

**CITY OF PURCELL
REGULAR MEETING
MAY 3, 2021
6:00 P.M.
IN THE COMMUNITY ROOM OF
THE PURCELL POLICE SERVICE BUILDING
1515 N. GREEN AVENUE**

Special Notice applicable to the May 3, 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 6:02 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, John Blue, James Bolling, Clent Kennedy, Mike Lewis, Justin Howell, Tommy Mize

Counsel: Greg Dixon

3. Pledge of Allegiance.

Mayor Cox led the Pledge of Allegiance.

Mr. Bunn offered the invocation.

4. Welcome.

Mayor Cox welcomed council members, guests, and staff.

5. Discussion of Agenda Items.

Mayor Cox stated Consent Agenda Items (k) and (l) will need to be removed due to a conflict with a Council Member.

Mayor Cox called Ms. Darlene Meskiman who had previously filed a "Request to be Heard" on PWA Agenda item 9 to address concerns about nepotism at the Purcell Hospital. Ms. Meskiman stated that Ms. Kem Scully is an Administrative SSM employee but paid by the Hospital. She voiced concerns that the administrator is not closely aligned with the community. She stated that in 2019 Ms. Scully had three of her immediate family members employed by PMH and one family member remains employed to date. The other two family members left employment but now the Hospital Board and Dr. Bales are recommending that Shawn and Brad Scully be employed again at PMH. She asked if there would be a sign on bonus or raises associated? She defined nepotism and was concerned about unfair treatment. Ms. Meskiman reported she had obtained a copy of the Hospital Board Regulations and By-Laws. She cited from Section 4 - Personnel, part D – Nepotism; which states that neither the hospital administrator or the board or the authority shall appoint or employ any person related to the administrator or the board or the authority by blood or marriage within the third-degree without the prior approval of the authority. Ms. Meskiman advised she was told by the Hospital Chairman who has been in that position for years and did not remember giving approval to the administrator to hire family members.

Ms. Meskiman stated that her two cents is: We need a locally controlled hospital who treats all employees fairly, not just relatives. The Hospital needs to follow rules and regulations and use the taxpayer dollar wisely. The administrator should not employ her family members.

Mayor Cox called Mr. Steven Ballard. Mr. Ballard request to address item number 16. Mr. Ballard stated he opposes construction of any kind including façade until drainage is provided.

Mayor Cox called for Darold Staunor for any discussion of agenda items. Mr. Staunor stated his company is trying to get a building built and correct a drainage issue of Mr. Ballard's.

6. Approve the Consent Agenda:

- a. **Approval of minutes for April 5, 2021, April 12, 2021 and April 19, 2021 Meeting(s).**
- b. **Approval of payment of claims as presented in the Council Expense Report in the amount of \$517,167.29.**
- c. **Approval of payment of Street & Alley Claims in the amount of \$0.00.**
- d. **Approval of payment for Unemployment Insurance in the amount of \$43.02**
- e. **Approval of payment of Capital Improvement Claims in the amount of \$466,747.25.**
- 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 \$138.44.**
- i. **Approval of estimated payroll in the amount of \$275,00.00**
- j. **Approval of the Treasurer's Financial Report.**
- k. **Approval of the 2021-2022 Delta Nutritional Agreement.**
- l. **Approval of the 2021-2022 Delta Head Start Agreement.**

Councilman Jacobs made a motion second by Councilwoman Engert to remove items (k) thru (l).
Yes: Jacobs, Engert, Fishburn, Tate, Cox No: None Absent: None

Councilman Jacobs made a motion second by Councilwoman Engert to approve the Consent Agenda with the exception to items (k) and (l).

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

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

Councilwoman left the room at 6:15 p.m. and was not present during voting.

Councilman Jacobs made a motion second by Councilman Fishburn to approve Consent Agenda items 6.(k) and (l).

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

Councilwoman Engert reentered approximately 6:16 p.m.

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

Treasurer Victor Lohn gave the March 2021 Financial Report stating Revenues outpaced expenses for the current fiscal year thru March 2021. Tax revenue overall Year-to-Date is up 9.44% versus last year. He reported both City and Public Works Authority expenses were higher than revenues in March 2021.

Mr. Lohn provided explanation of shortfall from February to March. The items totaled \$443,904.33 and the unfavorable variance for February and March was \$422,061.92. Treasurer Lohn reported highpoint of the Checks over \$5,000.

He reported that both he and the Court Clerk attended a virtual INCODE Training concerning submitting records to our collection agency. To date the Court Clerk has submitted 94 records in the amount of \$49,483. No funds have been recovered at this time.

9. Presentation and discussion of the City Manager Report.

- Mr. Bunn reported on the following projects:
- The Hospital Storm Sewer is completed
- The Hospital some site cleanup remaining
- The Hospital Rough Grading is Complete
- The Hospital Water Line is 75% complete. The progress is in the area of 9th Avenue and there will be agenda discussion of a Change Order.

- The Hospital Utilities are going underground
- The Piers are done, and steel is going up.
- The Hospital erosion control has improved
- The Final Clearing is near completion
- We are trying to move fill from where we expected to have it over to the parking lot location. It has been very wet resulting in building up that area.
- We continue to be well within budget for hospital
- The I-35 Interchange design continues, and the environmental studies have begun.
- Main StreetScape progress is that ODOT is compiling national research as to how to deal with WPA Sidewalks. We want to deal with them historically. The bid date is planned late 2021 or early 2022. We want to avoid any interference with downtown business during the holidays.
- The Chickasaw Wellness Center will be conducting Mandatory Bid Meeting on May 12th, in which Mr. Sullivan will be in attendance. Bids are scheduled to open May 26th.
- Red Hill Tank Rehab is nearly complete.

Mr. Bunn reminded the Council about the Chamber Banquet which is scheduled for May 27th and will be held Southwind Hills in Goldsby. The Giving Time Nominations will be awarded.

Mayor Cox stated items 10 and 11 cannot be conducted until 7:30 according to charter requirements which state it shall be done at 7:30 p.m.

Mayor Cox skipped to agenda item (12)

12. Discussion and possible action concerning Ordinance No. 21-06 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PURCELL OKLAHOMA, RELATING TO CHAPTER 106 (TRAFFIC AND VEHICLES): ARTICLE 106-8 (STOPPING, STANDING AND PARKING) DIVISION 1 (GENERALLY); SECTION 106-228 (PARKING TIME LIMITS MAY BE ESTABLISHED; SIGNS); ESTABLISHING TIME LIMITS FOR PARKING ON MAIN STREET BETWEEN CANADIAN AVENUE AND THIRD AVENUE AND ON SECOND AVENUE BETWEEN MAIN STREET AND THE AND THE IMMEDIATE ALLEYS NORTH AND SOUTH OF MAIN STREET; DIRECTING THE PURCHASE OF SIGNS; AND REPEALING ORDINANCE NO. 21-05 PROVIDING FOR FINES AND PENALTIES; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY

Mr. Bunn explained his suggested changes from the previous ordinance. This removes the center parking and is directed only at the curbs. Item (B) states the business operator or their designee with an address that is listed in paragraph (A) can request either a police officer or a code enforcement officer to write a citizen's complaint ticket. The complainant will be required to sign the ticket and will only affect the parking stalls directly in their frontage. The complainant should understand that offender may request to dispute the ticket in municipal court. The penalty is \$10 after two violations the fine increases to \$25 and can be paid at City Hall. The tickets will be on citizen complaint only and will not be addressed by the Police or Code Departments.

Mr. Bunn advised this has been enforce for a few years with minimal problems. Councilman Tate stated he was concerned that officers need training, and we would then involve citizens with no training. Mr. Bunn stated the reason for a citizen's complaint is that we need someone who has observed and knows if a given vehicle has been parked for over two hours. Officers will not be aware of this. The only way to actually monitor would be with parking meters.

Ms. Denice Emond had a desire to address the Ordinance and Mayor Cox allowed her to speak. Ms. Emond stated she had dropped off a letter to City Hall to Councilman Tate. She stated she had received a citizen's citation for a parking violation.

Councilman Fishburn made a motion second by Councilman Tate to approve Ordinance 21-06.

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

13. Discussion and possible action to declare Ordinance No. 21-06 An emergency.

Councilman Tate made a motion second by Councilman Fishburn to table agenda item 13.

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

14. Discussion and possible action concerning correcting a scrivener error in the title of Ordinance No. 21-04; correcting “and amending section 1B of Ordinance 21-30” to “and amending section 1B of Ordinance 21-03”

Ms. Kennedy reported that after discovering the error, she had placed a call to the Oklahoma Municipal League’ Legal Department. Their advice was to publicly acknowledge the error in the minutes and make the correction, there was no need to pass another ordinance.

Councilman Jacobs made a motion second by Councilman Engert to approve the correction of the scrivener error as written.

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

15. Discussion and possible action concerning a recommendation from the Planning Commission to approve Variance for Building Façade for Heartland Customs, 128 N Canadian Avenue.

Councilman Tate left prior to discussion and was absent during discussion and voting.

Mr. Justin Howell was present and explained this business is located in Tier 1 Commercial, which requires 100% of the building to be covered with façade of some type. The business has requested a variance to cover the front with brick and the rest with metal. He reported it was approved by the Planning Commission.

Councilman Fishburn made a motion second by Councilwoman Engert to approve the variance for Building Façade.

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

Councilman Tate rejoined the meeting.

16. Discussion and possible action concerning a recommendation from the Planning Commission to deny Variance for Building Façade to Zeck Chevrolet, 1601 N Green Avenue.

Mr. Howell addressed Zeck Chevrolet’s request for a variance by stating the building will face north Green Avenue as well as Grant Street. He stated if Zeck would submit plans showing they would put façade on the side facing Grant Street, the Planning Commission would be willing to consider it.

Mayor Cox asked if the drainage situation that Mr. Ballard is concerned with goes before the Planning Commission or City Engineer. Mr. Howell reported Code Enforcement has already submitted the matter to Sullivan’s and Zeck’s is working on it as well.

Councilman Jacobs made a motion second by Councilman Fishburn to table and readdress after the Planning Commission meets.

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

17. Discussion and possible action concerning the 2021-2022 Purcell Public Library Budget Request in the amount of \$7,500.

Mayor Cox asked how the requested amount compares to last year’s request. Mr. Lohn advised it is lower this year and reported that last year’s request was \$11,000.

Councilman Jacobs made a motion second by Councilman Tate to approve 2021-2022 Public Library Budget Request in the amount of \$7,500.

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

18. Discussion and possible action as necessary concerning a possible waterline expansion project in the former District 7 service area, including the south west area of Purcell water coverage.

Mr. Bunn provided background. The area is under a water moratorium due to a very small line that already is overloaded. There are several folks who have committed to a water meter if available.

Mr. Sullivan reported the problem is there are upwards of 300-400 meters south of Hwy 39 and west of Johnson Road. There is a twelve-inch line on Hwy 39, but currently there are two four-inch lines and one two-inch line serving that area. There are two six-inch dead-end lines in the area.

Option No. 1 Takes two of the dead-end six-inch lines and loop them around. This would feed 37 additional names on the list, this would bring capacity up to 100. Mr. Sullivan stated this option does not include bring water to 180th. He estimated the project cost estimate at \$1.36M.

Option No. 2 is a revised older plan that takes the twelve-inch line at the twin towers and extending three miles west to Hwy 59 and then running an eight-inch line to Criner Corner. We would still need to upgrade a three-inch line. This cost estimate is more than Option 1. The cost is approximately 50% higher than they would have been a year ago.

Mr. Sullivan advised it is not a simple fix to provide water to that area.

19. Discussion and possible action concerning Change Order No. 3 for the New Hospital – Water Line Extension in the amount of \$50,294.

Mr. Sullivan advised the water line in the area north of Carol Stokes was originally planned on the east side it turned out the right-of-way is not wide enough and there are trees in the area. On the west side there are a lot of existing utilities there. The contractor would like to directional bore.

Councilman Jacobs made a motion second by Councilwoman Engert to approve the water line extension in the amount of \$50,294.

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

20. 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 REPLACE THE CURRENT ROTARY PAVILION; AND AUTHORIZING THE MAYOR TO SIGN ALL RELATED DOCUMENTS.

Mr. John Blue advised the resolution approves the city's filing for a grant for a playground a new pavilion using existing slab, the project cost is \$326,000. He advised this is a 50% grant. If we do not get a grant, we can go back to reconsider.

Councilman Jacobs made a motion second by Councilman Fishburn to approve Resolution No. 21-C-8 as written.

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

21. Discussion and possible action concerning Employee 2021-2022 Health Insurance Renewal Proposal from INSURICA.

Mr. Bunn reported that INSURICA has worked with Blue Cross for only a slight increase in cost from last year.

Councilman Jacobs made a motion second by Councilman Tate to approve the 2021-2022 INSURICA Health Insurance proposal as written.

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

22. Discussion and possible action concerning Resolution No. 21-C09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PURCELL CREATING, SETTING FORTH AND IMPLEMENTING GUIDELINES FOR SPECIAL RECOGNITION.

Mr. Bunn advised this is a draft primarily based on Norman, but we are still cleaning it up. This is geared to give guidelines for naming streets, building etc.

Councilman Jacobs made a motion second by Councilman Fishburn to table Resolution No. 21-C09 and readdress next month.

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

23. Discussion and possible action concerning a recommendation from OMAG to deny Claim No. 209352-1-ME.

Ms. Kennedy advised this is a Tort Claimed filed due to an injury that occurred at the Golf Course. An individual who tripped over a rope that was roping off the Greens. After investigation OMAG determined the City was not at fault and has recommended the City deny the claim.

Councilman Jacobs made a motion second by Councilman Fishburn to deny Claim No 209352-1-ME as recommended by OMAG.

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

24. Discussion and possible action concerning declaration of surplus property as listed on 05-03-2021 Agenda Exhibit A.

Councilman Tate made a motion second by Councilman Jacobs to declare all items listed on Exhibit A as surplus property.

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

25. Discussion and possible action concerning Budget Amendment GF-2021-15 increasing Revenues and increasing Appropriations both in the amount of \$13,481.72 records receipt of CARES Act money for Airport thru FAA to be used to pay for the new building at the airport.

Councilman Jacobs made a motion second by Councilman Tate to approve Budget Amendment GF-2021-15 as written.

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

26. Discussion and possible action concerning Budget Amendment RF-2020-1 increasing Rural Fire Equipment Appropriations in the amount of \$20,320.50 as approved in the April 5, 2021 City Council Meeting.

Councilman Jacobs made a motion second by Councilman Tate to approve Budget Amendment RF-2020-1 as written.

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

Mayor Cox called the meeting in recess at 7:25 p.m.

Mayor Cox called the meeting back in session at 7:31 p.m.

Back to item number 10 and 11.

10. 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 Jacobs made a motion second by Councilman Fishburn to nominate Ted Cox as Mayor for a one-year term beginning in May.

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

11. 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 made a motion second by Councilman Fishburn to nominate Danny Jacobs as Vice Mayor a one-year term beginning in May.

Yes: Engert, Fishburn, Jacobs, 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 7:33 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 8:05 p.m.

27. EXECUTIVE SESSION: DISCUSSION, CONSIDERATION RE: AN EXECUTIVE SESSION TO BE HELD IN ACCORDANCE WITH 25 O. S. 307 § (B) (2) AND 25 O.S. 307 § (B) 3.

- 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).
- c. Discussion and consideration concerning the purchase or appraisal of real 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 8:07 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, Jacobs, Fishburn, Engert, Tate No: None Absent: None

Mayor/Chairman Cox declared the Council has returned from Executive Session at 8:55 p.m.

Mayor/Chairman Cox made a motion second by Councilman Jacobs to return to regular Joint Session at 8:55 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) AND 25 O.S. 307 § (B) 3.

- 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).
- c. Discussion and consideration and possible action concerning the purchase or appraisal of real property in accordance with 25 O.S. 307 § (B) 3.

Mayor/Chairman Cox declared no action to be taken on Executive Session items.

29. City Council Comments.

Councilman/Trustee Tate reported the Veteran's Memorial Day Service will be conducted virtual this year again, with the hopes of going back live next year. He asked it be posted on the City website and Facebook.

Councilman/Trustee Tate reported being contacted by a constituent who stated they were bird watching at the Lake and were harassed by persons at the RV park. He wondered if this was an adverse effect of allowing persons to stay longer than 30 days. Another complaint is that companies are parking on the grass areas around. Councilman Tate asked if it would be possible to get the radar in the 800 Block of Adams.

Councilwoman/Trustee Engert reported she was contacted by a person who runs at the Lake. She reported vehicles speeding. Captain Bolling advised his officers patrol the lake area often.

Councilman/Trustee Fishburn thanked Councilman Tate for his volunteer services for Veterans.

Councilman/Trustee Jacobs mirrored his thanks for Councilman Tate volunteer services for Veterans.

Mayor/Chairman Cox advised he had spoken to Mr. Lohn about getting a revised Budget that includes payroll.

30. City Manager and staff comments.

None.

31. City Attorney comments.

No comments.

32. Adjourn.

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

Approved this 7th day of June 2021

Attest:

Ted Cox, Mayor

Dorothy Kennedy, City Clerk