

MINUTES

**CITY OF PURCELL
REGULAR MEETING
APRIL 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 6:01 p.m.

2. Roll Call.

Roll call was conducted by City Clerk, Andrea Millsap, with the following results:

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

Councilmembers absent: Ted Cox arrived at 6:58 p.m.

Staff present: Dale Bunn, Victor Lohn, Andrea Millsap, Serena Melton, John Blue, Michael Minor, Josh VanOort.

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 \$697,136.85.**
- b. **Approval of payment of Street & Alley Claims in the amount of \$0.00.**
- 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 \$557,553.24.**
- e. **Approval of payment of Rural Fire Claims in the amount of \$3,043.00.**

- f. **Approval of payment of Cemetery Care in the amount of \$279.00.**
- g. **Approval of payment for Airport Authority Claims in the amount of \$0.00.**
- h. **Approval of payment for Drug Enforcement 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.**
- k. **Approval of March 6, 2023 Regular Meeting Minutes.**
- l. **Approval of Proclamation for 100 year celebration, declaring March 30, 2023 Purcell Rotary Day.**

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

No items removed from the consent agenda.

Councilwoman Engert made a motion second by Councilman Tate to approve the consent agenda as written.

Yes: Engert, Tate, Eubanks, Fishburn

No: None

Absent: Cox

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

- Sales Tax thru February 2023 is up 7.59% over last year or \$369,972.00; up 12.34% over budget or \$575,895.00.
- Use Tax thru February 2023 is up 18.13% over last year or \$60,278.00; up 22.35% over budget or \$104,312.00.
- Tobacco Tax thru February 2023 is down 10.02% over last year or \$4,040.00; down 12.20% over budget or \$5,044.00.
- Electricity in February 2023 had a positive variance of \$179,236.00 vs last year; YTD the variance is positive \$837,656.00.
- Water in February 2023 had a positive variance of \$19,416.00 vs last year; YTD variance is positive \$318,545.00.
- General Fund in February 2023 the expenses were below revenues by \$109,866.00; YTD expenses were below revenues by \$20,155.00.
- Public Works in February 2023 the expenses were below revenues by \$156,960.00; YTD expenses are below revenues by \$253,448.00.
- The April utility billing was sent to the outsourcing company on Monday afternoon March 27, 2023, too late to be processed and mailed. They were to be mailed Tuesday, February 28, 2023. The utility bills started showing up Friday March 31, 2023. I received mine today Monday April 3, 2023.
- I made the fourth of six \$100,000.00 monthly payments to the hospital in March 2023.
- Today \$500,000.00 was pulled from reserve for capital improvements. Budget Amendment will be on next months agenda for this. Councilman Eubanks asked what had been pulled to date and Mr. Lohn said \$2 million.

Councilman Eubanks asked about billing issues we've been having. Mr. Lohn noted 3 were found this afternoon; 2 were water, 1 was electric. The electric appears to be a meter change issue, one water was billing too high and the other water has occurred for the last 4 months and was billing 10% of what it should be. Mr. Lohn noted if it was all the way across the board, it would be easier to figure out what was going on. Noted they are working on it.

9. Presentation and discussion of the City Manager Report.

I-35 Interchange

- Smith-Roberts Land Services issued Right of Way Notice of Intent February 7.
- Construction to start in 2025.

South Canadian Lift Station

- Electric complete except for backordered breaker, installing fuses in the meantime.
- Wet well complete, trash baskets installed, fault structure complete, valves installed, final grading is in progress, pumps installed (completed in February). Had some electronic shutdowns. Mr. Minor gave description of issue and what was done to solve the issue.

Medical Office Building

- Opened March 20th, ribbon cutting is April 6 at 11:30 a.m.

Green Avenue & Hallmark

- We qualified for funding on that project for signal lights, crosswalks, sidewalks and other improvements in that area. TC (traffic study) applying for a grant. ODOT has put it on hold but will advise when more information is available. Seeking 80% funding for that work.

South Green Avenue Lighting

- Received bids and council approve the selection of HARCON, LLC and boring has begun this week under Green Avenue.

Hospital Site Plan

- Final dirt grading complete. All Roads had been doing final base work. All Roads had to move to a different project because of the weather delays we had during final grading and curbing concrete and final asphalt crew will be back mid May and should be completed within 10 days of the starting date. Once completed the temporary road will be removed. Irrigation and siting will then be completed.
- Retention pond and trees; working on dam, drainpipe, and concreting spillway. Line of sight trees have been removed from the church property, with the permission of the church, for better view of hospital from I35.
- Final grading issue on the ring road that Winrock Speed Shop noticed on the NE/Corner and the engineer remedied the issue immediately.

Main StreetScape

- Bids should be received in April so contract decisions can be made between ODOT and the City. Completion should be in November.

Trails

- February work done was backfill and sod beside the trail and trailhead parking and pads for the trash cans and benches and bollards to block traffic, ADA parking, sidewalk from trail to pavilion.

- March 4, trail head signage installed, trash cans and benches installed, concrete connection from trail to pavilion was done.
- Updates on next project is post and cable fencing in April; trail usage signage in April and lights will be in July.

Green Avenue Center Medians

- Feather grass has washed out in some areas and appears to be from vehicles driving by in heavy rains so buffer material and mesh is going to be installed in the area and Marcums Nursery has been contracted to do that work for us. Waiting on arrival of feather grass that has been ordered.
- A 2-block area we're going to experiment in that has had the most difficulty in holding the feather grass. Marcums should start April 10th on the project.

PD Activity

- Fatality accident in March that hit real close to home for the City. Involved was the death of an on duty dispatcher's child in a car accident. Aubrey Scanlon, communications director, did a great job handling the situation until the family members could arrive.
- Patrol Sergeant Josh VanOort was involved in a standoff with a mental ill subject who was harming himself. Mr. VanOort is trained in conflict intervention teamwork and that training allowed him to diffuse the situation and avoid a violent end. The department is submitting Officer VanOort for a state award for his conduct and performance in the situation.
- Sergeant John Idlett and Officer Gulliver pursued a school zone speeder who ended up crashing on Ladd Road & I35. The subject was found unresponsive, and Officer Gulliver administered CPR and was able to regain a pulse. The department is submitting a life saving award for officer Gulliver.
- New officers Cassie Lewis and Jacob Marx have completed their field training program and are currently on patrol on their own. Officer Hauck will be graduating in May from the academy.
- The criminal investigation division detectives have 70 open investigations, 21 new cases in the month and 20 were closed. We have 2 detectives out on medical leave and Officer Gulliver has been moved to detective in that department and is performing exceptionally well.

Audio/Video Equipment

- Chris Martin gave an update on audio/video equipment. Some items had to be sent back for replacement. Explained position of cameras and use of microphones. Hopes to have the new equipment up and running by the May council meeting.

Chamber Banquet

- Chamber Banquet is scheduled April 13, 2023, 5:30 p.m. at Southwind Hills.

Mayor noted disappointed about All Roads delay and asked Dale to elaborate. Mr. Bunn noted All Roads was scheduled to come in after final grading, however, final grading had only 9 work days over a 2 month period because of weather delays so All Roads had to move on to another project and they should be back mid-May. Mayor asked if this was a priority issue or not related to that. Mr. Bunn noted it was not, All Roads had another project they could start that lasts until May 15th.

He came back and did the base work with that team, but his concrete guys can't come back until May and the curbing has to be in before you can asphalt. It's the concrete crew that can't make it back until mid-May.

Councilman Eubanks asked about drainage issue where they're taking the old road out and asked about the solution to fix. Mr. Bunn noted that mesh and straw and other materials are there to slow the drainage. There have also been hundreds of feet of silt fence down there and also going out as soon as we see it, we pick it up. In addition to the contractor working on that, our street department has been out there putting up silt fence, too.

10. Discussion and possible action to approve Ordinance No. 23-05 AN ORDINANCE OF THE CITY OF PURCELL AMENDING CHAPTER 70 (OFFENSES AND MISCELLANEOUS PROVISIONS), SECTION 70-73 (FIREWORKS); BY AMENDING SUBSECTION H. TO INCREASE THE PERMIT COST TO INCLUDE A REFUNDABLE DEPOSIT TO PROMOTE TIMELY AND ACCURATE PAYMENT OF CITY SALES TAX; REPEALING ALL OTHER CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

Mr. Bunn gave information and noted this was prepared because of discussions at previous council meeting and is to allow a refundable deposit for sales tax upon proof of filing sales tax.

Councilman Eubanks made a motion second by Councilwoman Engert to approve Agenda Item No. 10 as written.

Yes: Eubanks, Engert, Tate, Fishburn

No: None

Absent: Cox

11. Consideration and possible action concerning the City of Purcell continuing as a 2023-2024 Diamond Level Member of the Heart of Oklahoma Chamber of Commerce in the amount of \$30,000.00.

Rebekah Lynam and Elisabeth Baker presented information, discussion was had among council and Ms. Lynam.

Councilman Eubanks made a motion second by Councilman Tate to approve Agenda Item No. 11 as written.

Yes: Eubanks, Tate, Engert Fishburn

No: None

Absent: Cox

12. Discussion and possible action concerning the recommendation from Staff to renew Dillon & Associates firm for auditing services of the 2022-2023 fiscal year financial records, for an amount not to exceed \$36,200.00.

Councilman Eubanks asked Victor about last year's fee and if he was satisfied with Dillon & Associates. Mr. Lohn noted \$34,500.00 was last year's fee and he was satisfied with them.

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

Yes: Eubanks, Tate, Engert, Fishburn

No: None

Absent: Cox

13. Discussion and possible action to approve change order from Smith Roberts Land Services for I-35 Interchange Project property acquisitions and easements.

Mark Bilyeu presented on behalf of Smith Roberts. He gave a status report and noted that the city had a savings of \$32,480.00 because the original proposal estimated 35 properties and after title reports were completed there were several properties that were grouped because they were owned

by the same person and that reduced it to 25. This translates to savings for the City of \$32,480.00. Discussion was had between council members and Mr. Bilyeu. He noted we are on schedule to be completed by the September contract date. He noted completion of appraisals should be by the end of the month and will present information for offers in the month of April & May.

Councilwoman Engert made a motion second by Councilman Tate to approve Agenda Item No. 13 as written.

Yes: Engert, Tate, Eubanks, Fishburn

No: None

Absent: Cox

Vice-Mayor Cox entered at 6:58 p.m.

14. Discussion and possible action concerning modification to current lake testing schedule based on prior years of experience with results and rechecks related to high levels of E. coli.

John Blue presented on behalf of Parks & Recreation. Gave information concerning current schedule of testing, turnaround time for test results which are slow, and costs which are approximately \$2,500.00 per season. We currently test every Tuesday no earlier than 1:00 p.m., usually have results by Friday. Warmer months the beach has more activity so Mr. Blue suggested a shorter testing window, during the hot months when the beach is used, but paying for shorter turnarounds on the test results which would be about the same amount of money. We've been testing in months that don't have a lot of activity and he believes focusing on the busy months and prompting quicker turnaround in those months would be more accurate for posting any advisories that came about. They have 10 days to turnaround samples but if we pay the additional fee to expedite, we will have results in 48 hours. Councilman Eubanks asked some questions about spikes after rain. Mr. Blue noted the spikes after rain are short lived. Councilman Tate asked if the beach would be open before Memorial Day. Mr. Blue noted the beach is never closed. He believes the testing scheduled now could maybe go to May 1st but we've got people out there and we get heavy rains before Memorial Day and is afraid we are opening ourselves up to liability. Believes if people are out there we need to be testing the water. Mr. Blue noted that we have all the cautionary and advisory signage available and it's up to the people to follow those precautions. Noted that in the 4 years of testing April – May have been very very low. Councilman Tate noted his is not willing to risk it. Councilwoman Engert asked about self-testing. Michael minor gave information about the equipment, supplies and costs associated with self-testing which far surpassed current amounts and it was noted that supplies would have to be purchased in large amounts and would expire before they were used. It's not economically feasible. The light itself is over \$10,000.00, \$5,700.00 for solutions which expire in 3 months, incubator for 6 trays was \$38,000.00. The light bulbs have a life span of 6 months, the thermometers have to be calibrated every 3-4 months and is roughly \$1,500.00.

Councilman Eubanks made a motion second by Councilwoman Engert to approve the changes suggested by John Blue.

Yes: Eubanks, Engert, Cox, Fishburn

No: Tate

Absent: None

15. Discussion and possible action to move swearing in date of Division 1 council member from April 10, 2023 at 7:30 p.m. to April 25, 2023, at 5:30 p.m.

Mayor Fishburn stated he would be out of state on April 10th with family.

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 Budget Amendment Cap Imp-2023-2 in the sum of \$500,000.00 to record transfer from the ICS reserve fund on February 7, 2023.

Vice-Mayor Cox made a motion second by Councilman Tate to approve Agenda Item No. 16 as written.

Yes: Cox, Tate, Engert, Eubanks, 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 7:08 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 7:19 p.m

17. 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 Councilwoman Engert to enter into joint Executive Session at 7:19 p.m. with the following persons entering: Councilmembers who are present, City Attorney, City Manager and City Treasurer.

Yes: Cox, Engert, Fishburn, Eubanks, Tate

No: None

Absent: None

18. 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).

Mayor Fishburn declared the Council has returned from Executive Session at 8:02 p.m.

No action taken.

19. City Council Comments.

Vice-Mayor Cox:

None.

Councilwoman Engert:

None.

Councilman Tate:

Thanked VanOort and Gulliver for their service.

Asked Mr. Bunn if when we sell a sewer tap, do they have a backstop valve? Is that a requirement of the City? Mr. Bunn noted he believed it was and he will check and get back with Mr. Tate.

Councilman Eubanks:

Asked for status on Johnson Road paving and grant. Mr. Bunn said he would contact Commissioners Lyles to get an update.

Asked about the Loader and blades purchased in February and how it related to budget (\$170,000.00) vs. cost (\$183,000.00). Mr. Bunn to review the information and get back with Councilman Eubanks.

Asked about the ribbon cutting date for the trails phase 2. Serena noted later that John Blue text her and is planning to have it on Walk The Trails Day which is currently scheduled June 3rd.

Also asked Mr. Bunn if he has heard anything back in response to the ODOT letter that was sent out last month.

Asked if there was a penalty for the contractor for the road for them not coming back when we're ready for them. Mr. Bunn noted there is not.

Mayor Fishburn:

Asked that the lights on the Trails at the lake be checked and any burned out bulbs be replaced as well as any lights around town that were out.

Noted that the traffic at 8th and VanBuren is an issue (Westbound on VanBuren when stopping on 8th Street). The signage says cross traffic does not stop and believes it should say oncoming traffic does not stop.

Thanked the council members and employees for their service to the city.

20. City Manager and staff comments.

None.

21. City Attorney comments.

None

22. Adjourn.

Mayor Fishburn declared the meeting to be adjourned at 8:15 p.m.



Attest:


Andrea Millsap, City Clerk

Approved this 1st day of May 2023


Graham Fishburn, Mayor