

MINUTES

**CITY OF PURCELL
REGULAR MEETING**

October 3, 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 6:00 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, Serena Melton, Bobby Elmore, John VanOort, John Blue, Justin Howell, Matt Martinez, Mitchell Taggard, Louise Zastrow, Josh Miller.

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.

Request to Be Heard: Ms. Justice voiced her concerns about the change in 9th Street (she lives on Van Buren) stating it has disrupted her life. Noted she had disruption to her mail service, her mail box had to be moved (City moved it for her). Ms. Justice's trash has to be placed somewhere other than it was before the permanent one way change, and she has to encounter additional stop signs in order to get to her driveway. She had a concern about a stop sign being removed on VanBuren and cars no longer have to stop and are speeding down the street. Asked that the council to take into consideration that school is part time, twice a day pick up-twice a day drop off and believes this is a full time solution to a part time situation. Also believes this would make her house harder to sell if she decided to do so. Would like to have access to 8th street to have access to her existing driveway.

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 September 6, 2022, Regular Meeting.
- b. Approval of minutes for September 20, 2022, Joint Special Meeting.
- c. Approval of payment of claims as presented in the Council Expense Report in the amount of \$663,449.86.
- d. Approval of payment of Street & Alley Claims in the amount of \$1,423.74.
- e. Approval of payment for Unemployment Insurance in the amount of \$0.00.
- f. Approval of payment of Capital Improvement Claims in the amount of \$323,509.60.
- g. Approval of payment of Rural Fire Claims in the amount of \$2,125.00.
- h. Approval of payment of Cemetery Care in the amount of \$0.00.
- i. Approval of payment for Airport Authority Claims in the amount of \$259.65.
- j. Approval of estimated payroll in the amount of \$295,000.00.
- k. Approval of the Treasurer's Financial Report.
- l. Approval for ratification of Quit Claim Deed from City of Purcell to First Christian Church.

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

Vice Mayor Cox made a motion second by Councilman Tate to removed the Minutes from the Consent Agenda (Items 6a and 6b).

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

Vice Mayor Cox made a motion seconded by Councilman Tate to approve the Consent Agenda as amended.

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

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

- Sales Tax thru August 2022 is up 7.29% over last year or \$87,485.00; up 10.29% over budget or \$120,082.00.
- Use Tax thru August 2022 is up 9.79% over last year or \$11,642.00; up 11.88% over budget or \$13,866.00.
- Tobacco Tax thru August 2022 is down 23.35% over last year or \$2,562.00; down 18.59% over budget or \$1,922.00.
- Electricity in August 2022 had a positive variance of \$283,149.00 vs last year; YTD the variance is positive \$386,263.00.
- Water in August 2022 had a positive variance of \$82,489.00 vs last year; YTD variance is positive \$168,070.00.

- General Fund in August 2022 the expenses were below revenues by \$292,868.00; YTD expenses were above revenues by \$51,700.00.
- Public Works in August 2022 the expenses were below revenues by \$312,400.00; YTD expenses are below revenues by \$573,432.00.

9. Presentation and discussion of the City Manager Report.

Parks

John Blue presented information about Parks and Recreation Movie/Moon night. Had 100-150 in attendance. Mad Science of Oklahoma, astronomers, several local businesses and organizations were involved.

Green Avenue Rehab

- Have started repair on soaker hoses, spray heads, repair valves, etc. due to regular wear and tear.
- Spring Rain Irrigation is working with street department to get this done.

I-35 Interchange

- EST/ODOT/City/Sullivan Engineering working together on interchange.
- Environmental studies are officially completed.
- Agreement with Smith-Roberts has been corrected and will be executed.
- Construct to begin 2025

Main StreetScape

- Cost Share Agreement has been completed and payment for our share has been posted.
- Project letting had to be moved out 2 months due to ODOT's budget. Bid advertising is now scheduled for November, bid aware in December, contracts in January with a contractor start in February or March with a term of 6-7 months.

South Canadian Lift Station

- Bid has been accepted, contract signed, we were waiting for a transformer but are ready to start on the construction.

Trails Phase 2

- We have a new employee, Matt Martinez, and he will talk later on an agenda item.
- Shore rip rap, concrete work and final grading are completed.
- Change in paving contractor to Haskell Lemons because the scheduled company went out of business. Should be in November.

Hospital

- Working with Miller Architects, Oklahoma Health Department, Waldrop and their subs, Integrate (MOB), Central Plains (dirt work for the roadway), All Roads Paving (asphalt work), Sullivan Engineering (utilities), Orion Engineering (design work for site area for roadways), CK Utilities (new water line and sewer utility improvements), PPWA, SSM, and hospital staff.
- Mr. Bunn noted he had supplied budget numbers that were requested.
- Worked out easements with Sunray Baptist for parking and temporary drive; and Zeck Ford to be on their drive area temporarily.
- Coordinated with ONG on gas.
- Currently working on retention pond and will begin tree clearing in the next month or so.
- Erosion control is ongoing.

- Agreement has been worked out on temporary roads with the Department of Health for emergency access.
- Have obtained dirt to replace junk dirt.
- Water loop has been passed with the exception of a tracer line the contractor has to repair.
- Ring road construction and retention pond and final tree clearing was under another contractor that we had to terminate because of failed compaction and record keeping and organic material was discovered underneath the road, and they were 90 days behind schedule. Had to rebid the work, no bids on first letting, so rebid and got a quality bidder. Elevations were updated and temporary road to the medical office building was completed so construction could continue that without interfering with our construction. Roadway was cleared of debris and backfilled with quality dirt, regraded, compacted.
- Medical office building contractor has been working well with the city and is currently planning to open in February.
- Opening plan for hospital (gantt chart) has been provided. October 24 VIP opening, October 28 public open house, November 2 hospital opening.
- Construction will continue but have worked out a temporary road to hospitals ambulance entry across the east end just outside the curbs and the health department has said that they believe that will work. Mr. Wadley has also looked at it and noted the turns and grades are acceptable.
- Mr. Bunn went through the gantt sheet and explained specifics on the chart.

10. Discussion and possible action to approve Proclamation to declare October as Domestic Violence Awareness Month to learn more about domestic violence issues and to show support for the numerous organizations and individuals who are providing advocacy efforts, services, and assistance to domestic violence victims in the City of Purcell.

Police Chief Bobby Elmore and Kati Johnson of Family Crisis Center, Inc., presented statistics on domestic violence. The agenda item was passed and Mayor Fishburn read the proclamation.

Vice Mayor Cox made a motion second by Councilwoman Engert to approve Agenda Item No. 10.

Yes: Cox, Engert, Tate, Eubanks, Fishburn

No: None Absent: None

11. Discussion and possible action to approve the application for Recreational Trails Program grant through the Oklahoma Tourism and Recreation Department for Trails Phase 3 in the sum of \$375,000.00.

John Blue presented information about Phase 3. Working on design for connecting Phase 2 to Phase 3. Darin Free presented photos of the Phase 3 plan. A grant has been awarded but not yet approved for the boat dock area. Phase 3 would be picking up on the North end to the boat dock and then picking up past the boat dock where the other project would end and going as far west as possible (possibly to the turn around road). It's a \$375,000.00 project with 20% match so city's obligation would be \$75,000.00. Money was included for a water line that could be used for irrigation but also for water stations along the trail if the city chose to do those. Trail lighting was also included.

Mr. Blue noted the grant application is due at the end of January. This would fall in the next fiscal year.

Additional discussion was had about concerning financing of the project.

Vice Mayor Cox made a motion second by Councilwoman Engert to approve Agenda Item No. 11 as written.

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

12. Discussion and possible action to approve Resolution No. 22-C05 AUTHORIZING APPLICATION FOR THE RECREATION TRAILS GRANT PHASE 3 FROM THE OKLAHOMA DEPARTMENT OF TOURISM.

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

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

13. Discussion and possible action to approve Resolution No 22-C06 providing for COMMITMENT TO PROVIDE ANY SHARE AMOUNT OF THE NECESSARY FUNDS AND WORKMANSHIP TO CONSTRUCT AND ALL FUNDS TO MAINTAIN THE CITY OF PURCELL LAKE TRAILS PROJECT PHASE 3.

Vice Mayor Cox made a motion second by Councilman Eubanks to approve Agenda Item No. 13 as written.

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

14. Discussion and possible action concerning recommendations from the Parks and Recreation Advisory Board for the replacement of the Rotary Playground at Purcell Lake.

John Blue, Heather Harp (sales person for Play & Park Structures) and Matt Simon (Parks & Recreation Board) presented information. Three park designs were presented. Option 1 \$158,574.46; Option 2 \$285,947.66; Option 3 \$181,490.15. Slideshow presented and discussion about benefits, longevity estimate and repair of each option and other specifics. Parks Board applied for a grant earlier this year and Purcell was not chosen for the grant. The prices quoted are at 50% until the end of October. There was discussion about the possibility of community funding participation by the public and business owners. Mr. Blue noted that there was a link for the city website for donations. Additional discussion was had and the item was tabled to a special meeting to be had before the end of October.

Vice Mayor Ted Cox made a motion second by Councilman Eubanks to table Agenda Item No. 14 to a special meeting before the end of October.

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

15. Discussion and possible action concerning a recommendation from the Planning Commission to approve/deny the preliminary plat for Arbors Addition.

Scott Holtzen of Holtzen Engineering Group presented. This is a 64 acre tract of land, zoned R-2 (single family residential), looking at 181 lots (west of Northridge and north of Woodbrook). Plan for 2 entries, one off Arbor Drive and connect south to Woodbrook Blvd.

Discussion was had about drainage concern. Mr. Holtzen noted that runoff was considered, and 2 retention ponds and drainage are accounted for in the plans.

(Request to Be Heard) Than Maynard was recognized to speak on this matter. Noted he has no problem with the development and is very aware we need more housing in Purcell. His major concern was the traffic that would become an issue at 9th & Green with the increase in traffic from the new addition because that intersection is already an issue. Was also concerned about 9th Street flooding issue.

Mr. Holtzen noted the traffic study indicated currently at "A" (free flowing) and fully developed accounting for 2% growth annually puts it at "B" (stable flow-some delays) in 2027 and is within the parameters for approval.

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

Yes: Eubanks, Tate, Cox, Engert, Fishburn

No: None Absent: None

16. Discussion and possible action to approve \$3,080,000.00 Budget Amendment GF-2023-4 to adjust 2022-2023 budget to follow the 2020 Bond documentation per auditor.

Mr. Lohn noted this was originally going to capital improvement. The bond requires it to go from general fund to PWA, make payment, any residual goes back to general fund, then it can be moved where it needs to be.

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

Yes: Eubanks, Engert, Tate, Cox, Fishburn

No: None Absent: None

17. Discussion and possible action to approve \$999.00 Budget Amendment GF-2023-2 to record receipt of drug seizure money to be used for education material by the Police Department.

Councilman Eubanks made a motion second by Councilman Tate to approve Agenda Item No. 17 as written.

Yes: Eubanks, Tate, Cox, Engert, Fishburn

No: None Absent: None

18. Discussion and possible action to approve \$1,581.53 Budget Amendment GF-2023-3 to record receipt of insurance funds for three vehicle repairs.

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

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

19. Discussion and possible action to approve entering into an agreement with Haskell Lemon Group, LLC., in the sum of \$55,068.50 for paving on the Lake Trail Phase 2 project.

Matt Martinez, new superintendent of the street department presented the information on the proposal from Haskell Lemon to complete the paving on Purcell Walking Trail Phase 2.

Vice Mayor Cox made a motion seconded by Councilman Tate to amend Agenda Item No. 19 from \$55,068.50 to \$53,068.50

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

Councilman Eubanks made a motion seconded by Councilwoman Engert to approve Agenda Item No. 19 as amended.

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

20. Discussion and possible action to approve AN ORDINANCE OF THE CITY OF PURCELL AMENDING CHAPTER 10 (ANIMALS) AS FOLLOWS:

- 1. SECTION 10-1 (DEFINITIONS); BY AMENDING PARAGRAPH V. TO REDEFINE "KENNEL"; REPEALING ALL OTHER CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY**
- 2. SECTION 10-1 (DEFINITIONS); BY ADDING PARAGRAPH AI. (ADEQUATE SHELTER);**
- 3. SECTION 10-171 (LICENSE; OPERATING REQUIREMENTS); BY ADDING NEW PARAGRAPHS I. (KENNEL LIMITATIONS) AND J. (FACILITY INSPECTIONS); REPEALING ALL OTHER CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY**
- 4. SECTION 1-172; (LIMITATION ON NUMBER OF DOGS); BY AMENDING SAID SECTION IN ITS ENTIRETY; REPEALING ALL OTHER CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY**

Louise Zastrow noted this was done to adjust some language due to changes in other ordinances.

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

*Mayor Fishburn declared the meeting to be in recess in order to go into the Purcell Public Works Authority Meeting at 7:26 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 8:14 p.m.*

21. 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).
- b. Performance evaluation, discussion, and consideration concerning Dale Bunn and Victor Lohn, salaried employees. 25 O.S. 307§ (B) (1)

Councilman Eubanks made a motion second by Vice Mayor Cox to enter into joint Executive Session at 8:15 p.m. with the following persons entering: Initially with all councilmembers who are present, with the City Manager and City Treasurer as called.

Yes: Eubanks, Cox, Tate, Engert, Fishburn

No: None Absent: None

22. 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 concerning the purchase or appraisal of real property in accordance with 25 O.S. 307 § (B) (3).
- b. Performance evaluation, discussion, and consideration concerning Dale Bunn and Victor Lohn, salaried employees. 25 O.S. 307§ (B) (1)

Mayor Fishburn declared the Council has returned from Executive Session at 9:54 p.m.

Mayor Fishburn made a motion second by Councilwoman Engert to return to regular Joint Session at 9:54 p.m.

Yes: Fishburn, Engert, Cox, Tate, Eubanks

No: None Absent: None

No action taken.

23. City Council Comments.

Councilman Cox: Citizens are concerned with VRBO's in the community. We need to modify ordinances. It was noted that we were already working on an updated ordinance on this issue. Mr. Cox suggested that owners of short term rental properties should be included in the discussions.

Councilwoman Engert: None.

Councilman Tate: Was asked by a citizen about 2 water taps for property 90 acres south of town, outside of city limits. They were told if they wanted 2 water taps they would have to fund the water line. It was noted that developers do pay for the water line but if we want to add taps to the line, the city pays the difference to upgrade the size of the water line to accommodate more taps.

Councilman Eubanks: None.

Mayor Fishburn: Apologized for length of the meeting. Thanked everyone for their work.

24. City Manager and staff comments.

None.

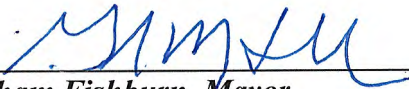
25. City Attorney comments.

None.

26. Adjourn.

Mayor Fishburn declared the meeting to be adjourned at 10:00 p.m.

Approved this 26th day of October 2022



Graham Fishburn, Mayor

Attest:



Andrea Millsap, City Clerk



