

**MINUTES
CITY COUNCIL MEETING
FOLLOWED BY PRYOR PUBLIC WORKS AUTHORITY MEETING
CITY OF PRYOR CREEK, OKLAHOMA
TUESDAY, FEBRUARY 21ST, 2023 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 Terry Lamar, Choya Shropshire, Dennis Nance, Steve Smith, Randy Chitwood, Evett Barham, Chris Gonthier, Lori Siever. Members absent: none.

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

Others present: Police Sergeant Dustin VanHorn, Animal Control Officer Becki Sams-Benham, Steve Powell, Houston Brittain, Arianna Derr, Jim Graber, Bill Dinsmore, Jamie Nofsinger, Bill Kannegiesser, Chris Calvert, Bruce Smith, Angela Smith, Charles Tramel, Gilbert Graybill, Autumn Graybill, Tim Lawson, Dane Nelson, Nena Roberts, Marshel Morrison, Terry Aylward and Kimmie 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

No report.

b. Emergency Management

Janzen reported that they are working on the Emergency Operations Plan for approval at the next Council meeting.

c. Fire

Young reported that they have some trucks down that they have been working to repair. Young asked if Council had any questions.

d. Golf

Bill Kannegiesser, Park Board Chairman, reported in Bowman's absence. He reported that revenue is up \$4,000.00 from last year. Year-to-date, they are projected to be \$63,000.00 ahead of last year. He reported that there are several tournaments already on the books.

e. Library

Rerat provided a statistics report and asked if the Council had any questions. When asked about daily counts, she stated that the door counters are currently broken. She anticipates having them replaced as soon as possible. At that time, they will be able to have a much more accurate daily head count.

f. Parks / Cemetery

No report.

g. Police

Nichols reported that the statistics were included in the packet and asked if anyone had any questions. Sams-Benham reported that in January, the shelter took in approximately 56 animals and adopted out approximately 48. She stated this they still have approximately 34 dogs and 25 cats. She spoke to the adoption process.

h. Recreation Center

Tiger reported that they are having HVAC issues.

i. Street

Glenn reported that they are dealing with cold weather and rain while trying to catch up on leaves and ditches.

MAYOR'S REPORT:

a. Recognize city employees who have completed 25 years of service: Don Hess.

Motion was made by Nance, second by Chitwood to take no action in Don Hess' absence. Voting yes: Lamar, Shropshire, Nance, Smith, Chitwood, Barham, Gonthier, Siever. Voting no: none.

b. Discussion and possible action regarding appointment of Jamie Nofsinger to Recreation Board Seat #1, term ending 8/31/24.

Motion was made by Shropshire, second by Smith to approve appointment of Jamie Nofsinger to Recreation Board Seat #1, term ending 8/31/24. Mr. Nofsinger spoke, and the Council welcomed him. Voting yes: Shropshire, Nance, Smith, Chitwood, Barham, Gonthier, Siever, Lamar. Voting no: none.

c. Discussion, report, and update from Ad Hoc Audit Committee.

No action. Lamar updated the Council on the RFP language the Ad Hoc Audit Committee had shared for feedback. He stated that only Mr. Gonthier responded, so he is assuming no one else had any changes to offer.

d. Discussion and possible action regarding payment of remaining invoices from Graber & Associates, totaling \$146,971.81 from Fund 87.

Motion was made by Chitwood, second by Smith to approve payment of remaining invoices from Graber & Associates, totaling \$146,971.81 from Fund 87. Graber stated that these are the final invoices from Graber & Associates. Council then asked Mr. Graber a number of questions. Voting yes: Nance, Smith, Chitwood, Barham, Gonthier, Siever, Lamar, Shropshire. Voting no: none.

e. Discussion and possible action regarding approval to pay the CMS Willowbrook Application and Certificate for Payment No. 24 in the amount of \$45,794.67 from the ARPA (05) fund regarding the Emergency Center and Library Expansion Project.

Motion was made by Chitwood, second by Smith to approve to pay the CMS Willowbrook Application and Certificate for Payment No. 24 in the amount of \$45,794.67 from the ARPA (05) fund regarding the Emergency Center and Library Expansion Project. Voting yes: Smith, Chitwood, Barham, Siever, Shropshire, Nance. Voting no: Gonthier, Lamar.

f. Discussion and possible action authorizing Mayor to sign a support letter for the federal RAISE grant application in regard to MidAmerica Connectivity Project.

Motion was made by Gonthier, second by Chitwood to authorize Mayor to sign a support letter for the federal RAISE grant application in regard to MidAmerica Connectivity Project. Arianna Derr spoke regarding the grant application. Voting yes: Chitwood, Barham, Gonthier, Siever, Lamar, Shropshire, Nance, Smith. Voting no: none.

Mayor called for a 5-minute break at 7:35. Council resumed at 7:48.

Mayor stated that Nance had to leave.

5. CITY ATTORNEY'S REPORT:

a. Discussion and possible action regarding declaring surplus the property identified as:

Lots numbered One (1), Four (4) and the North Fifteen feet (15') of Lot Five in Block Twenty-Three (23), Original Town of Pryor Creek, according to the official survey and plat thereof. This property is also known as, "the old fire station," on North Adair Street, which has been shared with the Mayes County Sheriff's Office.

Motion was made by Chitwood, second by Shropshire to approve declaring surplus the property identified as: Lots numbered One (1), Four (4) and the North Fifteen feet (15') of Lot Five in Block Twenty-Three (23), Original Town of Pryor Creek, according to the official survey and plat thereof. This property is also known as, "the old fire station," on North Adair Street, which has been shared with the Mayes County Sheriff's Office. Voting yes: Barham, Gonthier, Siever, Lamar, Shropshire, Smith, Chitwood. Voting no: none.

b. Discussion and possible action authorizing Mayor to sign the Contract for Sale of Real Estate between the City of Pryor Creek (Seller) and Mayes County (Buyer) for:

Lots numbered One (1), Four (4) and the North Fifteen feet (15') of Lot Five in Block Twenty-Three (23), Original Town of Pryor Creek, according to the official survey and plat thereof, in the amount of \$90,000.00, revenue to be deposited in the Capital Outlay-Fire Truck Reserve Account #45-455-5412. This property is also known as, "the old fire station," on North Adair Street, which has been shared with the Mayes County Sheriff's Office.

Motion was made by Chitwood, second by Gonthier to approve authorizing Mayor to sign the Contract for Sale of Real Estate between the City of Pryor Creek (Seller) and Mayes County (Buyer) for: Lots numbered One (1), Four (4) and the North Fifteen feet (15') of Lot Five in Block Twenty-Three (23), Original Town of Pryor Creek, according to the official survey and plat thereof, in the amount of \$90,000.00, revenue to be deposited in the Capital Outlay-Fire Truck Reserve Account #45-455-5412. This property is also known as, "the old fire station," on North Adair Street, which has been shared with the Mayes County Sheriff's Office. Voting yes: Gonthier, Siever, Lamar, Shropshire, Smith, Chitwood, Barham. Voting no: none.

c. Discussion and possible action regarding purchase of residential property 6 N. Bailey St. for use in a drainage project in the amount of \$12,000.00 plus estimated closing costs of \$1,535.00 for a total of \$13,535.00, to expense from Real Property Acquisition Reserve Fund 46.

Motion was made by Gonthier, second by Chitwood to approve purchase of residential property 6 N. Bailey St. for use in a drainage project in the amount of \$12,000.00 plus estimated closing costs of \$1,535.00 for a total of \$13,535.00, to expense from Real Property Acquisition Reserve Fund 46. Voting yes: Gonthier, Siever, Lamar, Shropshire, Smith, Chitwood, Barham. 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 February 7th, 2023 Council meeting.
- b. Approve payroll purchase orders through March 3rd, 2023.
- c. Approve claims for purchase orders through February 21st, 2023.

<u>FUNDS</u>	<u>PURCHASE ORDER NUMBER</u>	<u>TOTALS</u>
GENERAL	2220222049 - 2220221936	185,922.37
COVID REIMBURSEMENT	2220222066	45,794.67
STREET & DRAINAGE	2220222072 - 2220221993	16,564.15
GOLF COURSE	2220222069 - 911301B	9,922.51
CAPITAL OUTLAY	911293B - 911294B	18,417.87
REAL PROPERTY ACQUIS.	2220222051	18.00
HOTEL/MOTEL TAX	2220221584 - 2220222060	14,270.15
RECREATION CENTER	2220221999 - 2220222008	13,566.62
P.P.W.A. SINKING FUND	2220222062 - 2220222067	195,939.31
DONATIONS AND EARMARKED	2220221956 - 2220221975	7,936.39
EDTA		
	TOTAL	508,352.04
BLANKETS		
911354B	C&R OIL CO.	15,000.00
	TOTAL	15,000.00

- d. Acknowledge receipt of deficient purchase orders.
There were no deficient purchase orders.
- e. Approve December 2022 Appropriations Requests.

COVID	\$ 1,836.02
FLEX SPEND PLAN	\$ 15.71
FEE IN LIEU	\$ 36.96
STREET & DRAINAGE IMPROV. SALE	\$ 144,573.04
CEMETERY CARE INTEREST	\$ 75.18
CEMETERY CARE FUND	\$ 812.50
GOLF COURSE CASH	\$ 28,624.24
CAPITAL OUTLAY/CAPITAL IMPROVE	\$ 47,730.83
CAPITAL OUTLAY RESERVE FUND	\$ 675.36
REAL PROPERTY ACQUISITION RES.	\$ 188.61
POLICE TRAINING FEES	\$ 326.25
MAIN STREET BOND ACCOUNT	\$ 10,817.12
HOTEL/MOTEL TAX	\$ 15,797.56
2019 BOND PROJECT	\$ -
LIBRARY BUILDING FUND	\$ 0.36
RECREATION CENTER-CASH FUND	\$ 85,078.30
PPWA SINKING FUNDS	\$ 94,733.07
PPWA BOND PROCEEDS	\$ 3,456.77
E-911	\$ 898.37
LIBRARY SPECIAL	\$ 377.75
SEIZURES-POLICE DEPARTMENT	\$ 0.18

DONATIONS	\$ 38,628.37
COMMUNITY DEVELOPMENT BLOCK GRANT	\$ -
EDTA	\$ 141.59
TOTAL	\$ 474,824.14

- f. Discussion and possible action regarding proceeding to bid for the Channelization of Bailey St. to Ora St. at an estimated amount of \$209,789.38, expensing from Street Drainage Projects Account #14-145-5092. This action is contingent on the acquisition of the 6 N. Bailey property.
- g. Discussion and possible action regarding proceeding to bid for Street / Drainage – Bailey Street, NE 1st to 225 ft. South of NE 1st at an estimated amount of \$113,234.82 expensing from Street Asphalt Overlay Account #14-145-5410. This action is contingent on the acquisition of the 6 N. Bailey property.
- h. Discussion and possible action regarding approving a Work Order for Professional Services Project #23-01 for engineering design services from Infrastructure Solutions Group, LLC. for (1) the Bailey Street improvements and (2) the Bailey Street Detention Facility. Project 1 is in the amount of \$15,200.00, and Project 2 is in the amount of \$22,500.00, to be expensed from Street Outside Services – Engineering Account #14-145-5075. This action is contingent on the acquisition of the 6 N. Bailey property.
- i. Discussion and possible action regarding the purchase of two dump trucks at State contract pricing in the amount of \$271,960.40, from Street Capital Outlay Account #14-145-5411.
- j. Discussion and possible action regarding Hotel / Motel Tax Allocation Board Grant Application from Pryor Area Chamber of Commerce in the amount of \$5,000.00 for the Oklahoma Tackle, Hunting & Boat Show 2023, February 10th – 13th, 2023 from Hotel / Motel Chamber Account #75-755-5090. This action is recommended by the Budget & Personnel Committee.
- k. Discussion and possible action regarding the Hotel / Motel Tax Allocation Board Final Expense Report from Lake Area Softball in the amount of \$7,499.15 for the 2021-2022 grant from Hotel / Motel Account #75-755-5096. This action is recommended by the Budget & Personnel Committee.
- l. Discussion and possible action regarding the Hotel / Motel Tax Allocation Board Final Expense Report from Pryor Main Street in the amount of \$6,771.00 for the Lights-On Downtown Community Tree from Hotel / Motel Main Street Account #75-755-5110. This action is recommended by the Budget & Personnel Committee.
- m. Discussion and possible action regarding expenditure in the amount of \$3,000.00, as in the best interest of the city to OverDrive for the Thomas J. Harrison Pryor Public Library from Library Non-Book Materials Account #02-221-5032.
- n. Discussion and possible action regarding Thomas J. Harrison Pryor Public Library’s renewal of subscription to EBSCO for Learning Express Library and Job & Career Accelerator in the amount of \$4,061.00, from Library Non-book Materials Account #02-221-5032.
- o. Discussion and possible action regarding rental of the Graham Community Building on April 15th, 2023, for a fundraiser honoring Coweta Thornton, in order to assist with her medical bills.
- p. Discussion and possible action regarding waiving rental fees to the Cherokee Nation Election Commission for use of the Graham Community Building on June 3rd, 2023 for their General Election, and possibly July 8th, 2023 if a run-off election is needed, and authorizing Mayor to sign the agreement.
- q. Discussion and possible action regarding removing from the table item 6.g. from the February 7th, 2023 Council meeting.
- r. Discussion and possible action regarding authorizing J.C. Carroll to serve as Fire Code Reviewer for the City of Pryor Creek.
- s. Discussion and possible action regarding disposal of city records according to City of Pryor Creek Retention Policy as attached.

Motion was made by Gonthier, second by Chitwood to approve items a – s, less items f, g, h, j, k, l, o, p, r and s. Voting yes: Siever, Lamar, Shropshire, Smith, Chitwood, Barham, Gonthier. Voting no: none.

f. Discussion and possible action regarding proceeding to bid for the Channelization of Bailey St. to Ora St. at an estimated amount of \$209,789.38, expensing from Street Drainage Projects Account #14-145-5092. This action is contingent on the acquisition of the 6 N. Bailey property.

Motion was made by Chitwood, second by Smith to approve proceeding to bid for the Channelization of Bailey St. to Ora St. at an estimated amount of \$209,789.38, expensing from Street Drainage Projects Account

#14-145-5092. This action is contingent on the acquisition of the 6 N. Bailey property. Voting yes: Lamar, Shropshire, Smith, Chitwood, Barham, Gonthier, Siever. Voting no: none.

g. Discussion and possible action regarding proceeding to bid for Street / Drainage – Bailey Street, NE 1st to 225 ft. South of NE 1st at an estimated amount of \$113,234.82 expensing from Street Asphalt Overlay Account #14-145-5410. This action is contingent on the acquisition of the 6 N. Bailey property. Motion was made by Chitwood, second by Smith to approve proceeding to bid for Street / Drainage – Bailey Street, NE 1st to 225 ft. South of NE 1st at an estimated amount of \$113,234.82 expensing from Street Asphalt Overlay Account #14-145-5410. This action is contingent on the acquisition of the 6 N. Bailey property. Voting yes: Shropshire, Smith, Chitwood, Barham, Gonthier, Siever, Lamar. Voting no: none.

h. Discussion and possible action regarding approving a Work Order for Professional Services Project #23-01 for engineering design services from Infrastructure Solutions Group, LLC. for (1) the Bailey Street improvements and (2) the Bailey Street Detention Facility. Project 1 is in the amount of \$15,200.00, and Project 2 is in the amount of \$22,500.00, to be expensed from Street Outside Services – Engineering Account #14-145-5075. This action is contingent on the acquisition of the 6 N. Bailey property.

Motion was made by Chitwood, second by Lamar to approve a Work Order for Professional Services Project #23-01 for engineering design services from Infrastructure Solutions Group, LLC. for (1) the Bailey Street improvements and (2) the Bailey Street Detention Facility. Project 1 is in the amount of \$15,200.00, and Project 2 is in the amount of \$22,500.00, to be expensed from Street Outside Services – Engineering Account #14-145-5075. This action is contingent on the acquisition of the 6 N. Bailey property. Voting yes: Smith, Chitwood, Barham, Gonthier, Siever, Lamar, Shropshire. Voting no: none.

j. Discussion and possible action regarding Hotel / Motel Tax Allocation Board Grant Application from Pryor Area Chamber of Commerce in the amount of \$5,000.00 for the Oklahoma Tackle, Hunting & Boat Show 2023, February 10th – 13th, 2023 from Hotel / Motel Chamber Account #75-755-5090. This action is recommended by the Budget & Personnel Committee.

Motion was made by Chitwood, second by Shropshire to approve Hotel / Motel Tax Allocation Board Grant Application from Pryor Area Chamber of Commerce in the amount of \$5,000.00 for the Oklahoma Tackle, Hunting & Boat Show 2023, February 10th – 13th, 2023 from Hotel / Motel Chamber Account #75-755-5090. This action is recommended by the Budget & Personnel Committee. Voting yes: Chitwood, Gonthier, Siever, Lamar, Shropshire, Smith. Abstaining, counting as a no vote: Barham. Voting no: none.

k. Discussion and possible action regarding the Hotel / Motel Tax Allocation Board Final Expense Report from Lake Area Softball in the amount of \$7,499.15 for the 2021-2022 grant from Hotel / Motel Account #75-755-5096. This action is recommended by the Budget & Personnel Committee.

Motion was made by Lamar, second by Chitwood to approve the Hotel / Motel Tax Allocation Board Final Expense Report from Lake Area Softball in the amount of \$7,499.15 for the 2021-2022 grant from Hotel / Motel Account #75-755-5096. This action is recommended by the Budget & Personnel Committee. Voting yes: Barham, Gonthier, Siever, Lamar, Shropshire, Smith, Chitwood. Voting no: none.

l. Discussion and possible action regarding the Hotel / Motel Tax Allocation Board Final Expense Report from Pryor Main Street in the amount of \$6,771.00 for the Lights-On Downtown Community Tree from Hotel / Motel Main Street Account #75-755-5110. This action is recommended by the Budget & Personnel Committee.

Motion was made by Shropshire, second by Chitwood to approve the Hotel / Motel Tax Allocation Board Final Expense Report from Pryor Main Street in the amount of \$6,771.00 for the Lights-On Downtown Community Tree from Hotel / Motel Main Street Account #75-755-5110. This action is recommended by the Budget & Personnel Committee. Voting yes: Gonthier, Siever, Lamar, Shropshire, Smith, Chitwood, Barham. Voting no: none.

o. Discussion and possible action regarding rental of the Graham Community Building on April 15th, 2023, for a fundraiser honoring Coweta Thornton, in order to assist with her medical bills.

Motion was made by Chitwood, second by Smith to approve rental of the Graham Community Building on April 15th, 2023, for a fundraiser honoring Coweta Thornton, in order to assist with her medical bills. Voting yes: Siever, Lamar, Shropshire, Smith, Chitwood, Barham, Gonthier. Voting no: none.

p. Discussion and possible action regarding waiving rental fees to the Cherokee Nation Election Commission for use of the Graham Community Building on June 3rd, 2023 for their General Election, and possibly July 8th, 2023 if a run-off election is needed, and authorizing Mayor to sign the agreement. Motion was made by Shropshire, second by Chitwood to approve waiving rental fees to the Cherokee Nation Election Commission for use of the Graham Community Building on June 3rd, 2023 for their General

Election, and possibly July 8th, 2023 if a run-off election is needed, and authorizing Mayor to sign the agreement. Voting yes: Lamar, Shropshire, Smith, Chitwood, Barham, Gonthier, Siever. Voting no: none.

r. Discussion and possible action regarding authorizing J.C. Carroll to serve as Fire Code Reviewer for the City of Pryor Creek.

Motion was made by Lamar, second by Chitwood to approve authorizing J.C. Carroll to serve as Fire Code Reviewer for the City of Pryor Creek. Voting yes: Shropshire, Smith, Chitwood, Barham, Gonthier, Siever, Lamar. Voting no: none.

s. Discussion and possible action regarding disposal of city records according to City of Pryor Creek Retention Policy as attached.

Motion was made by Chitwood, second by Smith to approve disposal of city records according to City of Pryor Creek Retention Policy as attached. Voting yes: Smith, Chitwood, Barham, Gonthier, Siever, Lamar, Shropshire. Voting no: none.

7. COMMITTEE REPORTS:

a. Budget and Personnel (Shropshire)

Shropshire reported that the March Budget and Personnel Committee meeting will be held on Thursday, March 9th, 2023.

b. Ordinance and Insurance (Shropshire)

Shropshire reported that there will be an Ordinance and Insurance Committee meeting on Thursday, March 2nd, 2023.

c. Street (Smith)

Smith reported that there will be a meeting next week, if necessary.

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

There was no unforeseeable business.

9. ADJOURN.

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

PRYOR PUBLIC WORKS AUTHORITY

1. CALL TO ORDER.

Meeting was called to order at 8:30 p.m.

2. APPROVE MINUTES OF FEBRUARY 7TH, 2023 MEETING.

Motion was made by Chitwood, second by Smith to approve minutes of February 7th, 2023 meeting. Voting yes: Barham, Gonthier, Siever, Lamar, Shropshire, Smith, Chitwood. Voting no: none.

3. DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF A 3% RATE INCREASE FROM PRYOR WASTE AND RECYCLING FOR ALL REFUSE PICK-UP BEGINNING MARCH 1ST, 2023. THIS ACTION IS CONSISTENT WITH THE MUTUAL AGREEMENT OF OCTOBER 2007 FOR AN ALLOWED 3% INCREASE FOR REFUSE PICK-UP.

Motion was made by Chitwood, second by Smith to approve a 3% rate increase from Pryor Waste and Recycling for all refuse pick-up beginning March 1st, 2023. This action is consistent with the mutual agreement of October 2007 for an allowed 3% increase for refuse pick-up. Mr. Dinsmore spoke regarding his history with Pryor Waste and Recycling and the reasons for these increases. Voting yes: Gonthier, Siever, Lamar, Shropshire, Smith, Chitwood, Barham. Voting no: none.

4. UNFORESEEABLE BUSINESS.

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

There was no unforeseeable business.

5. ADJOURN.

Motion was made by Chitwood, second by Smith to adjourn. Voting yes: Siever, Lamar, Shropshire, Smith, Chitwood, Barham, Gonthier. 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