

**MINUTES  
CITY COUNCIL MEETING  
FOLLOWED BY PRYOR PUBLIC WORKS AUTHORITY MEETING  
CITY OF PRYOR CREEK, OKLAHOMA  
TUESDAY, FEBRUARY 4<sup>TH</sup>, 2020 AT 6:00 P.M.**

The City Council of the City of Pryor Creek, Oklahoma met in regular session on the above date and time in the Council Chamber upstairs at City Hall, 12 North Rowe Street in Pryor Creek, Oklahoma. This meeting was followed immediately by a meeting of the Pryor Public Works Authority. Notice of these meetings was posted on the East bulletin board located outside to the South of the entrance doors and the City website at [www.pryorcreek.org](http://www.pryorcreek.org). Notice was also e-mailed to *The Paper* newspaper and e-mailed to the Council members.

**1. CALL TO ORDER, PRAYER, PLEDGE OF ALLEGIANCE, ROLL CALL.**

Mayor Lees called the meeting to order at 6:00 p.m. The Prayer and Pledge of Allegiance were led by Briana Brakefield. Roll Call was conducted by City Clerk Eva Smith. Council members present included: Jon Ketcher, Choya Shropshire, Dennis Nance, Steve Smith, Randy Chitwood, Briana Brakefield, Jill Sherman and Zac Doyle. Members absent: none.

Department Heads and other City Officials present: City Attorney Kim Ritchie, Police Chief Dennis Nichols, Assistant Police Chief James Willyard, Fire Chief BK Young, Park Superintendent Frank Powell, Emergency Management Director Johnny Janzen, Street Superintendent Buddy Glenn, Golf Superintendent Dennis Bowman, Library Director Cari Rerat and Building Inspector Kenneth Young.

Others: Library Board Chairman Jeanette Anderson, Park Board Chairman Bill Kannegiesser, City Engineer Steve Powell, Economic Development Consultant Rickey Hayes, Bill Kolb, Kemmie Shropshire, Adam Anderson, Joe Barnts, Victor Casey, Chris Gonthier and Terry Aylward.

**2. DEPARTMENT HEAD REPORTS IF NEEDED:**

**a. Building Inspector**

Young reported that 27 permits were sold in January for a revenue of \$2,344.00. He conducted 63 inspections. This number is up 31% over January of 2019.

**b. Emergency Management**

Janzen reported that FEMA is finishing up at the Golf Course. The Street Department is the next big-ticket item for FEMA and there are some things on tonight's agenda to get that process started. The Master Drainage Plan is another project in the works. A large issue of concern is drainage under the railroad West of Highway 69. There is a significant amount of water backing up because of the problems in this area. There is also a problem with drainage under Highway 20.

**c. Fire**

Young reported that they responded to 121 emergency calls in January, which is pretty standard. He also reported that they improved their ISO rating from 4 to 3.

**d. Golf**

Bowman reported that everything is still very wet. They had a good January and are having a good start to February. Revenues are down from last year, and labor is about 18% over where it should be, due to all the work that had to be done for the FEMA claim. He stated that he only has two people working now, which is as skeleton-crew as they can have and still function. They are waiting on cost estimate for bent grass to submit to FEMA.

**e. Library**

Rerat reported that they have put together a Complete-Count Committee for the upcoming 2020 Census. The library also received an exhibit on permanent loan from the Tulsa Historical Society regarding the Greenwood District and 1921 Tulsa Race Riot.

**f. Parks / Cemetery**

Powell reported that they are still fighting with wet conditions and plan to trim trees when the ground dries up. He stated that he does not have the Cemetery numbers with him, but last year was the lowest it has ever been. They had approximately 75 funerals with a revenue of around \$45,000.00.

**g. Police**

Nichols stated that he handed out the statistics to Council earlier. He thanked the Parks Department for their help in boarding and securing some public nuisances.

#### **h. Recreation Center**

No report.

#### **i. Street**

Glenn reported that they are trimming trees. They are also working on some drainage issues at NW 5<sup>th</sup> Street and another on the NE side of Rowe Street. He reported that they spread some brine today in preparation of pending bad weather. The salt and sand trucks and plows are ready to go, if needed.

### **3. PETITIONS FROM THE AUDIENCE. (LIMITED TO 5 MINUTES.)**

There were no petitions.

### **4. MAYOR'S REPORT:**

Mayor moved to Item d.

#### **d. Update: Economic Development, Rickey Hayes.**

Rickey Hayes gave an update on different projects being considered. He also reported on the retailers' conference in Ft. Worth that Mayor Lees attended with him. He reported that four national retailers have taken time to come to Pryor to check out the city – two corporate and two franchisees. He stated that Mayor Lees and he have also been in meetings with several local land owners who are interested in residential development. He was encouraged by the meeting held with local pastors, and the first Economic Development Trust Authority meeting.

Mayor moved back to Item a.

#### **a. Discussion and possible action regarding approval to proceed with the prescribed process as defined by the Federal Railroad Administration toward establishing Pryor Creek as a Railroad Quiet Zone. (Item tabled at the December 3<sup>rd</sup>, 2019 meeting and the January 21<sup>st</sup>, 2020 meeting.)**

Motion was made by Shropshire, second by Brakefield to discuss the prescribed process as defined by the Federal Railroad Administration toward establishing Pryor Creek as a Railroad Quiet Zone. (Item tabled at the December 3<sup>rd</sup>, 2019 meeting and the January 21<sup>st</sup>, 2020 meeting.) Mayor recommended taking no action at this time. Shropshire and Brakefield amended their motion and second to take no action regarding proceeding with the prescribed process as defined by the Federal Railroad Administration toward establishing Pryor Creek as a Railroad Quiet Zone. (Item tabled at the December 3<sup>rd</sup>, 2019 meeting and the January 21<sup>st</sup>, 2020 meeting.) Voting yes: Ketcher, Shropshire, Nance, Smith, Chitwood, Brakefield, Sherman, Doyle. Voting no: none.

#### **b. Update: Police and Fire Emergency Center project, Jim Graber.**

No action. Mr. Graber was unable to attend.

#### **c. Update: Annexation of "The District."**

No action. We are in the 30-day waiting period for the ordinance to go into effect.

### **5. CITY ATTORNEY'S REPORT:**

#### **a. Discussion and possible action regarding vacating a utility easement with the following description. This easement is currently unoccupied by any city or quasi-public utility and has been replaced with a similar utility easement at a very near location. Municipal Utility Board has been involved with the relocation of this utility easement and concurs with the vacation action. The following is a legal description of the utility easement to be vacated:**

**A tract of land situated in the SE/4 of Section 18, Township 21 North, Range 19 East of the Indian Base and Meridian in Pryor Creek, Mayes County, Oklahoma and more particularly described as follows to-wit:**

**Commencing at the Southwest Corner of said SE/4.**

**THENCE North 00 degrees 00 minutes 00 seconds East for a distance of 1,799.80 feet and along the West Line of said SE/4:**

**THENCE North 90 degrees 00 minutes 00 seconds East for a distance of 650.00 feet to the Point of Beginning;**

**THENCE North 00 degrees 00 minutes 00 seconds East for a distance of 120.00 feet to a point on the South line of Block 6 of the PRYOR HEIGHTS ADDITION;**

**THENCE North 90 degrees 00 minutes 00 seconds East along the South line of Block 6 of the PRYOR HEIGHTS ADDITION for a distance of 17.50 feet;**

**THENCE South 00 degrees 00 minutes 00 seconds East for a distance of 170.00 feet;**

**THENCE North 90 degrees 00 minutes 00 seconds West for a distance of 17.50 feet;**

**THENCE North 00 degrees 00 minutes 00 seconds East for a distance of 50.00 feet to the Point of Beginning.**

**Together with and subject to covenants, easements, and restrictions of record said property containing 0.0683 acres more or less.**

Motion was made by Chitwood, second by Ketcher to approve closing a utility easement with the following description. This easement is currently unoccupied by any city or quasi-public utility and has been replaced with a similar utility easement at a very near location. Municipal Utility Board has been involved with the relocation of this utility easement and concurs with the closing action. The following is a legal description of the utility easement to be closed:

A tract of land situated in the SE/4 of Section 18, Township 21 North, Range 19 East of the Indian Base and Meridian in Pryor Creek, Mayes County, Oklahoma  
and more particularly described as follows to-wit:  
Commencing at the Southwest Corner of said SE/4.  
THENCE North 00 degrees 00 minutes 00 seconds East for a distance of 1,799.80 feet and along the West Line of said SE/4:  
THENCE North 90 degrees 00 minutes 00 seconds East for a distance of 650.00 feet to the Point of Beginning;  
THENCE North 00 degrees 00 minutes 00 seconds East for a distance of 120.00 feet to a point on the South line of Block 6 of the PRYOR HEIGHTS ADDITION;  
THENCE North 90 degrees 00 minutes 00 seconds East along the South line of Block 6 of the PRYOR HEIGHTS ADDITION for a distance of 17.50 feet;  
THENCE South 00 degrees 00 minutes 00 seconds East for a distance of 170.00 feet;  
THENCE North 90 degrees 00 minutes 00 seconds West for a distance of 17.50 feet;  
THENCE North 00 degrees 00 minutes 00 seconds East for a distance of 50.00 feet to the Point of Beginning.

Together with and subject to covenants, easements, and restrictions of record said property containing 0.0683 acres more or less.

Ritchie made the correction that the motion should read, “closing,” instead of “vacating.” He stated that the City does not vacate, it closes.

Voting yes: Shropshire, Nance, Smith, Chitwood, Brakefield, Sherman, Doyle, Ketcher. Voting no: none.

**b. Discussion and possible action regarding a Memorandum of Understanding between Ragsdale/RRR Property Management, LLC and the City of Pryor Creek.**

Motion was made by Chitwood, second by Nance to approve a Memorandum of Understanding between Ragsdale/RRR Property Management, LLC and the City of Pryor Creek. Voting yes: Nance, Smith, Chitwood, Brakefield, Sherman, Doyle, Ketcher, Shropshire. Voting no: none.

**6. DISCUSS, POSSIBLY ACT ON CONSENT AGENDA.**

(Items deemed non-controversial and routine in nature to be approved by one motion without discussion. Any Council member wishing to discuss an item may request it be removed and placed on the regular agenda.)

- a. Approve minutes of the January 21<sup>st</sup>, 2020 Council meeting.
- b. Approve payroll purchase orders through February 7<sup>th</sup>, 2020.
- c. Approve claims for purchase orders through February 4<sup>th</sup>, 2020.

<u>FUNDS</u>	<u>PURCHASE ORDER NUMBER</u>	<u>TOTALS</u>
GENERAL	1920191587 - 1920191570	\$83,384.00
STREET & DRAINAGE	1920191570 - 1920191522	89,328.94
GOLF COURSE	1920191536 - 1920191618	9,134.64
CAPITAL OUTLAY	1920190883 - 1920191546	48,033.60
REAL PROPERTY ACQUIS. RESERVE	1920191526 - 1920191623	893.00
POLICE TRAINING FEES	1920191247	1,134.19
RECREATION CENTER	1920191507 - 1920191507	16,559.58
PRYOR PUBLIC WORKS AUTHORITY	1920190952	5,000.00
E-911	1920191524 - 911076B	1,574.68
<b><u>TOTAL</u></b>		<b>255,042.63</b>
<b><u>BLANKETS</u></b>		
911148B	H&G PAVING CONTRACTORS	95,983.45
911149B	H&G PAVING CONTRACTORS	670,720.39
<b><u>TOTAL</u></b>		<b>766,703.84</b>

- d. Acknowledge receipt of deficient purchase orders.  
*There were no deficient purchase orders.*
- e. Discussion and possible action regarding disposal of city records as listed on attachment according to City of Pryor Creek Retention Policy.

- f. Discussion and possible action regarding an additional expense of \$1,672.77 to Collins Electric Company of Oklahoma, Inc. for work completed at the Pryor Creek Golf Course which exceeded original total quote of \$11,272.33 for repair work needed during recent flood.
- g. Discussion and possible action regarding an upfront expenditure in the amount of \$7,283.30 to Infrastructure Solution Group, LLC for plan review fees for OT Properties, LLC Retail Center in the amount of \$1,197.60, Holiday RV Park in the amount of \$125.00, First Church of God in the amount of \$5,111.70, PHB Growers in the amount of \$764.00 and Bank of Commerce in the amount of \$85.00 from General Outside Services Account #02-201-5075. All of these fees have been invoiced to each entity for payment.
- h. Discussion and possible action regarding an expenditure in the amount of \$14,990.00 for the purchase of two new Splash Pad features, the Ombrello Twirl at \$5,700.00 and Sea Silhouette Seahorse at \$7,700.00 plus \$1,590.00 shipping from Power Play to be paid from the \$15,000.00 donation from Cherokee Nation using the Park Donations Account #96-965-5508.
- i. Discussion and possible action regarding purchase of John Deere tractor with front-end loader from P&K Equipment at a cost of \$29,517.50, with a \$2,000.00 trade-in from bids received. Offer includes a 6-year power train warranty, as in the best interest of the City from Properties Capital Outlay Account #44-445-5419. Other bids received: Kubota: MX5200DT at \$23,017.27, MX5200DT w/Front Loader at \$27,611.49, MX5200HST at \$24,207.55, MX5200HST w/Front Loader at \$28,801.77, M6060HD at \$27,053.07, M6060HD w/Front Loader at \$32,724.89 – all prices are before a \$4,750.00 trade-in offer; Chupp: Massey Ferguson at \$26,900.00 before \$3,700.00 trade-in offer.
- j. Discussion and possible action regarding an expenditure in the amount of \$2,554.07 to Dub Ross Co. for the purchase of (4) 18" x 20', (4) 15" x 20', and (3) 12" x 20' drainage pipes and bands from Street Misc. Drainage Account #14-145-5423.
- k. Discussion and possible action regarding hiring Infrastructure Solutions Group, LLC to complete detailed plans, specifications and contract documents and bidding services for bridge replacement and improvements known as Park Branch Bridge on South Dog Pound Road approximately 2,950 feet North of the intersection of SW 9th Street and Dog Pound Road and a multi-cell box culvert on SW 9th Street approximately 1,000 feet West of the same intersection. The fee for these services is \$24,000.00 to be paid from General Outside Services Account #02-201-5075.
- l. Discussion and possible action regarding authorizing Infrastructure Solutions Group, LLC to solicit on behalf of the City of Pryor Creek contractors qualified to make improvements to Park Branch Bridge on Dog Pound Road and the multi-cell box culvert on SW 9th Street in accordance with the approved plans and specifications and in accordance with bidding documents as supplied by the City of Pryor Creek and Federal Emergency Management Authority (FEMA) guidelines.
- m. Discussion and possible action regarding a Memorandum of Understanding (MOU) between Hillcrest Hospital Pryor and the Pryor Creek Police Department.
- n. Acknowledge receipt of excess profit distribution revenues received from the Municipal Utility Board per Charter in the amount of \$198,886.12 to be placed in the City of Pryor Creek General Fund Miscellaneous Account #02-000-4241.

Motion was made by Smith, second by Chitwood to approve items a – n, less items a and h. Voting yes: Smith, Chitwood, Brakefield, Sherman, Doyle, Ketcher, Shropshire, Nance. Voting no: none.

**a. Approve minutes of the January 21<sup>st</sup>, 2020 Council meeting.**

Motion was made by Smith, second by Brakefield to approve minutes of the January 21<sup>st</sup>, 2020 Council meeting. Voting yes: Chitwood, Brakefield, Sherman, Doyle, Ketcher, Shropshire, Smith. Abstaining, counting as a no vote: Nance. Voting no: none.

**h. Discussion and possible action regarding an expenditure in the amount of \$14,990.00 for the purchase of two new Splash Pad features, the Ombrello Twirl at \$5,700.00 and Sea Silhouette Seahorse at \$7,700.00 plus \$1,590.00 shipping from Power Play to be paid from the \$15,000.00 donation from Cherokee Nation using the Park Donations Account #96-965-5508.**

Motion was made by Chitwood, second by Nance to approve an expenditure in the amount of \$14,990.00 for the purchase of two new Splash Pad features, the Ombrello Twirl at \$5,700.00 and Sea Silhouette Seahorse at \$7,700.00 plus \$1,590.00 shipping from Power Play to be paid from the \$15,000.00 donation from Cherokee Nation using the Park Donations Account #96-965-5508.

Doyle stated that the Splash Pad is very important for the young people of the City, and the relationship between the Cherokee Nation and the City of Pryor Creek is invaluable. Doyle and Chitwood showed their appreciation to the Cherokee Nation for their generosity.

Voting yes: Brakefield, Sherman, Doyle, Ketcher, Shropshire, Nance, Smith, Chitwood. Voting no: none.

**7. COMMITTEE REPORTS:**

**a. Budget and Personnel (Doyle)**

Doyle reported that Budget and Personnel Committee will meet on February 11<sup>th</sup> at 5:30 p.m.

**b. Ordinance and Insurance (Sherman)**

Sherman reported that the Ordinance and Insurance Committee will meet on Thursday, February 13<sup>th</sup>.

**c. Street (Smith)**

Smith had nothing to report at this time.

**8. UNFORESEEABLE BUSINESS.**

(ANY MATTER NOT REASONABLY FORESEEN PRIOR TO POSTING OF AGENDA.)

There was no unforeseeable business.

**9. ADJOURN.**

Motion was made by Ketcher, second by Smith to adjourn. Voting yes: Sherman, Doyle, Ketcher, Shropshire, Nance, Smith, Chitwood, Brakefield. Voting no: none.

**PRYOR PUBLIC WORKS AUTHORITY**

**1. CALL TO ORDER.**

Meeting was called to order at 6:45 p.m.

**2. APPROVE MINUTES OF JANUARY 21<sup>ST</sup>, 2020 MEETING.**

Motion was made by Smith, second by Shropshire to approve minutes of January 21<sup>st</sup>, 2020 meeting. Voting yes: Doyle, Ketcher, Shropshire, Smith, Chitwood, Brakefield, Sherman. Abstaining, counting as a no vote: Nance. Voting no: none.

**3. UNFORESEEABLE BUSINESS.**

(ANY MATTER NOT REASONABLY FORESEEN PRIOR TO POSTING OF AGENDA.)

There was no unforeseeable business.

**4. ADJOURN.**

Motion was made by Ketcher, second by Smith to adjourn. Voting yes: Ketcher, Shropshire, Nance, Smith, Chitwood, Brakefield, Sherman, Doyle. Voting no: none.

MINUTES APPROVED BY MAYOR / P.P.W.A. CHAIRMAN LARRY LEES

MINUTES WRITTEN BY CITY CLERK / P.P.W.A. SECRETARY EVA SMITH