

**MINUTES
CITY COUNCIL MEETING
FOLLOWED BY PRYOR PUBLIC WORKS AUTHORITY MEETING
CITY OF PRYOR CREEK, OKLAHOMA
TUESDAY, JANUARY 19TH, 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 Kim Ritchie. Roll Call was conducted by City Clerk Eva Smith. Council members present included: Jon Ketcher, Choya Shropshire, Steve Smith, Randy Chitwood, Briana Brakefield and Jimmy Tramel. Members absent: Dennis Nance and Yolanda Thompson.

Department Heads and other City Officials present: City Attorney Kim Ritchie, Police Chief Dennis Nichols, Fire Chief BK Young, Park Superintendent Frank Powell, Emergency Management Director Johnny Janzen, Golf Course Superintendent Dennis Bowman, Library Director Cari Rerat, Building Inspector Kenneth Young, Assistant Recreation Center Director Jerome Hopkins.

Others present: Police Officer Dustin VanHorn, City Accountant Jeff Kolker, Cemetery employee Charles Bruch, CMSWillowbrook representatives Bryan Miles and Adam Garrett, Mayes County Health Department representative Darla Thompson, Chris Gonthier, Jon David, 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 had no report but asked if anyone had questions.

b. Emergency Management

Janzen spoke about the COVID-19 vaccines, stating that things are looking better. Mayes County Health Department representative Darla Thompson also spoke regarding the vaccines being dispensed in the County.

c. Fire

Young had no report but asked if anyone had questions.

d. Golf

Bowman reported that revenue for the first six months of the fiscal year are ahead by \$105,000.00.

e. Library

Rerat had no report but asked if anyone had questions.

f. Parks / Cemetery

Powell had no report but asked if anyone had questions.

g. Police

Nichols had no report.

h. Recreation Center

Hopkins reported that everything is business as usual at the Recreation Center.

i. Street

No report.

4. MAYOR'S REPORT:

a. Mid-Year Budget Review presented by Jeff Kolker.

Kolker presented the mid-year review of the current budget, as presented at the Budget and Personnel Committee on January 12th, 2021.

b. Report regarding EcoloxTech 240 machine approved at the January 5th, 2021 Council meeting, Item 6.f.

Johnny Janzen has informed Mayor that the State will supply a larger machine which will keep the City from having to purchase one.

5. CITY ATTORNEY'S REPORT:

a. First Reading of an ordinance amending Title 9, Chapter 7, Sections 1 & 2 regarding amendment of Chapter 7 "Property Maintenance Code" to update City Code from 2006 version by adoption of 2015 International Property Maintenance Code.

Motion was made by Shropshire, second by Chitwood to approve waiving the first reading of an ordinance amending Title 9, Chapter 7, Sections 1 & 2 regarding amendment of Chapter 7 "Property Maintenance Code" to update City Code from 2006 version by adoption of 2015 International Property Maintenance Code. Voting yes: Ketcher, Shropshire, Smith, Chitwood, Brakefield, Tramel. Voting no: none.

b. First reading of an ordinance amending Title 5, Chapter 5, Section 1 regarding amendment of the definition of "Proof of Age" as used in Title 5, Chapter 5, Section 1 relative to tobacco and vapor product ordinances; and providing for repealer and severability.

Motion was made by Chitwood, second by Smith to approve waiving the first reading of an ordinance amending Title 5, Chapter 5, Section 1 regarding amendment of the definition of "Proof of Age" as used in Title 5, Chapter 5, Section 1 relative to tobacco and vapor product ordinances; and providing for repealer and severability. Voting yes: Shropshire, Smith, Chitwood, Brakefield, Tramel, Ketcher. Voting no: none.

c. First reading of an ordinance amending Title 5, Chapter 5, Section 2 regarding enforcement by City police of tobacco and vapor products ordinances; and providing for repealer and severability.

(Scrivener's error – shown on agenda as Item a.)

Motion was made by Chitwood, second by Brakefield to approve waiving the first reading of an ordinance amending Title 5, Chapter 5, Section 2 regarding enforcement by City police of tobacco and vapor products ordinances; and providing for repealer and severability. Voting yes: Smith, Chitwood, Brakefield, Tramel, Ketcher, Shropshire. Voting no: none.

d. First reading of an ordinance amending Title 5, Chapter 5, Section 3 regarding unlawful sale of tobacco products or vapor products to persons under 21 years of age; requirement of vendor to verify age of purchaser and providing for repealer and severability. *(Scrivener's error – shown on agenda as Item b.)*

Motion was made by Shropshire, second by Smith to approve waiving the first reading of an ordinance amending Title 5, Chapter 5, Section 3 regarding unlawful sale of tobacco products or vapor products to persons under 21 years of age; requirement of vendor to verify age of purchaser and providing for repealer and severability. Voting yes: Chitwood, Brakefield, Tramel, Ketcher, Shropshire, Smith. Voting no: none.

e. First reading of an ordinance amending Title 5, Chapter 5, Section 4 regarding unlawful purchase or possession of tobacco products or vapor products by persons under 21 years of age; administrative fine on first and subsequent offenses and failure to pay notice to Department of Public Safety and suspension of driver's license and providing for repealer and severability.

(Scrivener's error – show on agenda as Item c.)

Motion was made by Chitwood, second by Smith to approve waiving the first reading of an ordinance amending Title 5, Chapter 5, Section 4 regarding unlawful purchase or possession of tobacco products or vapor products by persons under 21 years of age; administrative fine on first and subsequent offenses and failure to pay notice to Department of Public Safety and suspension of driver's license and providing for repealer and severability. Voting yes: Brakefield, Tramel, Ketcher, Shropshire, Smith, Chitwood. Voting no: none.

f. First reading of an ordinance amending Title 5, Chapter 5, Section 5 regarding required posting of minimum age sign at place of business for purchase of tobacco; penalty for violation and providing for repealer and severability. *(Scrivener's error – shown on agenda as Item d.)*

Motion was made by Shropshire, second by Brakefield to approve waiving the first reading of an ordinance amending Title 5, Chapter 5, Section 5 regarding required posting of minimum age sign at place of business for purchase of tobacco; penalty for violation and providing for repealer and severability. Voting yes: Tramel, Ketcher, Shropshire, Smith, Chitwood, Brakefield. Voting no: none.

g. First reading of an ordinance amending Title 5, Chapter 5, Section 6 regarding required notice to employees by vendor of prohibition on sale of tobacco or vapor products to persons under 21 years of age and providing for repealer and severability. *(Scrivener's error – shown on agenda as Item e.)*

Motion was made by Smith, second by Chitwood to approve waiving the first reading of an ordinance amending Title 5, Chapter 5, Section 6 regarding required notice to employees by vendor of prohibition on sale of tobacco or vapor products to persons under 21 years of age and providing for repealer and severability. Voting yes: Ketcher, Shropshire, Smith, Chitwood, Brakefield, Tramel. Voting no: none.

h. First reading of an ordinance amending Title 5, Chapter 5, Section 7 regarding restrictions on sale of tobacco products through vending machines and providing for repealer and severability. (Scrivener's error – shown on agenda as Item f.)

Motion was made by Brakefield, second by Smith to approve waiving the first reading of an ordinance amending Title 5, Chapter 5, Section 7 regarding restrictions on sale of tobacco products through vending machines and providing for repealer and severability. Voting yes: Shropshire, Smith, Chitwood, Brakefield, Tramel, Ketcher. Voting no: none.

i. First reading of an ordinance amending Title 5, Chapter 5, Section 8 regarding prohibition on samples of tobacco or vapor products to persons under 21 years of age; restrictions of distribution of tobacco or vapor samples in proximity to playgrounds, schools and other facilities used primarily by persons under 21 years of age; providing for fine and notice to Department of Public Safety for failure to pay; and providing for repealer and severability. (Scrivener's error – shown on agenda as Item g.)

Motion was made by Chitwood, second by Smith to approve waiving the first reading of an ordinance amending Title 5, Chapter 5, Section 8 regarding prohibition on samples of tobacco or vapor products to persons under 21 years of age; restrictions of distribution of tobacco or vapor samples in proximity to playgrounds, schools and other facilities used primarily by persons under 21 years of age; providing for fine and notice to Department of Public Safety for failure to pay; and providing for repealer and severability. Voting yes: Shropshire, Smith, Chitwood, Brakefield, Tramel, Ketcher. Voting no: none.

j. First reading of an ordinance amending Title 5, Chapter 5, Section 10 regarding duty to provide information concerning source of vapor or tobacco product to officials and providing for repealer and severability. (Scrivener's error – shown on agenda as Item h.)

Motion was made by Brakefield, second by Smith to approve the first reading of an ordinance amending Title 5, Chapter 5, Section 10 regarding duty to provide information concerning source of vapor or tobacco product to officials and providing for repealer and severability. Voting yes: Smith, Chitwood, Brakefield, Tramel, Ketcher, Shropshire. Voting no: none.

k. First reading of an ordinance amending Title 10, Chapter 7, regarding "Supplemental Use and Building Regulations" by the addition of a new section to be codified at Title 10, Chapter 7, Section 15 regarding the use of liquefied petroleum tanks/containers within the municipal limits of the city, and providing for repealer and severability. (Scrivener's error – shown on the agenda as Item i.)

Motion was made by Smith, second by Shropshire to approve waiving the first reading of an ordinance amending Title 10, Chapter 7, regarding "Supplemental Use and Building Regulations" by the addition of a new section to be codified at Title 10, Chapter 7, Section 15 regarding the use of liquefied petroleum tanks/containers within the municipal limits of the city, and providing for repealer and severability. Voting yes: Chitwood, Brakefield, Tramel, Ketcher, Shropshire, Smith. Voting no: none.

l. First reading of an ordinance amending Title 10, Chapter 6, Table 6-1 Use Regulations by the addition under "Other" uses specified therein concerning regulation of the placement of tanks/containers use for the storage or use of liquefied petroleum gases as a special exception in all districts; and providing for repealer and severability. (Scrivener's error – shown on agenda as Item j.)

Motion was made by Smith, second by Chitwood to approve waiving the first reading of an ordinance amending Title 10, Chapter 6, Table 6-1 Use Regulations by the addition under "Other" uses specified therein concerning regulation of the placement of tanks/containers use for the storage or use of liquefied petroleum gases as a special exception in all districts; and providing for repealer and severability. Voting yes: Brakefield, Tramel, Ketcher, Shropshire, Smith, Chitwood. Voting no: none.

m. Discussion and possible action to direct the City Attorney to draft an amendment to the City's Unified Development Ordinance (UDO) to provide for the use of property by way of a "Special Exception" for "Low-Impact Manufacturing and Industry" in Commercial Automotive and Recreation (CAR) and Commercial General (CG) Districts for referral to the Planning and Zoning Board for consideration and recommendation. (Scrivener's error – shown on agenda as Item k.)

Motion was made by Chitwood, second by Smith to approve directing the City Attorney to draft an amendment to the City's Unified Development Ordinance (UDO) to provide for the use of property by way of a "Special Exception" for "Low-Impact Manufacturing and Industry" in Commercial Automotive and Recreation (CAR) and Commercial General (CG) Districts for referral to the Planning and Zoning Board for

consideration and recommendation. Voting yes: Tramel, Ketcher, Shropshire, Smith, Chitwood, Brakefield. 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 January 5th, 2021 Council meeting.
- b. Approve payroll purchase orders through January 22nd, 2021.
- c. Approve claims for purchase orders through January 19th, 2021.

<u>FUNDS</u>	<u>PURCHASE ORDER NUMBER</u>	<u>TOTALS</u>
GENERAL	2020201745 - 2020201719	217,901.88
STREET & DRAINAGE	2020201719 - 2020201488	9,117.74
GOLF COURSE	2020201727 - 2020201488	4,090.27
CAPITAL OUTLAY	911173B - 2020201660	17,988.44
REAL PROPERTY ACQUIS.	2020201695	18.00
RECREATION CENTER	2020201643 - 2020201719	20,199.73
TOTAL		269,316.06

NO BLANKETS

- d. Acknowledge receipt of deficient purchase orders.
There were no deficient purchase orders.
- e. Approve August, September, and October Appropriation Requests.
- f. Discussion and possible action to approve bid from Tibbets Trucking for demolition of dilapidated structure at 33 S. Pine St. in the amount of \$4,500.00 from Real Property Acquisitions Nuisance Abatement Account #46-465-5450. Other bids received: Wade’s Wrecker Service, \$4,800.00; Adair Tree Clearing, \$5,090.00; Jerry’s Excavation Inc., \$9,000.00; Hansen Dirt and Demo LLC, \$10,500.00.
- g. Discussion and possible action regarding renewal of Engine Inspection, Maintenance, and Repair Agreement with United Engines for Emergency Standby Equipment in the amount of \$2,332.00 for generator at City Hall.
- h. Discussion and possible action regarding hiring Sharollette A. Morse to fill vacant Deputy Clerk position, Range D, Step 1 (annual wage - \$32,534.00), effective January 20th, 2021. This position was left vacant upon the resignation of Stephen Stockham.
- i. Discussion and possible action regarding approval of Amendment No. 1 to the Guaranteed Maximum Price Contract with CMSWillowbrook for construction management services for the City of Pryor Creek Police & Fire Emergency Services Center and Library Additions, Demolition Packet from bids received: ARK Wrecking, \$115,120.00; DT Specialized Services, \$153,675.00; American Demolition, \$175,000.00; Total Demolition Services, \$189,076.00; Ground Level LLC, \$189,460.00; Key Maintenance Inc., \$257,000.00; Jerry’s Excavation Inc., \$297,500.00. (Expenditure to be expended from 2019 Bond Project - Demolition Account #78-785-5501.)
- j. Discussion and possible action regarding expenditure for roofing project at the Chamber of Commerce building in the amount of \$51,444.00 to Allwine Roofing & Construction, Inc. from General Fund Capital Outlay Account #02-201-5411, as approved by Budget and Personnel Committee.
- k. Discussion and possible action regarding expenditure for new restrooms at Whitaker Park in the amount of \$163,900.00 to Magnum Construction, Inc. from new bond expenditure account #87-875-5431, Whitaker Park Restroom Account, as approved by Budget and Personnel Committee.
- l. Discussion and possible action regarding hiring Dustin Hopper to fill vacant “A Operator” position at the Parks Department at Range D, Step 1 (annual wage - \$32,534.00), effective January 20th, 2021, as approved by Budget and Personnel Committee.
- m. Discussion and possible action regarding promotion of Cemetery employee Charles Bruch from B Operator, Range C, Step 3 (annual wage - \$35,376.00) to A Operator, Range D, Step 3 (annual wage - \$36,601.00), effective January 23rd, 2021, as approved by Budget and Personnel Committee.
- n. Discussion and possible action regarding an expenditure in the amount of \$2,375.86 to Stryker for the purchase of one (1) LIFEPAK 1000 and electrode packs for the Pryor Creek Fire Department at State bid price from Fire Capital Outlay Account #44-445-5422, as approved by Budget and Personnel Committee.
- o. Discussion and possible action regarding an expenditure in the amount of \$17,625.00 to Casco for the purchase of one (1) Bauer Legacy 13 Breathing Air Compressor and installation start-up at State bid price from Fire Capital Outlay Account #44-445-5422, as approved by Budget and Personnel Committee.
- p. Discussion and possible action regarding an expenditure in the amount of \$8,380.00 to Casco for the purchase of one (1) Bauer 4-Bank 6000 PSI UN Cylinder and two (2) wall mount

retainers at State bid price from Fire Capital Outlay Account #44-445-5422, as approved by Budget and Personnel Committee.

- q. Discussion and possible action regarding a fee of \$50.00 to be assessed per month from Pryor Creek Recreation Center to a personal trainer for the privilege of using Pryor Creek Recreation Center for personal training clients, as approved by Recreation Board.
- r. Discussion and possible action regarding a formal Trainer Agreement to be used by any trainer who is granted the privilege of using the Pryor Creek Recreation Center for personal training clients, as approved by Recreation Board.
- s. Discussion and possible action regarding the contract between Green Country Swim Team and the Pryor Creek Recreation Center, as approved by Recreation Board.
- t. Discussion and possible action regarding approval of CardConnect Credit Card Services in cooperation with Vermont Systems for credit card processing at the Pryor Creek Recreation Center to begin February 1st, 2021.
- u. Discussion and possible action regarding an expenditure in the amount of \$3,600.00 to Vigilant Solutions, LLC for the purchase of license plate recognition for the Pryor Creek Police Department. This is paid for by the Attorney General's SAFE Oklahoma Grant, from Donation Police Attorney General Grant Account #96-965-5503. This was originally approved at the January 5th, 2021 Council meeting, combined with Item v.
- v. Discussion and possible action regarding an expenditure in the amount of \$6,150.00 to Motorola Solutions/Watchguard for Investigative Data Platform – Annual Subscription and CarDetector Mobile Software License and Support for the Pryor Creek Police Department. This is paid for by the Attorney General's SAFE Oklahoma Grant, from Donation Police Attorney General Grant Account #96-965-5503. This was originally approved at the January 5th, 2021 Council meeting, combined with Item u.

Motion was made by Brakefield, second by Smith to approve items a – v, less items g, i and j. Voting yes: Ketcher, Shropshire, Smith, Chitwood, Brakefield, Tramel. Voting no: none.

g. Discussion and possible action regarding renewal of Engine Inspection, Maintenance, and Repair Agreement with United Engines for Emergency Standby Equipment in the amount of \$2,332.00 for generator at City Hall.

Motion was made by Tramel, second by Smith to approve renewal of Engine Inspection, Maintenance, and Repair Agreement with United Engines for Emergency Standby Equipment in the amount of \$2,332.00 for generator at City Hall from General Repair and Maintenance Account #02-201-5091. Voting yes: Shropshire, Smith, Chitwood, Brakefield, Tramel, Ketcher. Voting no: none.

i. Discussion and possible action regarding approval of Amendment No. 1 to the Guaranteed Maximum Price Contract with CMSWillowbrook for construction management services for the City of Pryor Creek Police & Fire Emergency Services Center and Library Additions, Demolition Packet from bids received: ARK Wrecking, \$115,120.00; DT Specialized Services, \$153,675.00; American Demolition, \$175,000.00; Total Demolition Services, \$189,076.00; Ground Level LLC, \$189,460.00; Key Maintenance Inc., \$257,000.00; Jerry's Excavation Inc., \$297,500.00. (Expenditure to be expended from 2019 Bond Project - Demolition Account #78-785-5501.)

Motion was made by Smith, second by Tramel to approve Amendment No. 1 to the Guaranteed Maximum Price Contract with CMSWillowbrook for construction management services for the City of Pryor Creek Police & Fire Emergency Services Center and Library Additions, Demolition Packet from bids received: ARK Wrecking, \$115,120.00; DT Specialized Services, \$153,675.00; American Demolition, \$175,000.00; Total Demolition Services, \$189,076.00; Ground Level LLC, \$189,460.00; Key Maintenance Inc., \$257,000.00; Jerry's Excavation Inc., \$297,500.00. (Expenditure to be expended from 2019 Bond Project - Demolition Account #78-785-5501.) Voting yes: Chitwood, Brakefield, Tramel, Ketcher, Shropshire, Smith. Voting no: none.

j. Discussion and possible action regarding expenditure for roofing project at the Chamber of Commerce building in the amount of \$51,444.00 to Allwine Roofing & Construction, Inc. from General Fund Capital Outlay Account #02-201-5411, as approved by Budget and Personnel Committee.

Motion was made by Chitwood, second by Smith to approve expenditure for roofing project at the Chamber of Commerce building in the amount of \$51,444.00 to Allwine Roofing & Construction, Inc. from General Fund Capital Outlay Account #02-201-5411, as approved by Budget and Personnel Committee. Voting yes: Tramel, Ketcher, Shropshire, Smith, Chitwood, Brakefield. Voting no: none.

7. COMMITTEE REPORTS:

a. Budget and Personnel (Brakefield)

Brakefield reported that the Budget and Personnel Committee will meet Tuesday, February 9th, 2021 at 5:30 p.m.

b. Ordinance and Insurance (Shropshire)

Shropshire reported that no meeting is scheduled at this time.

c. Street (Smith)

Smith had no 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: Ketcher, Shropshire, Smith, Chitwood, Brakefield, Tramel. Voting no: none.

PRYOR PUBLIC WORKS AUTHORITY

1. CALL TO ORDER.

Meeting was called to order at 7:00 p.m.

2. APPROVE MINUTES OF JANUARY 5TH, 2021 MEETING.

Motion was made by Chitwood, second by Smith to approve minutes of January 5th, 2021 meeting. Voting yes: Shropshire, Smith, Chitwood, Brakefield, Tramel, Ketcher. 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: Smith, Chitwood, Brakefield, Tramel, Ketcher, Shropshire. 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
