

MINUTES

**CITY OF PURCELL
REGULAR MEETING**

July 5, 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: Graham Fishburn, Theda Engert, Jay Tate, Allen Eubanks.

Councilman absent: Ted Cox

Staff present: Dale Bunn, Andrea Millsap, Bobby Elmore, Justin Howell, Mitchell Taggart, Michael Minor, Rachael Huey, Clent Kennedy, Tommy Mize, Louise Zastrow, Mike Lewis

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.

Noted that Agenda Item #13 should be “preliminary” plat and not final plat.

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 June 6, 2022, Regular Meeting.**
- b. **Approval of minutes for June 7, 2022, Public Hearing.**
- c. **Approval of minutes for June 7, 2022 Joint Special Meeting.**
- d. **Approval of minutes for June 9, 2022 Joint Special Meeting.**

- e. **Approval of payment of claims as presented in the Council Expense Report in the amount of \$661,975.14.**
- f. **Approval of payment of Street & Alley Claims in the amount of \$0.00.**
- g. **Approval of payment for Unemployment Insurance in the amount of \$0.00.**
- h. **Approval of payment of Capital Improvement Claims in the amount of \$35,823.98.**
- i. **Approval of payment of Rural Fire Claims in the amount of \$0.00.**
- j. **Approval of payment of Cemetery Care in the amount of \$0.00.**
- k. **Approval of payment for Airport Authority Claims in the amount of \$379,450.40**
- l. **Approval of estimated payroll in the amount of \$295,000.00.**
- m. **Approval of the Treasurer's Financial Report.**
- n. **Approval of 2022-2023 Interlocal Agreement between the City of Purcell and McClain County pertaining to grading, draining, and hard surfacing of certain streets.**
- o. **Approval of 2022-2023 Interlocal Agreement between the McClain County and City of Purcell pertaining to grading, draining and hard surfacing of certain streets.**
- p. **Approval of the 2022-2023 Interlocal Agreement for Jail Services between McClain County Sheriff's Office and the City of Purcell**
- q. **Approve the 2022-2023 Delta Community Action Foundation Inc. Lease Agreement with the City of Purcell.**
- r. **Approve the 2022-2023 Delta Community Action Foundation Inc. Nutrition Program Agreement for Use of Facilities.**

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

Councilwoman Theda Engert made a motion second by Councilman Jay 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.

Presented by Dale Bunn

- Sales Tax thru May 2022 is up 7.16% over last year or \$440,489.00; up 19.90% over budget or \$1,094,665.00.
- Use Tax thru May 2022 is up 8.07% over last year or \$50,342.00; up 22.57% over budget or \$124,122.00.
- Tobacco Tax thru May 2022 is down 7.59% over last year or \$4,392.00; up 16.71% over budget or \$7,654.00.
- Electricity in May 2022 had a positive variance of \$48,791.00 vs last year; YTD the variance is positive \$311,532.00.
- Water in May 2022 had a positive variance of \$24,658.00 vs last year; YTD variance is positive \$68,397.00.
- General Fund in May 2022 the revenues were below expenses by \$92,161.00; YTD revenues were below expenses by \$1,128,040.00.

- Public Works in May 2022 the revenues were above expenses by \$48,791.00; YTD revenues are above expense by \$1,653,447.00.

9. Presentation and discussion of the City Manager Report.

Hospital

- Sanitary sewer completed (includes surrounding area of high school & jr. high)
- Storm sewer complete.
- Watermain, hospital site loop, has passed all tests.
- Tracer wire failed tests, contractor has to come back for repairs.
- CK Utilities finishing up 9th St. We're holding 5% of project until completed. Street department is doing repairs on driveways & drainage and the city will reserve some of the retainage for those items.
- Parking lots have been final paved and striped, curbs backfilled and ready for sod, nuclear med room revision done.
- Final grading revised for failed compaction, updated survey done, Central Plains Construction mobilized on site. They completed the temporary road to MOB and removed some trees and has started removing the improper from the roadway.
- Working on target completion date, meeting on Thursday to discuss.

Medical Office Building

- Central Plains completed temporary road.
- Integrate began construction on MOB.
- Utilities have been discussed for connections.
- Sunray Baptist has been cooperative allowing use of space.

I-35 Interchange

- ESP continues to work with ODOT on design. Dale meeting with engineer and head of ESP this Friday to discuss our interchange in conjunction with the new turnpike to minimize unwanted impact on the area.
- Utilities have been worked out for the area.
- Engineering by Sullivan.
- Once environmental studies are complete, right of way acquisition will be next.
- Start in 2025.

Main Street Scape

- Many parties have signed Memorandum of Agreement with ODOT and State Historic Preservation Office and the Indian tribes that are from this area for our downtown being placed on the National Registry of Historic Places.
- Bid letting September, award in October, contract November, planned start in January.

Chickasaw Wellness Area

- Utilities, Sherry Classic, south end storm water revisions, Hardcastle Blvd. paving, all complete. Chickasaws offered to do striping (was not included in the project).

9th Avenue

- Ellsworth Construction started today. Completion date July 29, 2022. (presented timeline chart)

New Well

- Waiting on parts.

Brush

Mr. Bunn asked Tommy Mize to discuss brush disposal. ODEQ cited that our current method of disposal is no longer acceptable. Tommy gave presentation of estimates on yearly amounts for Air Brus Burner \$37,400.00 compared to Beast Chipper \$28,800.00 (difference of \$8,600.00). Chipping will allow mulch for city areas as well as free mulch to citizens.

Play Street

- Has 2 more event dates left.

Trails

- Bridge has been placed.
- Tommy noted concrete has been placed at crossing in the road on the dam and 2 ends of the bridge. 1 area for water runoff and 2 more crossings on the trail. Once this is done the grading, gravel and paving will be completed in July.
- No target date for completion has been set.

New Emergency Management Director

- Mr. Bunn introduced Rachael Huey.
- Mrs. Huey came from Lawton where she was emergency management director for server years. Also has history of EMS (27 years), fire fighter (6 years).

Ron Fishburn Memorial Ceremony (Airport)

- Dedication of the Ron Fishburn Memorial Terminal at the airport is at 6:00 p.m. Friday, July 8, 2022 at 1430 190th St.

Request to Be Heard

Mayor Fishburn called Kyla Wilson to speak on her Request to be heard.

Ms. Wilson requested the city look at revising the code of ordinances concerning signage for businesses and specifically requested the 14 day period for “flag” or “temporary” type signs be modified to allow them permanently. Other signage is very expensive and is a burden on small business. Discussion was had about types of signs. Mr. Bunn requested that Ms. Wilson present a proposal to the city.

10. Discussion and possible action concerning Ordinance No. 22-06, AN ORDINANCE OF THE CITY OF PURCELL AMENDING ORDINANCE 21-4 OF ITS CODE OF ORDINANCES BY AMENDING CHAPTER 123 (RETAIL MARIJUANA ESTABLISHMENTS), SECTION 123-10 B (MARIJUANA PROCESSING FACILITIES); REPEALING ALL OTHER CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY

Mr. Dixon gave some information concerning processing. Joey, business owner of Lotus, noted why he would like the ordinance revised. Discussion was had about the definition of “processing” and “chemical” and questions asked by council members.

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

Yes: Eubanks, Tate, Engert, Fishburn

No: None

Absent: Cox

11. Discussion and possible action concerning Ordinance No. 22-07, AN ORDINANCE OF THE CITY OF PURCELL AMENDING ITS CODE OF ORDINANCES BY AMENDING CHAPTER 10 (ANIMALS), SECTION 10-353 (ANIMAL PROTECTION; OTHER ACTS PROHIBITED); BY RENAMING PARAGRAPH D TO PARAGRAPH E AND ADDING A NEW PARAGRAPH D REGARDING TETHERING; REPEALING ALL OTHER CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

Louise Zastrow discussed and gave examples for the need of a tethering ordinance. Discussion was had and questions asked by council members.

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 to agree with the recommendation of the Purcell Tourism Committee to appoint Savannah Pyle as replacement for Allen Eubanks as citizen at large.

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

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

Councilman Tate made a motion seconded by Councilwoman Engert to amend Agenda Item No. 13 to replace the word "Final" with "Preliminary."

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

13. Consideration and possible action concerning approval of South Brook Addition ~~Final~~ Preliminary Plat.

Developer presented information about preliminary plat. Discussion was had and questions asked by council. Said will be about a year before the project begins.

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

Yes: Tate, Engert, Fishburn No: Eubanks Absent: Cox

14. Discussion and possible action to approve Purcell Municipal Hospital Change Order No. 33 in the sum of \$3,061.00 for Casework Conflict Trauma Room 1061.

Jason Givens of Miller Architects noted that after review funding would not be coming out of contingency, it will be credited to the City but it still has to be approved by council in order for the contractor to perform the work.

Councilman Eubanks made a motion second by Councilman Tate to approve Agenda Item No. 14 as written.

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

15. Discussion and possible action to approve the 2022-2023 Contract to Lease Space in the Purcell Human Recourse Center to the Purcell Public Library.

Mr. Bunn noted this would typically be on the consent agenda but due to an increase of insurance \$10,000.00/year, the lease amount went up and should be brought before council. Insurance increase was missed on the last 2 yearly contracts so we had a 2 year reprieve from increases when it should have been increased. Increase due to only 1 insurance carrier for this type of insurance so no competitive pricing.

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

Yes: Engert, Tate, Eubanks, Fishburn

No: None

Absent: Cox

Mayor Fishburn declared the meeting to be in recess in order to go into the Purcell Public Works Authority Meeting at 7:09 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 7:39 p.m.

- 16. EXECUTIVE SESSION: DISCUSSION, CONSIDERATION RE: AN EXECUTIVE SESSION TO BE HELD IN ACCORDANCE WITH 25 O.S. 307 § (B)**
- a. Discussion and consideration of labor contract (Collective Bargaining Agreement) for fiscal year 2022-2023 between the City of Purcell and the FOP #194 in accordance with 25 O.S. § 307 (B) (2).**
 - b. Discussion and consideration concerning the purchase or appraisal of real property in accordance with 25 O.S. 307 § (B) (3).**

Mayor Fishburn made a motion second by Councilwoman Engert to enter into joint Executive Session at 7:40 p.m. with the following persons entering: Councilmen who are present, City Attorney Greg Dixon, City Manager, and police chief.

Yes: Fishburn, Engert, Tate, Eubanks

No: None

Absent: Cox

- 17. 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 of labor contract (Collective Bargaining Agreement) for fiscal year 2022-2023 between the City of Purcell and the FOP #194 in accordance with 25 O.S. § 307 (B) (2).**
 - b. Discussion and consideration concerning the purchase or appraisal of real property in accordance with 25 O.S. 307 § (B) (3).**

Councilman Tate made a motion second by Councilman Eubanks to return to regular Joint Session at 8:10 p.m.

Yes: Tate, Eubanks, Engert, Fishburn

No: None Absent: Cox

Councilwoman Engert made a motion seconded by Councilman Tate on Agenda Item No. 17a to approve the contract between the FOP and City of Purcell for fiscal year of 2022-2023.

Yes: Engert, Tate, Eubanks, Fishburn

No: None Absent: Cox

No action taken on Agenda Item No. 17b.

18. City Council Comments.

Councilman Cox: Absent.

Councilwoman Engert: Thanks to John Blue and whoever helped with the 4th of July celebration. Also want to welcome Rachael Huey.

Councilman Tate: Invited everyone Friday at 6:00 to honor Mayor's father for his contributions to the City of Purcell, at the airport. Also thanked Mr. Bunn for his work to get Main Street on the National Historical Registry.

Councilman Eubanks: None.

Mayor Fishburn: Welcomed Rachael. Thank you to an outstanding firework show, it makes our town special. It's building momentum and getting better. Had great turnout. Special thanks to police for their presence and traffic control. Thanked staff for working so hard on the hospital.

19. City Manager and staff comments.

Noted Mr. Blue said that the costs have gone up on duties for the fireworks 300% so we'll be looking at more expense on fireworks next year and need to keep that in mind. Usually paid in 2 parts, have enough to make the down payment but the second half will be quite a bit more if we want to have the same sort of show.

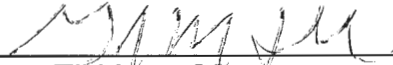
20. City Attorney comments.

Noted there was one animal control ordinance on the agenda this time but several more are to come. This needs to be updated.

21. Adjourn.

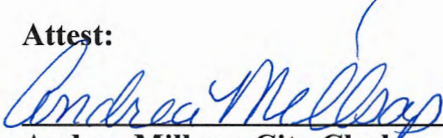
Mayor Fishburn declared the meeting to be adjourned at 8:10 p.m.

Approved this 1st day of August, 2022



Graham Fishburn, Mayor

Attest:



Andrea Millsap, City Clerk

