

ORDINANCE NO. 2016-_____

AN ORDINANCE AMENDING TITLE 3 BY ADDING CHAPTER 2A SECTIONS 3-2A-1 THRU 3-2A-14 TO THE CITY CODE OF THE CITY OF PRYOR CREEK, MAYES COUNTY, STATE OF OKLAHOMA, REGARDING MOBILE FOOD SERVICE ESTABLISHMENT, PURPOSE, DEFINITIONS, PERMIT FOR OPERATION REQUIRED/OFFENSE, MULTIPLE MOBILE FOOD SERVICE PERMIT REQUIREMENT, CONDITIONS FOR ISSUANCE OF PERMIT, RESTRICTIONS ON LOCATIONS OF OPERATION, RESTRICTIONS ON LOCATION AS TO TIME, POSSESSION OF VALID LICENSE AND TAX PERMIT REQUIRED, REASONABLE CONDUCT OF OPERATIONS, SPECIAL EVENTS, USE OF PUBLIC PROPERTY AND PUBLIC RIGHTS-OF-WAY, GENERAL REQUIREMENTS OF OPERATIONS, APPOINTMENT OF ADMINISTRATIVE OFFICER, APPEALS OF DECISIONS; PROVIDING FOR REPEALER AND SEVERABILITY.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR, AND THE COUNCIL OF THE CITY OF PRYOR CREEK, MAYES COUNTY, STATE OF OKLAHOMA, TO-WIT:

SECTION 1.

Title 3 of the Code of Ordinances of the City of Pryor Creek, Mayes County, State of Oklahoma is hereby amended by adding a new Chapter 2A, Sections 3-2A-1 thru 3-2a-14 as follows, to-wit:

CHAPTER 2A

MOBILE FOOD SERVICE ESTABLISHMENT

SECTION:

- 3-2A-1: PURPOSE**
- 3-2A-2: DEFINITIONS**
- 3-2A-3: PERMIT FOR OPERATION REQUIRED/OFFENSE**
- 3-2A-4: MULTIPLE MOBILE FOOD SERVICE PERMITS REQUIREMENT**
- 3-2A-5: CONDITIONS FOR ISSUANCE OF PERMIT**
- 3-2A-6: RESTRICTIONS ON LOCATIONS OF OPERATION**
- 3-2A-7: RESTRICTIONS ON LOCATION AS TO TIME**
- 3-2A-8: POSSESSION OF VALID LICENSE AND TAX PERMIT REQUIRED**
- 3-2A-9: REASONABLE CONDUCT OF OPERATIONS**
- 3-2A-10: SPECIAL EVENTS**
- 3-2A-11: USE OF PUBLIC PROPERTY AND PUBLIC RIGHTS-OF-WAY**
- 3-2A-12: GENERAL REQUIREMENTS OF OPERATIONS**
- 3-2A-13: ADMINISTRATIVE OFFICER**
- 3-2A-14: APPEAL OF DECISIONS**

3-2A-1 PURPOSE:

The purpose of this chapter is to regulate the actions/operations of Mobile Food Service Establishments conducting business operations within the city limits of the City of Pryor Creek, Oklahoma to the limited and restricted extent as expressly set forth herein. It is not the purpose of this chapter to adopt "Health Regulations" governing or pertaining to Mobile Food Service Establishments. The matters of "Health Regulations" and enforcement thereof pertaining to Mobile Food Service Establishments are matters the City deems appropriate and in the best interest of the City to leave to the jurisdiction and control of the Oklahoma Department of Health.

3-2A-2 DEFINITIONS:

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise.

FULL-SERVICE MOBILE: A vehicle or trailer designed and equipped to prepare and serve open food products.

MOBILE FOOD SERVICE: This term shall mean a facility that prepares or serves food and is vehicle mounted or is otherwise readily moveable and includes but is not necessarily limited to "Full-Service Mobile", "Pre-Packaged Mobile", and "Pushcart" as those terms are defined herein.

PRE-PACKAGED MOBILE: A vehicle or trailer limited to the sale of commercially manufactured pre-packaged food products.

PUSHCART: A non-self-propelled vehicle, the operation of which is limited to serving non-potentially hazardous foods and/or commercially pre-packaged foods.

FOOD: Means a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.

3-2A-3

PERMIT FOR OPERATION REQUIRED/OFFENSE:

- A.** It shall be unlawful for any person to operate a Mobile Food Service within the city limits of the City of Pryor Creek, Oklahoma without a valid Mobile Food Service Permit issued by the said City.
- B.** Violation of this permit requirement shall be an offense and punishable pursuant to Title 1, Section 1-4-1 of the Code of Ordinances of the City of Pryor Creek, Oklahoma.
- C.** "OPERATE" as that term is used herein shall mean and be defined as:

 - 1.** Physically participating in the active conduct of the operation of a Mobile Food Service at the location where such activities are occurring, Or
 - 2.** A person having the authority to direct and/or manage the operations of a Mobile Food Service, causing the Mobile Food Service to operate in violation of this Section, regardless of the person being present at the location where such activities are occurring.
- D.** There shall be only one form of Permit issued by the City regardless of classification under Section 3-2A-2. The Permit shall be a "Permit For Mobile Food Service Establishment".
- E.** There shall be Five (5) classes of permits issued by the City as follows:

 - ONE DAY PERMIT (valid for one day specified)
 - SPECIAL EVENT PERMIT (valid for duration of time of special event)
 - 90 DAY PERMIT (valid for specific 90 day period)
 - 180 DAY PERMIT (valid for specific 180 day period)
 - 1 YEAR PERMIT (valid for calendar year of issuance)
- F.** The amount of the fee to be paid for the issuance of a Permit pursuant to an approved Application for the Permit shall be that as set by the City Council from time to time in "Appendix A" of the City Code.
- G.** In addition to the fee for issuance of the Permit pursuant to an approved Application as set forth in paragraph "F" there shall be assessed an

administrative processing fee for all Applications for Permits in an amount as set by the City Council from time to time in "Appendix A" of the City.

- H.** Non-Profit entities shall be exempt from payment of the fee for issuance of the Permit, but shall not be exempt from payment of the fee for processing of the Application for Permit.

3-2A-4 MULTIPLE MOBILE FOOD SERVICE PERMITS REQUIREMENT:

A separate Mobile Food Service Permit shall be required for each individual Mobile Food Service unit being operated within the city limits regardless of common ownership thereof.

3-2A-5 CONDITIONS FOR ISSUANCE OF PERMIT:

No Mobile Food Service Permit will be issued by the City to an applicant unless and until the applicant satisfies the following conditions of issuance:

- A.** Provides to the City a copy of the applicant's approved "Application For Food or Lodging Establishment License" issued by the Oklahoma State Department of Health.
- B.** Provides to the City a copy of the applicant's current, valid Oklahoma Sales Tax Permit.
- C.** An applicant for issuance of a permit under the status of a Non-Profit, Charitable or Religious organization shall provide official written proof of exemption from the requirement of collecting sales tax in lieu of the requirement of a valid Oklahoma Sales Tax Permit.
- D.** An applicant for issuance of a permit under the status of a Non-Profit, Charitable or Religious organization shall not be relieved of the obligation to provide a copy of the applicant's approved "Application For Food or Lodging Establishment License" issued by the Oklahoma State Department of Health.
- E.** Provision to the City of a completed application for Mobile Food Service Permit on the application form prescribed by the City.

- F. Payment of the prescribed fees to the City for processing the Application for Permit and for issuance of a Mobile Food Service Permit pursuant to an approved Application as set forth in "Appendix A" of the City Code of the City of Pryor Creek, Oklahoma.
- G. Approval of the Application for Mobile Food Service Permit by the City.

3-2A-6

RESTRICTIONS ON LOCATIONS OF OPERATION:

- A. Mobile Food Service operations shall be conducted in conformance with the restrictions as set forth in this Section.
- B. A first-time violation under paragraphs "2", "3", "4", "5", or "6" hereof shall subject the violator to a written warning which may be issued by a city law enforcement officer or other appropriate city official as may be designated by the City Council to issue such warnings.
- C. A second violation of paragraphs "2", "3", "4", "5", or "6" hereof which occurs within Sixty (60) days of the issuance of a warning for any violation of any of the aforesaid paragraphs shall result in the issuance of a ticket by city law enforcement and shall be deemed an offense punishable pursuant to Title 1, Section 1-4-1 of the Code of Ordinances of the City of Pryor Creek, Oklahoma, and shall further serve as sufficient grounds for revocation by the City of the Mobile Food Services Permit issued by the City at the discretion of the City.
 - 1. No Mobile Food Service may locate or conduct business operations within areas designated by the City's Zoning Code as a "Residential District" where such location or conduct of business operations involves the stationary parking or placement of the Mobile Food Service in one location for a period of time exceeding Ten (10) minutes. Violation of this provision shall constitute an Offense upon the occurrence of the first violation and shall further serve as sufficient grounds for revocation by the City of the Mobile Food Services Permit issued by the City at the discretion of the City.

2. No Mobile Food Service may locate or conduct business operations in such a location or in such a manner as to unreasonably inhibit the flow of traffic upon the city streets, public use of sidewalks, or public access to alleys as determined in the discretion of the City or city or state law enforcement personnel.
3. No Mobile Food Service may locate or conduct business operations in such a location or in such a manner as to inhibit the public access to public parking as determined in the discretion of the City or city or state law enforcement personnel.
4. No Mobile Food Service may locate or conduct business operations in such a location or in such a manner as to inhibit the public access to public parking as determined in the discretion of the City or city or state law enforcement personnel.
5. No Mobile Food Service may locate or conduct business operations in such a location or in such a manner as to pose a danger, risk or threat to the public safety as determined in the discretion of the City or city or state law enforcement personnel.
6. No Mobile Food Service may locate or conduct business operations upon private property located within the City without the permission of the owner or other person in authority over the private property.
7. No customer shall be served on the street side of the mobile unit. All service must be on the curb side when the mobile unit is on or abutting a public street.
8. No drive thru or drive by customer service shall be provided or permitted as part of a mobile food service as contemplated in this chapter.

3-2A-7

RESTRICTIONS ON LOCATION AS TO TIME:

- A. No Mobile Food Service may remain located at the same location for in excess Twelve (12) hours during any single Twenty-four (24) hour period of time.

- B. No Mobile Food Service may locate at the same location in excess of Ninety (90) days, whether consecutive or not, during any calendar year.

3-2A-8 POSSESSION OF VALID LICENSE AND TAX PERMIT REQUIRED:

- A. At all times of operation a Mobile Food Service must maintain and have in its possession a copy of its current and valid "Food or Lodging Establishment License" issued by the Oklahoma State Department of Health and Oklahoma Sales Tax Permit and Mobile Food Services Permit issued by the City.
- B. A Mobile Food Service operating within the city limits of the City of Pryor Creek, Oklahoma, shall be obligated to produce copies of the licenses and permits identified in paragraph "A" for inspection immediately upon request by city law enforcement officers or officials.
- C. The failure to comply with the requirements of this Section shall constitute an offense punishable pursuant to Title 1, Section 1-4-1 of the Code of Ordinances of the City of Pryor Creek, Oklahoma, and shall further serve as sufficient grounds for revocation by the City of the Mobile Food Services Permit issued by the City at the discretion of the City.

3-2A-9 REASONABLE CONDUCT OF OPERATIONS:

The conduct of the operation of the Mobile Food Service shall be made and conducted in such a manner as to not be unreasonably disruptive or offensive to the peace, health, safety and welfare of the public. Loud music, disruptive lights and other such activities as may disrupt or offend the peace, health, safety and welfare of the public are prohibited.

3-2A-10 SPECIAL EVENTS:

At the discretion of the City special exceptions or deviations from the provisions of Sections 3-2A-6 (concerning locations) and 3-2A-7 (concerning time) may be allowed for special events or special circumstances. Deviation or exception from other provisions of this chapter shall not be allowed. Any such exception or deviation shall be made in advance of the occurrence of the special event or special circumstance by unilateral action initiated by the City Council or upon advance approval of the City pursuant to an application by the person seeking the deviation or exception. Deviations or exceptions shall not be retroactively allowed, approved or valid.

3-2A-11 USE OF PUBLIC PROPERTY AND PUBLIC RIGHTS-OF-WAY:

Use of public property and public rights-of-way for the conduct of Mobile Food Service operations shall be allowed as follows:

- A. Use of public streets and rights-of-way is allowed when carried out in compliance with the ordinances of this Chapter.
- B. Use of public property such as parks or other public areas may be allowed when approved in advance by the City.

3-2A-12 GENERAL REQUIREMENTS OF OPERATIONS

- A. Absolutely no seating shall be provided or permitted as part of a mobile food service as contemplated in this chapter.
- B. All mobile food service operations shall provide garbage receptacles for customer use.
- C. At the conclusion of business activities at a given location the mobile food service vendor shall clean all the area surrounding his or her location of all debris, trash and litter generated by the vendor's business activities.
- D. All mobile food service vendors preparing food by cooking, frying or other means shall be equipped with at least one (1) fire extinguisher with a minimum rating of 2A-40-BC.
- E. All electrical connections by mobile food service vendors shall fully comply with requirements of the National Electrical Code (NEC).

3-2A-13 ADMINISTRATIVE OFFICER DESIGNATION

The City Council shall designate an administrative officer or administrative officers of the City whom shall be designated by the City Council to be possessed of the authority to carry out the powers, duties and authorities of the City as set forth in this Chapter.

3-2A-14 RIGHT TO APPEAL

Any person alleged to be aggrieved by a decision of an administrative officer designated by the City to act under Section 3-2A-13 shall have a right of appeal of the decision of the administrative officer. Appeals under this Chapter shall be to the City Council under the procedures prescribed by the City Code for administrative appeals in general.

SECTION 2. REPEALER.

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

SECTION 3 SEVERABILITY.

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

Passed and Approved by the Council of the City of Pryor Creek, Oklahoma, in regular session on this ____ day of _____, 2016

JIMMY TRAMEL, MAYOR

ATTEST:

EVA SMITH, CITY CLERK

APPROVED AS TO FORM AND LEGALITY:

K. ELLIS RITCHIE

Dated: _____, 2016

ORDINANCE NO. 2016-_____

AN ORDINANCE AMENDING TITLE 1 BY ADDING CHAPTER 5A SECTIONS 1-5A-1 thru 1-5A-12 TO THE CITY CODE OF THE CITY OF PRYOR CREEK, MAYES COUNTY, STATE OF OKLAHOMA, REGARDING ADMINISTRATIVE APPEALS AND SETTING FORTH PROVISIONS AS FOLLOWS; PURPOSE, APPLICATION OF THIS CHAPTER, DEFINITIONS, FILINGS TO BE MADE WITH THE CITY CLERK, REQUIREMENT FOR ADMINISTRATIVE DECISION IN WRITING, TIME LIMIT TO FILE APPEAL, HEARING DATE AND NOTICE, TIME PERIOD CALCULATIONS, FORM OF APPEAL, CITY COUNCIL TO HEAR AND DECIDE APPEALS, RULES OF EVIDENCE FOR APPEALS, RECORD OF HEARING; PROVIDING FOR REPEALER AND SEVERABILITY.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR, AND THE COUNCIL OF THE CITY OF PRYOR CREEK, MAYES COUNTY, STATE OF OKLAHOMA, TO-WIT:

SECTION 1.

- 1. Title 1 of the Code of Ordinances of the City of Pryor Creek, Mayes County, State of Oklahoma is hereby amended by adding a new Chapter 5A, Sections 1-5A-1 thru 1-5A-12 as follows, to-wit:**

**CHAPTER 5A
ADMINISTRATIVE APPEALS**

SECTION:

- | | |
|----------------|---|
| 1-5A-1 | PURPOSE |
| 1-5A-2 | APPLICATION OF THIS CHAPTER |
| 1-5A-3 | DEFINITIONS |
| 1-5A-4 | FILINGS TO BE MADE WITH THE CITY CLERK |
| 1-5A-5 | REQUIREMENT FOR ADMINISTRATIVE DECISION IN WRITING |
| 1-5A-6 | TIME LIMIT TO FILE APPEAL |
| 1-5A-7 | HEARING DATE AND NOTICE |
| 1-5A-8 | TIME PERIOD CALCULATIONS |
| 1-5A-9 | FORM OF APPEAL |
| 1-5A-10 | CITY COUNCIL TO HEAR AND DECIDE APPEALS |
| 1-5A-11 | RULES OF EVIDENCE FOR APPEALS |
| 1-5A-12 | RECORD OF HEARING |

1-5A-1 PURPOSE:

The purpose of this Chapter is to set forth the procedure by which appeals concerning Final Administrative Decisions made by Administrative Officers of the City may be had by an Aggrieved Party.

1-5A-2 APPLICATION OF THIS CHAPTER: This Chapter shall apply generally to all appeals of Final Administrative Decisions made by Administrative Officers of the City. Where a particular Section of the City Code prescribes a specific procedure for appeal of a particular matter which is different in part, or in whole from the procedures as set forth in this Chapter the specific procedure(s) prescribed for the particular matter shall govern the appeal in such matters.

1-5A-3 DEFINITIONS:

Administrative Officer: The term "Administrative Officer" shall mean an employee or other representative of the City or a board or commission of the City which is vested with the authority under the City Code, or by designation of such authority by the City Council or Mayor to make Final Decisions in matters from which a right of appeal exists pursuant to the applicable provisions of the City Code.

Final Administrative Decision: The term "Final Administrative Decision" shall mean a written decision by an "Administrative Officer" rendered by that officer in his/her official capacity with the City upon a matter submitted to the officer for decision.

Aggrieved Party: The term "Aggrieved Party" shall mean a "Party-in-Interest" as that term is generally recognized at law, possessed of a legally cognizable interest in the particular Final Administrative Decision from

which the appeal is taken, who is alleged to be aggrieved by the Final Administrative Decision.

Legal Representative: A party's attorney or other legal representative recognized as such by the laws of the state of Oklahoma such as an attorney-in-fact, guardian or conservator.

Appellant: The person submitting an appeal to the City.

1-5A-4 FILINGS TO BE MADE WITH THE CITY CLERK:

- A. All documents required by this Chapter to be filed relating to an appeal shall be filed in the office of the City Clerk.
- B. All filings with the City Clerk shall be deemed effectively filed when received by the office of the City Clerk.
- C. All documents required to be filed, or otherwise filed with the City Clerk which relate to an appeal shall be date-stamped by the City Clerk indicating the date of receipt.
- D. All documents filed with the City Clerk relating to an appeal, including notices given the parties, shall be maintained in a separate file pertaining to the specific appeal matter in the office of the City Clerk in accordance with the City's record retention policy.

1-5A-5 REQUIREMENT FOR ADMINISTRATIVE DECISION IN WRITING:

- A. Final Administrative Decisions may be effectively rendered either in writing or orally.
- B. In instances in which a Final Administrative Decision is rendered orally, an Aggrieved Party may, within thirty (30) days of the rendering of the decision, request that the Administrative Officer provide the decision in writing.
- C. A written Final Administrative Decision rendered by an Administrative Officer shall set forth; (1) A concise explanation of the question or matter submitted to the officer for decision, (2) A statement of the action taken

(approval or denial) on the question or matter submitted to the officer for decision, (3) A concise statement of the facts and circumstances relevant to the decision made, and (4) The provisions of the City Code, City Policy or other basis for the decision rendered as being in the best interest of the City.

- D. No appeal may be taken from a Final Administrative Decision which has not been provided in writing.
- E. The failure of an Aggrieved Party to request, within the time period set forth in paragraph "B" of this Section, that a Final Administrative Decision which was rendered orally be provided in writing shall result in the waiver of the right to appeal the decision.

1-5A-6 TIME LIMIT TO FILE APPEAL:

An appeal from a Final Administrative Decision must be filed within thirty (30) days from the date the decision was provided in writing by the Administrative Officer.

1-5A-7 HEARING DATE AND NOTICE:

- A. The Mayor, or his designee, shall cause the appeal to be set for hearing before the City Council on a date and at a time certain to be conducted within forty-five (45) days of the date of filing of the appeal.
- B. Written notice of the hearing, and any rescheduled hearing, shall be given by the City Clerk to the Appellant or the Appellant's Legal Representative at the address provided pursuant to Section 1-5A-9(I) by mail, which may be by regular mail, not less than ten (10) days prior to the scheduled hearing. Notice shall be effective upon mailing by the Clerk and the date of mailing shall be noted in a certificate of mailing signed by the Clerk and attached or incorporated into the notice mailed.
- C. A complete copy of the signed notice shall be filed in the case file maintained by the Clerk.

- D. For good cause shown, or by agreement of the parties the hearing may be continued by the Mayor upon written application to the Mayor and submitted to the City Clerk to be filed in the matter stating in the application the reasons for the requested continuance.

1-5A-8 TIME PERIOD CALCULATIONS:

Time periods prescribed in this Chapter shall be on a calendar day basis. Where a prescribed time period falls on a City Holiday or weekend the time period shall be extended to the next following business day. The initial day of decision, filing or mailing, where required, shall not be included in the calculation of the time period.

1-5A-9 FORM OF APPEAL:

All appeals must satisfy the following requirements for filing or will be rejected for filing by the Clerk and ineffective for purposes of perfecting the appeal within the stated time period:

- A. Appeals shall be in writing.
- B. Shall be signed by the person submitting the appeal or by the person's Legal Representative.
- C. Shall include a complete copy of the Final Administrative Decision as an attachment.
- D. Shall be dated as of the date the appeal is filed with the City.
- E. Shall include a concise written statement by the Appellant of the question or matter which was submitted to the Administrative Officer for decision. Reference to the copy of the Final Administrative Decision attached to the appeal shall satisfy this requirement.
- F. Shall include a concise written statement by the appellant of the Final Administrative Decision rendered by the Administrative Officer. Reference to the copy of the Final Administrative Decision attached to the appeal shall satisfy this requirement.

- G.** Shall set forth a statement by the Appellant of the facts and circumstances believed to be relevant to the question or matter originally submitted to the Administrative Officer for decision by the Appellant and which serve as grounds for the appeal of the decision by the Appellant.
- H.** Shall set forth a statement by the appellant of the applicable provisions of the City Code, City Policy or other basis for the decision to be made upon which serve as grounds for the appeal of the decision by the appellant.
- I.** Designation by the Appellant of the address to which all notices and other mailings to be given the Appellant in the appeal are to be mailed.

1-5A-10

CITY COUNCIL TO HEAR AND DECIDE APPEALS:

- A.** Appeals under this Chapter shall be heard and decided by the City Council by simple majority vote of the quorum present at a regular or special City Council Meeting at which the matter is set upon the agenda to be decided.
- B.** Decisions by the City Council shall render either at the conclusion of the hearing or within thirty (30) days of the conclusion of the hearing if the matter is voted to be taken under advisement by the Council.
- C.** Decisions of the City Council on appeals shall be reduced to writing within a reasonable time period following the decision and in no event more than ten (10) days following the decision. The written decision shall contain (1) A concise restatement of question or matter submitted for appeal, (2) A statement of the action taken (approval or denial) of the appeal, (3) A concise statement of the facts and circumstances relevant to the decision made, and (4) The provisions of the City Code, City Policy or other basis for the decision rendered as being in the best interest of the City.
- D.** When a matter is voted to be taken under advisement for decision pursuant to paragraph "B" hereof the announcement of the final decision on the appeal shall be made in a regular or special meeting of the Council pursuant to a proper agenda item for same.

1-5A-11 RULES OF OF EVIDENCE FOR APPEALS:

The general rules of evidence for the admissibility of evidence and testimony of the state of Oklahoma shall generally apply to hearings of appeals before the City Council, but however the Council shall have broad latitude in the liberal interpretation of same and may vary from the rules where the circumstances demonstrate a sufficient degree of reliability of evidence in the discretion of the Council to receive the evidence for consideration to give it such weight as the individual council members may decide.

1-5A-12 RECORD OF HEARING:

Hearings of appeals under this Chapter shall be tape recorded but no written record shall be taken. A party to an appeal may cause a written record of the proceedings to be made by a certified court reporter. The party desiring such record shall be responsible for the costs associated with the record and shall be responsible for providing the court reporter.

SECTION 2. REPEALER.

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

SECTION 3 SEVERABILITY.

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

Passed and Approved by the Council of the City of Pryor Creek, Oklahoma, in regular session on this ____ day of _____, 2016

ATTEST:

JIMMY TRAMEL, MAYOR

EVA SMITH, CITY CLERK

APPROVED AS TO FORM AND LEGALITY:

K. ELLIS RITCHIE

Dated: _____, 2016

DRAFT

**IN THE DISTRICT COURT IN AND FOR MAYES COUNTY,
STATE OF OKLAHOMA.**

JERRY DOUGLAS, An Individual,]	
]	
Plaintiff]	
Vs.]	
]	
CITY OF PRYOR CREEK, a Municipal Corporation, and the MUNICIPAL UTILITY BOARD, and GARY PRUETT, in his capacity as General Manager of the Utility Department, GARY HARRIS, in his capacity of Chairman of PRYRO CREEK MUNICIPAL UTILITY BOARD, and JIMMY TRAMEL, in his capacity as Mayor of Pryor Creek.]	
]	
]	
]	
]	
]	
Defendants]	<u>CASE NO. CV-2016-81</u> Judge: REBECCA J. GORE

**MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM
Pursuant to OKLA. STAT. Tit. 12 §2012(B) (6)
REGARDING THE CITY OF PRYOR CREEK, OKLAHOMA**

COMES NOW the Defendant, City of Pryor Creek, Oklahoma, and by and through the City Attorney for the City of Pryor Creek, K. Ellis Ritchie, moves the Court for its Order dismissing the present suit against the Defendant, City of Pryor Creek, Oklahoma, under OKLA. STAT. Tit. 12 §2012 (B) (6) for failure to state a claim upon which relief can be granted. In support hereof the Defendant, City, states and alleges as follows:

1. Plaintiff's Petition incorporates by reference the Charter for the City of Pryor Creek. The City's Charter contains the following provision which states the purposes for which the Pryor Municipal Utility Department was created and the reasons it exists:

Section 46 Operation For Benefit Of City, No Free Service.

The Municipal Utility Department shall be operated for the general welfare, safety and health of the City of Pryor Creek and the citizens thereof through the furnishing of water, gas and electric service, a sewage disposal system, and such other public services as may be placed upon it, for public and private uses

*at reasonable rates, **providing a reasonable profit to furnish revenue for the operation of other governmental and administrative functions of the City.*** (emphasis added)

Pursuant to this Charter Provision the reasons the Municipal Utility Department was formed and the reasons that it exists are:

1. To furnish water, gas and electric service, a sewage disposal system, and such other public services as may be placed upon it, for public and private uses, and
2. To provide a reasonable profit to furnish revenue for the operation of other governmental and administrative functions of the City.

This Charter provision expressly requires that a reasonable profit be generated by the Utility Department to provide revenues for the City government. For the Department to generate a reasonable profit all costs of the Department must be taken into account so that revenues can exceed expenses. Not just expenses related to the Wholesale Cost of purchased utilities. Wholesale Costs of purchased utilities are only one of many, many components of costs to the Utility Department.

2. The City's Charter further provides the following mandates with respect to the revenues the Municipal Utility Department must generate:

Section 48 Application Of Revenues.

*The revenue derived from the operation of the Utility Department **shall be applied**, first for the payment of the **ordinary operating expenses of the Utility Department** and the **retirement of Utility Department warrants or certificates of indebtedness** issued for such expenses within the scope of operating expenses **shall be included** the cost of the ordinary operation, the **expenses incidental to the running of new services and the installation of new meters without major extension of lines, cost of minor extension of lines and cost of replacements due to obsolescence.** Except as otherwise provided herein, such expenditures shall not exceed and shall be paid out of the revenues of the Utility Department for the year in which they arise. (emphasis added)*

*The Utility Board **shall set aside out of its revenues a reserve for depreciation, replacement of obsolete equipment and for emergency repairs.** Such reserve **shall be created** for the purpose of ensuring a fund for the replacement, without incurring Municipal indebtedness, of **property, machinery, equipment and supplies** which the Board anticipates will become **worn-out or obsolete** in the*

*future, and to provide an **emergency fund in cases of destruction or injury to utility properties by reason of fire, wind, lightning and the like.** If practicable, such reserve **shall be created** gradually and over a period of years and in any event the revenues set aside for such reserve in any one year shall not exceed twenty percent **(20%) of the net profits** of the Utility Department for that year. (emphasis added)*

This provision of the Charter further expressly points out several other cost components to the price of utilities that have to be covered and exceeded in order to generate a reasonable profit:

- The cost of the ordinary operation which would include but not necessarily be limited to;
 - Wages of employees
 - Salaries of management
 - Health insurance for employees
 - Insurance on facilities and equipment
 - Retirement packages for employees
 - Employee benefits and overtime
 - Office supplies
 - Expenses incidental to running new services;
 - Expenses incidental to installation of new meters without major extension of lines;
 - Expenses incidental to minor extension of lines;
 - Costs of replacements due to obsolescence;
 - Profits sufficient that 20% thereof can be dedicated to creation of reserves to cover:
 - Replacement of machinery
 - Replacement of equipment
 - Replacement of supplies
 - Replacement of property
 - Emergency funds for replacement and/or repair to utility systems and property in case of damage by storms or other causes
3. The Plaintiff's allegations in his Petition only reference one Charter Section. It only references Section 47 which by its terms only prescribes actions which "may" or "must" be taken when "wholesale costs of purchased utilities change". Section 47 of the Charter does not indicate or purport to be the exclusive provision governing rate changes.
4. Plaintiff's Petition makes no allegation that Charter Section 47 is the sole and exclusive provision governing rate changes.

5. Plaintiff's Petition makes no allegation that utility rates cannot be changed by the Municipal Utility Board and the City to achieve the purposes and mandates of Sections 46 and 48 relative to the required generation of revenues of the Department.
6. The Plaintiff's Petition makes no allegation that the rates to which rate levels were raised by the Municipal Utility Board and City are not "Reasonable Rates" as required to be charged by the Department under Section 46 of the Charter.
7. Plaintiff's Petition makes no allegations as to the level of expenses required to be covered by the Municipal Utility Department to fulfill the foregoing Charter purposes and Charter mandates.
8. The Plaintiff's Petition makes no allegation that existing rates, prior to any change, were sufficient to meet the Charter's mandates and purposes in Sections 46 and 48.
9. In light of the Charter's mandates and purposes for the Municipal Utility Department Plaintiff's Petition is inadequate to state a cause of action.

WHEREFORE, premises considered the Defendant, City of Pryor Creek, Oklahoma, respectfully requests the Court dismiss the Plaintiff's Petition under STAT. Tit. 12 §2012 (B)(6) for failure to state a claim upon which relief can be granted.

Submitted this 25th day of October 2016.

K. Ellis Ritchie, P.C.
"The Ritchie Law Firm"

BY:

K. Ellis Ritchie, OBA14443
City Attorney For Pryor Creek
P.O. Box 246/21 N. Vann St.
Pryor Creek, OK 74362
(918) 825-4558 (voice)
(918) 825-1623 (facsimile)

CERTIFICATE OF MAILING

I, K. Ellis Ritchie, hereby certify that on the 26th day of October 2016, I did place a true and exact copy of the above and foregoing document in the United States Mail with proper postage thereon prepaid and addressed to: **Misty Fields, 20 Court Place, Pryor, OK 74361 as attorney for the Plaintiff.**

K. Ellis Ritchie

**MINUTES
CITY COUNCIL MEETING
FOLLOWED BY PRYOR PUBLIC WORKS AUTHORITY MEETING
CITY OF PRYOR CREEK, OKLAHOMA
TUESDAY, OCTOBER 18TH, 2016 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* and *The Times* newspapers and e-mailed to the Council members.

1. CALL TO ORDER, PRAYER, PLEDGE OF ALLEGIANCE, ROLL CALL.

Mayor Tramel called the meeting to order at 6:00 p.m. The Prayer was conducted by Mayor Tramel and the Pledge of Allegiance was led by Trevor Samuel Crow. Roll Call was conducted by City Clerk Eva Smith. Council members present included: Roger Willcutt, Willard Buchanan, Yolanda Thompson, Scott Craft, Greg Rosamond, Travis Noland and Drew Stott. Council members absent: Jill White.

Department Heads and other City Officials present: City Attorney K. Ellis Ritchie, Police Chief Dennis Nichols, Assistant Police Chief James Willyard, Fire Chief Tim Thompson, Assistant Fire Chief B.K. Young, Library Director Cari Rerat and Recreation Center Director Laura Holloway.

Others: Police Officers Dustin Van Horn and Kevin Tramel, Firefighters Tim Bonea, Brandon Merritt and Randy Gibbs, Volunteer Firefighter Trey Larremore, Assistant Street Superintendent Buddy Glenn, Street Department employee Bobby Spurlock, Mehlburger Brawley Engineer Steve Powell, Peoplelink Representative Kelly Seaquist, Elise Gietzen and Matthew McCartney.

a. PETITIONS FROM THE AUDIENCE.

(LIMITED TO 5 MINUTES)

There were no petitions from the audience.

a. MAYOR'S REPORT:

Mayor first recognized the Pryor High School Girls Fastpitch Softball Team on their 5A State Championship.

a. Recognition of lifeguards Matthew McCartney, Elise Gietzen and Trent Bryan for responding in a team effort to stabilize a distressed swimmer at the Pryor Creek Public Pool on August 5th, 2016 and for the swift actions on first aid response.

Mayor recognized lifeguards Matthew McCartney, Elise Gietzen and Trent Bryan for responding in a team effort to stabilize a distressed swimmer at the Pryor Creek Public Pool on August 5th, 2016 and for the swift actions on first aid response. Peoplelink Representative Kelly Seaquist presented plaques to Elise and Matthew. Trent Bryan was unable to attend.

b. Recognition of Trevor Samuel Crow for integrity at Roosevelt Elementary School.

Mayor recognized Trevor Samuel Crow for integrity at Roosevelt Elementary School by presenting him with an Integrity Award.

c. Discussion, possible action to accept the retirement date of January 3rd, 2017 for Timothy J. Thompson from the position of Fire Chief of the Pryor Creek Fire Department.

Motion was made by Willcutt, second by Stott to approve accepting the retirement date of January 3rd, 2017 for Timothy J. Thompson from the position of Fire Chief of the Pryor Creek Fire Department. Voting yes: Willcutt, Buchanan, Thompson, Craft, Stott. Voting no: Rosamond and Noland.

4. CITY ATTORNEY’S REPORT:

a. First reading of an Ordinance amending Title 3 by adding Chapter 2A Sections 3-2A-1 thru 3-2A-14 to the City Code of the City of Pryor Creek, Mayes County, State of Oklahoma, regarding mobile food service establishment, purpose, definitions, permit for operation required / offense, multiple mobile food service permit requirement, conditions for issuance of permit, restrictions on location as to time, possession of valid license and tax permit required, reasonable conduct of operations, special events, use of public property and public rights-of-way, general requirements of operations, appointment of administrative officer, appeals of decisions; providing for repealer and severability.

The first reading was waived by Mayor Tramel for Ordinance amending Title 3 by adding Chapter 2A Sections 3-2A-1 thru 3-2A-14 to the City Code of the City of Pryor Creek, Mayes County, State of Oklahoma, regarding mobile food service establishment, purpose, definitions, permit for operation required / offense, multiple mobile food service permit requirement, conditions for issuance of permit, restrictions on location as to time, possession of valid license and tax permit required, reasonable conduct of operations, special events, use of public property and public rights-of-way, general requirements of operations, appointment of administrative officer, appeals of decisions; providing for repealer and severability. There was no action taken. Ordinance will be revisited at the next Council meeting.

b. First reading of an Ordinance amending Title 1 by adding Chapter 5A Sections 1-5A-1 thru 1-5A-12 to the City Code of the City of Pryor Creek, Mayes County, State of Oklahoma, regarding administrative appeals and setting forth provisions as follows; purpose, application of this chapter, definitions, filings to be made with the City Clerk, requirement for administrative decision in writing, time limit to file appeal, hearing date and notice, time period calculations, form of appeal, City Council to hear and decide appeals, rules of evidence for appeals, record of hearing; providing for repealer and severability.

The first reading was waived by Mayor Tramel for an Ordinance amending Title 1 by adding Chapter 5A Sections 1-5A-1 thru 1-5A-12 to the City Code of the City of Pryor Creek, Mayes County, State of Oklahoma, regarding administrative appeals and setting forth provisions as follows; purpose, application of this chapter, definitions, filings to be made with the City Clerk, requirement for administrative decision in writing, time limit to file appeal, hearing date and notice, time period calculations, form of appeal, City Council to hear and decide appeals, rules of evidence for appeals, record of hearing; providing for repealer and severability. There was no action taken. Ordinance will be revisited at the next Council meeting.

5. DISCUSS, POSSIBLY ACT ON CONSENT AGENDA.

(Items deemed non-controversial and routine in nature to be approved by one motion without discussion. Any Council member wishing to discuss an item may request it be removed and placed on the regular agenda.)

- a. Approve minutes of October 4th, 2016 Council meeting.
- b. Approve payroll purchase orders through October 21st, 2016.
- c. Approve claims for purchase orders through October 18th, 2016.

<u>FUNDS</u>	<u>PURCHASE ORDER NUMBER</u>	<u>TOTALS</u>
GENERAL	1620160839 – 910789B	110,093.50
STREET & DRAINAGE	1620160937 – 910765B	13,198.66
GOLF	1620160854 - 1620160881	7,437.92
CAPITAL OUTLAY	1620160680 - 1620160931	4,367.04
REAL PROPERTY ACQUISITION	910808B - 1620160894	1,839.00
RECREATION CENTER	1620160935 - 1620160875	3,379.73
E-911	1620160804 - 1620160845	1,584.81
DONATIONS	1620160886 - 1620160519	1,246.99
	<u>TOTAL</u>	143,147.65

<u>NEW BLANKET PURCHASE ORDERS</u>
NONE
<u>TOTAL</u>

- d. Acknowledge receipt of deficient purchase orders.
No deficient purchase orders were presented.

e. Approve September Appropriations Request.

SEPTEMBER 2016

FEE IN LIEU	\$	20.95
STREET & DRAINAGE	\$	115,922.20
CEMETERY CARE INTEREST	\$	27.44
CEMETERY CARE FUND	\$	1,400.00
GOLF COURSE CASH FUND	\$	31,346.41
CAPITAL OUTLAY FUND	\$	37,688.73
CAPITAL OUTLAY RESERVE	\$	931.21
REAL PROPERTY ACQUISITION	\$	243.90
HOTEL/MOTEL TAX	\$	5,289.73
LIBRARY BUILDING FUND	\$	3.62
GOB 2002-RECREATION CENT	\$	-
PPWA BOND PROCEEDS (86)	\$	-
PPWA SINKING FUNDS	\$	83,922.71
PPWA BOND PROCEEDS (88)	\$	2,823.81
RECREATION CENTER-CASH FUND	\$	71,187.41
E-911	\$	2,351.38
LIBRARY SPECIAL	\$	526.52
SEIZURES	\$	4.90
DONATIONS	\$	2,966.69
COMMUNITY DEVELOPMENT BLOCK GRANT	\$	-
TOTAL	\$	356,649.40

- f. Discussion and possible action regarding accepting the bid from Allwine Roofing as low bid in the amount of \$176,159.00 for Police and Arts (Graham) Building Roof Repair PRY 16-01 from Capital Outlay – Properties Account #44-445-5419. Other bids received: Joplin Roofing - \$276,557.00, Exterior Solutions by Craig’s Roofing - \$231,000.00, AAA Property Restorations, LLC - \$219,575.00, Guarantee Roofing, Inc. - \$295,560.00.
- g. Discussion and possible action regarding approval of transfer of Tire Machine, ID No. 145-5-03636, Serial No. GUFOML 450, from Street Department to Cemetery.
- h. Discussion and possible action regarding approval to accept Street Superintendent Jack Downing’s request to move from Street Superintendent, Range F, Step 4 (annual wage - \$48,028.00) to A Operator, Range D, Step 4 (annual wage - \$36,221.00) effective October 22nd, 2016.
- i. Discussion and possible action regarding approval to promote Buddy Glenn from Assistant Street Superintendent, Range E, Step 4 (annual wage - \$43,240.00) to Street Superintendent, Range F, Step 4 (annual wage - \$48,028.00) effective October 22nd, 2016.
- j. Discussion and possible action regarding approval to promote Bobby Spurlock from A Operator, Range D, Step 4 (annual wage - \$36,221.00) to Assistant Street Superintendent, Range E, Step 4 (annual wage – \$43,240.00) effective October 22nd, 2016.

Motion was made by Rosamond, second by Stott to approve items a-j, less a and f. Voting yes: Buchanan, Thompson, Craft, Rosamond, Noland, Stott, Willcutt. Voting no: none.

a. Approve Minutes of October 4th, 2016 Council Meeting.

Motion was made by Rosamond, second by Stott to approve minutes of October 4th, 2016 Council meeting. Voting yes: Thompson, Craft, Rosamond, Stott, Willcutt, Buchanan. Voting no: none. Abstaining, counting as a no vote: Noland.

f. Discussion and possible action regarding accepting the bid from Allwine Roofing as low bid in the amount of \$176,159.00 for Police and Arts (Graham) Building Roof Repair PRY 16-01 from Capital Outlay – Properties Account #44-445-5419. Other bids received: Joplin Roofing - \$276,557.00, Exterior Solutions by Craig’s Roofing - \$231,000.00, AAA Property Restorations, LLC - \$219,575.00, Guarantee Roofing, Inc. - \$295,560.00.

Motion was made by Rosamond, second by Willcutt to approve accepting the bid from Allwine Roofing as low bid in the amount of \$176,159.00 for Police and Arts (Graham) Building Roof Repair PRY 16-01 from Capital Outlay – Properties Account #44-445-5419. Other bids received: Joplin Roofing - \$276,557.00, Exterior Solutions by Craig’s Roofing - \$231,000.00, AAA Property Restorations, LLC - \$219,575.00, Guarantee Roofing, Inc. - \$295,560.00. Voting yes: Craft, Rosamond, Noland, Stott, Willcutt, Buchanan, Thompson. Voting no: none.

6. COMMITTEE REPORTS:

a. BUDGET / PERSONNEL (ROSAMOND)

Rosamond reported that the Budget / Personnel Committee met last week and will meet again in November.

b. ORDINANCE / INSURANCE (THOMPSON)

Thompson had nothing to report at this time.

c. STREET / MAINTENANCE GARAGE (WILLCUTT)

Willcutt reported that the Street Committee will meet on October 25th, 2016, at which time the concrete street project will be reviewed and a “walk-through” will be conducted.

7. UNFORESEEABLE BUSINESS.

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

No unforeseeable business was presented.

8. ADJOURN.

Motion was made by Willcutt, second by Buchanan to adjourn. Voting yes: Rosamond, Noland, Stott, Willcutt, Buchanan, Thompson, Craft. Voting no: none.

PRYOR PUBLIC WORKS AUTHORITY

1. CALL TO ORDER.

Mayor Tramel called the meeting to order at 6:30 p.m.

2. DISCUSS, POSSIBLY ACT ON APPROVAL OF MINUTES OF OCTOBER 4TH, 2016 MEETING.

Motion was made by Stott, second by Rosamond to approve the minutes of October 4th, 2016 meeting. Voting yes: Stott, Willcutt, Buchanan, Thompson, Craft, Rosamond. Voting no: none. Abstaining, counting as a no vote: Noland.

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

No unforeseeable business was presented.

4. ADJOURN.

Motion was made by Stott, second by Willcutt to adjourn the Pryor Public Works Authority meeting. Voting yes: Stott, Willcutt, Buchanan, Thompson, Craft, Rosamond, Noland. Voting no: none.

MINUTES APPROVED BY MAYOR / P.P.W.A CHAIRMAN JIMMY TRAMEL

MINUTES WRITTEN BY CITY CLERK EVA SMITH

HOLIDAY SCHEDULE 2017

Monday, January 02, 2017	New Year's Day Observed
Monday, January 16, 2017	Martin Luther King Day
Friday, April 14, 2017	Good Friday
Monday, May 29, 2017	Memorial Day
Tuesday, July 4, 2017	Independence Day
Monday, September 04, 2017	Labor Day
Monday, October 9, 2017	Columbus Day
Friday, November 10, 2017	Veteran's Day Observed
Thursday, November 23, 2017	Thanksgiving Day
Friday, November 24, 2017	Thanksgiving Day After
Friday, December 22, 2017	Christmas Eve Observed
Monday, December 25, 2017	Christmas Day

APPROVED THIS _____ DAY OF _____, 2016, BY VOTE OF SUPPORT BY THE CITY COUNCIL OF THE CITY OF PRYOR CREEK, OKLAHOMA.

FILED AND POSTED ON THE BULLETIN BOARD ON THE FIRST FLOOR LOBBY AT CITY HALL, 12 NORTH ROWE STREET, PRYOR CREEK, OKLAHOMA THIS ____, DAY OF DECEMBER 2016.

Eva Smith, City Clerk

CITY OF PRYOR CREEK, OKLAHOMA
CITY COUNCIL
SCHEDULE OF REGULAR MEETINGS FOR
2017

AS REQUIRED BY THE OKLAHOMA OPEN MEETING ACT, NOTICE IS HEREBY GIVEN THAT THE PRYOR CREEK **CITY COUNCIL** WILL MEET IN REGULAR SESSION AT 6.00 P.M. ON THE FIRST AND THIRD TUESDAY OF EACH MONTH. MEETINGS WILL BE HELD IN THE COUNCIL CHAMBER UPSTAIRS AT CITY HALL, 12 NORTH ROWE STREET, PRYOR CREEK, OKLAHOMA. ANYONE NEEDING SPECIAL ACCOMMODATIONS TO ATTEND AND PARTICIPATE SHOULD CALL 825-0888 AT LEAST 24 HOURS PRIOR TO THE MEETING.

MEETINGS WILL BE HELD AT 6:00 P.M. ON:

January 3, 2017
January 17, 2017
February 7, 2017
February 21, 2017
March 7, 2017
March 21, 2017
April 4, 2017
April 18, 2017
May 2, 2017
May 16, 2017
June 6, 2017
June 20, 2017

July 5, 2017
July 18, 2017
August 1, 2017
August 15, 2017
September 5, 2017
September 19, 2017
October 3, 2017
October 17, 2017
November 7, 2017
November 21, 2017
December 5, 2017
December 19, 2017

FILED AND POSTED ON THE BULLETIN BOARD ON THE FIRST FLOOR LOBBY AT CITY HALL, 12 NORTH ROWE STREET, PRYOR CREEK, OKLAHOMA THIS ____TH, DAY OF DECEMBER 2016.

Eva Smith, City Clerk

CITY OF PRYOR CREEK, OKLAHOMA
BUDGET/PERSONNEL
SCHEDULE OF REGULAR MEETINGS FOR
2017

AS REQUIRED BY THE OKLAHOMA OPEN MEETING ACT, NOTICE IS HEREBY GIVEN THAT THE PRYOR CREEK **BUDGET/PERSONNEL COMMITTEE** WILL MEET IN REGULAR SESSION AT 5:30 P.M. ON THE SECOND TUESDAY OF EACH MONTH. MEETINGS WILL BE HELD IN THE COUNCIL CHAMBER UPSTAIRS AT CITY HALL, 12 NORTH ROWE STREET, PRYOR CREEK, OKLAHOMA. ANYONE NEEDING SPECIAL ACCOMMODATIONS TO ATTEND AND PARTICIPATE SHOULD CALL 825-0888 AT LEAST 24 HOURS PRIOR TO THE MEETING.

MEETINGS WILL BE HELD AT 5:30 P.M. ON:

January 10, 2017
February 14, 2017
March 14, 2017
April 11, 2017
May 9, 2017
June 13, 2017

July 11, 2017
August 8, 2017
September 12, 2017
October 10, 2017
November 14, 2017
December 12, 2017

FILED AND POSTED ON THE BULLETIN BOARD ON THE FIRST FLOOR LOBBY AT CITY HALL, 12 NORTH ROWE STREET, PRYOR CREEK, OKLAHOMA THIS ____, DAY OF DECEMBER 2016.

Eva Smith, City Clerk

CITY OF PRYOR CREEK, OKLAHOMA
STREET/ MAINTENANCE GARAGE COMMITTEE
SCHEDULE OF REGULAR MEETINGS FOR
2017

AS REQUIRED BY THE OKLAHOMA OPEN MEETING ACT, NOTICE IS HEREBY GIVEN THAT THE PRYOR CREEK *STREET/ MAINTENANCE GARAGE COMMITTEE* WILL MEET IN REGULAR SESSION AT 6:00 P.M. ON THE FOURTH TUESDAY OF EACH MONTH. MEETINGS WILL BE HELD IN THE COUNCIL CHAMBER UPSTAIRS AT CITY HALL, 12 NORTH ROWE STREET, PRYOR CREEK, OKLAHOMA. ANYONE NEEDING SPECIAL ACCOMMODATIONS TO ATTEND AND PARTICIPATE SHOULD CALL 825-0888 AT LEAST 24 HOURS PRIOR TO THE MEETING.

MEETINGS WILL BE HELD AT 6:00 P.M. ON:

January 24, 2017
February 28, 2017
March 28, 2017
April 25, 2017
May 23, 2017
June 27, 2017

July 25, 2017
August 22, 2017
September 26, 2017
October 24, 2017
November 28, 2017
December 26, 2017

FILED AND POSTED ON THE BULLETIN BOARD ON THE FIRST FLOOR LOBBY AT CITY HALL, 12 NORTH ROWE STREET, PRYOR CREEK, OKLAHOMA THIS ____, DAY OF DECEMBER 2016.

Eva Smith, City Clerk

CITY OF PRYOR CREEK, OKLAHOMA
PARK / CEMETERY BOARD
SCHEDULE OF REGULAR MEETINGS FOR
2017

AS REQUIRED BY THE OKLAHOMA OPEN MEETING ACT, NOTICE IS HEREBY GIVEN THAT THE PRYOR CREEK **PARK / CEMETERY BOARD** WILL MEET IN REGULAR SESSION AT 6:00 P.M. ON THE FOURTH MONDAY OF EACH MONTH. UNLESS OTHERWISE STATED. MEETINGS WILL BE HELD IN THE COUNCIL CHAMBER UPSTAIRS AT CITY HALL, 12 NORTH ROWE STREET, PRYOR CREEK, OKLAHOMA. ANYONE NEEDING SPECIAL ACCOMMODATIONS TO ATTEND AND PARTICIPATE SHOULD CALL 825-0888 AT LEAST 24 HOURS PRIOR TO THE MEETING.

MEETINGS WILL BE HELD AT 6:00 P.M. ON:

January 23, 2017
February 27, 2017
March 27, 2017
April 24, 2017
May 22, 2017
June 26, 2017

July 24, 2017
August 28, 2017
September 25, 2017
October 23, 2017
November 27, 2017
December 18, 2017

FILED AND POSTED ON THE BULLETIN BOARD ON THE FIRST FLOOR LOBBY AT CITY HALL, 12 NORTH ROWE STREET, PRYOR CREEK, OKLAHOMA THIS ____, DAY OF DECEMBER 2016.

Eva Smith, City Clerk

CITY OF PRYOR CREEK, OKLAHOMA
PLANNING AND ZONING COMMISSION
SCHEDULE OF REGULAR MEETINGS FOR
2017

AS REQUIRED BY THE OKLAHOMA OPEN MEETING ACT, NOTICE IS HEREBY GIVEN THAT THE PRYOR CREEK **PLANNING AND ZONING COMMISSION** WILL MEET IN REGULAR SESSION AT 7:00 P.M. ON THE FIRST THURSDAY OF EACH MONTH. MEETINGS WILL BE HELD IN THE COUNCIL CHAMBER UPSTAIRS AT CITY HALL, 12 NORTH ROWE STREET, PRYOR CREEK, OKLAHOMA. ANYONE NEEDING SPECIAL ACCOMMODATIONS TO ATTEND AND PARTICIPATE SHOULD CALL 825-0888 AT LEAST 24 HOURS PRIOR TO THE MEETING.

MEETINGS WILL BE HELD AT 7:00 P.M. ON:

January 5, 2017
February 2, 2017
March 2, 2017
April 6, 2017
May 4, 2017
June 1, 2017

July 6, 2017
August 3, 2017
September 7, 2017
October 5, 2017
November 2, 2017
December 11, 2017

FILED AND POSTED ON THE BULLETIN BOARD ON THE FIRST FLOOR LOBBY AT CITY HALL, 12 NORTH ROWE STREET, PRYOR CREEK, OKLAHOMA THIS __, DAY OF DECEMBER 2016.

Eva Smith, City Clerk

CITY OF PRYOR CREEK, OKLAHOMA
RECREATION CENTER BOARD
SCHEDULE OF REGULAR MEETINGS FOR
2017

AS REQUIRED BY THE OKLAHOMA OPEN MEETING ACT, NOTICE IS HEREBY GIVEN THAT THE PRYOR CREEK **RECREATION CENTER BOARD** WILL MEET IN REGULAR SESSION AT 5:00 P.M. ON THE FOURTH TUESDAY OF EACH MONTH. MEETINGS WILL BE HELD AT THE RECREATION CENTER, 1111 SE 9TH STREET PRYOR CREEK, OKLAHOMA. ANYONE NEEDING SPECIAL ACCOMMODATIONS TO ATTEND AND PARTICIPATE SHOULD CALL 825-6909 AT LEAST 24 HOURS PRIOR TO THE MEETING.

MEETINGS WILL BE HELD AT 5:00 P.M. ON:

January 24, 2017
February 28, 2017
March 28, 2017
April 25, 2017
May 23, 2017
June 27, 2017

July 25, 2017
August 22, 2017
September 26, 2017
October 24, 2017
November 28, 2017
December 26, 2017

FILED AND POSTED ON THE BULLETIN BOARD ON THE FIRST FLOOR LOBBY AT CITY HALL, 12 NORTH ROWE STREET, PRYOR CREEK, OKLAHOMA THIS ____, DAY OF DECEMBER 2016.

Eva Smith, City Clerk

CITY OF PRYOR CREEK, OKLAHOMA
LIBRARY BOARD
SCHEDULE OF REGULAR MEETINGS FOR
2017

AS REQUIRED BY THE OKLAHOMA OPEN MEETING ACT, NOTICE IS HEREBY GIVEN THAT THE PRYOR CREEK **LIBRARY BOARD** WILL MEET IN REGULAR SESSION THE 4TH THURSDAY EACH MONTH AT 5:00 P.M. ON THE DATES INDICATED BELOW. MEETINGS WILL BE HELD IN THE MEETING ROOM OF THE PRYOR PUBLIC LIBRARY, 505 EAST GRAHAM STREET, PRYOR CREEK, OKLAHOMA ON THE FOURTH THURSDAY OF EACH MONTH, EXCEPT AS OTHERWISE NOTED BELOW. ANYONE NEEDING SPECIAL ACCOMMODATIONS TO ATTEND AND PARTICIPATE SHOULD CALL 825-0777 AT LEAST 24 HOURS PRIOR TO THE MEETING.

MEETINGS WILL BE HELD AT 5:00 P.M. ON:

January 26, 2017
February 23, 2017
March 23, 2017
April 27, 2017
May 25, 2017
June 22, 2017

July 27, 2017
August 24, 2017
September 28, 2017
October 26, 2017
November 30, 2017
December 28, 2017

FILED AND POSTED ON THE BULLETIN BOARD ON THE FIRST FLOOR LOBBY AT CITY HALL, 12 NORTH ROWE STREET, PRYOR CREEK, OKLAHOMA THIS ____, DAY OF DECEMBER 2016.

Eva Smith, City Clerk



IN COMPLIANCE WITH THE 1977 OPEN MEETING ACT (TITLE 25, SECTION 301-314 STATE OF OKLAHOMA) SEE THE FOLLOWING SCHEDULE FOR THE CALENDAR YEAR 2017.

THE MUNICIPAL UTILITY BOARD WILL MEET ON THE FIRST AND THIRD MONDAY OF EACH MONTH AT 7PM IN THE BOARD ROOM, 12 NORTH ROWE STREET #A, PRYOR CREEK, OKLAHOMA.

3	JANUARY		TUESDAY
17	JANUARY		TUESDAY
6	FEBRUARY		
20	FEBRUARY		
6	MARCH		
20	MARCH		
3	APRIL		
17	APRIL		
1	MAY		
15	MAY		
5	JUNE		
19	JUNE		
30	JUNE	FRIDAY	5PM END OF F/Y
3	JULY		
17	JULY		
7	AUGUST		
21	AUGUST		
5	SEPTEMBER		TUESDAY
18	SEPTEMBER		
2	OCTOBER		
16	OCTOBER		
6	NOVEMBER		
20	NOVEMBER		
4	DECEMBER		
18	DECEMBER		

RECEIVED AND FILED IN THE OFFICE OF THE CITY CLERK, CITY OF PRYOR CREEK, OKLAHOMA THIS 18TH DAY OF OCTOBER 2016.

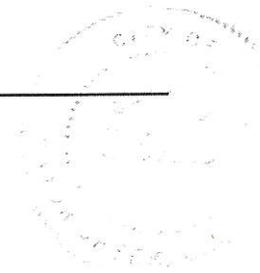
Eva Smith

CITY CLERK, EVA SMITH

POSTED THIS 18TH DAY OF OCTOBER 2016.

Eva Smith

CITY CLERK, EVA SMITH



COOPERATIVE SERVICE FIELD AGREEMENT

Between

City of Pryor (Creek)

UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION
SERVICE WILDLIFE SERVICES (WS)

ARTICLE 1

The purpose of this agreement is to cooperate in a wildlife damage control project, as described below:

Dispersal and Removal of Pigeons and beaver damaging property and threatening human health and safety, using legal & approved methods

(species, location, type of damage, service WS will provide)

ARTICLE 2

Authority exists under the Congressional Act of 1931 (7 USC 426-426b, as amended) and the Rural Development, Agriculture and Related Agencies Appropriation Act, 1988 (P.L. 100-202), to cooperate with states, individuals, public and private agencies, organizations and institutions to control wildlife damage.

ARTICLE 3

WS and the Cooperator agree:

1. WS will provide the requested wildlife damage control service.
2. The Cooperator will reimburse the U.S. Department of Agriculture the sum of \$ 5,000 to cover costs listed below:

Labor, travel and supplies needed to conduct work

(cost of labor, travel, supplies/materials)

3. Payment will be made by check payable to U.S. Department of Agriculture by mutually agreed upon date.
4. The monies received by WS will be used for wildlife damage control activities and upon termination of the agreement any unexpended funds will be retained by WS.
5. Control activities will be conducted in accordance with applicable Federal, State and local laws and regulations.
6. Nothing in this Agreement shall prevent any other individual or organization from entering into separate Agreements with WS for the purpose of controlling wildlife damage.

ARTICLE 4

Pursuant to Section 22, title 41, United States Code, no member of Congress shall be admitted to any share or part of the Agreement or to any benefit to arise there from.

ARTICLE 5

WS will hold the Cooperator harmless from any liability arising from the negligent act of omission of a government officer or employee acting within the scope of his or her employment to the extent compensation is available pursuant to the Federal Tort Claims Act (FTCA), 28 USC 2671 et.seq., except to the extent that aforesaid liability arises from the negligent acts or omissions of the Cooperator, his employees, agents or subcontractors). Such relief shall be provided pursuant to the procedures set forth in the FTCA and applicable regulations.

ARTICLE 6

WS has advised the Cooperator that other private sector service providers may be available to provide wildlife management services and notwithstanding these other options, Cooperator requests that WS provide wildlife management services as stated under the terms of this Agreement.

ARTICLE 7

The Agreement shall become effective on October 2nd, 2016 and expire on September 30th, 2017. This Agreement may be amended or terminated at any time by mutual agreement of the parties in writing. Further, in the event the Cooperator does not, for any reason, deposit necessary funds, WS is relieved of the obligation to provide services under this Agreement.

COOPERATOR Name and Address:

Cooperator's Signature Date

U.S. DEPARTMENT OF AGRICULTURE
WILDLIFE SERVICES
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298

WS Field Representative Date



INVOICE

FIBER INTERACTIVE TECHNOLOGIES
ADVANCED TECHNOLOGY – HOMETOWN SERVICE

INVOICE # 161031-001
DATE: OCTOBER 31, 2016

24 SOUTH ADAIR STREET PRYOR, OK 74361
PHONE (918) 947-9473
BART@FIBERINTERACTIVE.NET

CUSTOMER JIMMY TRAMEL
CITY OF PRYOR
12 NORTH ROWE
PRYOR, OK 74361
(918) 825-0888

REMIT BART HEINS
TO FIBER INTERACTIVE TECHNOLOGIES
24 SOUTH ADAIR
PRYOR, OK 74361
(918) 947-9473
CUSTOMER ID PRYOR WI-FI

Due Upon Receipt

Phase 4

Hardware
Fiber Cabling, Site Survey, RF Optimization,

Qty	Price	Extended Price
1	22,269.06	22,269.06
Total Invoice		22,269.06

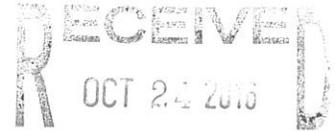
Reference PO JT06/07/16. Final Bill for Phase 4 completion.



September 30, 2016

INVOICE SUBMITTED TO:

City of Pryor Creek
12 N. Rowe
Pryor, OK 74361



CITY CLERK'S OFFICE
PRYOR CREEK, OK

Invoice # PRY 16-01-04

In Reference To: Roof Repair Bid Documents – Police, Graham, Library, Pool, and Chamber Buildings

Detailed Design (\$7,200.00) Prepare Bidding Documents and Exhibits for all Buildings: 90% Complete X \$7,200.00	\$6,480.00
Bidding Services (\$1,800.00)	
Police Building - \$500.00 X 100% Complete	\$500.00
Graham Building - \$500.00 X 100% Complete	\$500.00
Library - \$500.00 X 0% Complete	\$0.00
Pool Office - \$300.00 X 0% Complete	\$0.00
Chamber of Commerce -	\$0.00
 TOTAL BILLED TO DATE	 \$7,480.00
 TOTAL PREVIOUSLY BILLED	 <u>\$4,400.00</u>
 TOTAL DUE THIS INVOICE	 \$3,080.00

All invoices are payable within 15 days of receipt. Please send payments to:

Infrastructure Solutions Group, LLC
719 S George Nigh Expressway
McAlester, OK 74501

44-448-5419

Caselle[®] Software & Services Proposal
 City of Pryor Creek, OK
 October 3, 2016

Proposal Summary

Total Software License	\$4,500
Total Training	375
Total Investment	\$ 4,875

Software Assurance will increase by \$112 per month.

Proposal Detail

<i>Caselle</i> [®] Application Software	License Fees	Training	Total
Human Resources	\$4,500	\$375	\$4,875
Grand Total	\$4,500	\$375	\$4,875

Note: Training will take place at Caselle or online.

Caselle Human Resources Module

We must have this module in order to use Caselle for our Affordable Care Act reporting!

HUMAN RESOURCES

Track sensitive employee information, reduce hiring costs, increase productivity, and generate on-demand reports and cost scenarios all in an electronic format. Employee events, including benefits, pay history, grievances, disciplinary action, and time off can be tracked with individual task checklists. Through several user-defined fields and actions, Caselle Human Resources is scalable to fit perfectly to your organization.

FEATURES AND BENEFITS

Capable

- Benefits management
- Applicant tracking
- Job Posting management
- New Hire management
- Employee FMLA tracking
- FTE tracking
- Grievance management
- Disciplinary Action management

Flexible

- Information flows through each stage of the employment process
- Special tests and deadline tracking
- Add User-defined fields as needed
- Easily create custom reports and forms
- Customizable tracking checklists

Efficient

- Easily manage open positions
- Track Applicants through the recruitment process
- Consistently manage employee grievance, incident, and performance evaluations

Powerful

- Custom reporting
- Powerful search options
- Interactive task list
- Electronic document and image attachments
- Application, task, and field level security
- Print, save, and export all reports
- History and management tracking

Attn Buddy Glenn



SERVICE ESTIMATE

5401 SOUTH MINGO ROAD TULSA, OKLAHOMA 74146 (918) 622-7787 FAX: (918) 622-3628

TO: City of Pryor Street DATE: 10-25-16
PHONE: FAX: Ditch Diggers@yahoo.com
MODEL: T-300 S/N: 53204005

Table with 2 columns: DESCRIPTION, TOTAL. Rows include: Parts & Labor Estimate to Replace 2 Rollers and 2 tracks of white star store, Any additional repair found to be needed during repair will be quoted to customer for approval, Tracks \$1600.00 each x 2, Rollers \$247.00 each x 2, Labor \$300.00, TOTAL ESTIMATE: \$3994.00

THANKS FOR YOUR BUSINESS!

We reserve the right to correct any errors made in quotation.

Estimate good for 30 days.

PRICE DOES NOT INCLUDE FREIGHT, APPLICABLE TAXES OR MISCELLANEOUS ENVIRONMENTAL CHARGES

Estimate Given by: [Signature]

Approved By: _____

To: City of Pryor Creek
 12 North Rowe Street
 Pryor Creek, OK 74362

Project: STREET MAINTENANCE 2016
 PROJECT NO: PRY 15-05

Application No: 4

Distribution to:
 OWNER
 CONSTRUCTION MGR.
 ARCHITECT
 CONTRACTOR
 OTHER - BOND

From: Cherokee Pride Construction Inc.
 PO Box 28
 Sapulpa, OK 74067

App. Date: October 17, 2016
 Period to: October 17, 2016

Contract For: Construction
 Engineer: Infrastructure Solutions

Project Nos:
 Contract Date:

APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet, G703, is attached.

1. ORIGINAL CONTRACT SUM	412,753.00
2. Net Change By Change Orders	13,455.00
3. CONTRACT SUM TO DATE	426,208.00
4. TOTAL COMPLETED AND STORED TO DATE	423,421.00

5. RETAINAGE:	
a. 05% of Completed Work	21,171.06
b. of Stored Material	0.00

TOTAL RETAINAGE	21,171.06
6. TOTAL EARNED LESS RETAINAGE	402,249.94
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT	306,386.39
8. CURRENT PAYMENT DUE	95,863.55
9. BALANCE TO FINISH, INCLUDING RETAINAGE	23,958.06

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	13,455.00	
Total approval this Month		
TOTALS	13,455.00	0.00
NET CHANGES by Change Order	13,455.00	

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: Cherokee Pride Construction Inc.
 By: Harlan Yocham Date: October 17, 2016
 State of: Oklahoma County of: Creek

Subscribed and sworn before me this 17th day of October, 2016

Harlan Yocham personally appeared before me, the undersigned notary public, and provided satisfactory evidence of identification as the person who signed this document in my presence and swore or affirmed to me that the contents of this document are truthful and accurate to the best of his/her knowledge and belief.

Notary Public: My Commission expires 9/13/20
 Commission #12006646

ENGINEER'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising this application, the Engineer certifies to the Owner that to the best of the Engineer's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED \$23,958.06

(Attach explanation if amount certified differs from the amount applied for. Initial all figures on this Application and on the Continuation sheet that are changed to conform to the amount certified.)

ENGINEER
 By: Shirley A. Powell Date: 10/25/16

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

CAUTION: You should use an original document which has this caution printed in red. An original assures that changes will not be obscured as may occur when documents are reproduced.

G703 UNIT PRICING

PROJECT: STREET MAINTENANCE 2016

Cherokee Pride Construction Inc.

Page 1 of 7

Document G702, APPLICATION AND CERTIFICATE FOR PAYMENT, containing Contractor's signed Certification is attached.

APPLICATION NUMBER: 4

APPLICATION DATE: October 17, 2016

Use Column I on Contracts where variable retainage for line items may apply.

PERIOD TO: October 17, 2016

PROJECT NUMBER:

A Item #	B Description of Work	Unit Cost Unit Type	C Scheduled Value		D Work Completed		E Work Completed This Period	F Materials Stored & Used Prior + Current	G Total Completed and Stored To Date	H Balance to Finish	I Retainage
			Amt	Qty	From Previous Application(s)	%					
1	AGGREGATE BASE TYPE A - MILL STREET	48.00 CY	2,160.00				4,656.00		4,656.00	-2,496.00	232.80
			45.00				97.00		97.00	-52.00	
2	SUBGRADE METHOD B - MILL STREET	1.50 SY	465.00				870.00		870.00	-405.00	43.50
			310.00				580.00		580.00	-270.00	
3	SEPARATOR FABRIC - MILL STREET	1.00 SY	372.00				642.00		642.00	-270.00	32.10
			372.00				642.00		642.00	-270.00	
4	FULL DEPTH P.C.C. PATCH (PLACEMENT) - MILL STREET	36.00 SY	11,160.00				20,880.00		20,880.00	-9,720.00	1,044.00
			310.00				580.00		580.00	-270.00	
5	P.C. CONCRETE FOR PAVEMENT - MILL STREET	110.00 CY	5,720.00				10,670.00		10,670.00	-4,950.00	533.50
			52.00				97.00		97.00	-45.00	
6	FABRIC REINFORCEMENT - MILL STREET	3.00 SY	3,831.00				3,831.00		3,831.00	0.00	191.55
			1,277.00				1,277.00		1,277.00	0.00	
7	SUPERPAVE, TYPE S4 (PG 64-22 OK) (3") - MILL STREET	90.00 TON	19,350.00				17,100.00		17,100.00	2,250.00	855.00
			215.00				190.00		190.00	25.00	
8	COLD MILLING PAVEMENT - MILL STREET	10.00 SY	12,770.00				10,370.00		10,370.00	2,400.00	518.50
			1,277.00				1,037.00		1,037.00	240.00	
9	REMOVAL OF PAVEMENT - MILL STREET	10.00 SY	3,100.00				5,800.00		5,800.00	-2,700.00	290.00
			310.00				580.00		580.00	-270.00	
10	3' CONCRETE CHUTE, IN PLACE - MILL STREET	30.00 LF	4,800.00				3,000.00		3,000.00	1,800.00	150.00
			160.00				100.00		100.00	60.00	
11	6" BARRIER CURB, DOWELED ON - MILL STREET	24.00 LF	288.00							288.00	0.00
			12.00							12.00	
PAGE 1 TOTAL:			64,016.00				77,819.00		77,819.00	-13,803.00	3,890.95

A=Line Item Number B=Brief Item Description C=Total Value of Item D=Total of D and E From Previous Application(s) (If Any) E=Total Work Completed For This Application
 F=Materials Purchased and Stored for Project G=Total of All Work Completed and Materials Stored for Project H=Remaining Balance of Amount to Finish I=Amount Withheld from G
 TORGO SOFTWARE www.TorgoSoftware.com ©1996-2013 ALL RIGHTS RESERVED

G703 UNIT PRICING

PROJECT: STREET MAINTENANCE 2016

Cherokee Pride Construction Inc.

Page 3 of 7

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PERIOD TO: October 17, 2016

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A Item #	B Description of Work	C Scheduled Value	D Work Completed		E Completed This Period	F Materials Stored & Used Prior + Current	G Total Completed and Stored To Date		H Balance to Finish	I Retainage
			From Previous Application(s)	From Previous Application(s)			Total Completed and Stored To Date	%		
23	P.C. CONCRETE PAVEMENT MAGNOLIA STREET	Amt Qty 24,336.00 676.00	24,336.00	676.00			24,336.00 676.00	100.00	0.00 0.00	1,216.80
24	P.C. CONCRETE FOR PAVEMENT - THURMAN	Amt Qty 12,430.00 113.00	12,430.00	113.00			12,430.00 113.00	100.00	0.00 0.00	621.50
25	6" BARRIER CURB, DOWELED ON - THURMAN STREET	Amt Qty 120.00 5.00	120.00	5.00	120.00 5.00		120.00 5.00	100.00	0.00 0.00	6.00
26	REMOVAL OF PAVEMENT - THURMAN	Amt Qty 12,050.00 1,205.00	12,050.00	1,205.00			12,050.00 1,205.00	100.00	0.00 0.00	602.50
27	CRACK SEAL PCC PAVEMENT - THURMAN	Amt Qty 120.00 12.00	120.00	12.00			120.00 12.00	100.00	0.00 0.00	6.00
28	AGGREGATE BASE TYPE A - MAGNOLIA STREET	Amt Qty 406.00 14.00	406.00	14.00			406.00 14.00	100.00	0.00 0.00	20.30
29	SUBGRADE METHOD B - MAGNOLIA STREET	Amt Qty 123.00 82.00	123.00	82.00			123.00 82.00	100.00	0.00 0.00	6.15
30	SEPARATOR FABRIC - MAGNOLIA STREET	Amt Qty 94.00 94.00	94.00	94.00			94.00 94.00	100.00	0.00 0.00	4.70
31	P.C. CONCRETE PAVEMENT MAGNOLIA STREET	Amt Qty 2,706.00 82.00	2,706.00	82.00			2,706.00 82.00	100.00	0.00 0.00	135.30
32	P.C. CONCRETE FOR PAVEMENT - MAGNOLIA	Amt Qty 1,540.00 14.00	1,540.00	14.00			1,540.00 14.00	100.00	0.00 0.00	77.00
33	REMOVAL OF PAVEMENT - MAGNOLIA	Amt Qty 820.00 82.00	820.00	82.00			820.00 82.00	100.00	0.00 0.00	41.00
PAGE 3 TOTAL:			54,745.00	54,625.00	120.00		54,745.00	100.00	0.00	2,737.25

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G703 UNIT PRICING

PROJECT: STREET MAINTENANCE 2016

Cherokee Pride Construction Inc.

Page 5 of 7

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APPLICATION NUMBER: 4

APPLICATION DATE: October 17, 2016

Use Column I on Contracts where variable retainage for line items may apply.

PERIOD TO: October 17, 2016

PROJECT NUMBER:

A Item #	B Description of Work		C Scheduled Value	D Work Completed		E This Period	F Materials Stored & Used Prior + Current	G Total Completed and Stored To Date		H Balance to Finish	I Retainage
	Unit Cost Unit Type	Amt Qty		From Previous Application(s)	Amt Qty			%	Amt Qty		
45	P.C. CONCRETE FOR PAVEMENT - OKLAHOMA	110.00 CY	2,090.00 19.00	2,090.00 19.00				2,090.00 19.00	100.00	0.00 0.00	104.50
46	6" BARRIER CURB, DOWELED ON - OKLAHOMA STREET	24.00 LF	3,960.00 165.00	3,840.00 160.00				3,840.00 160.00	96.97	120.00 5.00	192.00
47	REMOVAL OF PAVEMENT - OKLAHOMA	10.00 SY	1,120.00 112.00	1,120.00 112.00				1,120.00 112.00	100.00	0.00 0.00	56.00
48	CRACK SEAL PCC PAVEMENT - OKLAHOMA	10.00 LF	1,370.00 137.00	1,370.00 137.00				1,370.00 137.00	100.00	0.00 0.00	68.50
49	AGGREGATE BASE TYPE A - BAY OAKS PLACE	48.00 CY	9,072.00 189.00	9,072.00 189.00				9,072.00 189.00	100.00	0.00 0.00	453.60
50	SUBGRADE METHOD B - BAY OAKS PLACE	1.50 SY	1,704.00 1,136.00	1,704.00 1,136.00				1,704.00 1,136.00	100.00	0.00 0.00	85.20
51	SEPARATOR FABRIC - BAY OAKS PLACE	1.00 SY	1,356.00 1,356.00	1,356.00 1,356.00				1,356.00 1,356.00	100.66	-9.00 -9.00	68.25
52	P.C. CONCRETE PAVEMENT (PLACEMENT) BAY OAKS	36.00 SY	40,896.00 1,136.00	40,896.00 1,136.00				40,896.00 1,136.00	100.00	0.00 0.00	2,044.80
53	P.C. CONCRETE FOR PAVEMENT - BAY OAKS	110.00 CY	20,790.00 189.00	20,790.00 189.00				20,790.00 189.00	100.00	0.00 0.00	1,039.50
54	6" BARRIER CURB, DOWELED ON - BAY OAKS PLACE	24.00 LF	504.00 21.00	2,448.00 102.00				2,448.00 102.00	485.71	-1,944.00 -81.00	122.40
55	REMOVAL OF PAVEMENT - BAY OAKS	10.00 SY	11,360.00 1,136.00	11,360.00 1,136.00				11,360.00 1,136.00	100.00	0.00 0.00	568.00
PAGE 5 TOTAL:			94,222.00	96,055.00				96,055.00	101.95	-1,833.00	4,802.75

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Application

B=Brief Item Description
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G703 UNIT PRICING

PROJECT: STREET MAINTENANCE 2016

Cherokee Pride Construction Inc.

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APPLICATION NUMBER: 4

APPLICATION DATE: October 17, 2016

Use Column I on Contracts where variable retainage for line items may apply.

PERIOD TO: October 17, 2016

PROJECT NUMBER:

A Item #	B Description of Work		Unit Cost Unit Type	C Scheduled Value	D		E Work Completed This Period	F Materials Stored & Used Prior + Current	G		H Balance to Finish	I Retainage
					From Previous Application(s)	Application(s)			Total Completed and Stored To Date	%		
67	P.C. CONCRETE FOR PAVEMENT - 19TH ST	110.00 CY	Amt Qty	3,080.00 28.00	3,080.00 28.00	3,080.00 28.00			3,080.00 28.00	100.00	0.00 0.00	154.00
68	6" BARRIER CURB DOWELED ON - 19TH ST	24.00 LF	Amt Qty	240.00 10.00	1,464.00 61.00	1,464.00 61.00			1,464.00 61.00	610.00	-1,224.00 -51.00	73.20
69	REMOVAL OF PAVEMENT - 19TH ST	10.00 SY	Amt Qty	1,660.00 166.00	1,660.00 166.00	1,660.00 166.00			1,660.00 166.00	100.00	0.00 0.00	83.00
PAGE 7 TOTAL:				4,980.00	6,204.00	6,204.00			6,204.00	124.58	-1,224.00	310.20
GRAND TOTAL:				412,417.00	322,512.00	100,909.00			423,421.00	102.67	-11,004.00	21,171.06

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CLAIM OR INVOICE
AFFIDAVIT

STATE OF Oklahoma)
COUNTY OF Greer)
SS.)

The undersigned Contractor, of lawful age, being first duly sworn, on oath says that this invoice or claim is true and correct. Affiant further states that the work and materials as shown by this invoice or claim have been completed in accordance with the Plans, Specifications, order or requests furnished to the affiant. Affiant further states the (s)he has made no payment, or given, or donated or agreed to pay, give, or donate, either directly or indirectly, to any elected official, officer, or employee of the State, County, City or Authority of money or any other thing of value to obtain payment or the award of this contract.

Cherokee Pride Construction, Inc.
Contractor Wm S Greer

Subscribed and sworn to before me
17th day of October, 2016
Tiffany Jackson
Notary Public



My Commission Expires: 9/13/20

ELECTRICAL SERVICES INC.

P. O. BOX 734
PRYOR, OK 74362
918-825-4640
918-825-4631 FAX
STATE LICENSE NO. 540

*aquatic Repair & maintenance
8465091*

Pryor Creek Recreation Center
1111 SE 9th Street
PO BOX 1167
Pryor, OK 74362
918-825-6909

Electrical Services, Inc. would like to provide a price for the following work at the above facility.

- 1) Remove and replace the underpool drain groundwater sump pump and float from outdoor manhole. New sump pump to be provided by Electrical Servies, Inc.
- 2) Install and maintain temporary sump pump, provided by contractor, to maintain water abatement until new pump is installed.

Materials to be provided by Electrical Services, Inc.:
Sump Pump: Ebara 50DWXU61.5 / 2HP / 208V / 3PH
Float : SJE Pumpmaster SPDT Part #1004839

All work shall conform to federal, state, and city of Pryor Creek regulations as well as maintain compliance with OSHA and NFPA 70.

\$3300

Thank you,
Brian Moody

- ground water pump
- to prevent the pool from floating
- this pump drains the ground water under and around the pool.
- Replaced Bad pump
- Pumped out over 8 Ft of water

Proposal

American Electric of Pryor Inc.

P O Box 1182

Pryor OK 74362

(918) 825-5542

Fax 825-5543

September 8, 2016

Pryor Creek Recreation Center

1111 SE 9th

P O Box 1167

Pryor OK 74362

Replace the sump pump and float in outside manhole.

Install temp pump supplied by contractor to maintain water level until new pump is installed.

2hp 208 volt 3 phase pump and SPDT float supplied by American Electric.

Labor and material to install as described above.

For the sum of: \$3,950.00

Thank you,
Nick Ailey

846 5091
aquatic repair + maintenance



P. O. Box 1272
Pryor, OK 74362

Bid

Date	Estimate #
9/8/2016	759

Name / Address
Pryor Recreation Center 111 S.E. 9th St. Pryor, OK 74361

*846 5091
aquatic repair
&
maintenance*

Project
Pool

Description	Qty	U/M	Rate	Total
Scope of work to include: 1. Replacement of the 2Hp groundwater pump in a man hole out side the pool area. Big will supply temp pump until the final one is installed.			4,500.00	4,500.00
Thank you for your business.			Total	\$4,500.00

If you would like to discuss items in this quote, or if you need any additional information please call me personally at (918) 373-2342

Chief Dennis Nichols,

Please accept this letter of resignation from the position of Police Officer. My last day at Pryor Police Department will be 11/06/2016.

I have accepted a position with the Claremore Police Department that will further my growth and development in my career. I have enjoyed working at Pryor Police Department and will miss my colleagues. However, this new position will challenge my growth and further my career. I wish you, and Pryor Police Department continued growth and success in the future.

Again, it has been a pleasure working as a part of our organization.

Best regards,

Patrolman Nate Reed #26