

**CITY OF PURCELL
REGULAR MEETING
MAY 4, 2015**

MINUTES

Call to order and declaration of a quorum present.

Mayor Chilvers called the meeting to order and declared a quorum to be present at 7:01 p.m.

Roll Call.

Roll call was conducted by City Clerk, Dorothy Kennedy with the following results:

Councilmen Present: Graham Fishburn, Tom McCurdy, John Chilvers

Councilmen absent: Ted Cox was absent at roll call but joined the Purcell Public Works Meeting already in progress at 9:17 p.m. and was in attendance when the City Meeting reconvened. Mike Pollok was absent at roll call and joined the meeting already in progress at 7:11 p.m.

Staff: Dale Bunn, Shauna Long, Dorothy Kennedy, James New, Kevin Rhoads, Monty Skaggs, Chris Griffith, Greg Cypert, Tommy Mize

Legal counsel: Ted Haxel

Pledge of Allegiance.

Mayor Chilvers led the Pledge of Allegiance.

Beatrice Boardingham offered the invocation.

Welcome.

Mayor Chilvers welcomed guests.

Consideration and possible action to elect a Mayor and a Vice Mayor.

Councilman McCurdy made a motion second by Councilman Fishburn to nominate John Chilvers as Mayor.

Yes: McCurdy, Fishburn, Chilvers No: None Absent: Cox, Pollok

Councilman Fishburn made a motion second by Councilman McCurdy to nominate Ted Cox as Vice Mayor.

Yes: Fishburn, McCurdy, Chilvers No: None Absent: Cox, Pollok

Approval of the Consent Agenda:

- a. **Approval of minutes of April 6, 2015, April 13, 2015, April 20, 2015 and April 27, 2015.**
- b. **Approve payment of claims in the amount of \$187,103.11.**
- c. **Approval of direct payables in the amount of \$43,208.75.**
- d. **Approve estimated payroll in the amount of \$130,000.00.**
- e. **Approve Treasurer's Financial Report for March 2015.**
- f. **Approve Budget adjustments from the following departments; Cemetery, Communications, Emergency Management, Fire Department, General Government, Parks & Rec, Police Department.**

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

Yes: Fishburn, McCurdy, Chilvers No: None Absent: Cox, Pollok

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

There were no items removed from the Consent Agenda.

*At this time Mayor Chilvers asked if there were any petitions or comments from the public.
There were none.*

Consideration and possible action concerning a request from Delta Community Action Foundation, Inc for support of the Delta Public Transit from \$20,000.00 last year to \$22,000.00 for the fiscal year 2015-2016.

Jackie Perry with Delta thanked Mr. Bunn and the City for the help during the time when the bridge was out. During that time Delta was able to assist 350 persons. In the City of Purcell

Mr. Skaggs reported on the storage building on East Adams Street. The doors are secure and it appears some mowing and some spraying has taken place.

Consideration and possible action concerning a Purcell Dam Report and the METCO Limited Geotechnical Engineering Testing Services Letter Report.

Kenny Sullivan reported receiving the report from METCO on April 24th. The report confirms what we already knew; that there are soft spots in the dam. Mr. Sullivan reminded the Council that the dam has stood for sixty years and both he and Dr. Miller believe the dam is in stable condition. They also agree that we need to repair voids around the box.

Consideration and discussion of a report from Kevin Rhoads, Emergency Manager and Lt. Kevin Austin, with the Purcell Police Department, concerning an Emergency Exercise.

Kevin Rhoads reported on a cooperative effort between the Purcell Hospital, Wadley's EMS, Police Department, Fire Department and McClain County Sheriff's Office which was a staged emergency drill. He advised all agencies involved learned what we could do and what we need to improve on. He advised the Citizens of Purcell should be able to rest assured that we are and continue to make ourselves ready should an actual emergency occur.

Lieutenant Austin further reported that the drill included a unique stretching for the Police Department in that the Chief was ill that day. There focus was a safe rapid response. Mr. Rhoads advised that an "After Action Review" was conducted. It disclosed deficiencies, to assist us in doing better the next time. There are plans to conduct other drills in the future.

Consideration possible action concerning a recommendation from the Rural Fire Advisory Board to approve the purchase of "Wild Land Gear" in the amount of \$10,000.00.

Assistant Fire Chief Greg Cypert reported the gear is to be worn on grass fires and in vehicle extractions. The cost is between \$750.00 to \$800.00 each and the fire department needs twenty five sets. The matter was presented to the Rural Fire Board and they have recommended to put \$10,000.00 toward the purchase from Rural Fire Department Fund. Cypert advised the balance is planned to be taken from a McClain County fund.

Councilman Fishburn made a motion to approve the purchase of Wild Land Gear in the amount of \$10,000.00 from the Rural Fire Fund.

Yes: Fishburn, McCurdy, Pollok, Chilvers

No: None

Absent: None

CONSIDER AND TAKE ACTION WITH RESPECT TO ORDINANCE NO. 15-06 AN ORDINANCE OF THE CITY OF PURCELL, OKLAHOMA, RELATING TO THE IMPOSITION OF A CITY EXCISE TAX (SALES TAX) OF NOT TO EXCEED THREE QUARTERS OF ONE PERCENT (0.75%) (IN ADDITION TO ANY AND ALL OTHER EXCISE TAXES NOW IN FORCE) TO BE LEVIED UPON THE GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM ALL SALES TAXABLE UNDER THE OKLAHOMA SALES TAX CODE; PROVIDING FOR THE USE OF THE PROCEEDS OF SAID EXCISE TAX; PROVIDING FOR THE EFFECTIVE DATE AND THE TERMINATION DATE OF SAID EXCISE TAX; PROVIDING FOR SUBSISTING STATE PERMITS; PROVIDING FOR PAYMENT OF TAX; PROVIDING THAT THE TAX IS IN ADDITION TO TAXES CURRENTLY LEVIED; INCORPORATING CERTAIN PROVISIONS OF PRIOR CITY ORDINANCES; PROVIDING FOR AMENDMENTS TO THIS ORDINANCE; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE ARE CUMULATIVE AND IN ADDITION TO ANY AND ALL TAXING PROVISIONS OF OTHER CITY ORDINANCES; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

Rick Smith, Ben Oglesby were in attendance from Municipal Finance Service (MFS). Nate Ellis a bonds attorney was present representing Public Finance Law. Mr. Smith provided a May 4, 2015 Funding New Aquatic Park Project-Additional Sales Tax Options.

- Option A was .60% over a 15 year term at an estimated interest rate of 3.0% for a total payoff of \$8,820,475.00. There will be an option for early payoff built into the bid.
- Option B was .75% over a 11 year term with an estimated interest rate of 2.75% for a total payoff of \$8,227,231.00. There will be an option for early payoff built into the bid.

Mr. Smith advised each options are based on a \$6.8M estimate. He advised each of the documents were drafted so that any accumulated sales tax above payments would be held for such a time as an early payoff could be done.

Councilman McCurdy advised if Option A was selected and we had an emergency in which we would need to increase sales tax again, we at least could do so. He stated if Option B were selected there would be no room without becoming one of the highest in the state.

Councilman Fishburn made a motion second by Councilman Pollok to choose Option A and to adopt Ordinance Number 15-06 in the amount of .60% not to exceed fifteen years.

Yes: Fishburn, Pollok, McCurdy, Chilvers No: None Absent: Cox

CONSIDER AND TAKE ACTION WITH RESPECT TO RESOLUTION NO. 15-C05 A RESOLUTION AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION IN THE CITY OF PURCELL, OKLAHOMA, ON TUESDAY, JULY 14, 2015, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED QUALIFIED ELECTORS OF SAID CITY THE QUESTION OF APPROVAL OR REJECTION OF AN ORDINANCE OF THE CITY RELATING TO THE LEVY AND COLLECTION OF AN ADDITIONAL EXCISE TAX OF NOT TO EXCEED THREE QUARTERS OF ONE PERCENT (0.75%) EXCISE TAX (IN ADDITION TO ANY AND ALL OTHER EXCISE TAXES NOW IN FORCE), ALL AS MORE SPECIFICALLY SET FORTH IN SAID ORDINANCE; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

Councilman McCurdy made a motion second by Councilman Fishburn to approve Resolution15-C05 at .60% not to exceed fifteen years.

Yes: McCurdy, Fishburn, Pollok, Chilvers No: None Absent: Cox

Consideration and possible action to declare a 1991 Toro 224 Grandmaster mower serial number 3022410135 and 138 stackable chairs from Parks & Recreation as surplus property.

Chris Griffith reported that the mover has been listed because there are no local companies who are able to repair it. All maintenance and repair has to go to a Toro dealership in Tulsa. The chairs are either damaged or broken.

Councilman Pollok made a motion second by Councilman McCurdy to declare the 1992 Toro 224 mower and the 138 stackable chairs surplus property.

Yes: Pollok, McCurdy, Fishburn, Chilvers No: None Absent: Cox

Consideration and possible action concerning a Parks and Receptions update.

Mr. Griffith reported the imbeds, and plumbing have been installed. Due to a miss communication between the contractor and engineer, at no fault of the City, there was a three to four week delay. The restroom will be completed in a few days. Mr. Griffith advised he believes we will be able to complete the landscaping and open for July 4th weekend. Councilman Fishburn advised he would like to see a strong effort to complete it.

Mr. Griffith reported on the following:

- Staff is working on a poison ivy control at the park.
- Staff is doing a final pool break-down, and will have some items for surplus soon.
- Ongoing maintenance of the tennis courts.
- Assisting the Golf Course to prepare for the upcoming Ladies Tournament.

- Staff is participating in a CAPA Certification which will enhance our ability to obtain grants.
- Partnering with the Library on the Red Hill Lunch Programs
- Aquatics Trails
- Working on tagging trees for identification purposes.

Consideration and possible action to proclaim the month of July Park and Recreations month.

Mr. Griffith reported that it is a national and federal effort to promote parks. He advised he would like to have news articles to promote Purcell Parks.

Councilman McCurdy made a motion second by Councilman Fishburn to proclaim the month of July as Park and Recreations month.

Yes: McCurdy, Fishburn, Pollok, Chilvers

No: None

Absent: Cox

Consideration and possible action concerning a 2015 Purcell Parks Maintenance Standards.

Mr. Griffith advised the Maintenance Standards is just a basic outline of how we will handle things.

Councilman McCurdy made a motion second by Councilman Fishburn to table the Parks Maintenance Standards to allow an opportunity to review.

Yes: McCurdy, Fishburn, Pollok, Chilvers

No: None

Absent: Cox

Consideration and possible action to resend action taken by the City Council in the April 4, 2015 meeting concerning appoint one delegate and two alternate delegates to the ACOG Board of Directors and appoint from the governing body a delegate and two alternate delegates to the ACOG Board of Directors.

Councilman Fishburn made a motion second by Councilman Pollok nominating Councilman McCurdy as the delegate to the ACOG Board of Directors.

Yes: Fishburn, Pollok, McCurdy, Chilvers

No: None

Absent: Cox

Mayor Chilvers made a motion second by Councilman Pollok nominating Councilman Ted Cox and Councilman Graham Fishburn as alternate delegates to the ACOG Board of Directors.

Yes: Chilvers, Pollok, McCurdy

No: Fishburn

Absent: Cox

Consideration and possible action to approve/deny Ordinance No. 15-04, AN ORDINANCE OF THE CITY OF PURCELL AMENDING ARTICLE 2 (CITY COUNCIL), SECTION 2-27 (TIME OF REGULAR MEETINGS OF CITY OF PURCELL) BY CHANGING THE STARTING TIME OF PURCELL'S REGULAR MONTHLY MEETING FROM 7:00 O'CLOCK P.M. TO 6:00 O'CLOCK P.M., ON THE FIRST MONDAY OF EACH MONTH; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER.

Mr. Bunn advise the ordinance was drafted due to Council's concern about the length of meetings. It changes meeting times from 7:00 p.m. to 6:00 p.m.

Councilman McCurdy made a motion second by Councilman Fishburn to approve Ordinance No. 15-04 changing the starting time of Purcell's regular monthly meetings from 7:00 p.m. to 6:00 p.m.

Yes: McCurdy, Fishburn, Pollok, Chilvers

No: None

Absent: Cox

Consideration and possible action to declare Ordinance No. 15-04 an emergency.

Councilman Pollok made a motion second by Councilman McCurdy to declare Ordinance No. 15-04 an emergency.

Yes: Pollok, McCurdy, Fishburn, Chilvers

No: None

Absent: Cox

Consideration and possible action to approve/deny Ordinance 15-05, AN ORDINANCE OF THE CITY OF PURCELL AMENDING ARTICLE 2 (CITY COUNCIL), SECTION 2-28 (LOCATION OF MEETINGS) BY CHANGING THE PLACE OF PURCELL'S REGULAR MONTHLY MEETING TO THE COMMUNITY ROOM OF THE POLICE SERVICE BUILDING LOCATED AT

1515 NORTH GREEN AVENUE, PURCELL, OKLAHOMA; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER.

Mr. Haxel advised the Code book still listed the Council Meetings to be at City Hall. This is just clean up, since the meetings have been at the Police Complex for a number of years.

Councilman Fishburn made a motion second by Councilman Pollok to approve Ordinance 15-05 changing the place of Purcell's regular monthly meeting to the Community Room of the Police Service Building.

Yes: Fishburn, Pollok, McCurdy, Chilvers

Consideration and possible action to declare Ordinance No. 15-05 an emergency.

Councilman Fishburn made a motion second by Councilman McCurdy to declare Ordinance 15-05 an emergency.

Yes: Fishburn, McCurdy, Pollok, Chilvers

No: None Absent: Cox

Discussion concerning the City Manager's suggested changes to the 2015-2016 Budget.

Mr. Bunn made the request that the item be tabled to the May 18th Public Hearing.

Councilman McCurdy made a motion second by Councilman Fishburn to table the City Manager's suggested changes to the 2015-2016 Budget.

Yes: McCurdy, Fishburn, Pollok, Chilvers

Councilman Fishburn made a motion

second by Councilman McCurdy to declare Ordinance 15-05 an emergency.

Yes: Fishburn, McCurdy, Pollok, Chilvers

No: None Absent: Cox

Mayor Chilvers declared the meeting to be in recess to enter the PWA Meeting at 9:08 p.m.

Mayor Chilvers declared the meeting reconvened at 9:23 p.m.

Councilman Cox had joined the Public Works Meeting at 9:17 p.m. and was in attendance when the City Council meeting was reconvened.

Mayor Chilvers asked attorney Ted Haxel if the agenda items were listed legally in order to enter into executive session. Mr. Haxel advised that they were.

EXECUTIVE SESSION: DISCUSSION, CONSIDERATION RE: AN EXECUTIVE SESSION TO BE HELD IN ACCORDANCE WITH 25 O. S. 307 § (B) (1); 25 O. S. 307 § (B) (2) AND 25 O.S. 307 (B) (3) FOR THE FOLLOWING MATTER(S).

- a. Discussion and consideration of labor contract for fiscal year 2015-2016 between the City of Purcell and the IAFF Local 3596 in accordance with 25 O.S. § 307 (B) (2).
- b. Discussion and consideration of labor contract for fiscal year 2015-2016 between the City of Purcell and the FOP # 194 in accordance with 25 O.S. 307 § (B) (2).
- c. Discussion and consideration concerning the employment, hiring, appointment, promotion, demotion, disciplining or resignation of City Manager Dale Bunn and City Treasurer Shauna Long in accordance with O.S. 307 § (B) (1).
- d. Discussion and consideration concerning the purchase or acquisition of certain land or property in accordance with O.S. 307 § (B) (3).

Councilman Pollok made motion second by Councilman Cox to enter into joint executive session to discuss items a, b, c, and d as listed on the agenda at 9:23 p.m.

Yes: Pollok, Cox, Fishburn, McCurdy, Chilvers

No: None Absent: None

A record of persons who went into executive: Councilman Cox, Trustee Pollok, Trustee McCurdy, Mayor Chilvers, Attorney Ted Haxel, Dale Bunn and Shauna Long. Trustee Fishburn left the meeting prior to going into executive session at approximately 9:23 p.m.

Councilman Pollok made a motion second by Councilman Cox to open both meetings to regular session at 11:29 p.m.

Yes: Pollok, Cox, McCurdy, Chilvers

No: None

Absent: Fishburn

EXECUTIVE SESSION: DISCUSSION, CONSIDERATION AND POSSIBLE ACTION CONCERNING ITEMS DISCUSSED IN EXECUTIVE SESSION IN ACCORDANCE WITH 25 O. S. 307 § (B) (1); 25 O. S. 307 § (B) (2) AND 25 O.S. 307 (B) (3) FOR THE FOLLOWING MATTER(S).

- e. Discussion and consideration and possible action concerning the labor contract for fiscal year 2015-2016 between the City of Purcell and the IAFF Local 3596 in accordance with 25 O.S. § 307 (B) (2).**

No action was taken concerning item (a).

- f. Discussion and consideration and possible action concerning the labor contract for fiscal year 2015-2016 between the City of Purcell and the FOP # 194 in accordance with 25 O.S. 307 § (B) (2).**

No action was taken concerning item (b).

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

No action was taken concerning item (c).

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

No action was taken concerning item (d).

City Council comments.

There were no City Council comments.

City Manager and staff comments.

Mr. Bunn passed out water rate increase proposal for their review and consideration at another date.

City Attorney comments.

There were no comments from Mr. Haxel.

Adjourn.

Mayor Chilvers declared both meetings to be adjourned at 11:39 p.m.

Approved on the 1st day of June 2015

John Chilvers, Mayor

ATTEST:

Dorothy Kennedy, City Clerk