

**CITY OF PURCELL
REGULAR MEETING
OCTOBER 7, 2019
6:00 P.M.
COMMUNITY ROOM OF THE
POLICE SERVICE BUILDING
1515 N. GREEN AVENUE**

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, Jay Tate, Ted Cox

Councilmen absent: Theda Engert was absent at roll call but joined the meeting already in progress at 6:29 p.m.

Staff: Dale Bunn, Victor Lohn, Dorothy Kennedy, Teddy Boles, James New, James Bolling, Dakota Norman, Brooke Gaines, Jerome Hayes, Jason Baca, Jeremy Pitman

Legal counsel: Ted Haxel

3. Pledge of Allegiance.

Mayor Cox led the Pledge of Allegiance.

Dale Bunn offered the invocation.

4. Welcome.

Mayor Cox welcomed guests.

5. Discussion of agenda items.

Mayor Cox called for any discussion of agenda items. There was no discussion.

6. Approve the Consent Agenda.

a. Approval of minutes for September 3, 2019 Meeting.

b. Approval of payment of claims as presented in the Council Expense Report in the amount of \$587,932.51

c. Approval of payment of Street & Alley Claims in the amount of \$12,943.01.

d. Approval of payment of Capital Improvement Claims in the amount of \$110,433.37.

e. Approval of payment of Rural Fire Claims in the amount of 0.00.

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 written.

Yes: Jacobs, Tate, Fishburn, Cox

No: None

Absent: Engert

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

No items were removed.

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

Treasurer Victor Lohn gave the August 2019 Financial reported:

- Sales Tax actual versus projected is unfavorable by (\$4,299), versus actual for August 2018 versus August 2019 and Year to Date are unfavorable.
- Use Tax actual versus projected is favorable by \$9,370 versus actual for August 2018 versus August 2019 and Year to Date are favorable.
- Tobacco Tax actual versus projected is favorable by \$381, versus actual for August 2018 versus August 2019 and Year to Date are favorable.
- Fuel Excise Tax actual versus projected is favorable by \$207, versus actual for August 2018 versus August 2019 and Year to Date are favorable.

Ms. Toni Martin the property owner was in attendance.

Mr. Teddy Boles advised that Ms. Toni Martin desires to open a business at 527 W. Eel River. It is located in a Commercial Tier 2, which does allow exceptions. He showed pictures of the current metal building and stated that Ms. Martin intends to put cedar siding on the front as well as paint and refurbish the rest of the building. Mr. Boles stated when completed it should have a similar look to the Rusty Knot Restaurant siding. He advised this matter comes with the recommendation to be approved from the Planning Commission.

Councilman Fishburn made a motion second by Councilman Jacobs to approve the request for an Exception to the Façade Ordinance as written.

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

13. Discussion and possible action to declare 607 W. Jefferson a dilapidated structure.

Mr. Boles presented pictures to demonstrate the condition of the property. The owner is Ms. Readis who informed the Council that she plans to tear the structure down. She asked for six months in order to complete the project.

Councilwoman Engert joined the meeting already in progress at 6:29 p.m.

Mayor Cox made a motion second by Councilman Fishburn to table the matter to the January 2020 Council Meeting.

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

14. Discussion and possible action to declare 103 W Huron a dilapidated structure.

Mr. Boles explained this is the house in which 30 plus dogs were removed by Animal Control Officers. This is not a typical dilapidated structure, in that the structure is actually sound. Mr. Boles advised the pictures of the condition of the structure were taken from Animal Control's investigation. Due to an infestation of fleas he did not send Code Enforcement Officers inside. Mr. Boles advised there were two postings done on this property. One was for the inside and the other for the outside. The outside can be taken care of through normal posting and the laws that are on our books. We cleaned the outside of the property.

Mr. Boles advised he was informed only moments ago, that the owner has moved back into the residence.

The cost estimate for cleaning the trash and debris from inside is \$5,000. This does not include any rehab of the house. He made a request that it be declared dilapidated with no abatement date.

Councilman Jacobs made a motion second by Councilman Fishburn to declare 103 W Huron a dilapidated structure.

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

15. Discussion and possible action concerning Ordinance No 19-09 ORDINANCE NO. 19-09 AN ORDINANCE OF THE CITY OF PURCELL, OKLAHOMA, ADOPTING THE 2015 EDITION OF THE INTERNATIONAL BUILDING CODE, AS CHAPTER 14, SECTION 26 A; REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE AND THE DEMOLITION OF SUCH STRUCTURES IN THE CITY OF PURCELL, OKLAHOMA; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; REPEALING ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR REPEALER.

Mayor Cox read Ordinance 19-09 by title.

Mr. Boles stated this ordinances and the ordinances that follow are needed to bring our Codes up to what the State of Oklahoma and the Oklahoma Unified Building have already adopted and approved. They all have been drafted with an emergency clause, because Insurance Service Office (ISO) has done their inspection with the knowledge that these ordinances are on tonight's agenda. If approved will be effective immediately after publication.

Councilman Jacobs made a motion second by Councilman Fishburn to approve Ordinance No. 19-09 as written.

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

16. Discussion and possible action to declare Ordinance No. 19-09 an emergency.

Councilman Jacobs made a motion second by Councilman Fishburn to declare Ordinance No. 19-09 an emergency.

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

17. Discussion and possible action concerning ORDINANCE NO. 19-10 AN ORDINANCE OF THE CITY OF PURCELL, OKLAHOMA, ADOPTING THE 2015 EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE, AS CHAPTER 14, SECTION 26 B; REGULATING AND GOVERNING THE REPAIR, ALTERATION, CHANGE OF OCCUPANCY, ADDITION AND RELOCATION OF EXISTING BUILDINGS, INCLUDING HISTORIC BUILDINGS, IN THE CITY OF PURCELL, OKLAHOMA; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; REPEALING ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR REPEALER.

Mayor Cox read Ordinance No. 19-10 by title.

Councilman Jacobs made a motion second by Councilman Fishburn to approve Ordinance No. 19-10 as written.

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

18. Discussion and possible action to declare Ordinance No. 19-10 an emergency.

Councilman Fishburn made a motion second by Councilwoman Engert to declare Ordinance No. 19-10 an emergency.

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

19. Discussion and possible action concerning ORDINANCE NO. 19-11 AN ORDINANCE OF THE CITY OF PURCELL, OKLAHOMA, ADOPTING THE 2015 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND THE 2015 INTERNATIONAL ENERGY CONSERVATION CODE, AS CHAPTER 14, SECTION 381; REGULATING AND GOVERNING THE SAFEGUARDING OF LIFE AND PROPERTY IN THE CITY OF PURCELL, OKLAHOMA; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; REPEALING ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR REPEALER.

Mayor Cox read Ordinance No. 19-11 by title.

Councilman Jacobs made a motion second by Councilman Fishburn to approve Ordinance No. 19-11 as written.

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

20. Discussion and possible action to declare Ordinance No. 19-11 an emergency.

Councilman Fishburn made a motion second by Councilman Jacobs to declare Ordinance No. 19-11 an emergency.

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

21. Discussion and possible action concerning ORDINANCE NO. 19-12 AN ORDINANCE OF THE CITY OF PURCELL, OKLAHOMA, ADOPTING THE

2015 EDITION OF THE INTERNATIONAL FUEL GAS CODE, AS CHAPTER 14, SECTION 161; REGULATING AND GOVERNING FUEL GAS SYSTEMS AND GAS-FIRED APPLIANCES IN THE CITY OF PURCELL, OKLAHOMA; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; REPEALING ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY: AND PROVIDING FOR REPEALER.

Mayor Cox read Ordinance No. 19-12 by title.

Councilman Jacobs made a motion second by Councilman Fishburn to approve /Ordinance No. 19-12 as written.

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

22. Discussion and possible action to declare Ordinance No. 19-12 an emergency.

Councilman Fishburn made a motion second by Councilwoman Engert to declare Ordinance No. 19-12 an emergency.

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

23. Discussion and possible action concerning ORDINANCE NO. 19-13 AN ORDINANCE OF THE CITY OF PURCELL, OKLAHOMA, ADOPTING THE 2015 EDITION OF THE INTERNATIONAL MECHANICAL CODE, AS CHAPTER 14, SECTION 211; REGULATING AND GOVERNING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE OF MECHANICAL SYSTEMS IN THE CITY OF PURCELL, OKLAHOMA; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; REPEALING ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR REPEALER.

Mayor Cox read Ordinance No. 19-13 by title.

Councilwoman Engert made a motion second by Councilman Fishburn to approve Ordinance No. 19-13 as written.

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

24. Discussion and possible action to declare Ordinance No. 19-13 an emergency.

Councilman Fishburn made a motion second by Councilwoman Engert to declare Ordinance 19-13 an emergency.

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

25. Discussion and possible action concerning ORDINANCE NO. 19-14 AN ORDINANCE OF THE CITY OF PURCELL, OKLAHOMA, ADOPTING THE 2015 EDITION OF THE INTERNATIONAL PLUMBING CODE, AS CHAPTER 14, SECTION 81; REGULATING AND GOVERNING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE OF PLUMBING SYSTEMS IN THE CITY OF PURCELL, OKLAHOMA; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; REPEALING ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR REPEALER.

Mayor Cox read Ordinance No. 19-14 by title.

Councilwoman Engert made a motion second by Councilman Fishburn to approve Ordinance No. 19-14 as written.

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

26. Discussion and possible action to declare Ordinance No. 19-14 an emergency.

Councilman Fishburn made a motion second by Councilwoman Engert to declare Ordinance No. 19-14 an emergency

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

27. Discussion and possible action concerning ORDINANCE NO. 19-15 AN ORDINANCE OF THE CITY OF PURCELL, OKLAHOMA, ADOPTING THE 2015 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE, AS CHAPTER 14, SECTION 356; REGULATING AND GOVERNING THE CONSTRUCTION, ALTERATION, MOVEMENT, ENLARGEMENT, REPLACEMENT, REPAIR, EQUIPMENT, LOCATION, REMOVAL AND DEMOLITION OF DETACHED ONE-AND-TWO FAMILY DWELLINGS AND MULTIPLE SINGLE-FAMILY DWELLINGS (TOWNHOUSES) NOT MORE THAN THREE STORIES IN HEIGHT WITH SEPARATE MEANS OF EGRESS IN THE CITY OF PURCELL, OKLAHOMA; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; REPEALING ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR REPEALER.

Mayor Cox read Ordinance No 19-15 by title .

Councilwoman Engert made a motion second by Councilman Fishburn to approve Ordinance No 19-15 as written.

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

28. Discussion and possible action to declare Ordinance No. 19-15 an emergency.

Councilman Fishburn made a motion second by Councilwoman Engert to declare Ordinance No. 19-15 an emergency.

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

29. Discussion and possible action concerning ORDINANCE NO. 19-16 AN ORDINANCE OF THE CITY OF PURCELL ESTABLISHING A WEIGHT LIMIT ON 230TH STREET BETWEEN STATE HIGHWAY 74 AND JOHNSON ROAD OF 18 TONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR REPEALER.

Mayor Cox read Ordinance No 19-16 by title. He explained this is a road that we recently spent \$100,000 on and it is about to be a used as a route to approximately five wells in which fracking is planned. We can reroute them, but we are looking at this road being destroyed if we don't limit the weight.

Councilman Jacobs made a motion second by Councilman Tate to approve Ordinance No. 19-16 as written.

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

30. Discussion and possible action to declare Ordinance No. 19-16 an emergency.

Councilman Tate made a motion second by Councilwoman Engert to declare Ordinance No. 19-16 an emergency.

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

31. Discussion and possible action concerning awarding contract for the MPC Roof and Water Damage Repair to Bohon Industries, Inc in the amount of \$206,000.

Mr. Bunn asked the Council to post-pone action on item number 31.

Mayor Cox declared no action taken on agenda item 31.

32. Discussion and possible action concerning Budget Amendment GF-2020-4 Increasing Reimbursement/Discounts and increasing appropriations Travel & Training both in the amount of \$1,993.39.

Mr. Lohn advised the Council that the Budget Amendment is due to having received reimbursement for police training cost.

Councilman Jacobs made a motion second by Councilwoman Engert to approve Budget Amendment GF-2020-4 as written.

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

33. Discussion and possible action concerning Budget Amendment GF-2020-05 increasing revenue accounts in the amount of \$21,652.44 and increasing appropriation accounts in the amount of \$21,652.44 due to September reimbursements from Insure Oklahoma.

Mr. Lohn explained this is due to reimbursement from Insure Oklahoma and it will be a monthly adjustment in the future.

Councilman Jacobs made a motion second by Councilman Tate to approve Budget Amendment GF-2020-05 as written.

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

34. Discussion and possible action concerning Budget Amendment GF2020-6 increasing Reimbursements/Discounts and Plan Review & Inspections both in the amount of \$4,305.25 due to plan reviews and inspections at The Village on Green Avenue.

Mayor Cox stated this is for inspection of the new Senior Center Village. The transactions are an in and out revenue and expense.

Councilwoman Engert made a motion second by Councilman Jacobs to approve Budget Amendment GF2020-6 as written.

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

35. Discussion and possible action concerning Budget Amendment GF-2020-7 increasing Revenue accounts in the amount of \$35,888.00 and increasing appropriations in the amount of \$17,944.00 due to the receipt of grant money from the Department of Tourism & Recreation and move it to the Capital Improvement Fund.

Mr. Bunn reported this amendment is due to the receipt of the Trails Grant. Mr. Lohn stated that it does not balance but it is correct.

Councilman Jacobs made a motion second by Councilwoman Engert to approve Budget Amendment GF-2020-7 as written.

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

36. Resolution 19-C14 A RESOLUTION OF THE COUNCIL OF THE CITY OF PURCELL, OKLAHOMA, GIVING THE SECRETARY OF THE MCCLAIN COUNTY ELECTION BOARD NOTICE OF A PRIMARY ELECTION TO BE HELD ON FEBRUARY 11, 2020.

Councilman Jacobs made a motion second by Councilwoman Engert to approve Resolution 19-C14 as written.

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

37. Discussion and possible action concerning a recommendation from the Oklahoma Municipal Assurance Group (OMAG), to deny Tort Claim 206932-ME filed by Alyssa Lutz.

Councilman Jacobs made a motion second by Councilman Fishburn to deny tort claim 206932-ME.

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

Mayor Cox declared the meeting to be in recess at 6:51 p.m. in order to go into the Purcell Public Works Authority meeting.

Mayor Cox declared the City Council Meeting to be in joint meeting with the Purcell Public Works Authority at 7:00 p.m.

38. 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 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 to enter joint Executive Session with the following persons entering: Council Members/Trustees who are present, the City/Trust Manager, Dale Bunn, City/Trust Counsel, Ted Haxel at 7:01 p.m.

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

Mayor/Chairman Cox made a motion second by Councilman/Trustee Jacobs to return to regular joint session at 7:16 p.m.

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

39. 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 and possible action concerning the purchase or acquisition of certain land or property in accordance with 25 O.S. 307 § (B) (3).

Mayor/Chairman Cox announced that there is no action on Executive Session.

41. City Council Comments.

Councilman Tate informed Mr. Boles that there is a hole in the roof of 607 Apache. Mr. Boles was not aware. Councilman Tate asked Mr. Bunn if we are still testing Lake Water. Mr. Bunn advised negative. We test approximately mid-May to October, it is generally too cool for swimming. Councilman Tate questioned if the bricks with names engraved, if they are not reused can be returned to the persons who purchased them? Mr. Bunn advised there has been discussion concerning that.

Councilman Fishburn Is there any opportunity for input concerning the design of the Main StreetScape. Mr. Bunn advised it has already been decided and phase one will be determined on how far the City \$1.4M goes. They may not go back to bricks, but it will be a brick look. Mr. Bunn stated the plan is to put real brick on the sidewalks over the utilities.

Councilman Jacobs mentioned concerns about the road closing procedure while installing the Christmas Lights. He asked if we had to closed it for the entire 15-week period, even while the weather is still good. He advised it is understandable once it is in operation and functional for security reasons, but it is an inconvenience to citizens who daily use the park.

Mayor Cox stated that on the November Council Meeting he believes the City needs to support the McClain County proposed tax. He stated if the State were to close the jail it would cost as much as the tax would cost and still must be out the cost of a new jail.

42. City Manager and staff comments.

Mr. Boles reported on some problem properties that have been cleaned up over the past 90 days. Many have received numerous citations with no response. He advised Code Enforcement has processed approximately 150 complaints over the last 90 days and will likely need to request a budget adjustment because of the cost of the cleanups.

Mr. Lohn advised the audit was completed. There was a finding concerning mis-billing on fuel cost adjustment. We now have internal controls in place to prevent that from happening again.

43. City Attorney comments.

Mr. Haxel had no comments.

44. Adjourn.

Mayor Cox declared the meeting to be adjourned at 7:59 p.m.

Approved this 4th day of November 2019

Attest:

Ted Cox, Mayor

Dorothy Kennedy, City Clerk