

**AGENDA
CITY OF PURCELL
REGULAR MEETING
MAY 4, 2020
6:00 P.M.
DOWNSTAIRS COMMUNITY ROOM
CITY HALL
230 W. MAIN STREET**

MINUTES

**Special Notice
Applicable to the May 4, 2020 Purcell City Council Meeting**

All Council Members will be in attendance in person.

The Oklahoma Attorney General has advised that the Open Meeting Act must be accommodated with considerations for personal distancing. Personal distancing of at least six (6) feet is required.

Because of the pandemic Coronavirus (“COVID-19”) You are urged not to attend in person because of the Covid-19 pandemic. You can participate in the open meeting. Listen to the Purcell City Council Meeting on radio station KQTR-FM 93.9 at 6:00 p.m. May 4, 2020. If you have comments on any item on the agenda you may send an e-mail to info@purcellok.gov. If the e-mail concerns an agenda item, does not violate the open meetings act, will not unduly burden the meeting due to length or content, does not repeat another comment previously made, and is received prior to 8:00 am on May 4, 2020 its relevant terms will be read at the meeting.

There will be no public comments either generally or with respect to any specific agenda item at the meeting other than those made through e-mail or by Council Members and Staff.

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.

The Record notes: Due to technical difficulties the Radio Station KQTR-FM 93.9 did not broadcast the first few minutes of the meeting, however the problems were worked out and the remainder of the meeting was broadcasted.

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, James Bolling
Counsel: Ted Haxel and Chris Lind

3. Pledge of Allegiance.

Mayor Cox led in the Pledge of Allegiance.

Councilman Jacobs offered the invocation.

4. Welcome.

Mayor Cox welcomed guests.

5. Discussion of agenda items.

Mayor Cox called for any discussion of agenda items. He stated there is a Bid for Initial Grading for the New Hospital that will open on May 7, 2020. He stated that we will also need to have a Budget Meeting and asked if Thursday, May 14 would work for others. There was general affirmation and the Mayor stated we would have a special meeting on the 14th.

6. Consideration and possible to elect a Mayor (According to the City of Purcell City Charter, Effective April 1, 1999, the Council shall elect from among its own members a Mayor at 7:30 p.m. for a term of one year)

Mayor Cox asked Mr. Haxel if we need to postpone electing a Mayor and Vice Mayor due to the election being pushed back to June 30th by the Covid pandemic. Mr. Haxel agreed that would probably be a good thing since there could be a new Councilman after the election, and that person should be able to vote as well.

Councilman Fishburn made a motion second by Councilwoman Engert to table election of a Mayor until the regular meeting in July 2020.

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

7. Consideration and possible action to elect a Vice Mayor (according to the City of Purcell City Charter, Effective April 1, 1999, the Council shall elect from among its own members a Vice Mayor at 7:30 p.m. for a term of one year.)

Councilman Fishburn made a motion second by Councilwoman Engert to table electing a Vice Mayor until the regular meeting in July 2020.

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

8. Approve the Consent Agenda.

- a. Approval of minutes for March 6, 2020, April 6, 2020 Meetings.
- b. Approval of payment of claims as presented in the Council Expense Report in the amount of \$527,638.03.
- c. Approval of payment of Street & Alley Claims in the amount of \$18,135.65.
- 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 \$457,347.52
- f. Approval of payment of Rural Fire Claims in the amount of \$15,101.00.
- g. Approval of payment for Airport Authority in the amount of \$2,825.99
- h. Approval of estimated payroll in the amount of \$275,000.00.
- i. Approval of the Treasurer's Financial Report.
- j. Approval of the 2020-2021 Delta Nutrition Agreement
- k. Approval of the 2020-2021 Delta Head Start Agreement
- l. Approval of the Independent Contractor's Agreement with Armando Guerra for janitorial services at the Purcell Public Library from May 1, 2020 to April 30, 2021 with an option to renew.

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

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

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

No items were removed from the Consent Agenda.

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

Treasurer Victor Lohn gave an oral Financial Report for the month of March 2020. Revenue was outpaced by expenses in the current fiscal year through March. Tax Revenue is overall flat. The City used reserves to cover expenses in March. The month-to-date loss \$184,673. Year-to-date loss through March was \$568,396.

Councilman Fishburn asked if there was any information as to the Tax impact of the Coronavirus. Mayor Cox stated it will be April and May before we will be able to see the tax impact.

Skipped to Agenda item 12.

12. Consideration and possible action to approve Resolution No. 20-C09 a Resolution of the City Council of the City of Purcell, Oklahoma (the "City") approving the incurrence of indebtedness by The Purcell Public Works Authority (the "Authority") issuing its Sales Tax Revenue Bonds, Series 2020 (the "Bonds"); providing that the organizational document creating the Authority is subject to the provisions of the Bond Indenture authorizing the issuance of said Bonds; waiving competitive bidding with respect to the sale of said Bonds and approving the proceedings of the Authority pertaining to the sale of said Bonds; approving and authorizing execution of a Sales Tax Agreement by and between the City and the Authority pertaining to the year-to-year pledge of certain sales and use tax revenues; approving the preliminary

official statement and the final official statement pertaining to said Bonds; approving and authorizing the execution of a Continuing Disclosure Agreement; and containing other provisions relating thereto.

Mr. Ben Oglesby of Municipal Finance Service, stated that by approving the Resolution the City is authorizing the Public Works Authority to issue Sales Tax Revenue Bonds not to exceed \$25,000,000 and not to exceed interest rate of 4.75% interest. He advised it doesn't actually mean it will be the for that amount, but sets a limit not to exceed. Mr. Oglesby stated the bonds may be sold at premium or at a discount and we will not know which one until we go to market.

Additionally, the Resolution authorizes the Chairman to execute documents on behalf of the Authority, when it does go to market. Also it is deeming the Preliminary Official Statement as final with respect to everything that we can. We know that there will be interest rate and other things that will have to be filled in, but we are saying that this is a good representation and is accurate. It is ratifying the Sales Tax Agreement which pledges the two cents Sales and Use Tax related to Capital Improvements. We will also be entering into a continuing disclosure agreement which consists of annual audits and sales tax information. It authorizes the Mayor Vice Mayor or Chairman or Vice Chairman to execute documents as we get closer to going to market.

Councilman Jacobs made a motion second by Councilman Tate to approve Resolution No. 20-C09 as written.

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

Mayor Cox made the statement that although we have pledged the Sales Tax Two Cent doesn't mean it will take the entire two cent. He informed the Council that the first bond payment is not due until Spring of 2022. Even if Sales Tax does dip due to Coronavirus it will not impact the ability to repay the bond.

Back to Agenda item 11.

11. Presentation and discussion of the City Manager Report.

Mr. Bunn reported on the following:

- Multi-Purpose Center repairs are complete.
- Concerning Coronavirus and staff. We have stopped alternating crews from one week on and one week off. However we still have them split in two crews, each showing up at a different time. They are not to have close contact with each other and the supervisor managing from a distance.
- City Hall has reopened. Masks are required.
- Lake Trails Project has the asphalt complete. Sidewalk is complete but needs minor repair and the City also will need to install a tinhorn.
- Water Well road repair is complete. The contractor is moving back into the area.
- The Hospital Initial Grading Bid opens on May 7th. A Special Meeting will be scheduled on May 14th.
- Purcell is doing a big push encouraging participation in the Census. Records indicate Purcell is in the lower half for national average participation. He reported that each person is worth \$16,500 for the City. We are advertising both in English and Spanish with billboards and utility bill inserts.
- GreenScape project is filling in empty spaces with plants.
- Cemetery roads were sealed to extend the life of the road.

12. Discussion and possible action concerning an agreement proposal with Municode for "Self-Publishing" the Purcell Code of Ordinances.

Record notes a repeated number on the agenda. The agenda item is considered number 12.a

Ms. Kennedy explained that every two years we are required by law to publish supplements to our Code of Ordinance. We are currently using Municode for those supplements. They now have a new software which allows "Self-Publishing". This process updates the Ordinance Book each time you pass an ordinance. The cost of the Self-Publishing will cost initially \$5,000. She reiterated that the City will continue to be required by law to print and place on file a copy for the County Law Library, Municipal Law Library and the Public Law Library.

Councilman Jacobs made a motion second by Councilman Tate to approve the agreement with Muncide for “Self-Publishing” the Purcell Code of Ordinances and that it be included in the 2020-2021 Budget.

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

13. Discussion and possible action to award bid for the Storm Sewer Improvements for the New Hospital Site to Wee Construction as recommended by Glenn Sullivan & Associates, Inc.

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|---|---------------------|
| a. Wee Construction | \$224,609.00 |
| b. Krapff-Reynolds Construction Co | \$246,183.00 |
| c. D. Owen Construction LLC | \$260,044.77 |
| d. Urban Contractors, LLC | \$263,645.00 |
| e. Downey Contracting, LLC | \$313,530.00 |

Mr. Bunn explained the project takes the water coming under Green Avenue diverting it along the front of property, then between the Church and the Hospital Property finally taking it to the back. Councilman Jacobs asked if this bid included a retention pond. Mr. Bunn’s response was that he believes that is a different piece. Mayor Cox advised he believe this is to handle existing water, and the retention pond will be for the concrete and asphalt foot print of the project. Mr. Bunn agreed.

Councilman Jacobs made a motion second by Councilwoman Engert to award the bid for the Storm Sewer to Wee Construction at \$224,609.00 as recommended by Glenn Sullivan & Associates.

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

14. Discussion and possible action on submitting plans, specification, permit application, and fee of \$3,790.19 to ODEQ for water system improvements to serve the new hospital.

Mr. Bunn stated this concerns Sullivan’s submitting the plans for the Hospital water line to DEQ.

Councilman Jacobs made a motion second by Councilman Tate to approve Agenda Item 14 as written.

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

15. Discussion and possible action concerning a recommendation from Mike Berrey to be appointed to the Purcell Planning Commission due to the resignation of Roger Mayes.

Councilman Fishburn made a motion second by Councilman Tate to approve the appointment of Mike Berrey to the Planning Commission.

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

16. Discussion and possible action concerning the City Code compliance of Aggressive Towing at 130 E Monroe.

Councilman Tate advised he had been approached by concerned citizens regarding this property. He stated that according to the ordinance the property is zoned Industrial-1, but it should be zoned Industrial-3 for a salvage wrecking yard. He stated it was originally presented to Council as a tow-yard but since has become a salvage yard. Councilwoman Engert stated she didn’t understand after all this time why there is opposition now. Mayor Cox advised we have received two emails sent in opposition of the yard.

Councilman Tate advised he had attempted to bring the subject out in the March meeting but was unable to discuss it. He said that he had made several attempts to arrange a meeting with both the attorney and City Manager but has not able to do so.

Councilman Tate expressed concerns about the auto fluids and where they are going. Mayor Cox stated that he was informed that the EPA has been there multiple times and have not found an issue. Councilman Tate advised he did not feel we need to allow a salvage yard in the city limits. Mr. Haxel stated that he has advised the City not to pursue it. Councilman Tate advised he has been told that someone is living on the premises as well.

Mayor Cox advised we have administrative and other staff and that he doesn’t feel it is the Council’s place to tell individual departments how to enforce ordinances.

No action was taken on agenda item number 16.

17. Consideration and possible action concerning the possibility of increasing the annual assistance to Delta Community Action to \$3,152.44 to cover their office annual City Utilities costs, beginning July 1, 2020.

Councilwoman Engert excused herself from the room.

Mr. Lohn advised we reviewed last year's utility billing and \$3,152.44 is an average amount.

Councilman Jacobs made a motion second by Councilman Fishburn to approve Delta Community Action assistance up to \$3,152.44.

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

Councilwoman Engert rejoined the meeting but was absent during discussion and voting.

18. Discussion and possible action concerning Budget Adjustment GF-2020-19 increasing Revenue and Expenses both in the amount of \$17,909.94 due to Reimbursements from Insure Oklahoma.

Mayor Cox advised this is a monthly adjustment.

Councilwoman Engert made a motion second by Councilman Jacobs to approve Budget Adjustment GF-2019-19 as written.

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

19. Discussion and possible action concerning Budget Amendment GF-2020-20 increasing Revenue \$212,304.80 and increasing Appropriations \$106,152.40 due to grant monies received from the Department of Tourism & Recreation for a project approved with the 2019-2020 Budget.

Mr. Lohn informed the Council the Budget Amendment is due to funding received in the General Fund that needed to be moved to Capital Improvement for a project approved in 2019-2020 Budget.

Councilman Jacobs made a motion second by Councilman Tate to approve Budget Amendment GF-2020-20 as written.

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

20. Discussion and possible action concerning Budget Adjustment RF-2020-3 Increasing Equipment Appropriations in the amount of \$11,149.14.

Mr. Lohn advised this is for a Rural Fire Skid Steer and the monies will come from Rural Fire Fund.

Councilman Jacobs made a motion second by Councilwoman Engert to approve Budget Adjustment RF-2020-3 as written.

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

21. Discussion and possible action concerning a Budget Amendment Cap Imp-2020-2 Increasing Miscellaneous Revenue and Increasing Capital Outlay Appropriations both in the amount of \$4,925.00.

Mr. Lohn reported this is to reimburse the Capital Improvement Fund for monies spent from 2019 Bond for PMH expenses.

Councilman Jacobs made a motion second by Councilman Fishburn to approve Budget Amendment Cap Imp-2020-2 as written.

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

22. Discussion and possible action concerning an engagement letter from Dillon & Associates concerning the June 30, 2020 Audit, the amount not to exceed \$27,500.00.

Mr. Lohn informed the Council that there is a \$1,000 increase from last year's cost.

Councilman Fishburn made a motion second by Councilman Jacobs to approve the engagement letter from Dillon & Associates in the amount of \$27,500.

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

23. Discussion and possible action concerning a recommendation from staff to approve the Employee 2020-2021 Health Insurance Revised Renewal Proposal from INSURICA.

Mr. Bunn reported the INSURICA proposal is on the spread sheet. Initially there was an 8% increase from last year's plan. The increase was largely due one high claim status but that employee has dropped off. The revised proposal now has been reduced to a 5% increase over last year.

Councilman Jacobs made a motion second by Councilman Fishburn to approve the INSURICA 2020-2021 Employee Health Insurance Revised Renewal Proposal.

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

24. Consideration and possible action concerning the City of Purcell continuing as a 2020-2021 Diamond Level Member of the Heart of Oklahoma Chamber of Commerce in the amount of \$26,000.

Councilman Jacobs made a motion second by Councilman Tate to approve Diamond Level Membership in the Heart of Oklahoma Chamber of Commerce in the amount of \$26,000.

Yes: Jacobs, Tate, Fishburn, Engert, 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 7:08 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 7:25 p.m.

25. EXECUTIVE SESSION: DISCUSSION, CONSIDERATION RE: AN EXECUTIVE SESSION TO BE HELD IN ACCORDANCE WITH 25 O. S. 307 § (B) (1).

a. Discussion and consideration concerning the employment, hiring, appointment, promotion, demotion, disciplining or resignation of City Manager Dale Bunn and City Treasurer Victor Lohn in accordance with O.S. 307 § (B) (1).

Mayor/Chairman Cox made a motion second by Councilman/Trustee Jacobs to enter joint Executive Session at 7:26 p.m. with the following persons entering: Councilmen/Trustees who are present, City/Trust Attorney Ted Haxel and Chris Lind, City/Trust Manager Dale Bunn and City/Trust Treasurer Victor Lohn.

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

Mayor/Chairman Cox declared the Council has returned from Executive Session.

Mayor/Chairman Cox made a motion second by Councilman/Trustee Tate to return to regular Joint Session at 8:30 p.m.

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

17. EXECUTIVE SESSION: DISCUSSION, CONSIDERATION AND POSSIBLE ACTION CONCERNING ITEMS DISCUSSED IN EXECUTIVE SESSION IN ACCORDANCE WITH 25 O. S. 307 § (B) (1) .

a. Discussion and consideration and possible action concerning the employment, hiring, appointment, promotion, demotion, disciplining or resignation of City Manager Dale Bunn and City Treasurer Victor Lohn in accordance with O.S. 307 § (B) (1).

Mayor/Chairman Cox declared no action taken on Executive Session.

18. City Council Comments.

Councilwoman/Trustee Engert reported a pothole on the corner of 2nd and Jefferson. She also asked the question what is the City's response to businesses that do not comply with social distancing. Mr. Haxel advised you can advise people they are doing it wrong. If they still don't follow the rules, we would need to decide if we want to take them to court. Councilman Fishburn advised we are encouraging people for voluntary compliance.

Mayor/Chairman Cox asked on behalf a constituent and business owner. Her question was; is there anything that the City could do to protect business owners from potential law suites associated with coronavirus. Mr. Haxel stated he did not know of anything.

Mayor Cox asked if we have a plan for the swimming beach and splash pad. Mr. Bunn advised there are so many surfaces at the splash pad, that would have to be cleaned multiple time each day.

19. City Manager and staff comments.

Mr. Bunn passed along a message for a citizen that she was excited that we were not making people to wear masks. Mayor Cox advised he believes it will be a problem if we require a mask but do not provide masks.

20. City Attorney comments.

Mr. Haxel did not make a comment. Mr. Lind commend the City Councilmen for their service. He advised the City is fortunate to have this type of service.

21. Adjourn.

Mayor Cox declared the meeting to be adjourned at 8:42 p.m.

Approved this 1st day of June, 2020

Attest:

Ted Cox, Mayor