

## **CITY CHARTER**

### **ARTICLE III**

#### **THE CITY COUNCIL**

##### **Section 9 Vacancies.**

Whenever a vacancy occurs in the council from any cause during the unexpired term of a councilman, the mayor with the consent of the council shall appoint an eligible person from the ward in which the vacancy occurs to fill such vacancy until the next regular municipal election at which time a councilman will be elected from such ward to fill such unexpired term; provided, that in the event such vacancy occurs during the last year of such term, such appointment shall be made for the whole unexpired term. (Charter, 1-16-1951)

**ORDINANCE NO. 2020-10**  
**Amendment No. 3**

**AN ORDINANCE OF THE CITY OF PRYOR CREEK, OKLAHOMA AMENDING PRYOR CREEK ORDINANCE NUMBER 2020-10 as amended by Amendment No. 2 DECLARING THE CONTINUATION OF A STATE OF LOCAL CIVIL EMERGENCY WITH RESPECT TO THE PUBLIC HEALTH, SAFETY AND WELFARE REGARDING THE CORONAVIRUS COVID-19 PANDEMIC; AMENDMENTS TO PROVISIONS OF THE PREVIOUS ORDINANCE AS FOLLOWS:**

- 1. PROVIDING LIMITATIONS ON OPERATIONS OF GYMNASIUMS, FITNESS CENTERS, RECREATION CENTERS, INDOOR SPORTS FACILITIES, INDOOR EXERCISE FACILITIES EXERCISE STUDIOS, HAIR SALONS, NAIL SALONS AND SPAS;**
- 2. ELIMINATING CURFEW PROVISION UNDER PREVIOUS AMENDED ORDINANCE;**
- 3. REMOVING 9:00 P.M. TO 6:00 A.M. RESTRICTION ON USE OF PUBLIC SIDEWALKS, TRAILS AND PUBLIC PARKS ;**
- 4. ELIMINATING CLOSURE OF PRYOR CREEK PUBLIC GOLF COURSE.**

**PROVIDING FOR IMMEDIATE EFFECTIVENESS OF AMENDED ORDINANCE UPON PASSAGE; PROVIDING FOR DURATION OF ORDINANCE, AND REPEALER AND SEVERABILITY.**

**WHEREAS**, on March 11, 2020 the World Health Organization (WHO) declared the coronavirus COVID-19 disease to be a pandemic; and

**WHEREAS**, on March 13, 2020 the President of the United States declared a National Emergency; due to the COVID-19 Virus pandemic and

**WHEREAS**, on March 15, 2020, the Governor of the State of Oklahoma has declared an emergency caused by the impending threat of COVID-19 to the people of this State and the public's peace, health and safety; and

**WHEREAS**, the Centers for Disease Control and Prevention (CDC) has issued conclusions that the disease is spread between people who are in close contact with one another (within about 6 feet), through respiratory droplets produced when an infected person coughs or sneezes and by touching surfaces or objects that has the virus on it and then touching their own mouth, nose, or eyes; the CDC findings indicate the virus is spreading easily and sustainably among the human community; and

**WHEREAS**, The data concerning the spread of the COVID-19 virus and leading health professionals in our region indicate that it appears that the curve of the virus' spread among our citizens has been reduced by the previous aggressive measures taken to limit contact of our inhabitants.

**WHEREAS**, the previous aggressive measures taken in our nation, state and local community which was made necessary to limit contact among citizens has necessarily had a consequential severe negative impact on our local economy, citizens and businesses.

**WHEREAS**, the Mayor and City Council find that under the current state of emergency, giving due regard to the statistical information and information from health professionals in our region, that the previous aggressive restrictions on our community should be lessened in a calculated manner to address the consequential damages to our local businesses and citizens brought about by the previous restrictions.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF PRYOR CREEK, OKLAHOMA THAT CITY OF PRYOR CREEK ORDINANCE NO. 2020-10 AMENDMENT NO. 2 SHALL BE AMENDED PURSUANT TO THE EMERGENCY PROVISIONS OF PRYOR CREEK CITY CODE SECTION 4-3B-5, 4-4-1 "Public Nuisance" B (8), 4-4-1D, 4-4-3 AND SECTIONS 19 AND 20 OF THE CHARTER FOR THE CITY OF PRYOR CREEK AS FOLLOWS: (Language to be stricken indicated by "strike-through", provisions added indicated by "underlined" text)**

**SECTION 1: AMENDED ORDINANCE TO READ AS FOLLOWS:**

- A. Restaurants, food courts, cafes, coffeehouses, and other places of public accommodation offering food and beverage shall be closed for dine-in customers, interior guests and for on-premises consumption. Operations for said businesses may remain open and doing business on a limited and restricted basis of curbside, drive-thru, takeout and delivery services. Exclusions from these limitations and restrictions shall be institutional or in-house food cafeterias in the serving of food and beverage to residents of the institution, businesses serving food and beverage to the business's employees, child care facilities, hospitals, and long-term care facilities.
- B. All businesses not identified as being within a Critical Infrastructure Sector as defined by the U.S. Department of Homeland Security and expanded by Amended Executive Memorandum 2020-01 filed with the Oklahoma Secretary of State on March 25, 2020 by The Governor of the State of Oklahoma, J. Kevin Stitt shall be immediately closed to the public ingress, egress, use and occupancy. Exceptions to the foregoing shall be limited to: Gymnasiums, fitness centers, recreation centers, indoor sports facilities, indoor exercise facilities, exercise studios, hair salons, nail salons and spas.
  - a. Exceptions to general closure for fitness centers and indoor exercise facilities shall be as follows: Personal Training shall be allowed on the limited basis of one client paired with one trainer for personal training sessions. The client must be in the presence of the trainer/instructor at all times while on the premises. Sessions of training shall be separated by at a minimum, a 30-minute time period during which time proper sanitation of the premises shall be taken between clients. No other person apart from the trainer or trainers and one client per trainer shall be present inside the building space occupied by the facility at a given time.
  - b. Exceptions for hair salons and nail salons and spas shall be as follows: Customers shall be limited to appointment only presence inside the facility. Each customer shall be paired with the stylist, nail technician or spa treatment personnel at all times while on the premises. No other person apart from the client and the stylist, nail technician or spa treatment

professional with whom they are paired shall be present inside the building space occupied by the facility at a given time. Client appointments shall be separated by at a minimum, a 30-minute time period during which time proper sanitation of the premises shall be taken between clients.

- C. Public gatherings of people interior to a room or other place of congregation of people shall be limited to not more than 10 in number excepting the gathering of employees of an employer at the employer's facility under conditions consistent with maintaining social distancing standards as set forth by the CDC recommendations. (6 feet separation)
- D. This Ordinance shall not prohibit an employee, contractor, vendor, or supplier of a place of public accommodation from entering, exiting, using, or occupying that place of public accommodation in their professional capacity.
- E. The restrictions imposed by this Ordinance do not apply to any of the following:
  - 1. Places of public accommodation that offer food and beverage not for on-premises consumption, including grocery stores, markets, convenience stores, pharmacies, drug stores, and food pantries. However, on-site consumption at such locations shall be prohibited.
  - 2. Health care facilities, child care facilities, residential care facilities and congregate care facilities;
  - 3. Crisis shelters, soup kitchens, or similar institutions.
- F. Citizens, residents and visitors within the city limits of the City of Pryor Creek shall stay at their home, place of residence or temporary living quarters except when being engaged in traveling to or from work or while engaging in work activities in a critical infrastructure sector, as more particularly described hereinabove in paragraph "B", and the conduct of essential errands. Essential errands shall mean those errands which are critical to everyday life and includes obtaining medications, groceries, gasoline, and visiting medical providers. A further exclusion to the provisions of this paragraph shall be for personal mental health and exercise as set forth in paragraph "H" "G" hereof.
- ~~G. A curfew is hereby imposed upon all persons within the city limits of the City of Pryor Creek requiring that no person shall be upon the streets or in any other public place between the hours of 9:00 P.M. and 6:00 A.M. Excepted from this requirement are individuals acting in the activities of traveling to or from work or while engaging in work activities in a critical infrastructure sector, as more particularly described herein, and the conduct of essential errands as described in the preceding paragraph "F" hereof.~~
- H G. Recognizing the importance of being outside for purposes of mental health and exercise, outside activities on public property may be engage in by the public on public sidewalks, trails and in public parks ~~between the hours of 6:00 A.M. and 9:00 P.M.~~ provided that the activity is conducted pursuant to the CDC established conduct of "social distancing" (6 foot minimum spacing of individuals from each other at all times).

H. All City-owned park recreational equipment and recreational equipment of a public nature located on public school grounds such as playground equipment in the nature of swings, slides, climbing bars, toys, basketball courts, tennis courts, volleyball courts and other such apparatuses shall be closed to public access. It shall be a violation of this ordinance for any person to utilize such apparatuses. Green spaces and walking trails shall remain open to the public use.

~~I. The Pryor Creek Public Golf Course shall be closed to access by members of the public.~~

J. I. Violation of this Ordinance shall be subject to penalty pursuant to Section 1-4-1 of the City Code for the City of Pryor Creek specifying a fine not exceeding Five Hundred Dollars \$500, plus a One Hundred Fifty Dollar \$150 administrative fee for each public nuisance abatement or by imprisonment not to exceed thirty (30) days, or by both such fine and imprisonment for each violation.

~~K. J.~~ Upon a second or continued failure to abide by the provisions of this ordinance shall constitute a public nuisance for which the City may avail itself of the remedies provided in Section 4-4-7A of the City Code for the City of Pryor Creek.

~~L. K.~~ This Ordinance shall be effective commencing at 11:59 P.M. on the date of passage and approval by the City Council for the City of Pryor Creek and shall remain in effect until 12:00 A.M. (Midnight) on the 5<sup>th</sup> day of May, 2020 unless previously repealed or extended by formal action of the City Council upon further review of the continued existence of emergency.

## SECTION 2: REPEALER

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of any conflict herewith.

## SECTION 3: SEVERABILITY


If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

Passed and Approved by the Council of the City of Pryor Creek, Oklahoma, in regular session on this 21st day of April, 2020


CITY OF PRYOR CREEK, OKLAHOMA

  
\_\_\_\_\_  
Larry Lees, Mayor

ATTEST:

  
Eva Smith  
Eva Smith, City Clerk

APPROVED AS TO FORM AND LEGALITY:

  
Kim Ritchie, City Attorney  
Dated: 4/21/2020

**MINUTES  
CITY COUNCIL MEETING  
FOLLOWED BY PRYOR PUBLIC WORKS AUTHORITY MEETING  
CITY OF PRYOR CREEK, OKLAHOMA  
TUESDAY, APRIL 21<sup>ST</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 in the following manner: Mayor Larry Lees was present in the Council Chamber upstairs at City Hall, 12 North Rowe Street in Pryor Creek, Oklahoma. Ward 1 Councilman Ketcher, Ward 1 Councilman Shropshire, Ward 2 Councilman Nance, Ward 2 Councilman Smith, Ward 3 Councilman Chitwood, Ward 3 Councilwoman Brakefield, Ward 4 Councilwoman Sherman and Ward 4 Councilman Doyle attended virtually. 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 virtually, Assistant Police Chief James Willyard in person, Fire Chief BK Young in person, Recreation Center Director Rachel Sordahl virtually.

Others present in Council Chambers: Police Captain Kevin Tramel, Police Officers Dustin VanHorn, Ross Armontrout and Mitchel Phillips, Firefighters Randy Gibbs and Brandon Merritt.

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

No petitions were presented.

**3. MAYOR'S REPORT:**

**a. Recognition of Jill Sherman for her faithful service to the Pryor Creek City Council.**

Mayor recognized Jill Sherman for her faithful service to the Pryor Creek City Council over the last four years.

**b. Discussion and possible action regarding a resolution of the City of Pryor Creek, Mayes County Multi-Jurisdictional Multi-Hazard Mitigation Plan Update Adoption.**

Motion was made by Shropshire, second by Chitwood to approve Resolution #2020-6 of the City of Pryor Creek, Mayes County Multi-Jurisdictional Multi-Hazard Mitigation Plan Update Adoption. Voting yes: Ketcher, Shropshire, Nance, Smith, Chitwood, Brakefield, Sherman, Doyle. Voting no: none.

**4. CITY ATTORNEY'S REPORT:**

**a. Discussion and possible action regarding extending the Emergency Ordinance 2020-10 through April 30<sup>th</sup>, 2020.**

Mayor moved to the Addendum.

**ADDENDUM  
CITY COUNCIL MEETING  
TUESDAY, APRIL 21<sup>ST</sup>, 2020 AT 6:00 P.M.**

**1. Discussion and possible action regarding extending, with possible amendment, to the Emergency Ordinance 2020-10 through April 30<sup>th</sup>, 2020.**

Motion was made by Brakefield, second by Sherman to approve extending, with possible amendment, to the Emergency Ordinance 2020-10 through April 30<sup>th</sup>, 2020.

Motion and second were then amended by Brakefield and Sherman to approve with amendments. Section 1: B. Items 3a and b will be reinstated. Items G and J will be removed, and the curfew times will be removed from Item H. Ordinance shall remain in effect until May 5<sup>th</sup>, 2020.

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

Mayor moved back to regular Agenda, Item 5.

**5. 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 April 7<sup>th</sup>, 2020 Council meeting.
- b. Approve payroll purchase orders through May 1<sup>st</sup>, 2020.
- c. Approve claims for purchase orders through April 21<sup>st</sup>, 2020.

<b>FUNDS</b>	<b>PURCHASE ORDER NUMBER</b>	<b>TOTALS</b>
GENERAL	1920192140 - 1920192120	154,263.58
FEE IN LIEU	1920192143	3,256.00
STREET & DRAINAGE	911115B - 1920192100	2,541.37
GOLF COURSE	1920192131 - 1920192166	5,585.45
CAPITAL OUTLAY	1920192095 - 1920192164	190,006.13
REAL PROPERTY ACQUISITION	1920192167	18.00
RECREATION CENTER	1920192159 - 1920192159	22,322.68
DONATIONS CASH FUND	1920191936	1,900.00
<b>TOTAL</b>		<b>379,893.21</b>
<b>BLANKETS</b>		
911156B	TERRACON	5,000.00
911157B	EXPRESS SERVICES INC.	8,000.00
<b>TOTAL</b>		<b>13,000.00</b>

- d. Acknowledge receipt of deficient purchase orders.  
*There were no deficient purchase orders.*
- e. Approve March Appropriation Requests.
- f. Discussion and possible action regarding hiring Jesse White to fill vacant B Operator position at the Pryor Creek Street Department at Range C, Step 1 (annual wage - \$30,229.00) effective April 22nd, 2020.
- g. Discussion and possible action regarding approval of Contract for Services for Canine Handler with the Pryor Creek Police Department.
- h. Discussion and possible action regarding surplus and trade-in of the following equipment from the Pryor Creek Recreation Center, per City code 2-1-4 (E 4):
  - a. Four (4) Cybex Arc Trainers (Inventory numbers 03482, 03483, 03484, 03485)
  - b. Three (3) Precor 954 Treadmills (Inventory numbers 04626, 04631, 04632)
  - c. Two (2) Sportsart Recumbent Bikes (Inventory numbers 03490, 03491)
  - d. Nine (9) Spin Bikes total (for surplus and haul away – no \$ value)
    - i. Seven (7) Livestrong (Inventory numbers 04618, 04620, 04621, 04622, 04623, 04624, 04625)
    - ii. Two (2) LeMond (Inventory numbers 03958, 03959)
- i. Discussion and possible action regarding an expenditure to Push-Pedal-Pull in the amount of \$22,223.76 + freight, delivery and installation, less \$600.00 trade-in of three (3) Precor 954 Treadmills for the purchase of three (3) TRM 781 Treadmills for the Pryor Creek Recreation Center from Capital Outlay Equipment Account #84-845-5410. Other quotes received: Elite Exercise Equipment - \$22,497.00 + freight, delivery and installation, less \$600.00 trade-in; All American Fitness – \$23,085.00 + freight, delivery and installation, less \$450.00 trade-in.
- j. Discussion and possible action regarding an expenditure to Push-Pedal-Pull in the amount of \$15,446.88 + freight, delivery and installation, for the purchase of two (2) EFX 885 Ellipticals for the Pryor Creek Recreation Center from Capital Outlay Equipment Account #84-845-5410. Other quotes received: Elite Exercise Equipment - \$15,580.00 + freight, delivery and installation; All American Fitness - \$15,580.00 + freight, delivery and installation.
- k. Discussion and possible action regarding an expenditure to Push-Pedal-Pull in the amount of \$7,073.36 + freight, delivery and installation, for the purchase of one (1) EFX 883 Elliptical for the Pryor Creek Recreation Center from Capital Outlay Equipment Account #84-845-5410. Other quotes received: Elite Exercise Equipment - \$7,250.00 + freight, delivery and installation; All American Fitness - \$7,490.00 + freight, delivery and installation.
- l. Discussion and possible action regarding an expenditure to Push-Pedal-Pull in the amount of \$5,493.33 + freight, delivery and installation, less \$800.00 trade-in of four (4) Cybex Arc Trainers, for the purchase of one (1) Cybex Total Body Arc Trainer for the Pryor Creek Recreation Center from Capital Outlay Equipment Account #84-845-5410. Other quotes received: Elite Exercise Equipment – \$5,550.00 + freight, delivery and installation, less \$800.00 trade-in; All American Fitness - \$5,550.00 + freight, delivery and installation, less \$600.00 trade-in.
- m. Discussion and possible action regarding an expenditure to Push-Pedal-Pull in the amount of \$4,216.00 + freight, delivery and installation, for the purchase of one (1) Pro Series Premium Total Body for the Pryor Creek Recreation Center from Capital Outlay Equipment Account #84-845-5410. Other quotes received: Elite Exercise Equipment - \$4,250.00 + freight, delivery and installation; All American Fitness - \$4,540.00 + freight, delivery and installation.



- n. Discussion and possible action regarding an expenditure to Push-Pedal-Pull in the amount of \$5,025.20 + freight, delivery and installation, less \$200.00 trade-in of two (2) Sportsart Recumbent bikes, for one (1) RBK 885 Recumbent Bike for the Pryor Creek Recreation Center from Capital Outlay Equipment Account #84-845-5410. Other quotes received: Elite Exercise Equipment - \$5,190.00 + freight, delivery and installation, less \$200.00 trade-in; All American Fitness – \$5,250.00 + freight, delivery and installation, less \$200 trade-in.
- o. Discussion and possible action regarding an expenditure to Push-Pedal-Pull in the amount of \$15,077.97 + freight, delivery and installation, for nine (9) M3 Indoor Cycles w/computers for the Pryor Creek Recreation Center from Capital Outlay Equipment Account #84-845-5410. Other quotes received: Elite Exercise Equipment - \$15,480.00 + freight, delivery and installation; All American Fitness - \$15,210.00 + freight, delivery and installation.
- p. Discussion and possible action regarding accepting low bid from Procure Lawn & Landscape in the amount of \$3,800.00 for the demolition and removal of dilapidated property located at 14 N. Bailey to be paid from Account #46-465-5450. Other bids received: Jaybelle Construction - \$3,950.00; Pest Off Exterminators, LLC - \$4,000.00; Wade’s Wrecker Service - \$4,200.00; CRV Construction Clean Up & Hauling, Inc. - \$5,000.00; David Barton with B & D Excavation - \$5,500.00; Reed’s Backhoe & Dozer Service - \$6,800.00.
- q. Discussion and possible action regarding approval to send Request For Proposal (RFP) to qualified vendors for Internet Wide Area Network (WAN) Service.

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

**6. COMMITTEE REPORTS:**

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

Doyle reported that Budget and Personnel Committee will meet Tuesday, May 12<sup>th</sup>, at 5:30 p.m.

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

Sherman had nothing to report at this time. She stated that Ordinance and Insurance will now default back to Mayor to fill chair position.

**c. Street (Smith)**

Smith reported that the Street Committee will meet on Tuesday, April 28<sup>th</sup>, at 5:30 p.m.

Mayor moved back to the Addendum.

**ADDENDUM  
CITY COUNCIL MEETING  
TUESDAY, APRIL 21<sup>ST</sup>, 2020 AT 6:00 P.M.**

**2. Discussion and possible action regarding improvements to the Recreation Center swimming pool, per proposal by Paddock Enterprises, Inc. dated April 16, 2020. This proposal has not been reviewed by the Budget and Personnel Committee and has only been verbally reviewed by the Recreation Center Board. Recreation Center Director and Mayor agree that time is of the essence in this regard.**  
No action. Will not be considered at this time.

Mayor moved back to regular Agenda.

**7. UNFORESEEABLE BUSINESS.**

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

There was no unforeseeable business.

**8. ADJOURN.**

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

**PRYOR PUBLIC WORKS AUTHORITY**

**1. CALL TO ORDER.**

Meeting was called to order at 7:25 p.m.

**2. APPROVE MINUTES OF APRIL 7<sup>TH</sup>, 2020 MEETING.**

Motion was made by Chitwood, second by Smith to approve minutes of April 7<sup>th</sup>, 2020 meeting. Voting yes: Chitwood, Brakefield, Sherman, Doyle, Ketcher, Shropshire, Nance, Smith. 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: Brakefield, Sherman, Doyle, Ketcher, Shropshire, Nance, Smith, Chitwood. Voting no: none.

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

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

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