

**MINUTES
CITY COUNCIL MEETING
FOLLOWED BY PRYOR PUBLIC WORKS AUTHORITY MEETING
CITY OF PRYOR CREEK, OKLAHOMA
TUESDAY, JANUARY 5TH, 2021 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. 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 Jon Ketcher. 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, Jimmy Tramel and Yolanda Thompson. 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, Emergency Management Director Johnny Janzen, Golf Course Superintendent Dennis Bowman, Library Director Cari Rerat, Building Inspector Kenneth Young, Recreation Center Director Jessica Long, Assistant Recreation Center Director Jerome Hopkins.

Others present: Police Officer Dustin VanHorn, Police Officers Timothy Armontrout and Justin Allen, Vyve representatives Charles Hembree, Trinity Norman and Stormie Norman, Cox representatives Rob Collins and Robbie Squires, Motorola representative Melissa Lee, MidAmerica Industrial Park representative John Schaffitzel, Bank of Commerce representative Adam Anderson, Terry Aylward and Kemmie Shropshire.

2. PETITIONS FROM THE AUDIENCE. (LIMITED TO 5 MINUTES, MUST REQUEST IN ADVANCE.)

There were no petitions.

3. DEPARTMENT HEAD REPORTS IF NEEDED.

a. Building Inspector

Young reported that in 2020 they sold 461 permits and performed 609 inspections for a revenue of \$81,170.00.

b. Emergency Management

Janzen reported that the last couple of weeks they have been working on vaccinations. The lady over the vaccinations for our area is Ashley and she can be reached at 918-373-2623 if anyone has questions. They called Ashley during the meeting and the Council asked her a few questions.

c. Fire

Young handed out a report to Council.

d. Golf

Bowman handed out a report to Council and reported that revenue for December 2020 was approximately \$37,000.00 compared to December 2019 which was \$7,000.00. They are working on tearing down and rebuilding some equipment to get it ready for next season.

e. Library

Rerat reported that 2020 statistics show just under half of what they experienced in 2019.

f. Parks / Cemetery

No report.

g. Police

Nichols had no report, but he asked if anyone had questions.

h. Recreation Center

Long reported that they have been super busy. They took in 59 new members in December. People are abiding by COVID regulations and staff is spraying disinfectant more often. They have started the new software training and will go live with it in February.

i. Street

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No report.

4. MAYOR'S REPORT:

a. CARES Reimbursement Account Report with discussion.

Mayor Lees reported that we were awarded \$722,935.44 from the State. Of that amount \$202,422.00 was placed in reserve and we have spent \$153,915.04 since March. The useable amount not in reserve is \$366,500.00, and when added to reserve, the total is \$569,000.00. Mayor stated he will report monthly going forward.

b. Discussion and possible action regarding removing from the table Item 6.m. from the December 15th, 2020 City Council agenda.

Motion was made by Shropshire, second by Smith to remove from the table Item 6.m. from the December 15th, 2020 City Council agenda. Voting yes: Ketcher, Shropshire, Nance, Smith, Chitwood, Brakefield, Tramel, Thompson. Voting no: none.

c. Discussion and possible action regarding authorizing Mayor to sign franchise agreement with Coxcom, LLC.

Motion was made by Smith, second by Brakefield to approve authorizing Mayor to sign franchise agreement with Coxcom, LLC. Mr. Ritchie prepared a Q&A document for the Council. Ms. Squires spoke, as well. Voting yes: Shropshire, Nance, Smith, Chitwood, Brakefield, Tramel, Thompson, Ketcher. Voting no: none.

5. CITY ATTORNEY'S REPORT:

a. Amendment of December 15th, 2020 minutes to document Scrivener's error on the Ragsdale plat.

Motion was made by Tramel, second by Shropshire to amend the December 15th, 2020 minutes to document Scrivener's error on the Ragsdale plat (included in minutes.) Voting yes: Nance, Smith, Chitwood, Brakefield, Thompson, Ketcher, Shropshire. Tramel had stepped out of the meeting. Voting no: none.

b. Second and final reading, discussion and possible action regarding an ordinance amending Title 9, Chapter 5 Sections 1 and 2 regarding adoption of 2015 International Residential Code.

Motion was made by Chitwood, second by Shropshire to approve and waive final reading of Ordinance #2021 – 1 amending Title 9, Chapter 5 Sections 1 and 2 regarding adoption of 2015 International Residential Code. Voting yes: Smith, Chitwood, Brakefield, Thompson, Ketcher, Shropshire, Nance. Tramel was out of the meeting. Voting no: none.

c. Second and final reading, discussion and possible action regarding an ordinance regarding a zoning change from RS (Residential Single) to RD (Residential Duplex) for the property in the City of Pryor, to-wit: Two tracts of land situated in Lot 20, Block 3 of the PIERRE CHOUTEAU ADDITION to the City of PRYOR CREEK, Mayes County, State of Oklahoma, according to the official Survey and Plat filed thereof, and being more particularly described as follows, to-wit:

Tract 1: Beginning at a point on the South Line of said Lot 20, Block 3, said point being 100.00 feet Northeasterly of the Southwest Corner of the East 100.00 feet of the West 140.00 feet of said Lot 20; Thence Northeasterly along said Southerly Lot Line a distance of 12.53 feet; Thence Northwesterly for a distance of 97.94 feet to a point on the Northerly Line of said Lot 20; Thence Northwesterly along the Northerly Line of said Lot 20 a distance of 7.62 feet; Thence Southerly for a distance of 99.35 feet to the point of beginning.

Tract 2: The Easterly 100 feet of the Westerly 140 feet of said Lot 20, Block 3, more particularly described as: Beginning at a point on the North Line of said Lot 20 a distance of 40.15 feet Easterly of the Northwest Corner of said Lot 20; Thence South 86° 08.015' East along the Northerly Line of said Lot 20 a distance of 100 feet; Thence South 0° 00.5' West parallel with the Westerly Line of said Lot 20 a distance of 99.14 feet to a point on the Southerly Line of said Lot 20; Thence South 84° 35.515' West along said Southerly Line a distance of 100 feet to a point 40.15 feet Easterly of the Southwest Corner of said Lot 20; Thence North 0° 00.5' East a distance of 115.45 feet to the point of beginning.

Motion was made by Thompson, second by Brakefield to approve and waive final reading of Ordinance 2021 – 2 regarding a zoning change from RS (Residential Single) to RD (Residential Duplex) for the property in the City of Pryor, to-wit: Two tracts of land situated in Lot 20, Block 3 of the PIERRE CHOUTEAU ADDITION to the City of PRYOR CREEK, Mayes County, State of Oklahoma, according to the official Survey and Plat filed thereof, and being more particularly described as follows, to-wit:

Tract 1: Beginning at a point on the South Line of said Lot 20, Block 3, said point being 100.00 feet Northeasterly of the Southwest Corner of the East 100.00 feet of the West 140.00 feet of said Lot 20; Thence Northeasterly along said Southerly Lot Line a distance of 12.53 feet; Thence Northwesterly for a distance of 97.94 feet to a point on the Northerly Line of said Lot 20; Thence Northwesterly along the Northerly Line of said Lot 20 a distance of 7.62 feet; Thence Southerly for a distance of 99.35 feet to the point of beginning.

Tract 2: The Easterly 100 feet of the Westerly 140 feet of said Lot 20, Block 3, more particularly described as: Beginning at a point on the North Line of said Lot 20 a distance of 40.15 feet Easterly of the Northwest Corner of said Lot 20; Thence South 86° 08.015' East along the Northerly Line of said Lot 20 a distance of 100 feet; Thence South 0° 00.5' West parallel with the Westerly Line of said Lot 20 a distance of 99.14 feet to a point on the Southerly Line of said Lot 20; Thence South 84° 35.515' West along said Southerly Line a distance of 100 feet to a point 40.15 feet Easterly of the Southwest Corner of said Lot 20; Thence North 0° 00.5' East a distance of 115.45 feet to the point of beginning.

Voting yes: Chitwood, Brakefield, Thompson, Ketcher, Shropshire, Nance, Smith. Tramel was out of the meeting. Voting no: none.

d. Second and final reading, discussion and possible action regarding an ordinance regarding a zoning change from RD (Residential Duplex) to C/AR (Commercial / Automotive Recreation). Rezoning

Applicant: Justin James with James Properties requested a zoning change for the property in the City of Pryor, to-wit: A tract of land situated in the Southwest Quarter of the Northeast Quarter of the Northwest Quarter (SW¹/₄NE¹/₄NW¹/₄) of Section Seventeen (17), Township Twenty-one (21) North, Range Nineteen (19) East of the Indian Base and Meridian in Pryor Creek, Mayes County, State of Oklahoma and more particularly described as follows, to-wit: Beginning at a point on the South Right-of-Way of State Highway No. 20 and the East Line of said SW¹/₄NE¹/₄NW¹/₄, 50.94 feet South of the Northeast Corner thereof; Thence South 01° 37' 42" East for a distance of 106.56 feet and along said East Line to a point on the North Line of the HIRZEL ADDITION to the City of PRYOR CREEK; Thence South 88° 12' 35" West for a distance of 475.39 feet and along said North Line; Thence North 01° 37' 02" West for a distance of 141.03 feet to a point on said South Right-of-Way; Thence North 87° 37' 45" East for a distance of 204.29 feet and along said Right-of-Way; Thence along a curve to the right having a radius of 2,242.53 feet and an arc length of 273.61 feet, being subtended by a chord of South 84° 06' 40" East for a distance of 273.45 feet and along said Right-of-Way to the point of beginning, LESS AND EXCEPT Tract 2, a tract of land situated in the SW/4 of the NE/4 of the NW/4 of Section 17, Township 21 North, Range 19 East of the Indian Base and Meridian in Pryor Creek, Mayes County, Oklahoma and more particularly described as follow to-wit:

Commencing at the Northeast Corner of said SW/4 of the NE/4 of the NW/4.

THENCE South 01 degrees 37 minutes 42 seconds East for a distance of 157.51 feet and along the East Line of said SW/4 of the NE/4 of the NW/4 to a point on the North Line of the HIRZEL ADDITION to the City of Pryor Creek;

THENCE South 88 degrees 12 minutes 35 seconds West for a distance of 391.39 feet to the point of beginning.

THENCE South 88 degrees 12 minutes 35 seconds West for a distance of 84.00 feet and along said North line;

THENCE North 01 degrees 37 minutes 02 seconds West for a distance of 141.03 feet to a point on the South Right-of-Way of State Highway No. 20;

THENCE North 87 degrees 37 minutes 45 seconds East for a distance of 84.00 feet and along said right-of-way;

THENCE South 01 degrees 37 minutes 12 seconds East for a distance of 141.88 feet to the point of beginning. This legal description was prepared by G. Michael Finnell, P.L.S. #1107, on 9/30/2016.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 0.2728 acres more or less.

Motion was made by Chitwood, second by Smith to approve and waive final reading of Ordinance #2021 - 3 regarding a zoning change from RD (Residential Duplex) to C/AR (Commercial / Automotive Recreation). Rezoning Applicant: Justin James with James Properties requested a zoning change for the property in the City of Pryor, to-wit: A tract of land situated in the Southwest Quarter of the Northeast Quarter of the Northwest Quarter (SW¹/₄NE¹/₄NW¹/₄) of Section Seventeen (17), Township Twenty-one (21) North, Range Nineteen (19) East of the Indian Base and Meridian in Pryor Creek, Mayes County, State of Oklahoma and more particularly described as follows, to-wit: Beginning at a point on the South Right-of-Way of State Highway No. 20 and the East Line of said SW¹/₄NE¹/₄NW¹/₄, 50.94 feet South of the Northeast Corner thereof; Thence South 01° 37' 42" East for a distance of 106.56 feet and along said East Line to a point on the North Line of the HIRZEL ADDITION to the City of PRYOR CREEK; Thence South 88° 12' 35" West for a distance of 475.39 feet and along said North Line; Thence North 01° 37' 02" West for a distance of 141.03 feet to a point on said South Right-of-Way; Thence North 87° 37' 45" East for a distance of 204.29 feet and along said Right-of-Way; Thence along a curve to the right having a radius of 2,242.53 feet and an arc length of 273.61 feet, being subtended by a chord of South 84° 06' 40" East for a distance of 273.45 feet and along said Right-of-Way to the point of beginning, LESS AND EXCEPT Tract 2, a tract of land situated in the SW/4 of the NE/4 of the NW/4 of Section 17, Township 21 North, Range 19 East of the Indian Base and Meridian in Pryor Creek, Mayes County, Oklahoma and more particularly described as follow to-wit: Commencing at the Northeast Corner of said SW/4 of the NE/4 of the NW/4.

THENCE South 01 degrees 37 minutes 42 seconds East for a distance of 157.51 feet and along the East Line of said SW/4 of the NE/4 of the NW/4 to a point on the North Line of the HIRZEL ADDITION to the City of Pryor Creek;

THENCE South 88 degrees 12 minutes 35 seconds West for a distance of 391.39 feet to the point of beginning.

THENCE South 88 degrees 12 minutes 35 seconds West for a distance of 84.00 feet and along said North line;

THENCE North 01 degrees 37 minutes 02 seconds West for a distance of 141.03 feet to a point on the South Right-of-Way of State Highway No. 20;

THENCE North 87 degrees 37 minutes 45 seconds East for a distance of 84.00 feet and along said right-of-way;

THENCE South 01 degrees 37 minutes 12 seconds East for a distance of 141.88 feet to the point of beginning. This legal description was prepared by G. Michael Finnell, P.L.S. #1107, on 9/30/2016.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 0.2728 acres more or less.

Voting yes: Brakefield, Thompson, Ketcher, Shropshire, Nance, Smith, Chitwood. Tramel was out of the meeting. Voting no: none.

6. DISCUSSION AND POSSIBLE ACTION 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 December 15th, 2020 Council meeting with amendment.
- b. Approve payroll purchase orders through January 8th, 2021.
- c. Approve claims for purchase orders through January 5th, 2021.

<u>FUNDS</u>	<u>PURCHASE ORDER NUMBER</u>	<u>TOTALS</u>
GENERAL	2020201612 - 2020201599	98,114.06
STREET & DRAINAGE	2020201453 - 2020201183	128,835.39
GOLF COURSE	2020201573 - 2020201578	11,405.94
CAPITAL OUTLAY	2020200438	2,460.00
REAL PROPERTY ACQUIS.	911224B - 2020201609	1,743.65
RECREATION CENTER	2020201475 - 2020201514	24,570.49
E-911 CASH FUND	911162B	1,554.90
TOTAL		268,684.43

NO BLANKETS

- d. Acknowledge receipt of deficient purchase orders.
There were no deficient purchase orders.
- e. Discussion and possible action regarding an expenditure in the amount of \$14,900.00 to Cowboy Rigs for a 96 x 20 GN Tandem Dual Dump Trailer for the Pryor Creek Street Department from Street Capital Outlay Account #14-145-5411, as approved in the 2020 – 2021 fiscal year budget. This was the only bid received and is State bid price.
- f. Discussion and possible action regarding an expenditure in the amount of \$7,249.00 to EcoloxTech for the purchase of an EcoloxTech 240 electrolyzed water system to generate hypochlorous acid (HOCl) from COVID Reimbursement Account #02-201-5401. Other quotes received: Service Wing Organic Solutions for a Service Wing Anolyte Generator in the base amount of \$37,250.00 and Better Way Distributing for a DES-16000 in the amount of \$13,000.00 or DES-4000 in the amount of \$7,960.00.
- g. Discussion and possible action regarding reappointment of Larry Williams to Seat #7 of the Economic Development Trust Authority, term ending January 13th, 2022 (*Scrivener’s error: Term ending January 13th, 2025*).
- h. Discussion and possible action regarding reappointing Mayor as representative to the Grand Gateway Board of Directors for 2021 or accepting nominations from Council.
- i. Discussion and possible action to approve the Pryor Creek Police Department to move forward with the purchase of Motorola Spillman Flex records management system at a cost of \$218,913.00 and with recommended funding via a Lease Purchase Agreement with the Bank of Commerce at the interest rate of 1.99% for a term of 10 years. The annual expense of \$24,012.00 is to be funded from Police Equipment Capital Outlay Account #44-445-5424. Other bids received: RCB Bank at 2.67% and First Pryority Bank at 3.17%. (*Scrivener’s error: cost should read \$217,643.00*).
- j. Discussion and possible action regarding an expenditure in the amount of \$9,750.00 to Vigilant Solutions, LLC for the purchase of license plate recognition software that consists of twelve (12) Mobile Companion User Licenses, one (1) Investigative Data Platform, twenty (20) Watchguard CarDetector Mobile Software Licenses and Support, and twenty (20) 25-ft. Ethernet cables. Vigilant is the sole source provider of the Watchguard CarDetector Mobile Software and is the only provider that has the ability to integrate with WatchGuard’s in-car

video system for license plate recognition. This is paid for by the Attorney General's SAFE Oklahoma Grant, from Donation Police Attorney General Grant Account #96-965-5503.

- k. Discussion and possible action regarding an expenditure in the amount of \$15,450.00 to WatchGuard for the purchase of (2) Watchguard 4RE in-car cameras and Vista body camera packages which include warranties, licensing, networking option, and technical services. Watchguard is the current in-car and body camera system used by the Pryor Creek Police Department. This is paid for by the Attorney Generals' SAFE Oklahoma Grant, from Account #96-965-5503.

Motion was made by Smith, second by Chitwood to approve items a – k, less items a, h and i. Voting yes: Tramel, Thompson, Ketcher, Shropshire, Nance, Smith, Chitwood, Brakefield. Voting no: none.

a. Approve minutes of the December 15th, 2020 Council meeting with amendment.

Motion was made by Ketcher, second by Smith to approve minutes of the December 15th, 2020 Council meeting. Voting yes: Thompson, Ketcher, Shropshire, Smith, Chitwood, Brakefield, Tramel. Abstaining, counting as a no vote: Nance. Voting no: none.

h. Discussion and possible action regarding reappointing Mayor as representative to the Grand Gateway Board of Directors for 2021 or accepting nominations from Council.

Motion was made by Tramel, second by Chitwood to reappoint Mayor as representative to the Grand Gateway Board of Directors for 2021. Voting yes: Ketcher, Shropshire, Nance, Smith, Chitwood, Brakefield, Tramel, Thompson. Voting no: none.

i. Discussion and possible action to approve the Pryor Creek Police Department to move forward with the purchase of Motorola Spillman Flex records management system at a cost of \$218,913.00 and with recommended funding via a Lease Purchase Agreement with the Bank of Commerce at the interest rate of 1.99% for a term of 10 years. The annual expense of \$24,012.00 is to be funded from Police Equipment Capital Outlay Account #44-445-5424. Other bids received: RCB Bank at 2.67% and First Priority Bank at 3.17%. (*Scrivener's error: cost should read \$217,643.00*).

Motion was made by Shropshire, second by Ketcher to approve the Pryor Creek Police Department to move forward with the purchase of Motorola Spillman Flex records management system at a cost of \$217,643.00 and with recommended funding via a Lease Purchase Agreement with the Bank of Commerce at the interest rate of 1.99% for a term of 10 years. The annual expense of \$24,012.00 is to be funded from Police Equipment Capital Outlay Account #44-445-5424. Other bids received: RCB Bank at 2.67% and First Priority Bank at 3.17%.

Mr. Ritchie stated that two items need to be noted in the agreement:

1. Purchaser should be the bank, not the City.
2. When dealing with financing, interest to be paid needs to be determined taxable or non-taxable. The agreement is drafted as nontaxable since the City is nontaxable. The reason this is important is that in a calendar year, a municipality is only legally allowed to borrow up to \$10 million. We need to keep this in mind in case we consider borrowing more this calendar year that might exceed \$10 million.

Voting yes: Shropshire, Nance, Smith, Chitwood, Brakefield, Tramel, Thompson, Ketcher. Voting no: none.

7. COMMITTEE REPORTS:

a. Budget and Personnel (Brakefield)

Brakefield reported that the Budget and Personnel Committee will meet Tuesday, January 12th, 2021 at 5:30 p.m.

b. Ordinance and Insurance (Shropshire)

Shropshire reported that the next Ordinance and Insurance Committee meeting will be Monday, January 11th, 2021 at 5:30 p.m.

c. Street (Smith)

Smith had no report. Buddy thanked the Council for the approval of the new equipment via Smith.

8. UNFORESEEABLE BUSINESS.

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

Tramel reported that he received word that the Health Department is overwhelmed, so if anyone can assist they would be welcome. Chitwood reported that the Medical Reserve Corp has been activated if they can help in any way.

9. ADJOURN.

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

**PRYOR PUBLIC WORKS AUTHORITY
1. CALL TO ORDER.**

Meeting was called to order at 7:35 p.m.

2. APPROVE MINUTES OF DECEMBER 15TH, 2020 MEETING.

Motion was made by Smith, second by Chitwood to approve minutes of December 15th, 2020 meeting. Voting yes: Smith, Chitwood, Brakefield, Tramel, Thompson, Ketcher, Shropshire. 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: Chitwood, Brakefield, Tramel, Thompson, Ketcher, Shropshire, Nance, Smith. 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
