

**CITY OF PURCELL
REGULAR MEETING
AUGUST 2, 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 6:01 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, Josh Van Ort, Kevin Rhoads, Michael Minor, Justin Howell, Clent Kennedy

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 Councilmembers.

5. Discussion of Agenda Items.

Mayor Cox called for any discussion of agenda items.

Mayor Cox advised he would step out when we come to agenda item no. 16 for personal reasons.

6. Approve the Consent Agenda:

- a. **Approval of minutes for July 6, 2021, Meeting(s).**
- b. **Approval of payment of claims as presented in the Council Expense Report in the amount of \$712,194.27.**
- c. **Approval of payment of Street & Alley Claims in the amount of \$149.62**
- 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 \$111,524.45.**
- 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 \$295,000.00**
- j. **Approval of the Treasurer's Financial Report.**

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

Yes: Jacobs, Tate, Fishburn, Engert, 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 Lohn reported on June 2021 Financials. Revenues outpaced expenses for the current fiscal year through June 2021. Tax revenue overall year-to-date is up 11.38%. City and Public Works revenue were lower than expenses in June 2021. In June 2021 the monthly loss was

\$21,371.69 but a year-to-date profit of \$575,446.58. Mr. Lohn went over the checks over \$5,000 report.

He advised we are working to prepare for the annual audit.

9. Presentation and discussion of the City Manager Report.

Mr. Bunn

Hospital Projects:

- Sanitary Sewer is complete
- Storm Sewer is complete other than drainage for the parking areas
- Interior work is on schedule
- Water Main is 95% complete

Other Projects:

- I-35 Interchange still is progressing
- Plans went back to Shipro. It is unclear why it went back but may be due to the discovery of the WPA markings on the sidewalks. Mr. Bunn advised the project is dragging and he is not sure it will be bid out this year. This is at no fault of the City.
- Airport Terminal Office will be complete within a week
- Airport Terminal Apron has been bid and is on the agenda
- Chickasaw Wellness Project should begin August 15th.
- Redhill Tank is complete and in service. Microcom is still in progress
- New Well is in, and the building is being constructed to go over the well
- 700 MHz radio went live. Interestingly we have not been able to broadcast from many locations within the city with the former 800 MHz. Some areas in which we couldn't broadcast were the Emergency Room, certain churches, the police station in certain areas. Chief Elmore stated the 700 MHz took us from one tower east of Lexington to numerous towers in surrounding area.
- Basketball punch list is scheduled for Thursday.
- Beach and volleyball court sand has been spread
- Street Department helped on the Trails Project by removing trees where the bridge will go.
- Senior Citizens building is open for business. They still need board members, Mr. Bunn advised if you have someone in mind to please let him know.
- Quarter Horse Capital of the World has now been issued a Trademark. He advised the City now has four Trademarks: Giving Time Guardian Awards, the Heart of Oklahoma, the Quarter Horse Capital of the World and the City of Purcell Logo.

10. Discussion and possible action to approve the sale of property adjacent to the new Purcell Municipal Hospital for a medical office building pursuant to the real estate purchase agreement with NF Purcell HP, LLC for the sum of \$503,275.45 and to authorize the Mayor/Chairman and the City/General Manager to execute said contract and all documents required to complete the transaction.

Mr. Haxel stated that he approves the Purchase Agreement. He advised he has made several suggested changes and they have changed each one without a problem. He stated that the property is in the Public Works Authority Name and this matter is mirrored on that agenda.

Councilman Jacobs made a motion second by Councilman Fishburn to approve agenda item 10 as written.

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

11. Discussion and possible action to approve a reciprocal easement maintenance agreement with NF Purcell HP, LLC, owner and management of new medical office building, for the parking, sidewalks and landscaping bordering their property and the Purcell Public Works property / new Purcell Municipal Hospital and authorize the Mayor/Chairman and the City/General Manager to execute any and all documents required to complete the transaction.

Mr. Bunn advised this agreement is still in progress and will take some time to work out details. Mr. Bunn introduced Mr. Rogan with NF Purcell HP, LLC, should the council wish to ask questions.

Mr. Haxel reported that the property is owned by the PWA and there is a mirrored item on the Public Works Agenda. He stated the original draft was for a 10-year term. We requested it to be changed to a five-year term which will roll for a consecutive five years unless one party desires to change it. He advised the agreements calls for a Maintenance director for common areas. The common area is based on the proportion of share, Purcell's share is approximately 73%. The City would take care of areas that are on the hospital parcel of land, and they take care of land on the Medical Office Building.

Mr. Todd Rogan reported he is with NF Purcell HP LLC who will be developing the Medical Office Building immediately adjacent to the Hospital. He agreed with Mr. Bunn that it will take some time to work through some of the details. Mr. Bunn asked if this document not being finalized at this point would slow down the building of the medical office building. Mr. Rogan advised it will be critical to execute the reciprocal agreement before we close on the land. Mr. Bunn asked what the expected closing date would be. Mr. Rogan confirmed the contract states 120 days to allow for due-diligence, engineering etc. Mr. Rogan advised the closing would be approximately 120 days and we would get a contractor started as quickly as possible. Mr. Rogan advised construction should take approximately eight and a half to nine months after closing. Councilman Fishburn stated an estimated completion date looks like September 2022. Mr. Rogan reiterated getting it completed is at their best interest as well.

Councilman Jacobs made a motion second by Councilman Fishburn to approve agenda item number 11 as written.

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

12. Discussion and possible action concerning Amendment No. 2 to Owner – Engineer Agreement with CEC to Reconstruct Terminal Apron AIP 3-40-0130-013-2021 project.

Mr. Kevin Rhoads explained the agreement concerns the Reconstruct Terminal Apron project.

Councilman Jacobs made a motion second by Councilman Fishburn to approve agenda item number 12 as written.

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

13. Consideration and possible action concerning a recommendation from CEC Corporation to award contract for Purcell Airport Project to Reconstruct Terminal Apron (AIP 3-40-0130-013-2021) from the following bids:

- a. Ellsworth Construction, LLC **\$386,152**
- b. Altus Sand & Gravel **\$388,505**
- c. Tri-City Seal Co., Inc **\$481,220**

Mr. Rhoads advised Ellsworth Construction; LLC is low bidder. CEC has made the recommendation to award contract to low bidder.

Councilman Jacobs made a motion second by Councilman Fishburn to approve the recommendation from CEC to award contract to low bidder Ellsworth Construction LLC in the amount of \$386,152.

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

14. Discussion and possible action concerning RESOLUTION NO. 21-C13 A RESOLUTION ACCEPTING A FEDERAL AVIATION ADMINISTRATION GRANT OFFER FOR AIRPORT IMPROVEMENT PROJECT (AIP 3-40-0130-013-2021) IN THE AMOUNT OF \$438,602.00 AT THE PURCELL MUNICIPAL AIRPORT TO RECONSTRUCT TERMINAL APRON.

Mr. Rhoads advised this is a resolution accepting a FAA Grant if awarded. Mr. Rhoads informed the Council that this year FAA will pick up 100% of the project cost, and this includes engineering cost.

Councilman Fishburn made a motion second by Councilwoman Engert to approve Resolution No. 21-C13 accepting a Federal Aviation Administration Grant Offer for the Airport Improvement Project in the amount of \$438,602.

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

15. Discussion and possible action concerning RESOLUTION NO. 21-C14 A RESOLUTION ADOPTING THE MCCLAIN COUNTY MULTI-JURISDICTIONAL MULTI-HAZARD MITIGATION PLAN 2021-2026.

Councilman Jacobs made a motion second by Councilman Fishburn to approve Resolution No. 21-C14 as written.

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

16. Discussion and possible action concerning a recommendation by the Planning Commission to deny a request for variance for a Medical Marijuana Grow Facility at 126 S. Canadian.

Mayor Cox advised he has a request to speak from Ms. Kelly Clark, however she is not present.

Mayor Cox excused himself at 6:30 and was absent for the duration of discussion of agenda item no. 16.

Mr. Justin Howell reported receiving a request for a variance for a Medical Marijuana Grow Facility at 126 S Canadian which is the old bait shop. He advised the request was because they did not meet the distance requirements for residentially zoned area. They also did not meet the distance requirements for schools. The Planning Commission denied the request on that basis. They also made the decision that if a variance was allowed it could potentially open a door for other variance that do not meet requirements.

Councilman Fishburn made a motion second by Councilman Tate to deny a variance request for Medical Marijuana Grow Facility at 126 S Canadian.

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

Mayor Cox rejoined the meeting at 6:32 p.m. but was absent during discussion and voting.

17. Discussion and possible action concerning a recommendation from the Purcell Parks and Recreations Board to appoint Chris Hurt to fill a vacancy on the board.

Mr. John Blue advised Mr. Hurt has helped in various events and when asked to serve he agreed.

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

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

18. 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 123-05 by repealing it in its entirety by not allowing Medical Marijuana Grow Facilities within the Cooperate Limits of the City of Purcell.

Mr. Bunn asked the Council to table the agenda item because they were no ready yet.

Councilman Fishburn made a motion second by Councilman Jacobs to table agenda item 18.

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

19. Discussion and possible action concerning a recommendation from the Purcell Cemetery Board to appoint Lena Martin to fill a vacancy due to the resignation of Dale Chambers.

Councilman Jacobs made a motion second by Councilwoman Engert to approve the recommendation from the Cemetery Board to appoint Lena Martin to fill a vacancy on the Cemetery Board.

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 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 6:53 p.m.

20. 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 Cox made a motion second by Councilman/Trustee Jacobs to enter into joint Executive Session at 6:54 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 and Margarett Love.

Yes: Cox, Jacobs, Fishburn, Engert, 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 7:52 p.m.

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

21. 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).
- 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 on Executive Session items.

22. City Council Comments.

Councilman/Trustee Tate ask if the Police Department could monitor the school during pick-up and drop-off times. Chief Elmore stated they could not be there all the time due to other calls for service.

Mayor/Chairman Cox advised the Lions Club has sponsored a sign located on Green Avenue that gives directions to the Football Field. He stated the property where the sign is located has sold and the sign may not be allowed. He asked if the City would consider mounting directional signs on the light poles.

23. City Manager and staff comments.

Mr. Bunn advised the Council that in October he will be out of town at a City Manager Conference and will not return until October 6th. He asked if we could the rescheduled October 4th meeting to later in the month. This will be discussed in next month's agenda for a possible date of October 7th.

24. City Attorney comments.

None.

25. Adjourn.

Mayor Cox declared the meeting to be adjourned at 7:58 p.m.

Approved this 7th day of September 2021

Attest:

Ted Cox, Mayor

Dorothy Kennedy, City Clerk