

MINUTES

**CITY OF PURCELL
REGULAR MEETING**

January 3, 2023

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:

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

Councilmembers absent: None.

Staff present: Dale Bunn, Victor Lohn, Andrea Millsap, Greg Cypert, Quinn Kroth, Bobby Elmore, James Bolling, Josh Van Oort, Joshua Miller, Jeremy Pitman, Jeff Hixon, Serena Melton

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 payment of claims as presented in the Council Expense Report in the amount of \$899,304.99.**
- b. Approval of payment of Street & Alley Claims in the amount of \$4,765.50.**
- c. Approval of payment for Unemployment Insurance in the amount of \$0.00.**

- d. **Approval of payment of Capital Improvement Claims in the amount of \$394,267.67.**
- e. **Approval of payment of Rural Fire Claims in the amount of \$0.00.**
- f. **Approval of payment of Cemetery Care in the amount of \$0.00.**
- g. **Approval of payment for Airport Authority Claims in the amount of \$1,708.50.**
- h. **Approval of estimated payroll in the amount of \$295,000.00.**
- i. **Approval of the Treasurer's Financial Report.**
- j. **Approval of December 5, 2022 Regular Meeting Minutes.**
- k. **Approval of December 12, 2022 Joint Special Meeting Minutes.**
- l. **Approval of Municipal Electric Systems of Oklahoma, Inc., 2022 Mutual Aid Agreement.**

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

No items removed from the consent agenda.

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

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

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

- Sales Tax thru November 2022 is up 6.98% over last year or \$210,038.00; up 10.07% over budget or \$282,755.00.
- Use Tax thru November 2022 is up 13.16% over last year or \$40,491.00; up 12.75% over budget or \$36,195.00.
- Tobacco Tax thru November 2022 is down 12.58% over last year or \$4,057.00; down 12.60% over budget or \$3,734.00.
- Electricity in November 2022 had a negative variance of \$35,744.00 vs last year; YTD the variance is positive \$639,918.00.
- Water in November 2022 had a negative variance of \$190,917.00 vs last year; YTD variance is positive \$95,556.00.
- General Fund in November 2022 the expenses were below revenues by \$167,593.00; YTD expenses were above revenues by \$39,822.00.
- Public Works in November 2022 the expenses were above revenues by \$133,828.00; YTD expenses are below revenues by \$133,126.00.
- The January billing was sent to the outsourcing company on Thursday afternoon Dec 29, 2022, too late to be processed and mailed. They were mailed yesterday, January 2, 2023. We continue to work thru the bugs of the UTS SA system with both UTS and INCODE.
- Friday December 30, 2022, I transferred \$500,000.00 from reserves to the operating accounts for the General Fund and Capital Improvements.
- I made the first of six \$100,000.00 monthly payments to the hospital in December 2022.
- Wednesday December 7, 2022, I transferred \$500,000.00 from reserves to operating account for the General Fund.

- The Lights from the Heart donations were \$40,337.03. This is 7.1% or \$3,083.82 lower than last year. We were closed Dec. 22 & 23 for inclement weather. Those are a Thursday and Friday right before Christmas, which tend to be good donation nights.

9. Presentation and discussion of the City Manager Report.

I-35 Interchange

- Smith-Roberts right of way acquisition notice of intent letters should start going out in the next 30 days. Working through ownership.
- Construction still scheduled to start in 2025.
- Noted Secretary Gary Ridley, who is no longer with ODOT, was a great asset to this project.

South Canadian Lift Station

- Electric relocation complete.
- Foundation stabilization complete.
- Trash basket, structure and piping complete.
- Valve/vault structure complete.
- Working on valve installation and final grading and expect it to be completed on January 12.
- Pump installation will be January 23rd.
- End of month will install final electric equipment and Microcomm system will be coordinated by the sewer department to integrate it into our system.
- Commissioning will start on the first of February and demolish the existing well around mid-February.

SSM-Medical Office Building

- All services are connected.
- Transformer installed.
- Planned opening is March 20, 2023.

Green & Hallmark

- Traffic count and movement study has been done by Traffic Engineering Consultants and they will be making a presentation at the February council meeting.
- We believe adequate movement and activity to get help from ODOT.

Hospital Site

- Site plan activity spreadsheet was presented.
- Windstream expected to be done November 11, 2022 but they lost track of the project. Dale called them over the holidays, and they'll be working on it this week to finalize.
- Gas line has been moved so grading is ready to start.
- Retention pond construction was rebid and Central Plains will complete grading of the road by the 13th. All roads will move in after that, expecting February 1st they'll be ready. Once that's complete the temporary roads can come out.
- Next will be irrigation.
- Sunray Baptist parking lot to be cleared.

Main StreetScape

- Presentation later in the meeting.

Trails

- Working on punch list work.

- Have started on backfilling.
- Trail head parking, recognition signs, bollards, signage, benches, trash cans, and lighting pending.

Lights from the Heart

- Victor gave information in his presentation.

Emergency Management

- There were freezing temperatures around Christmas. Emergency Management, Rachael Huey, worked with Red Cross and the Parks and Recreation Department, John Blue, to set up a warming area to accommodate in case of an I35 closure or major power outage. They set up cots and blankets. Power to Multi-Purpose Center is as secure as any place there is in town because of the routing of the transmission lines.

We have a thank you letter to Governor Anoatubby for the \$50,000.00 grant to be signed by council members.

Giving Time

- Employees purchased 69 coats, out of their own pockets, to donate; and employee committee donated 22.
- We received a nice letter from Delta thanking us for the coats and how the families appreciated them, and the children were excited about them.
- Fire department presented the coats and the kids got to come out to the fire engine.
- Thanked Serena Melton, Brandi Idlett, Kim Barnes, Kaytie Spencer, Hayleigh Fowler, and Dana Miller for donating their time to the project.

10. Presentation of the Life Saving Awards to Sergeant Van Oort and Officer Miller.

Chief Elmore presented Life Saving Awards.

- Sergeant Joshua Van Oort, on November 21, 2022, was dispatched to an unresponsive female. Sergeant Van Oort evaluated the scene and determined she had possibly overdosed on opioids. He administered Naloxone nasal spray and brought her back to life. He stayed with her until EMS arrived.
- Officer Joshua Miller, on November 8, 2022, was dispatched to a road rage shooting on I35. He was able to locate the victim who had been shot in the leg and was bleeding. He applied tourniquet to the victim's leg properly and stayed with the victim until EMS arrived.

These officers played vital roles in saving these citizen's lives and have lived up to the Purcell Police Department motto "Commitment to Excellence." These distinctive accomplishments reflect great credit on themselves and the City of Purcell. Chief Elmore congratulated them on a job well done and for the great example they both set.

11. Presentation by Halff Associates providing an update on the Main StreetScape project.

James Hazzard on behalf of Halff Associates. Oklahoma Department of Transportation (ODOT) has increased its support for the project by \$700,000.00, which gives a capped budget of \$1.7 million. That is in addition to and matching cost to the city's funds of approximately \$1 million which gives it a total budget of \$2.7 million of funding available. Halff's estimate was

approximately \$3.6 million. He also presented the revised bid format that will include two bid alternatives on lighting and landscaping that the City can choose to have a contractor provide or do with City staff and save contractor mark-up. There was additional discussion. Bids to be in March with project completion in November.

12. Discussion and possible action to approve of the mayor signing the Affidavit of Possession to clear a title requirement for property located at 1500 North Green Avenue (Old Hospital).

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

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

13. Discussion and possible action to approve a realignment recommendation by ODOT of the westbound lanes of US-77 / OK-39 Washington Steet at Green Avenue.

Jon Larsen of ODOT presented information on realignment recommendation of the westbound and eastbound lanes of US-77 / OK-39 Washington Steet at Green Avenue. Discussion was had. The Council wants to study the proposal. Mr. Larsen suggested a letter from council to ODOT with concerns.

Councilman Cox made a motion second by Councilman Tate to authorize the mayor and city manager to write a letter to ODOT requesting a permanent structure in the left lane and table this item to the February council meeting.

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

Mr. Larsen added that a speed study was done south of town on Highway 77 at the council's request. It was performed and the speed study indicates that the speed limit is set exactly correct.

14. Discussion and possible action based on recommendation by Trey Phillips, Electric Supervisor, concerning the South Green Avenue Lighting project.

This agenda item was tabled to the February council meeting to allow Trey Phillips to obtain additional quotes.

15. Discussion and possible action to approve ORDINANCE NO. 23-02 AN ORDINANCE OF THE CITY OF PURCELL AMENDING ORDINANCE 20-06 OF ITS CODE OF ORDINANCES BY AMENDING CHAPTER 46 (HEALTH AND SANITATION) AS FOLLOWS: 1. AMENDING ARTICLE 46-3 (TOBACCO; SMOKING); DIVISION 46-3-2 USE OF TOBACCO AND VAPOR PRODUCTS BY MINORS; SEC 46-81 (DEFINITIONS) BY ADDING PARAGRAPHS J. SCHOOL; PARAGRAPH K. PLAYGROUNDS; PARAGRAPH L. TOBACCO PRODUCT; AND PARAGRAPH M. ELECTRONIC SMOKING DEVICE; REPEALING ALL OTHER CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

2. AMENDING ARTICLE 46-3 (TOBACCO; SMOKING); DIVISION 46-3-2 USE OF TOBACCO AND VAPOR PRODUCTS BY MINORS SEC 46-84 (DISTRIBUTION OF TOBACCO PRODUCT AND VAPOR PRODUCT SAMPLES) BY AMENDING PARAGRAPH B TO INCLUDE INSTRUCTIONS ON THE MEASUREMENT OF THE 300 FT PROHIBITION DISTANCE; REPEALING ALL OTHER CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

3. AMENDING ARTICLE 46-3 (TOBACCO; SMOKING); DIVISION 46-3-2 USE OF TOBACCO AND VAPOR PRODUCTS BY MINORS SEC 46-84 (DISTRIBUTION OF TOBACCO PRODUCT AND VAPOR PRODUCT SAMPLES) BY ADDING PARAGRAPH D. GRANDFATHER CLAUSE; REPEALING ALL OTHER CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

City Attorney Greg Dixon gave brief explanation of this ordinance. Amending this ordinance will allow additional opportunities for grants.

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

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

16. Discussion and possible action to approve ORDINANCE NO. 23-03 AN ORDINANCE OF THE CITY OF PURCELL AMENDING CHAPTER 18 (BUSINESSES) AS FOLLOWS: AMENDING ARTICLE 18-2 (OCCUPATIONAL LICENSES) BY ADDING: SEC 18-37 (FARMERS MARKET) TO INCLUDE DEFINITIONS, PERMITTED USES AND CODE REQUIREMENTS; REPEALING ALL OTHER CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

Councilman Eubanks made a motion second by Councilman Tate to approve Agenda Item No. 16 with the edit on paragraph B, Permitted Use No. 2 stating operating hours from 7:00 a.m. to 9:00 p.m. and striking the remainder of the paragraph.

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

17. Discussion and possible action to approve ORDINANCE NO. 23-04 AN ORDINANCE OF THE CITY OF PURCELL AMENDING CHAPTER 18 (BUSINESSES) AS FOLLOWS: AMENDING ARTICLE 18-2 (OCCUPATIONAL LICENSES) BY ADDING: SEC 18-38 (SHORT TERM RENTALS) TO INCLUDE DEFINITIONS, PERMITTED USES AND CODE REQUIREMENTS; REPEALING ALL OTHER CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

Draft ordinance presented. Discussion was had. More discussion warranted. Anyone wanting to weigh in was instructed to get information to City Attorney Greg Dixon within 10 days. The revision will be on the February council meeting.

18. Discussion and possible action to approve the Fire Marshall, Fire Chief, and City Manager signing a letter granting Tractor Supply (1620 North Green Ave.) approval of a permit for an aboveground flammable liquid propane gas tank permit upon filling certain requirements.

Tractor Supply made application for a permit. The letter lists requirements which must be met in order for the city to issue a permit.

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

Yes: Cox, Eubanks, Engert, Tate, Fishburn

No: None

Absent: None

19. Discussion and possible action concerning a recommendation from Sullivan & Associates to award contract for Purcell Hospital Retention Pond Improvements to Central Plains Construction Group, LLC, it being the lowest and best bidder in the sum of \$196,878.00.

a. Central Plains Construction Group LLC bid \$196,878.00;

b. Wee Construction bid \$210,000.00.

Kenny Sullivan presented information; discussion was had.

Councilman Cox made a motion second by Councilwoman Engert to accept the low bid and award Central Plains Construction Group LLC the contract.

Yes: Cox, Engert, Tate, Eubanks, Fishburn

No: None

Absent: None

20. ORDINANCE NO. 23-03 AN ORDINANCE OF THE CITY OF PURCELL AMENDING ORDINANCE OF ITS CODE OF ORDINANCES BY AMENDING CHAPTER 18 (BUSINESSES) AS FOLLOWS: 1. AMENDING ARTICLE 18-2 (OCCUPATIONAL LICENSES BY ADDING SEC 18-37 FARMERS MARKET; PARAGRAPH 1. DEFINITIONS: A. APPROVED SOURCE; PARAGRAPH B. FARM FOOD; PARAGRAPH C. FARM FOOD PRODUCER; PARAGRAPH D. FARMERS MARKET; PARAGRAPH 2. PERMITTED USE; REPEALING ALL OTHER CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

Duplicate agenda item, no action taken.

21. Discussion and possible action to approve Resolution No. 23-C01 committing the City to provide the local share amount of \$74,100.00 for 25% of the estimated cost of \$296,400.00 to repair Johnson Avenue between OK-74 and 230th Street using \$222,300.00 Municipal Road Drilling Activity Funds (MRDAF).

This was on last months' agenda, but Mr. Eubanks pointed out afterwards that it appeared a portion of Johnson Road was not in city limits. Further research confirmed, so the project was refigured to include only portions within the city limits. The areas that are not in city limits will be resurfaced by McClain County.

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 hire Glenn Sullivan & Associates, Inc. for engineering and inspection service related to constructing three (3) test holes, (1)

public water supply well, and approximately 19,000 l.f. of 12” collector line at the well field.

Council previously approved hiring Sullivan & Associates to drill test holes prior to a new water well, analyze the water and prepare written summary not to exceed \$160,000.00. Glenn Sullivan & Associates, Inc. revised the project to bid 3 test holes, 1 public water supply well, and approximately 19,000 l.f. of 12” collector line. Council approved and Sullivan will put together information for consideration on the February agenda to use as the permit request to ODEQ and OWRB.

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

Yes: Cox, Eubanks, 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 7:57 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 8:04 p.m.*

23. 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 salaried employees. 25 O.S. 307§(B) (1).**

Councilman Eubanks made a motion second by Councilman Tate to enter into joint Executive Session at 8:06 p.m. with the following persons entering: Councilmembers who are present, City Attorney, with City Manager and Treasurer to be called in accordingly.

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

Councilman Cox announced he had to leave and would not be in executive session or the remainder of the meeting.

Mayor/Chairman Fishburn declared the Council has returned from Executive Session at 9:21 p.m.

Roll Call: Graham Fishburn, Theda Engert, Jay Tate, Allen Eubanks
Absent: Ted Cox

24. 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 salaried employees. 25 O.S. 307§(B) (1).

No action taken in executive session.

25. City Council Comments.

Vice-Mayor Cox:

None.

Councilwoman Engert:

None.

Councilman Tate:

Thanked everyone who was a part of Lights From the Heart.

Councilman Eubanks:

None.

Mayor Fishburn:

Thanked everyone for their service to the city.

26. City Manager and staff comments.

None.

27. City Attorney comments.


None.

28. Adjourn.

Mayor Fishburn declared the meeting to be adjourned at 9:24 p.m.



Attest:


Andrea Millsap, City Clerk

Approved this 6th day of February 2023


Graham Fishburn, Mayor