

**CITY OF PURCELL  
REGULAR MEETING  
MAY 6, 2019  
6:00 P.M.  
COMMUNITY ROOM OF THE  
POLICE SERVICE BUILDING  
1515 N GREEN**

**MINUTES**

**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 6:00 p.m.

**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, Tommy Mize, Teddy Boles,  
Kevin Williams, Cody Penner

Legal counsel: Ted Haxel was absent

**3. Pledge of Allegiance.**

See the May 6, 2019 Public Hearing Minutes.

**4. Welcome.**

See the May 6, 2019 Public Hearing Minutes.

*Skipped to Number 7.*

**7. Discussion of Agenda items.**

Prior to the meeting Mr. Bill Boyle filled out a *Request to be Heard* concerning Agenda Item 21 addressing Dilapidated Structure Policy. Mr. Boyle stated he felt it is important to have dilapidated structures removed because they impact property value, they impact the ability to obtain loans to purchase property and are a home to unwanted critters. They also become a reside of transit persons. Mayor Cox advised his opinion is that the City has City Codes and Code Enforcement Employees. Any enforcement issue needs to be referred to Code Enforcement and the City Manager.

Councilman Fishburn thanked Mr. Boyle for coming forward advising he felt it is important. We can't enforce it, but it is a good forum to allow the City Manager to prioritize potential issues.

Prior to the meeting Mr. Scott Spratt filled out a *Request to be Heard* concerning Agenda Item 24, 304 W Delaware. Mr. Spratt explained that this and a few other properties had belonged to his parents and the properties are currently in Probate. He further informed the Council that he has provided Code Enforcement with proof that he has a buyer for this property. The purchaser buys property to renovate them. He requested the Council not declare the property dilapidated which he feels will hindering the purchaser in the renovation process. The Council thanked Mr. Spratt for the report and for coming.

**8. Approve the Consent Agenda:**

- a. Approval of minutes for April 1, 2019, April 8, 2019 and April 18, 2019 Meetings.**
- b. Approval payment of claims as presented in the Council Expense Report in the amount of \$510,335.15.**

- c. Approval payment of Street & Alley Claims \$1,235.20.**
- d. Approval payment of Capital Improvement Claims \$149,615.10**
- e. Approval payment of Airport Claims \$958.22.**
- f. Approval of estimated payroll in the amount of \$240,000.00.**
- g. Approval of the Treasurer's Financial Report.**

Councilman Jacobs made a motion second by Councilman Tate to approve the Consent Agenda as presented.

Yes: Jacobs, Tate, Fishburn, Engert, Cox

No: None

Absent: None

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

None.

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

Treasurer Victor Lohn gave the following report:

- March 2019 Sales Tax: Actual for March versus projected is unfavorable \$14,588, versus actual is favorable \$22,472. Year to date is favorable \$219,358.
- Use Tax: Actual for March 2019 versus projected is favorable \$6,909, versus actual for March 2018. Year to date actual is favorable versus actual \$29,616.
- Tobacco Tax: Actual for March 2019 versus projected is unfavorable \$1,887 versus March 2018 unfavorable \$591. Year to Date actual versus projected is unfavorable \$1,702.
- Fuel Tax: Actual for March 2019 versus projected is favorable \$13. Year to date for March 2019 is favorable \$1,702.
- General Fund: Revenue over Expenses for March 2019 is unfavorable \$133,548 and unfavorable Year to date \$439,359.
- Public Works Authority Revenue over Expenses for March 2019 is unfavorable \$181,172 and Year to Date favorable \$584,273.
- Electric sales are down for March 2019 \$33,883. Year to Date revenue is up \$245,184.
- Water sales are down are down \$91,011 and Year to Date \$80,999.

Mr. Bunn explained there was a reported increase in Water Sales from February billing that was corrected in March. There was a customer who was billed over \$85,000.

**11. Presentation and discussion of the City Manager's Report.**

Mr. Bunn reported on the following items:

- New website went live. The graphics, in general, spotlight the Horse Industry, Economic Development and Customer Services. He gave a demonstration of how to navigate it.
- The Hospital site is being evaluated based on convenience to family and choice of services to make Purcell a good choice for the region.
- We have had some meetings for Health Insurance which will be discussed in a Special Meeting May 8.
- There have been negotiation with both unions.

Mayor Cox advised it had been brought to his attention that some of our required fencing around growing facilities may not in compliance to state law. The Department of Agriculture came out with some new laws.

**12. Presentation by Richard Stark, Architect, Prairie Rock Architecture, on the construction status of the basketball courts.**

Mr. Stark reported that most of the delays in the project have been weather related and it is industry wide. Mr. Stark did not recommend the use of liquidated damages because contractors include the cost of that in their bids. He stated there are some case laws that make it difficult to collect liquidated damages if no early completion bonus is offered.

Councilman Jacobs stated that the court located at McCurdy Park has extensive erosion under the edges in several places. Mr. Stark advised they would have to fix problems such as that, but concerning that specific court the pad is broken and the contractor will have to remove and re-pour it.

Councilman Fishburn asked is there an expected completion date? We are looking for project management, because the community sees the delays. Mr. Stark stated he would send an update

to Dale but was not able to provide a estimated completion date. Mr. Stark reported they had two weeks' of actual work left on McCurdy, but that will depend on weather.

**13. Consideration and possible action to appoint Ms. Jenny Hunter as the City of Purcell Representative on the Pioneer Library System, from July 1, 2019 to June 30, 2022.**

Rebekah Lyman reported that the Library System board had made the recommendation for Jenny Hunter to replace Charlie Sherman's when his terms is up.

Councilman Jacobs made a motion second by Councilman Fishburn to approve Jenny Hunter as City representative on the Pioneer Library System.

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

**14. Discussion and possible action concerning an address from County Commissioner, Wilson Lyles concerning cost sharing, with McClain County, for the paving of 230th Street west of Highway 74.**

County Commissioner Wilson Lyles provided a video that displayed the condition of 230th. He reported there are 75-80 homes on that street. Oilfield traffic has been fairly heavy over the past three years and has had an negative effect on the road. He proposed soft spots near the edges to be repaired. He said they would then put a one inch leveling course and on top of that two inches from a lay down machine.

Mayor Cox asked about the States reallocation of funds to assist in road repair from the oilfield industry. Mr. Wilson stated the funds are in ODOT's hands and are for larger projects.

Mr. Lyles proposed the County pay upfront and then bill the City for their portion. The proposal is for the City to purchase materials. District 2 would furnish the lay-down machine, and all the trucking. This would amount to savings for the City of almost \$34,000. For the entire 1.2 miles, which the .2 belong to the City. Mr. Lyles stated it was a four day project, weather permitting.

Councilman Jacobs made a motion second by Councilman Fishburn to approve working with McClain County on cost share to pave 230th with the City committing no more than \$110,000.

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

**15. Consideration and possible action to acknowledge the receipt of a ROW Use Agreement (Airspace Lease) No. 5505522, between the State of Oklahoma, ex rel., Oklahoma Department of Transportation and the City of Purcell.**

Mr. Bunn reported this concerns the area of the current DOT maintenance yard. We are just acknowledging the receipt.

Councilman Tate made a motion second by Councilman Engert to acknowledge the receipt of the ROW Use Agreement (Airspace Lease) No. 5505522 between the State of Oklahoma, ex rel., Oklahoma Department of Transportation and the City of Purcell.

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

**16. Discussion with the staff of EST, Inc., and possible action to accept the results of the Transportation Feasibility Study Report - Additional Access to I-35 at Purcell prepared by EST, Inc.**

Mr. Dill advised in January the City approved EST to begin work on a feasibility and cost analysis, to determine if there was anywhere between the two current interchanges that would provide additional access. He advised EST has done that and is their believe that at highway 74 and Grant Street is the best solution. We don't want to go any further that we have to see if ODOT is willing to do the project.

Councilman Fishburn made a motion second by Councilman Tate to accept the results of the Transportation Feasibility report.

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

**17. Consideration and possible action concerning RESOLUTION NO. 19-C09 A RESOLUTION TO APPROVE PURSUING AN AGREEMENT WITH THE STATE OF OKLAHOMA DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION OF AN INTERCHANGE AT INTERSTATE 35 AND STATE HIGHWAY 74 IN PURCELL, OKLAHOMA.**



and maintenance around \$4,000. Generally the money never recovered but the property goes to tax sales.

Councilman Fishburn stated that property ownership is a big deal in America and to take an individual's property should be the last result. He advised although it is a problem it needs to be handled carefully.

*Mayor Cox skipped to agenda item 24.*

**24. Consideration and possible action to declare 304 W. Delaware Street a dilapidated structure.**

Mr. Spratt made the request that the Council remove this item from the agenda so that the purchaser will not have problems.

Councilman Jacobs made a motion second by Councilman Tate to table agenda item 24 for 60 days.

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

*Back to agenda item 22.*

**22. Consideration and possible action to declare 916 N 9th a dilapidated structure.**

Mr. Boles reported that this property is being kept mown and has had a new garage door and is being kept secure. Mr. Boles is working with the owner's son and he is attempting to get his mom to sell the property.

Councilman Engert made a motion second by Councilman Fishburn to table the item for 60 days.

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

**23. Consideration and possible action to declare 303 W. Delaware Street a dilapidated structure.**

Mr. Boles reported this structure has been boarded in some areas. The grass is knee high and is unsecure. Mr. Boles advised there has been no response from property owners after attempts to contact.

**25. Consideration and possible action to declare 120 N 6th a dilapidated structure.**

Mr. Boles informed the Council that this house is in probate. It is unsecure and after visiting with a property owner's son it has been mown. Mr. Boles made the request to table 60 days to see if the son would maintain.

Councilman Jacobs made a motion second by Councilman Fishburn to table the mater for 60 days.

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

*Mayor Cox went back to item # 5 at 7:30 p.m.*

**5. Consideration and possible action 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*).**

Councilman Jacobs made a motion or nomination second by Councilman Engert to elect Ted Cox to continue to be Mayor for the 2019-2020.

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

**6. 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 Tate made a motion or nominated second by Councilman Fishburn to elect Danny Jacobs as Vice Mayor for the next year.

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

**24. Discussion and possible action concerning a mineral lease with RedSky for British Petroleum:**

**a. 1/8 Royalty with a \$900 and acre signing bonus.**

**b. 3/16 Royalty with \$700 and acre signing bonus.**

**c. 1/5 Royalty with a \$200 and acre signing bonus.**

Mr. Bunn advised there the proposed property was a listed on a previous mineral lease. Mr. Haxel is looking into it.

Councilman Fishburn made a motion second by Councilman Jacobs to approve a mineral lease with RedSky for British Petroleum, item (b) at 3/16 Royalty with a \$700 an acre signing bonus contingent it being found to be valid.

Yes: Fishburn, Jacobs, Engert, Tate, Cox

No: None

Absent: None

**25. Consideration and possible action to acknowledge the receipt of Permit No. WK000044180906 to construct a 1,590 linear feet of eight (8) inch PVC potable water line and all other appurtenances to serve the Proposed Holiday Inn Express, McClain County, Oklahoma.**

Councilman Jacobs made a motion second by Councilman Fishburn to acknowledge the receipt of Permit No. WK000044180906 to construct an eight inch PVC water line to serve the Holiday Inn Express.

Yes: Jacobs, Fishburn, Engert, Tate, Cox

No: None

Absent: None

**26. Discussion and possible action concerning Budget Amendment GF-2019-16 increasing Revenue - Reimbursements/Discounts and Appropriations - Plan Reviews & Inspections both in the amount of \$8,140.71 for plan review for the Holiday Inn Express, Jr. High School.**

Councilman Jacobs made a motion second by Councilman Tate to approve Budget Amendment GF-2019-16 as presented.

Yes: Jacobs, Tate, Engert, Fishburn, Cox

No: None

Absent: None

**27. Discussion and possible action concerning Budget Amendment GF-2019-17 increasing Revenue - Lake Trails Donations and Appropriations Lake Trails Amenities both in the amount of \$442 due to the receipt of a donation for a bench along the Lake Trail.**

Councilman Fishburn made a motion second by Councilman Engert to approve Budget Amendment GF-2019-17 as presented.

Yes: Fishburn, Engert, Jacobs, Tate, Cox

No: None

Absent: None

**28. Discussion and possible action concerning Budget Amendment Cap Imp-2019-2 increasing Appropriations - Capital Outlay in the amount of \$50,000 as approved in the Miller Architects contract.**

Mr. Bunn explained this was approved when the Miller Contract was approved however we needed a budget amendment.

Councilman Jacobs made a motion second by Councilman Fishburn to approve Budget Amendment Cap Imp-2019-2 as presented.

Yes: Jacobs, Fishburn, Engert, Tate, Cox

No: None

Absent: None

*Mayor Cox declared the meeting in recess in order to enter into the Purcell Public Works Authority Meeting at 7:49 p.m.*

*Mayor Cox declared the meeting be in joint session between the City Council and Purcell Public Works Authority at 8:07 p.m.*

**29. Discussion of the 2019-2020 Fiscal Year Budget.**

Tabled.

**30. EXECUTIVE SESSION: DISCUSSION, CONSIDERATION RE: AN EXECUTIVE SESSION TO BE HELD IN ACCORDANCE WITH 25 O. S. 307 § (B) (1) AND 25 O. S. 307 § (B) (2) AND 25 O. S. 307 § (B) (3).**

**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).**

**b. Discussion and consideration of labor contract for fiscal year 2019-2020 between the City of Purcell and the IAFF Local 3596 in accordance with 25 O.S. § 307 (B) (2).**

- c. **Discussion and consideration of labor contract for fiscal year 2019-2020 between the City of Purcell and the FOP #194 in accordance with 25 O.S. § 307 (B) (2).**
- d. **Discussion and consideration concerning the purchase or acquisition of certain land or property in accordance with 25 O.S. 307 § (B) (3).**

Mayor/Chairman Cox made a motion second by Councilman/Trustee Jacobs at 8:09 p.m. to enter into joint executive session with the following persons entering: All Councilmen/Trustees present, City Manager Dale Bunn, Mr. Dill and Treasurer Victor Lohn.

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

Mayor/Chairman Cox made a motion second by Councilman/Trustee Jacobs to return to regular joint session at 9:16 p.m.

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

**31. EXECUTIVE SESSION: DISCUSSION, CONSIDERATION AND POSSIBLE ACTION CONCERNING ITEMS DISCUSSED IN EXECUTIVE SESSION IN ACCORDANCE WITH 25 O. S. 307 § (B) (1) AND 25 O. S. 307 § (B) (2) AND 25 O. S. 307 § (B) (3)**

- 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 made a motion second by Councilman/Trustee Jacobs to approve the contract of City Manager Dale Bunn as presented.

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

Mayor/Chairman Cox made a motion second by Councilman/Trustee Engert to approve the contract of Treasurer Victor Lohn as presented.

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

- b. **Discussion and consideration and possible action concerning labor contract for fiscal year 2019-2020 between the City of Purcell and the IAFF Local 3596 in accordance with 25 O.S. § 307 (B) (2).**
- c. **Discussion and consideration and possible action concerning labor contract for fiscal year 2019-2020 between the City of Purcell and the FOP #194 in accordance with 25 O.S. § 307 (B) (2).**

Councilman/Trustee Jacobs made a motion second by Councilman/Trustee Tate to approve (b) and (c) the 2019-2020 IAFF and 2019-2020 FOP Contracts.

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

- d. **Discussion and consideration concerning the purchase or acquisition of certain land or property in accordance with 25 O.S. 307 § (B) (3).**

No action on item (d).

**32. City Council comments.**

Councilman/Trustee Tate asked if there was a way to update on projects. He also reported to Mr. Bunn that a vacant lot south of 1100 N 4th, the grass currently is taller than 12 inches. He also stated his appreciation for the citizens comment. He advised he would like to see it moved to the agenda item they wish to address.

**33. City Manager and staff comments.**

None.

**34. City Attorney comments.**

Mr. Haxel was absent.

**35. Adjourn.**

Mayor/Chairman Cox declared the meeting adjourned at 9:26 p.m.

*Passed and approved this 3rd day of June 2019*

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**Ted Cox, Mayor**

**Attest:**

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**Dorothy Kennedy, City Clerk**