

**CITY OF PURCELL
REGULAR MEETING
JULY 6, 2021
6:00 P.M.
IN THE COMMUNITY ROOM OF
THE PURCELL 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, Jeff Hixon, Bobby Elmore, Michael Minor, John Blue, Clent Kennedy, Justin Howell, Mike Lewis

Counsel: Ted Haxel, Greg Dixon

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 to the first meeting of the new fiscal year 2021-2022.

5. Discussion of Agenda Items.

Mayor Cox called for discussion of agenda items. There was none.

6. Approve the Consent Agenda:

- a. **Approval of minutes for June 6, 2021, Public Hearing (City Budget), June 6, 2021 (Public Hearing Hospital Budget), June 6, 2021 and June 11, 2021, June 21-2021, June 25, 2021 Meeting(s).**
- b. **Approval of payment of claims as presented in the Council Expense Report in the amount of \$606,869.75.**
- c. **Approval of payment of Street & Alley Claims in the amount of \$2,753.08.**
- d. **Approval of payment for Unemployment Insurance in the amount of \$00.00**
- e. **Approval of payment of Capital Improvement Claims in the amount of \$107,291.67.**
- f. **Approval of payment of Rural Fire Claims in the amount of \$8,913.40.**
- 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 \$75.00.**
- i. **Approval of estimated payroll in the amount of \$295,00.00**
- j. **Approval of the Treasurer's Financial Report.**
- k. **Approval of the 2021-2022 for Library Services, Facilities and Maintenance.**
- l. **Approval of 2021-2022 Interlocal Agreement between the City of Purcell and McClain County pertaining to grading, draining, and hard surfacing of certain streets.**
- m. **Approval of 2021-2022 Interlocal Agreement between the McClain County and City of Purcell pertaining to grading, draining and hard surfacing of certain streets.**
- n. **Approval of the 2021-2022 Interlocal Agreement for Jail Services between McClain County Sheriff's Office and the City of Purcell.**

Councilman Jacobs made a motion second by Councilman Fishburn to remove Item 6.(i) from the Consent Agenda.

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

Councilman Jacobs made a motion second by Councilman Fishburn to approve the Consent Agenda as written.

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

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

Councilman Fishburn made a motion second by Councilman Jacobs to amend item 6(i) to read \$295,000.

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

Councilman Fishburn made a motion second by Councilman Jacobs to approve item 6(i) as amended.

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

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

Treasurer Victor Lohn reported on May 2021 financial activity.

Revenues have outpaced expenses for the current fiscal year thru May 2021. Tax revenue overall Year-to-Date is up 11.38% versus last year. City and Public Works revenue were both higher than expenses in May. Monthly Profit for May 2021 is \$5,585 and Year-to-Date profit thru May is \$596,818. Mr. Lohn went over checks over \$5,000.

Mr. Lohn reported the municipal court clerk continues to submit past due fines to collection agency. The City did not receive any collections in June.

9. Presentation and discussion of the City Manager Report.

Mr. Bunn reported on the following projects:

Hospital Projects:

- Storm sewer and sanitary sewer are completed.
- Water line is approximately 95% complete.
- Wet weather is affecting dirt work.
- Interior work is progressing on schedule.

Other projects:

- The interchange is moving along according to schedule.
- Main Street continues to be unclear as to what ODOT is going to do.
- Airport terminal office is going along as planned. The interior is complete and signage is up.
- Airport Apron project has a scheduled bid open July 14th.
- Chickasaw Wellness Center has awarded bid as reported last month. The project plans to begin in Mid-July.
- Red Hill tank rehab is ready to be filled. The valve is still a couple of months out for delivery.
- Mr. Michael Minor reported on the new well. Meetings were held with OG&E and they were kind enough to allow us to use their right-of-way. This will be a huge savings to the City. Mr. Minor requested a letter of thanks be sent to them. Mr. Minor advised the well could go into service as early as three months, if there are no setbacks.
- Fire Works Show drew great reviews.
- Dale Chambers retired from the Cemetery Board.

10. Discussion and possible action concerning a report from Police and Street Department concerning a traffic study and recommendation for South Canadian Avenue.

Mr. Bunn reported that Mr. Mize is on vacation but that his recommendation is that the City not take any action as far as stops signs.

Chief Elmore gave a report concerning the speed sign tracking device that was installed in the area. There was only one vehicle listed as low risk. By low risk he explained this represents less than nine miles per hour over speed limit. There was no reports of medium or high risk. Chief Elmore stated the sign could have deterred some since it was lit and blinking however, he reported there is no indication of a problem with traffic speeding in the area. He advised his opinion was the same for stop signs that the report did not indicate a problem in the area.

Chief Elmore advised they were able to place the trailer in the yard of one of the complainants which gave them the ability to monitor the specific area that was being complained about. He advised the device only caught traffic going one way, and the data could potentially be doubled, however it would not make a substantial difference.

Mr. Bunn advised we have no bias one way or the other. The signs were removed at a prior recommendation of the Council. Mr. Bunn displayed a map of the area that Mr. Mize had drafted. The map shows there are already more stop signs on South Canadian than any other street in the area.

No action was taken.

11. Discussion and possible action to award/deny bid for the Purcell Lake Trail – Pedestrian Bridge to Contech Engineered Solutions in the amount of \$191,000.

Paula Hofford of Guernsey advised that the City issued an invitation to bid on the Lake Trail Pedestrian Bridge and received one bid from Contech Engineered Solutions in the amount of \$191,000. She explained that the bridge is 120 feet long and 10 feet wide and will allow bikes but no vehicles. It will be made of pre-engineered steel and will have vertical safety rails. Ms. Hofford stated the hope to issue contract and Notice to Proceed by July 19, 2021.

Councilman Fishburn made a motion second by Councilman Tate to award the contract to Contech Engineered Solutions in the amount of \$191,000 for the Lake Trail Pedestrian Bridge.

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

12. Discussion and possible action concerning a presentation from Darren Scott of Kimley Horn for Professional Services Agreement for the City Yard Conceptual Plan in the amount of \$75,800.

Mr. Darran Scott with Kimley Horn presented the scope of service and conceptual of the New City Yard. Mr. Scott stated that the City finds the current yard too small and the new location is near the Lake on Chandler Road. Mr. Thomas Mall, also, with Kimley Horn will be conducting interviews with department heads to ensure needs are met.

Mr. Scott advised the new yard will house all department operations, bays and storage area. He advised consideration for the Lake and new trails etc. will be taken into count.

Councilman Jacobs made a motion second by Councilwoman Engert to approve agenda item 12 as written.

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

From the audience Mr. John Chilvers spoke up asking if the City would consider splitting the lot from east and west rather than north and south. Mr. Chilvers advised he may be interested in purchasing the east part.

13. Discussion and possible action concerning Ordinance No. 21-07 an Ordinance of the City of Purcell, Oklahoma amending the Code of Ordinance Chapter 123 Section 123-8 by repealing it in its entirety by not allowing Medical Marijuana Grow Facilities for Personal Use within the Cooperate Limits of the City of Purcell.

Mayor Cox asked if passed what would we do with facilities that are already in the City limits. Mr. Haxel advised they would be grandfathered in. If anything changes in relation to what you are doing it is no longer grandfathered, however in defending a similar case he had lost twice to the grandfather.

Mr. Justin Howell reported Code Enforcement takes multiple calls each week concerning persons wanting to put Medical Marijuana Grow Facilities in the City. Even if they don't meet zoning requirements, they still want to proceed with potential variances. He advised grow facilities will create an offensive odor. Purcell currently have a façade ordinance to make Purcell more attractive. We feel it would be a deterrent to businesses as well as residential for buildings to be surrounded by a six-foot chain-link fence with three strands of barbwire around the top. Mr. Howell advised there are cities in Oklahoma that have successfully not allowed them inside the city limits and successfully defended that action in court.

Mayor Cox asked if the location was zoned agriculture and met distance requirements, could we keep them from growing? Mr. Howell answered that they would be able to. Mr. Haxel reported initially discussion was to limit grows to industrial areas. Mr. Haxel stated the original conversations were to restrict to I-3. He stated it went from restricting to I-3 to banning it all together and for this reason he did not have an ordinance ready. Mr. Haxel stated that during discussions agriculture was not brought up and he did not have an answer at this time.

Mr. Bunn advised the intention is to ban grows altogether from the corporate limits. Councilman Jacobs asked for clarification, if once a facility is already in operation, it would be grandfathered in, provided it remains a grow facility. If ownership changes it is still grandfathered in as long as it remains a grow facility. Mr. Haxel affirmed. Mr. John Chilvers asked questions concerning grand-father status for property he owns that is currently a grow facility. Mayor Cox repeated his understanding according to Mr. Haxel that if property sold and remained a grow facility, it would be grand-fathered. Mr. Clent Kennedy, Code Enforcement Officer informed the Council that the grow facility on Juneau, went in at a time when all Code Enforcement officers were inexperienced and unclear on requirements. He advised it never really met requirements from the beginning, because across the street is residential zoning.

Mr. Dixon informed the Council in the interest of transparency that Mr. Chilvers is his client. He stated the Council may consider increasing the license fee due to the increased demand of time and effort for Code Enforcement personnel in dealing with this specific thing.

Mr. Michael Minor, water supervisor advised he had spoken to OG&E who is currently not supplying power to many facilities because of the drain on the system. He advised the same is true for water systems. Many towns are experiencing a deterrent to growth in business and residential due the drain on the system. He advised we have denied taps to several facilities due to being maxed out for both water and electricity.

Councilman Jacobs made a motion second by Councilman Fishburn to table agenda item 13 to the next regular meeting.

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

14. Discussion and possible action to declare Ordinance No. 21-07 an emergency.

No action taken.

15. Discussion and possible action concerning the Police Department purchasing 23 portable radios with chargers off State Bid pricing SW1053K in the amount of \$73,720.80 from Chickasaw Personal Communications.

Councilman Jacobs made a motion second by Councilman Tate to approve agenda item 15 as written.

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

16. Discussion and possible action to purchase four 2021 Dodge Charger Police Pursuit Sedans on State Bid pricing SW035 with Bob Howard Chrysler Jeep Dodge of Oklahoma City, in the amount of \$25,865.00 each for a total cost of \$103,460.00.

Councilman Jacobs made a motion second by Councilwoman Engert to approve agenda item 16 as written.

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

17. Discussion and possible action to purchase upfitting for four Dodge Chargers in the amount of \$94,871.00 with Metro Emergency Upfitter of Oklahoma City.

Councilman Jacobs made a motion second by Councilman Tate to approve agenda item 17 as written.

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

18. Discussion and possible action to purchase four radios for the cars in the amount of \$11,100.80 on State Bid with Chickasaw Personal Communication.

Councilman Jacobs made a motion second by Councilwoman Engert to approve agenda item 18 as written.

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

19. Discussion and possible action to approve the purchase of a new backhoe for the Cemetery Department from OCT Equipment at Statewide Bid Contract SW192 in the amount of \$96,080.32.

Councilman Jacobs made a motion second by Councilman Tate to approve agenda item 19 as written.

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

20. Discussion and possible action concerning a recommendation from the Rural Fire Board to appoint Jackie Wadley for a term ending June 30, 2024.

Councilman Jacobs made a motion second by Councilman Fishburn to approve agenda item 20 as written.

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

21. Discussion and possible action concerning a recommendation from the Airport Authority to appoint Mr. David Loades to fill a vacancy on the Airport Board.

Mr. Bunn reported that Mr. Loades is highly recommended. He is a retired Air Force Pilot. He also retired as a pilot from OU.

Councilman Fishburn made a motion second by Councilman Tate to appoint Mr. Loades to fill a vacancy on the Airport Board as recommended by the Airport Board.

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

22. Discussion and possible action concerning a recommendation from the Pioneer Library System Board to appoint Rachel Nicolle Carr for a three-year term (July 1, 2021 to June 30, 2024)

Councilman Jacobs made a motion second by Councilwoman Engert to approve appoint Dr. Rachel Nicolle Carr for a three-year term July 1, 2021 to June 30, 2024, as recommended by the Library System Board.

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

23. Discussion and possible action concerning a recommendation from the Cemetery Board to accept the quote from Tim Miller Construction for a cover over the columbarium.

Mr. Haxel advised the cost of \$3,800 was not listed on the agenda so he recommended that the Council allow Mr. Bunn to approve it.

24. Discussion and possible action concerning a recommendation from Treasurer Victor Lohn to use the OMAG Escrow Credit in the amount of \$20,995.30 to reduce the 2021-2022 Workers Compensation renewal premium for the City of Purcell.

Councilman Jacobs made a motion second by Councilman Fishburn to approve the recommendation from Treasurer Victor Lohn to use the OMAG Escrow Credit in the amount of \$20,995.30 to reduce the 2021-2022 Workers Compensation premium.

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

25. Discussion and possible action to approve a Memorandum of Understanding (MOU) to continue with 2020-2021 Fraternal Order of Police Lodge 194 Labor Contract until an agreement is reached on the 2021-2022 fiscal year Contract.

Councilman Jacobs made a motion second by Councilman Fishburn to approve agenda item 25 as written.

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

26. Discussion and possible action concerning 2020-2021 Budget Amendment GF-2021-18 increasing Grant Expense – SLA in the amount of \$540.02 to be covered with reserve funds.

Councilman Fishburn made a motion second by Councilman Tate to approve agenda item 26 as written.

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

27. Discussion and possible action concerning 2020-2021 Budget Amendment GF-2021-19 increasing Sales Tax Revenue in the amount of \$557,655.18 and appropriations Trsf Out – Cap Imp \$371,770.12 and Trsf Out PWA- PMH 185,885.06 to cover increased Sales Tax Revenue that was transferred to PWA for PMH and Capital Improvements.

Councilman Jacobs made a motion second by Councilwoman Engert to approve agenda item 27 as written.

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

28. Discussion and possible action concerning 2020-2021 Budget Amendment GF-2021-20 Increasing Appropriations Transfer out in the amount of \$13,553.66 and increasing Grant Revenue in the amount of \$27,832.25, Transfer In General Fund \$6,812.80 and Transfer In – Sales Tax \$371,770.12.

Councilman Fishburn made a motion second by Councilman Jacobs to approve agenda item 28 as written.

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

29. Discussion and possible action concerning 2020-2021 Budget Amendment GF-2021-21 increasing Revenue – Reimbursement/Discounts and Appropriations Vehicle Maintenance both in the amount of \$2,777.07.

Councilwoman Engert made a motion second by Councilman Tate to approve agenda item 29 as written.

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

30. Discussion and possible action concerning 2020-2021 Budget Amendment Unemp Ins-2021-1 increasing Appropriations Provision for Claims in the amount of \$2,099.44 to be covered by reserves.

Councilwoman Engert made a motion second by Councilman Tate to approve agenda item 30 as written.

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

31. Discussion and possible action concerning an agreement between the McClain County 911 Trust Authority, McClain County Board of County Commissioners, and the City of Purcell, Oklahoma for the Joint Operation of a City/County 911 Communications Center.

Mr. Bunn advised the 911 agreement is going to month-by-month agreement. Mr. Haxel stated as of July 1, 2021, it is on a month-by-month. Should either party decide to they can give the other party a 30-day notice.

Councilman Jacobs made a motion second by Councilwoman Engert to approve the month-by-month agreement between McClain County 911 Trust Authority, the McClain County Board of County Commissioners, and the City of Purcell for the Joint Operation City/County 911 Communications Center.

Yes: Jacobs, Engert, Tate, 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 7:12 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 7:24 p.m.

32. EXECUTIVE SESSION: DISCUSSION, CONSIDERATION RE: AN EXECUTIVE SESSION TO BE HELD IN ACCORDANCE WITH 25 O. S. 307 § (B) (1) AND 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 FOP #194 in accordance with 25 O.S. § 307 (B) (2).
- b. 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 Tate to enter into joint Executive Session at 7:26 p.m. with the following persons entering: Councilmen/Trustees who are present, City/Trust Attorney Mr. Greg Dixon, City/Trust Manager Mr. Bunn Treasurer Mr. Victor Lohn, and Police Chief Bobby Elmore.

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

Mayor/Chairman Cox declared the Council has returned from Executive Session at 7:48 p.m.

Mayor/Chairman Cox made a motion second by Councilman/Trustee to return to regular Joint Session at 7:48 p.m.

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

33. EXECUTIVE SESSION: DISCUSSION, CONSIDERATION AND POSSIBLE ACTION CONCERNING ITEMS DISCUSSED IN EXECUTIVE SESSION IN ACCORDANCE WITH 25 O. S. 307 § (B) (1) AND 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 FOP #194 in accordance with 25 O.S. § 307 (B) (2).

No action taken.

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

No action taken.

34. City Council Comments.

Councilman/Trustee Tate thanked Mr. John Blue and others for efforts in the Independence Day Celebration. He asked when will we begin receiving Lodging Tax Revenue. Mr. Lohn advised we have already received from the RV Park.

Councilwoman/Trustee Engert thanked Mr. Blue and the Chamber for their efforts with the Independence Day Celebration. She reported at 6th and Jackson the road needs to be repaired before school begins. She asked if the City has any plans to spray for mosquitoes. Mr. Bunn advised we could look into it.

Councilman/Trustee Fishburn mirrored thanks to Mr. Blue for the Independence Day Fireworks display.

Councilman/Trustee Jacobs thanked Mr. Blue and staff for the Independence Day Celebration. He asked when the sand would go in at the beach. Mr. Blue advised we are waiting for delivery.

Mayor/Chairman Cox thanked Mr. Blue for the Independence Day Celebration. He advised he thought Saturday would work best next year because the way the holiday falls.

35. City Manager and staff comments.

None.

36. City Attorney comments.

Greg Dixon thanked Mr. Blue for a great Independence Day Celebration.

37. Adjourn.

Mayor Cox declared the meeting to be adjourned at 8:00 p.m.

Approved this 2nd day of August 2021

Attest:

Ted Cox, Mayor

Dorothy Kennedy, City Clerk