chief Bobby Elmore.

Yes: Fishburn, Engert, Eubanks, Tate

No: None

Absent: None

Mayor Fishburn declared the Council has returned from Executive Session at 9:23 p.m.

23. 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 of labor contract (Collective Bargaining Agreement) for fiscal year 2022-2023 between the City of Purcell and the FOP #194 in accordance with 25 O.S. § 307 (B) (2).

No action taken.

24. City Council Comments.

Councilman Tate:

Congratulated Mr. Fishburn on becoming Mayor. Announced invitation to Veterans Memorial May 30th. Asked Mr. Bunn about cutoff notices before power disconnected. Mr. Bunn replied was an error and a meeting is happening with staff to ensure that doesn't happen again. Working on phone notification system.

Councilwoman Engert:

None.

Mayor Fishburn:

Mayor Fishburn said he is honored to serve as Mayor and will do his best to serve the community.

Councilman Eubanks:

None.

Councilman Cox:

Absent.

25. City Manager and staff comments.

None.

26. City Attorney comments.

None.

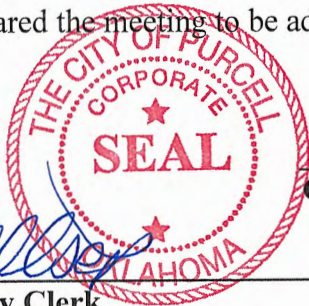
27. Adjourn.

Mayor Fishburn declared the meeting to be adjourned at 9:25 p.m.

Approved this 6th day of June, 2022

Attest:


Andrea Millsap, City Clerk




Graham Fishburn, Mayor