

MINUTES

**CITY OF PURCELL
REGULAR MEETING
September 6, 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.

Mayor Fishburn 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, Andrea Millsap, with the following results:

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

Councilman absent: None

Staff present: Dale Bunn, Victor Lohn, Andrea Millsap, Greg Cypert, Louise Zastrow, Mitchell Taggart, Rocky Claunch, Justin Howell, Mike Lewis, Michael Minor, Bobby Elmore

Counsel: Greg Dixon

3. Pledge of Allegiance.

Mayor Fishburn led the Pledge of Allegiance.

Dale Bunn offered the invocation.

4. Welcome.

Mayor Fishburn welcomed guests, staff, and council members.

5. Discussion of Agenda Items.

Mayor Fishburn called for any discussion of agenda items.

6. 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 August 1, 2022, Regular Meeting.

b. Approval of payment of claims as presented in the Council Expense Report in the amount of \$651,232.10.

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 \$0.00.

- e. **Approval of payment of Capital Improvement Claims in the amount of \$1,161,373.29.**
- f. **Approval of payment of Rural Fire Claims in the amount of \$636.51.**
- 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.**

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

No items were removed from the consent agenda.

Vice Mayor Cox made a motion second by Councilman Tate to approve the consent agenda as written.

Yes: Cox, Tate, Engert, Eubanks, Fishburn

No: None

Absent: None

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

- Sales Tax thru July 2022 is up 6.11% over last year or \$36,676.00; up 9.23% over budget or \$53,815.00.
- Use Tax thru July 2022 is up 24.81% over last year or \$13,693.00; up 18.08% over budget or \$10,547.00.
- Tobacco Tax thru July 2022 is down 9.69% over last year or \$532.00; down 3.99% over budget or \$206.00.
- Electricity in July 2022 had a positive variance of \$103,115.00 vs last year; YTD the variance is positive \$103,115.00.
- Water in July 2022 had a positive variance of \$85,581.00 vs last year; YTD variance is positive \$85,581.00.
- General Fund in July 2022 the expenses were above revenues by \$344,568.00; YTD expenses were above revenues by \$344,568.00.
- Public Works in July 2022 the expenses were below revenues by \$261,031.00; YTD expenses are below revenues by \$261,031.00.
- I have provided a quote from OEC in you packets for servicing the City. By the end of 2023 our software provider will require us to be on the cloud. For this we need reliable internet service. I think OEC can provide this for the City. The only location that OEC will not initially be able to service is the Cemetery.
- The City Auditor will be here Thursday September 8, 2022. They hope to have the field work completed in one day.

9. Presentation and discussion of the City Manager Report.

Hospital

- Sanitary Sewer Complete.
- Storm Sewer done except re-route at NE corner.
- Outstanding cleanup on Water main construction along 9th Ave.

- Water Loop with Waldrop's contractor was accepted by the city except for tracer line failure, currently working to get contractor to repair this.
- Waldrop has finished parking lots and sod work.
- Nuclear Med floor completed.
- Final Road Grading rehab construction is underway with Central Plains Construction. Temporary road for construction to the medical office building has been completed. Central Plains portion of Phase 1 is complete and Phase 2 has begun. All Roads Paving mobilized 9/6/22 and will begin 9/8/22. Once All Roads has completed their portion of Phase 1 work, they will begin work on Zeck Ford road. Central Plains will then complete their Phase 2 portion. All Roads will pave Zeck Ford entry. By contract All Roads have until November 27, 2022 to complete the roadway but they believe it can be ready by September 25, weather permitting. If accomplished, roadway completion would be in October.
- Hospital Public Preview will be Friday, October 28, 2022.
- Epic Electronic Healthcare Records System installation and doors open on November 2, 2022.

Medical Office Building

- Central Plains completed temporary road.
- Integrate, contractor, has framed the building and closed in the roof and some side and masonry work has started.
- We provided utilities. Waiting on backordered transformer but they are using one that we had until the new one arrives.
- Temporary easement with Sunray Baptist for access roadway and materials storage and parking. Will work with them on payment.
- Coordinating with all contractors involved on many items on site.

I-35 Interchange

- Have environmental approvals.
- Sullivan Engineering has designed the move of utilities, working the EST. Trey has plan for moving electric transmission lines in the area of the interchange.
- Right-of-way acquisition agreement with Smith Roberts Lands Services is on tonight's agenda.
- Construction to start 2025.

Chickasaw Wellness

- Project complete.
- Chickasaw Nation is taking care of some striping.

Main StreetScape

- Memorandum Agreement with ODOT for Purcell downtown being placed on the National Register of Historic Places.
- Cost share agreement completed.
- Payment posted to ODOT.
- Bid advertising will be on September 29, 2022, by ODOT, bid award in October, contract signed in November, 3 month flex for start which will be used to have the start of any construction downtown by after January 1, 2023, to accommodate business owners through the holiday season.

Water

- New well, out at the well field, is online and producing.

- Water leaks on Washington, Michael is moving waterline into the easement outside of the curb.
- While boring, an unmarked gas line was hit and ONG is repairing.
- All 15 wells were pumping during the leak period and we need more wells than line volume and will be coming to the council with plan for that.
- Test wells discussed at last meeting are on the agenda. Sullivan is on the agenda for this item.
- There will be later discussion for more wells and supply line improvements.

South Canadian Lift Station

- Has been engineered and bid accepted by council. Contract has been signed and we're waiting on a transformer to begin that work.

9th Avenue

- Project completed on August 5th, completed before school started.

Trails Phase 2

- Bridge is completed, concrete works is done except for pad at the NW/Corner that street department will be doing in the next week.
- Dirt fill and grading is done.
- Shore riprap final grading is complete.
- Our Street Superintendent, Tommy Mize, resigned. He's been with the city 12 to 14 years. Took another job.
- Rock being spread now.
- Paving contractor went out of business. We have new contract for that and paving is scheduled for mid-October.

Airport Hanger Grants

- Kevin Rhoads and Toby Baker are here to talk about what we received from Oklahoma Aeronautic Commission.

Mr. Baker provided information concerning Grants for airports. New hangar program from Oklahoma Aeronautics Commission that they participate up to 30% of project to construct hangars at general aviation airports in the state. Purcell's airport is on the shortlist for grant if application is submitted. For the \$1 million we could build 4 50x50 hangars on the west side of the airport, estimated at \$1.09 million. City's share would be 70% of that. Important because the FAA requires at least 10 based airplanes in order to continue to receive federal funding. On paper, we have 10. If we drop below 10 we will no longer receive \$260,000.00/year, so getting additional based aircraft is critical in order to continue to receive the federal funding. Project funding announcement is this Thursday. Discussion had between Mr. Baker, council, and Mr. Bunn.

10. Discussion and possible action to approve signing a Contract with Smith-Roberts Land Services, Inc., for Right-of-Way Acquisition Services concerning the I-35 & SH-74 Interchange.

Councilman Eubanks noted that the contract only mentioned sanitary sewer and asked if electric and water should be included? Mr. Bilyeu noted that was a mistake and it would be corrected to roadway and utilities that the engineer identifies should be adjusted (by parcel). Mr. Bunn asked about wording. Mr. Bilyeu noted "Engineering in determining feasible rout and acquiring rights of way necessary to accommodate the interchange." Mr. Bilyeu also noted environmental

clearance has not been issued yet, should have in October/November. Additional discussion was had.

Vice Mayor Cox made a motion second by Councilwoman Engert to authorize Mr. Bunn to sign the contract once corrected.

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

11. Discussion and possible concerning a recommendation from Parks Director John Blue to award bid for the Multi Purpose Center Exterior Rehabilitation Project to Comanche Construction, LLC in the sum of \$39,415.00.

Councilwoman Engert made a motion second by Councilman Tate to approve agenda item No. 11 as written.

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

12. Discussion and possible action to approve ORDINANCE NO. 22-08 AN ORDINANCE OF THE CITY OF PURCELL, OKLAHOMA, AMENDING CHAPTER 10 (ANIMALS) AS FOLLOWS:

- 1. BY ADDING SEC 10-145 (SPAYING AND NEUTERING REQUIREMENT), REPEALING ALL OTHER CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY**
- 2. SECTION 10-282 (ANIMALS TO BE IMPOUNDED); BY ADDING A NEW PARAGRAPH C REGARDING THE SPAYING AND NEUTERING OF IMPOUNDED DOGS AND CATS; REPEALING ALL OTHER CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.**

Louise Zastrow presented information supporting the Ordinance. Discussion was had between council members, staff and Ms. Zastrow

Councilman Tate made a motion second by Councilman Eubanks to approve Agenda Item No. 12 as written

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

13. Discussion and possible action to approve Ordinance No. 22-09 AN ORDINANCE OF THE CITY OF PURCELL AMENDING ORDINANCE 06-14 AND ORDINANCE 07-13 OF ITS CODE OF ORDINANCES BY AMENDING CHAPTER 86 (SIGNS) AS FOLLOWS:

- 1. SECTION 86-1 (DEFINITIONS); BY ADDING PARAGRAPH NUMBER D. FEATHER FLAGS AND PARAGRAPH NUMBER E. TEMPORARY SIGNS, REPEALING ALL OTHER CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY;**
- 2. SECTION 86-6 (GRAND OPENING SIGNS); BY RETITLING SECTION 86-6 TO (GRAND OPENING AND ANNIVERSARY SIGNS) AND CREATING PARAGRAPHS A. AND B., MORE SPECIFICALLY THE EXISTING CODE PROVISION OF SECTION 86-6 SHALL BE IDENTIFIED AS PARAGRAPH A. (GRAND OPENING SIGNS) AND BY ADDING NEW LANGUAGE AS PARAGRAPH B. (ANNIVERSARY SIGNS); REPEALING ALL OTHER CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY;**

3. **BY ADDING SECTION 86-6-1 (FEATHER FLAG DISPLAY); REPEALING ALL OTHER CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY;**
4. **BY ADDING SECTION 86-9 (EXEMPTIONS); REPEALING ALL OTHER CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY;**
5. **BY ADDING SECTION 86-10 (PERMITS NOT REQUIRED FOR CERTAIN SIGNS); REPEALING ALL OTHER CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.**

Kyla Wilson presented on her Request to be Heard concerning the ordinance. She asked that the time limitation language of 14 days be removed concerning the amount of time inflatables, feathers and flags could be displayed, and wanted them to be allowed to be displayed all the time. It was clarified that feather flags could be displayed all the time but not the inflatables. Justin Howell, code department, presented the changes made to the ordinance. Additional discussion was had. Councilman Eubanks made a motion second by Councilwoman Engert to approve Agenda Item No. 13 as written.

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

14. **Discussion and possible action to approve JOINT RESOLUTION NO. 22-P04 22-C04 A JOINT RESOLUTION OF THE PURCELL PUBLIC WORKS AUTHORITY AND THE CITY OF PURCELL RELATING TO ACCEPT THE ASSIGMENT FROM DOWS HILL LLC REGARDING THE APPROACH WATER MAIN EXTENSION AND COST REIMBURSEMENT AGREEMENT APPROVED ON AUGUST 1, 2022; AND AMENDING ALL PRIOR RESOLUTIONS IN CONFLICT HEREWITH.**

Mr. Bunn explained this resolution is for easements in Dows Hills. This resolution is required according to our code of ordinances.

Vice Mayor Cox made a motion second by Councilwoman Engert to approve Agenda Item No. 14 as written.

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

15. **Discussion and possible action to approve Joint Resolution No. 22-P05 & 22-C03 a resolution to enter into an intergovernmental agreement with Sourcwell, a Minnesota governmental agency, for purchase equipment and supplies.**

Mr. Bunn gave explanation of what Sourcwell is used for and explained we could use them but had to have this resolution in order to do so. Additional discussion was had.

Vice Mayor Cox made a motion second by Councilman Tate to approve Agenda Item No. 15 as written.

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

16. **Discussion and possible action to approve Ted Cox as city council liaison to Oklahoma Department of Transportation and Oklahoma Turnpike Authority.**

Mr. Bunn stated he is requesting Mr. Cox assistance with the Turnpike and Transportation. Mr. Cox indicated he is in agreement.

Councilwoman Engert made a motion second by Councilman Tate to approve Agenda Item No. 16 as written.

Yes: Engert, Tate, Eubanks, Cox, Fishburn

No: None

Absent: None

17. Discussion and possible action concerning the recommendation from OMAG to deny Claim No. 211547-1-HW.

City Clerk gave information about the claim.

Vice Mayor Cox made a motion second by Councilman Eubanks to deny Claim No. 211547-1-HW.

Yes: Cox, Eubanks, Engert, Tate, Fishburn

No: None

Absent: None

18. Discussion and possible action to approve Budget Amendment GF-2022-8 to adjust accounts due to increase in sales tax receipts.

Victor Lohn explained this is a simple adjustment to balance the books.

Vice Mayor Cox made a motion second by Councilman Tate to approve Agenda Item No. 18 as written.

Yes: Cox, Tate, Engert, Eubanks, Fishburn

No: None

Absent: None

19. Discussion and possible action to approve Budget Amendment Unemp Ins-2022-1 to adjust contributions to cover claims.

Councilman Eubanks made a motion second by Councilman Tate to approve Agenda Item No. 19 as written.

Yes: Eubanks, Tate, Cox, Engert Fishburn

No: None

Absent: None

20. Discussion and possible action to approve Budget Amendment HSA-2022-1 to record actual revenues to cover appropriations.

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

Yes: Eubanks, Tate, Cox, Engert Fishburn

No: None

Absent: None

21. Discussion and possible action to approve Budget Amendment LTF-2022-1 to record actual revenues and appropriations due to no budget for the year.

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

Yes: Eubanks, Tate, Cox, Engert Fishburn

No: None

Absent: None

22. Discussion and possible action to approve Budget Amendment Cap Imp-2022-1 to increase revenue from actual income and reserve to cover capital improvement encumbrances.

Councilman Eubanks made a motion second by Councilman Tate to approve Agenda Item No. 22 as written.

Yes: Eubanks, Tate, Cox, Engert Fishburn

No: None

Absent: None

23. Discussion and possible action to approve Budget Amendment Cap Imp-2022-2 to record revenue and appropriations for the Purcell Municipal Hospital note payment that started in March 2022.

Councilman Eubanks made a motion second by Councilman Tate to approve Agenda Item No. 23 as written.

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

24. Discussion and possible action to approve Budget Amendment DE-2023-1 to record receipt of money obtained in a drug seizure that was never claimed.

Councilman Eubanks made a motion second by Councilman Tate to approve Agenda Item No. 24 as written.

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

25. Discussion and possible action to approve Budget Amendment GF-2023-1 to record receipt of hole sponsorships for the City Golf Tournament for the purchase of prizes.

Councilman Tate made a motion second by Councilman Eubanks to approve Agenda Item No. 25 as written.

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

26. Discussion and possible action to approve payment of \$105,000.00 to Utility Technology Services for base station replacements and programming at Red Hill and District 7 as necessary upgrades to Automated Meter Reading (AMR) System.

Mr. Bunn explained this was a \$70,000.00 budgeted item in capital expenditures for this year. After budget was settled, updated prices were received. This is to operate the electric and water metering system.

Vice Mayor Cox made a motion second by Councilman Eubanks to approve Agenda Item No. 26 as written.

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

27. Discussion and possible action to increase the speed limit from 25mph to 35mph on Chandler Road from Green Avenue to 190th.

Bobby Elmore presented information at the request of citizens. Discussion was had as to the pros and cons of making that adjustment. The item was tabled indefinitely.

Councilman Eubanks made a motion second by Councilman Tate to table Agenda Item No. 27 indefinitely.

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

28. Discussion and possible action to approve the purchase of 2019 Ford F150 XLT pickup for Code Enforcement Department not to exceed \$35,000.00.

Justin Howell noted approval of new work truck for Code Enforcement for \$35,000.00 and one was found for \$33,699.00. Discussion was had about reason for bid/no bid. Mr. Cox noted the minimum is \$50,000.00 for bidding (changes as of November 2021 to statute). Mr. Dixon noted a statute that if a product is just for the city, we are not exposed to the state competitive bidding, only what the charter provides for.

Vice Mayor Cox made a motion second by Councilman Engert to approve Agenda Item No. 28 as written.

Yes: Cox, Engert, Tate, Fishburn

No: Eubanks Absent: None

29. Discussion and possible action concerning declaration 1986 Bluebird bus (VIN 1BDDXCC7XGF072688) as surplus and approving the sale of said item.

Rocky Claunch gave information about this vehicle being an unused and unneeded item.

Councilman Eubanks made a motion second by Councilman Tate to approve Agenda Item No. 29 as written.

Yes: Eubanks, Tate, Cox, Engert, Fishburn

No: None

Absent: None

30. Discussion and possible action to approve Change Order No. 1, for New Hospital Roadway Extension Project contract increase with All Roads Paving in the amended sum of \$993,073.02. Increase of \$202,569.76 due to increased materials cost.

Mr. Bunn noted this paving contract was awarded in October 2021, was delayed due to issues and delay in roadway and this is for increase in materials. Mr. Eubanks asked if the bond of the company would cover this cost. Mr. Bunn noted we closed them out of the agreement, paid what was due at that point, and terminated the contract. Mr. Dixon noted his recollection was mutual releases with clean break on the side of both parties, take a loss, move on with the hospital instead of the possibility of delaying opening due to pending court matter.

Vice Mayor Cox made a motion second by Councilwoman Engert to approve Agenda Item No. 30 as written.

Yes: Cox, Engert, Tate, Eubanks, Fishburn

No: None

Absent: None

31. Discussion and possible action to approve payment, of to date work, to Wee Construction in the sum of \$62,148.05 for Penn Avenue Bridge Water Line Relocation Project. The amount to be reimbursed, in full, by the Oklahoma Department of Transportation.

Councilman Eubanks made a motion second by Vice Mayor Cox to approve Agenda Item No. 31 as written.

Yes: Eubanks, Cox, Engert, Tate, Fishburn

No: None

Absent: None

32. Discussion and possible action to approve Change Order No. 1 for Penn Avenue Bridge Water Line Relocation Project in the sum of \$66,919.00 (Reduced contract amount by \$430.00).

Councilman Eubanks made a motion second by Vice Mayor Cox to approve Agenda Item No. 32 as written.

Yes: Eubanks, Cox, Engert, Tate, Fishburn

No: None

Absent: None

Mayor Fishburn declared the meeting to be in recess in order to go into the Purcell Public Works Authority Meeting at 7:44 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 8:11 p.m.

33. 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 appraisal of real property in accordance with 25 O.S. 307 § (B) 3.**

Vice Mayor Cox made a motion second by Councilman Eubanks to enter into joint Executive Session at 8:12 p.m. with the following persons entering: Councilmembers who are present, City Attorney Greg Dixon, City Manager, Dale Bunn, and City Treasurer, Victor Lohn.

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

34. 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 appraisal of real property in accordance with 25 O.S. 307 § (B) 3.**

Mayor/Chairman Fishburn declared the Council has returned from Executive Session at 8:22p.m.

Vice Mayor Cox made a motion second by Councilman Tate to return to regular Joint Session at 8:22 p.m.

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

No Action

35. City Council Comments.

Vice Mayor Cox:

(Interchange) Noted that the money is capped in the agreement.

(Speed Limit between Hardcastle between Chandler Rd. and Hwy 39) so he believes discussion with Chickasaws is needed. General discussion was had.

Councilwoman Engert:

Wanted to thank Brandi and her crew for the employee golf tournament. Was a great time even though it was raining.

Councilman Tate:

(Facebook Livestreaming) Said he believes the livestreaming is well received. Noted audio is an issue that needs to be addressed.

(Long Term Water Plan) Would like to have discussion about long term water plan.

Councilman Eubanks:

(Interchange) Requested breakdown from Dale for project expense for the interchange.

(Capital Projects) Second request is for capital projects on the books that money has been committed to, that have been and are in the process of doing or planning on doing.
(Hospital Project) Would like to have a special meeting with the hospital group to discuss needs and a plan.

Mayor Fishburn: Thanks everyone for their hard work, to all the employees it's much appreciated. Thanks to council members who are up here doing it for free.

36. City Manager and staff comments.

(Interchange) Mr. Bunn noted categories are land acquisition, right of way acquisition, engineering, and utility moves and however that adds up to the first \$4 million.

(Capital Projects) Mr. Lohn asked for a time period and noted that the information was in the budget that was approved. Mr. Lohn will put together the last 4 years budget approvals and monies left in projects. Mr. Bunn noted the majority of that would fall in the following fiscal year and commitments have been made for future years in the past.


(Facebook Livestreaming) Mr. Bunn noted the audio was clear during testing. Discussion was had about how to fix the sound issue.

37. City Attorney comments.

38. Adjourn.

Mayor Fishburn declared the meeting to be adjourned at 8:35 p.m.

Approved this 26th day of October 2022



Graham Fishburn, Mayor

Attest:



Andrea Millsap, City Clerk

