

**MINUTES
CITY COUNCIL MEETING
FOLLOWED BY PRYOR PUBLIC WORKS AUTHORITY MEETING
CITY OF PRYOR CREEK, OKLAHOMA
TUESDAY, DECEMBER 6TH, 2022 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 Steve Smith. Roll Call was conducted by City Clerk Eva Smith. Council members present included Dennis Nance, Steve Smith, Randy Chitwood, Evett Barham, Chris Gonthier, Lori Siever. Members absent: Choya Shropshire.

Department Heads and other City Officials present: City Attorney Kim Ritchie, Police Chief Dennis Nichols, Assistant Fire Chief James Baumert, Emergency Management Director Johnny Janzen, Street Superintendent Buddy Glenn, Golf Course Director Dennis Bowman, Library Director Cari Rerat and Recreation Center Director Jessica Tiger.

Others present: Police Sergeant Dustin Van Horn, Jared Crisp, Steve Powell, Dalton Powell, Jack Hardy, Mary Helen Hardy, Terry Lamar, Gilbert Graybill, Autumn Graybill, Zac Doyle, Drew Stott, Marshel Morrison, Nena Roberts, Brent Taylor, Monty Littlefield, Christie Littlefield, Adam Anderson, Phil Rerat, Bruce Smith, Angela Smith, Houston Brittain, KC Summerlin, Samantha Williams, Merideth Olson, Terry Aylward, Brian Montgomery, Phyllis Radcliffe, Darien Radcliffe, Milas Radcliffe and Matthew Radcliffe.

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

No report.

b. Emergency Management

Janzen reported that they have received acceptance of the Emergency Management grant.

c. Fire

Baumert reported that last month they responded to 71 calls. They are currently involved in training.

d. Golf

Bowman reported that the golf course is doing very well. They are working on maintenance, leaf removal, repairs and painting. The Halloween Festival went really well. There is a membership sale going on, and they are working to secure dates for upcoming tournaments.

e. Library

Rerat reported that the library is set to open on December 19th. The phones are now working.

f. Parks / Cemetery

No report.

g. Police

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

h. Recreation Center

Tiger reported that they received 121 new members last month and kept retention at 85%. The new LED lights have been ordered for the parking lot.

i. Street

Glenn reported that they have been running the sweeper to gather the leaves, and they are trimming tree limbs. They completed the handicapped parking at the library and police and fire buildings. They have salt and sand set back for the winter.

4. MAYOR'S REPORT:

a. Discussion and possible action regarding accepting the resignation of Jon Ketcher, City Council Ward 1, effective 12/01/22.

Motion was made by Gonthier, second by Smith to approve accepting the resignation of Jon Ketcher, City Council Ward 1, effective 12/01/22. The Council members thanked Jon for his service on Council. Voting yes: Nance, Smith, Chitwood, Barham, Gonthier, Siever. Voting no: none.

b. Discussion and possible action regarding accepting Mayor's nomination of Terry Lamar to Ward 1 Council seat vacated by Jon Ketcher, effective immediately, term ending May 2023.

Motion was made by Chitwood, second by Smith to approve accepting Mayor's nomination of Terry Lamar to Ward 1 Council seat vacated by Jon Ketcher, effective immediately, term ending May 2023. Voting yes: Smith, Chitwood, Barham, Gonthier, Siever, Nance. Voting no: none.

Kim Ritchie administered the Oath of Office and Loyalty Oath to Lamar.

c. Report from Economic Development Trust Authority.

Adam Anderson gave a report from Economic Development Trust Authority.

d. Discussion and possible action regarding requesting funds from City Council from Fund 68 (October 31st, 2022 fund balance: \$271,636.92) in the amount of \$55,000.00 for fiscal year 2022-2023 for funding of a Memorandum Of Agreement between the Pryor Creek Economic Development Trust Authority and Pryor Main Street for services to be performed by Main Street in connection with economic development in the main street corridor.

Motion was made by Barham, second by Siever to approve request of funds from City Council from Fund 68 (October 31st, 2022 fund balance: \$271,636.92) in the amount of \$55,000.00 for fiscal year 2022-2023 for funding of a Memorandum Of Agreement between the Pryor Creek Economic Development Trust Authority and Pryor Main Street for services to be performed by Main Street in connection with economic development in the main street corridor. Voting yes: Chitwood, Barham, Siever, Lamar, Nance, Smith. Abstaining, counting as a no vote: Gonthier. Voting no: none.

e. Discussion and possible action to declare the former Pryor Creek Police Department property located at 214 S. Mill St. with a legal description of PRYOR ORIGINAL BLK 61, LOTS 5, 6, 7, 8 surplus property.

Motion was made by Smith, second by Chitwood to approve declaring the former Pryor Creek Police Department property located at 214 S. Mill St. with a legal description of PRYOR ORIGINAL BLK 61, LOTS 5, 6, 7, 8 surplus property. Voting yes: Barham, Gonthier, Siever, Lamar, Nance, Smith, Chitwood. Voting no: none.

f. Discussion and possible action to approve solicitation of sealed bids for the purchase of the former Pryor Creek Police Department property located at 214 S. Mill St. with notice by publication in a local legal publication specifying bids be submitted to the City of Pryor Creek, City Clerk, due January 6th, 2023 to be opened and read at 2 p.m. on that date in City Council Chamber; and further specifying that the City reserves the right to reject all bids as in the best interest of the City.

Motion was made by Smith, second by Chitwood to approve solicitation of sealed bids for the purchase of the former Pryor Creek Police Department property located at 214 S. Mill St. with notice by publication in a local legal publication specifying bids be submitted to the City of Pryor Creek, City Clerk, due January 6th, 2023 to be opened and read at 2 p.m. on that date in City Council Chamber; and further specifying that the City reserves the right to reject all bids as in the best interest of the City. Voting yes: Gonthier, Siever, Lamar, Nance, Smith, Chitwood, Barham. Voting no: none.

g. Discussion and possible action regarding the approval of ARPA funds from Fund 05 to be transferred as needed to Fund 87 for the purpose of completing our Emergency Center / Library Expansion projects contracted financial obligations.

Motion was made by Chitwood, second by Smith to approve ARPA funds from Fund 05 to be transferred as needed to Fund 87 for the purpose of completing our Emergency Center / Library Expansion projects contracted financial obligations. Voting yes: Siever, Lamar, Nance, Smith, Chitwood, Barham, Gonthier. Voting no: none.

Mayor moved to the Addendum.

**ADDENDUM
CITY COUNCIL MEETING
TUESDAY, DECEMBER 6TH, 2022 AT 6:00 P.M.**

1. Discussion and possible action regarding using available ARPA funds to pay the current indebtedness of the city regarding construction of the police and fire station, as well as the remodel of the library. No new expenses pertaining to these projects will be allowed without prior approval of the City Council.

Motion was made by Chitwood, second by Smith to approve using available ARPA funds to pay the current indebtedness of the city regarding construction of the police and fire station, as well as the remodel of the library. No new expenses pertaining to these projects will be allowed without prior approval of the City Council. Voting yes: Lamar, Nance, Smith, Chitwood, Barham, Gonthier, Siever. Voting no: none.

2. Discussion and possible action regarding approval of Application and Certification For Payment #21 dated November 3rd, 2022 to CMSWillowbrook, Inc. in the amount of \$499,485.48 from Fund 05, Covid Reimbursement (2020).

Motion was made by Chitwood, second by Smith to approve Application and Certification For Payment #21 dated November 3rd, 2022 to CMSWillowbrook, Inc. in the amount of \$499,485.48 from Fund 05, Covid Reimbursement (2020).

Chitwood and Smith then amended their motion and second to table approval of Application and Certification For Payment #21 dated November 3rd, 2022 to CMSWillowbrook, Inc. in the amount of \$499,485.48 from Fund 05, Covid Reimbursement (2020) until a CMSWillowbrook representative can be present to answer questions.

Chitwood and Smith then amended their motion and second to have Council members identify any questions they have of the items on the pay application to provide to CMSWillowbrook a week in advance to give them ample time to prepare. Voting yes: Nance, Smith, Chitwood, Barham, Gonthier, Siever, Lamar. Voting no: none.

Mayor moved back to the regular Agenda.

4. MAYOR'S REPORT:

h. Discussion and possible action to remove from the table Item 4.a. from the November 15th, 2022 meeting.

Motion was made by Chitwood, second by Gonthier to approve removing from the table Item 4.a. from the November 15th, 2022 meeting. Voting yes: Smith, Chitwood, Barham, Gonthier, Siever, Lamar, Nance. Voting no: none.

i. Discussion and possible action regarding a request from the Castle Theater Ad Hoc Committee for a sum of \$30,000.00 from General Repair and Maintenance Account #02-201-5091 to be paid to Dawson Roofing for Castle Theater Roofing Project. Other bids were requested from McGill Roofing, AAA Property Restoration, LLC, and Allwine Roofing but were not received.

Motion was made by Smith, second by Barham to approve a request from the Castle Theater Ad Hoc Committee for a sum of \$30,000.00 from General Repair and Maintenance Account #02-201-5091 to be paid to Dawson Roofing for Castle Theater Roofing Project. Other bids were requested from McGill Roofing, AAA Property Restoration, LLC, and Allwine Roofing but were not received. Jack Hardy and Jennie LaFave spoke regarding the need to stop any more damage being done to the building from the roof leaks. Voting yes: Chitwood, Barham, Gonthier, Siever, Lamar, Nance, Smith. Voting no: none.

j. Discussion and possible action regarding extending the time of service of the Castle Theater Ad Hoc Committee to March 30th, 2023.

Motion was made by Gonthier, second by Chitwood to approve extending the time of service of the Castle Theater Ad Hoc Committee to March 30th, 2023. Voting yes: Barham, Gonthier, Siever, Lamar, Nance, Smith, Chitwood. Voting no: none.

Mayor called for a 10-minute recess at 8:15 p.m.

Mayor called the meeting back in session at 8:25 p.m.

k. Discussion and possible action regarding authorizing City of Pryor Creek Street Department to invoice Municipal Utility Board \$19,050.00, to deposit into Fund 14, for additional work performed by Dunham's Asphalt Services, Inc. on the 2021 Street Maintenance Project. The work and the amount is due to unforeseen and required components of utilities relocation during the project. The documentation for this amount is the four items on page 2 of Application and Certification for Payment #5 RET from Dunham's Asphalt Services, Inc., which is included in the packet.

Motion was made by Gonthier, second by Chitwood to approve authorizing City of Pryor Creek Street Department to invoice Municipal Utility Board \$19,050.00, to deposit into Fund 14, for additional work performed by Dunham's Asphalt Services, Inc. on the 2021 Street Maintenance Project. The work and the amount is due to unforeseen and required components of utilities relocation during the project. The documentation for this amount is the four items on page 2 of Application and Certification for Payment #5 RET from Dunham's Asphalt Services, Inc., which is included in the packet. Voting yes: Gonthier, Siever, Lamar, Nance, Smith, Chitwood, Barham. Voting no: none.

l. Discussion and possible action regarding authorization to pay Dunham's Asphalt Services, Inc. on the 2021 Street Maintenance Project the amount of \$14,342.00 from Street Asphalt Overlay Account #14-145-5410 for unforeseen and required components of utilities relocation and street patching as documented. This action is necessary to close out the job and pay all we owe to the contractor.

Motion was made by Gonthier, second by Smith to approve authorization to pay Dunham's Asphalt Services, Inc. on the 2021 Street Maintenance Project the amount of \$14,342.00 from Street Asphalt Overlay Account #14-145-5410 for unforeseen and required components of utilities relocation and street patching as documented. This action is necessary to close out the job and pay all we owe to the contractor. Voting yes: Siever, Lamar, Nance, Smith, Chitwood, Barham, Gonthier. Voting no: none.

m. Discussion and possible action regarding payment to Municipal Utility Board for three invoices totaling \$20,968.27 from Street Asphalt Overlay Account #14-145-5410 for materials only which were needed due to unforeseen and required components of the 2021 Street Maintenance Project.

Motion was made by Gonthier, second by Chitwood to approve payment to Municipal Utility Board for three invoices totaling \$20,968.27 from Street Asphalt Overlay Account #14-145-5410 for materials only which were needed due to unforeseen and required components of the 2021 Street Maintenance Project. Voting yes: Lamar, Nance, Smith, Chitwood, Barham, Gonthier, Siever. Voting no: none.

n. Discussion and possible action calling for an audit and investigation concerning the construction of the new police and fire station as well as the remodel of the library. This investigation and audit would include, but not be limited to the following: plans, bonds, change orders, affidavits, contractor forms and all paperwork and affairs related, but not limited to the above-mentioned projects as well as the indebtedness of the city. This audit and investigation will be independent. Person(s) conducting the audit and investigation will be selected by the City Council and will report directly to the Council.

Motion was made by Chitwood, second by Smith to approve calling for an audit and investigation concerning the construction of the new police and fire station as well as the remodel of the library. This investigation and audit would include, but not be limited to the following: plans, bonds, change orders, affidavits, contractor forms and all paperwork and affairs related, but not limited to the above-mentioned projects as well as the indebtedness of the city. This audit and investigation will be independent. Person(s) conducting the audit and investigation will be selected by the City Council and will report directly to the Council. Voting yes: Nance, Smith, Chitwood, Barham, Gonthier, Siever, Lamar. Voting no: none.

5. CITY ATTORNEY'S REPORT:

a. Discussion and possible action regarding an Ordinance Amending Title 3, Chapter 2A, Section 7 Regarding Mobile Food Services "Restrictions on Location as to Time" by repealing said Section 7 of Title 3, Chapter 2A; and providing for repealer and severability. (Second reading was waived at the November 15th, 2022 Council meeting. No vote was taken for approval of ordinance.)

Motion was made by Gonthier, second by Chitwood to approve Ordinance #2022-1 Amending Title 3, Chapter 2A, Section 7 Regarding Mobile Food Services "Restrictions on Location as to Time" by repealing said Section 7 of Title 3, Chapter 2A; and providing for repealer and severability. (Second reading was waived at the November 15th, 2022 Council meeting. No vote was taken for approval of ordinance.) Kim Ritchie stated that this action is simply to finish the process from the last meeting. Voting yes: Smith, Chitwood, Barham, Gonthier, Siever, Lamar, Nance. Voting no: none.

b. Discussion and possible action regarding a resolution declaring the eligibility of the City of Pryor Creek to submit an application to the Oklahoma Department of Transportation for use of Transportation Alternatives Program funds.

Motion was made by Gonthier, second by Chitwood to approve Resolution #2022 - 9 declaring the eligibility of the City of Pryor Creek to submit an application to the Oklahoma Department of Transportation for use of Transportation Alternatives Program funds. Voting yes: Chitwood, Barham, Gonthier, Siever, Lamar, Nance, Smith. 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 November 15th, 2022 Council meeting.

- b. Approve payroll purchase orders through December 9th, 2022.
- c. Approve claims for purchase orders through December 6th, 2022.

<u>FUNDS</u>	<u>PURCHASE ORDER NUMBER</u>	<u>TOTALS</u>
GENERAL	2220221374 – 911297B	98,445.37
STREET & DRAINAGE	911313B – 2220221380	114,605.51
GOLF COURSE	2220221316 – 2220221325	15,345.53
CAPITAL OUTLAY	2220221195 – 2220221343	34,011.19
REAL PROPERTY ACQUIS. RESERVE	911298B	1,225.00
RECREATION CENTER	2220221209 - 2220221216	36,392.47
E-911	2220221267	142.06
LIBRARY SPECIAL	2220220263	10,155.00
DONATIONS AND EARMARKED	2220221330 - 2220221384	4,109.80
TOTAL		314,431.93
NO BLANKETS		

- d. Acknowledge receipt of deficient purchase orders.
There were no deficient purchase orders.
- e. Discussion and possible action regarding approval of the 2023 City of Pryor Creek / Municipal Utility Board Holiday Calendar.
- f. Discussion and possible action regarding approval of the schedule for the 2023 City of Pryor Creek Council meetings.
- g. Discussion and possible action regarding approval of the schedule for the 2023 City of Pryor Creek Budget and Personnel Committee meetings.
- h. Discussion and possible action regarding approval of the schedule for the 2023 City of Pryor Creek Street Committee meetings.
- i. Discussion and possible action regarding approval of the schedule for the 2023 City of Pryor Creek Park / Cemetery Board meetings.
- j. Discussion and possible action regarding approval of the schedule for the 2023 City of Pryor Creek Planning and Zoning Commission meetings.
- k. Discussion and possible action regarding approval of the schedule for the 2023 City of Pryor Creek Planning and Zoning Board of Adjustments / Multi-Hazard Mitigation Committee meetings.
- l. Discussion and possible action regarding approval of the schedule for the 2023 City of Pryor Creek Recreation Center Board meetings.
- m. Discussion and possible action regarding approval of the schedule for the 2023 Library Board meetings.
- n. Discussion and possible action regarding approval of the schedule for the 2023 Ordinance and Insurance Committee meetings.
- o. Discussion and possible action regarding approval of the schedule for the 2023 Flood Plain Board meetings.
- p. Discussion and possible action regarding approval of the schedule for the 2023 Hotel / Motel Tax Allocation Board meetings.
- q. Discussion and possible action regarding approval of the schedule for the 2023 Economic Development Trust Authority meetings.
- r. Discussion and possible action regarding approval of the schedule for the 2023 Personnel Board meetings.
- s. Acknowledge 2023 Municipal Utility Board Meeting Schedule.
- t. Discussion and possible action regarding request for waiver of building permit fees for a storage building at the Mayes County Fairgrounds, to be used by Mayes County Emergency Management.
- u. Discussion and possible action regarding an expenditure in the amount of \$2,988.00 to ArchiveSocial, Inc. for the annual social media archiving subscription from General Software Account #02-201-5260.
- v. Discussion and possible action regarding the reappointment of Fred Sordahl to the Economic Development Trust Authority, Seat #3, term ending 1/13/27.
- w. Discussion and possible action regarding the reappointment of Don Berger to the Economic Development Trust Authority, Seat #4, term ending 1/13/27.
- x. Discussion and possible action regarding an expenditure not to exceed \$5,200.00 to Homeland for 100 gifts cards in the amount of \$50.00 each to show appreciation to full-time City employees and 8 gift cards in the amount of \$25.00 to show appreciation to part-time City employees from the Christmas Employee Appreciation Account #02-201-5333.

- y. Discussion and possible action regarding hiring Zachariah Gipson to Volunteer Firefighter position at the Pryor Creek Fire Department, effective December 7th, 2022.
- z. Discussion and possible action regarding accepting bid from Tibbets Trucking, in the amount of \$5,150.00 for the demolition of property at 305 N Mayes, owned by Nora Kinion, from Nuisance Abatement Account #46-465-5450. Other bids received: All Terrain Demolition and Excavation, \$6,800.00; Kustom Kutts LLC, \$19,500.00.
- aa. Discussion and possible action regarding an expenditure in the amount of \$8,539.95 to Pryor Chevrolet for the repair of a 2015 Tahoe (motor replacement), as in the best interest of the city from Police Repair & Maintenance Account #02-215-5092. Jay Hatfield Chevrolet of Vinita is unable to get a motor. Other bids received: Jay Hatfield Chevrolet of Vinita, \$8,157.57; Mike's Tire & Car Care, \$8,557.07. All bids received will come with a 36-month 100,000-mile warranty.
- bb. Discussion and possible action regarding an expenditure in the amount of \$2,750.00 to Electrical Services, Inc. for repair of the pool pump at the Pryor Creek Recreation Center from Aquatics Repair and Maintenance Account #84-846-5091, from bids received. Other bid received: S&D Electric Motors, Inc., \$3,000.00. This action is pending approval by the Recreation Board on December 5th, 2022.

Motion was made by Gonthier, second by Nance to approve items a – bb, less items a, t and y. Voting yes: Barham, Gonthier, Siever, Nance, Smith, Chitwood. Abstaining, counting as a no vote: Lamar. Voting no: none.

a. Approve minutes of the November 15th, 2022 Council meeting.

Motion was made by Chitwood, second by Smith to approve minutes of the November 15th, 2022 Council meeting. Voting yes: Gonthier, Siever, Nance, Smith, Chitwood, Barham. Abstaining, counting as a no vote: Lamar. Voting no: none.

t. Discussion and possible action regarding request for waiver of building permit fees for a storage building at the Mayes County Fairgrounds, to be used by Mayes County Emergency Management.

Motion was made by Chitwood, second by Smith to approve request for waiver of building permit fees for a storage building at the Mayes County Fairgrounds, to be used by Mayes County Emergency Management. Voting yes: Siever, Lamar, Nance, Chitwood, Barham, Gonthier. Abstaining, counting as a no vote: Smith. Voting no: none.

y. Discussion and possible action regarding hiring Zachariah Gipson to Volunteer Firefighter position at the Pryor Creek Fire Department, effective December 7th, 2022.

Motion was made by Chitwood, second by Smith to approve hiring Zachariah Gipson to Volunteer Firefighter position at the Pryor Creek Fire Department, effective December 7th, 2022. Voting yes: Lamar, Nance, Smith, Chitwood, Barham, Gonthier, Siever. Voting no: none.

7. COMMITTEE REPORTS:

a. Budget and Personnel (Shropshire)

No report.

b. Ordinance and Insurance (Shropshire)

The Ordinance and Insurance Committee will meet on Monday, December 12th, 2022.

c. Street (Smith)

Smith had no report.

8. UNFORESEEABLE BUSINESS.

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

There was no unforeseeable business.

9. ADJOURN.

Motion was made by Gonthier, second by Nance to adjourn. Voting yes: Nance, Smith, Chitwood, Barham, Gonthier, Siever, Lamar. Voting no: none.

PRYOR PUBLIC WORKS AUTHORITY

1. CALL TO ORDER.

Meeting was called to order at 8:45 p.m.

2. APPROVE MINUTES OF NOVEMBER 15th, 2022 MEETING.

Motion was made by Gonthier, second by Smith to approve minutes of November 15th, 2022 meeting. Voting yes: Smith, Chitwood, Barham, Gonthier, Siever, Nance. Abstaining, counting as a no vote: Lamar. 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 Chitwood, second by Smith to adjourn. Voting yes: Chitwood, Barham, Gonthier, Siever, Lamar, 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
