

**MINUTES
CITY COUNCIL MEETING
FOLLOWED BY PRYOR PUBLIC WORKS AUTHORITY MEETING
CITY OF PRYOR CREEK, OKLAHOMA
TUESDAY, OCTOBER 4TH, 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 and the Pledge of Allegiance were conducted by Roger Willcutt. Roll Call was conducted by City Clerk Eva Smith. Council members present included: Roger Willcutt, Willard Buchanan, Yolanda Thompson, Scott Craft, Greg Rosamond, Jill White and Drew Stott. Council members absent: Travis Noland.

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, Michael Moore, Justin Couch and Kevin Tramel, Library Board Member Nettie Anderson, Branch Communications Representative Troy Williams, Firefighter Tim Bonea, Volunteer Firefighter Trey Larremore, Former Police Officer and Former Mayes County Sheriff Frank Cantey, Blake Crittenden, Tom Giles, Houston Brittain and Joy Mozingo.

**2. PETITIONS FROM THE AUDIENCE.
(LIMITED TO 5 MINUTES)**

Joy Mozingo thanked the Council for fixing the pool heater at the Recreation Center.

3. MAYOR'S REPORT:

a. Presentation to Tom Giles for his generous donation of a brush truck valued at \$104,323.00 to the Pryor Creek Fire Department.

Fire Chief Tim Thompson presented Mr. Giles with a picture of the new fire truck he purchased for the Pryor Creek Fire Department. Mayor Tramel and the City Council thanked Mr. Giles for his generous donations.

b. Discussion and possible action regarding a Proclamation declaring Monday, October 3rd, through Friday, October 7th, 2016 National Manufacturing Week.

Motion was made by Rosamond, second by Stott to approve a Proclamation declaring Monday, October 3rd, through Friday, October 7th, 2016 National Manufacturing Week. Voting yes: Willcutt, Buchanan, Thompson, Craft, Rosamond, White, Stott. Voting no: none.

c. Presentation of year-to-date financial summary.

Mayor Tramel briefly reviewed the year-to-date financial summary.

4. CITY ATTORNEY'S REPORT:

a. Discussion and possible action regarding deeming Ordinance #2016-2 Providing that Title 2, Chapter 2 of the Code of Ordinances, City of Pryor Creek, Oklahoma, regarding City Sales Tax be amended levying and assessing a .225% Excise Tax (Sales Tax) in addition to any and all other Excise Taxes now in force upon the Gross Receipts or Proceeds derived from all Sales taxable under the Oklahoma Sales Tax Code; Providing for the use of the proceeds for said Excise Tax; Providing for the effective date; Providing for no repeal of tax; providing for subsisting State Permits; Providing for payment of tax; Providing that the tax is in addition to taxes currently levied; Providing that the Provisions of this Ordinance are cumulative and in addition to any and all taxing provisions of other City Ordinances; Providing for severability of Provisions; and containing other provisions related thereto as rejected and

failed by reason of failure to be approved by a majority of the registered voters of the City of Pryor Creek, Oklahoma at the August 23rd, 2016 City election.

Motion was made by Rosamond, second by Buchanan to deem Ordinance 2016-2 Providing that Title 2, Chapter 2 of the Code of Ordinances, City of Pryor Creek, Oklahoma, regarding City Sales Tax be amended levying and assessing a .225% Excise Tax (Sales Tax) in addition to any and all other Excise Taxes now in force upon the Gross Receipts or Proceeds derived from all Sales taxable under the Oklahoma Sales Tax Code; Providing for the use of the proceeds for said Excise Tax; Providing for the effective date; Providing for no repeal of tax; providing for subsisting State Permits; Providing for payment of tax; Providing that the tax is in addition to taxes currently levied; Providing that the Provisions of this Ordinance are cumulative and in addition to any and all taxing provisions of other City Ordinances; Providing for severability of Provisions; and containing other provisions related thereto as rejected and failed by reason of failure to be approved by a majority of the registered voters of the City of Pryor Creek, Oklahoma at the August 23rd, 2016 City election. Voting yes: Buchanan, Thompson, Craft, Rosamond, White, Stott, Willcutt. Voting no: none.

b. Discussion and possible action regarding deeming Resolution #2016-4 of the Mayor and City Council of the City of Pryor Creek, Oklahoma resolving to submit to the registered and qualified voters of the said City, the proposition that Article II, Section 3 of the Charter of the City of Pryor Creek, Oklahoma should be amended providing for the appointment by the Mayor and Council those persons to serve in the offices of Police Chief, City Clerk and City Treasurer possessed of qualifications as ordained by the City Council as rejected and failed by reason of failure to be approved by a majority of the registered voters of the City of Pryor Creek, Oklahoma at the August 23rd, 2016 City election.

Motion was made by Rosamond, second by Buchanan to deem Resolution 2016-4 of the Mayor and City Council of the City of Pryor Creek, Oklahoma resolving to submit to the registered and qualified voters of the said City, the proposition that Article II, Section 3 of the Charter of the City of Pryor Creek, Oklahoma should be amended providing for the appointment by the Mayor and Council those persons to serve in the offices of Police Chief, City Clerk and City Treasurer possessed of qualifications as ordained by the City Council as rejected and failed by reason of failure to be approved by a majority of the registered voters of the City of Pryor Creek, Oklahoma at the August 23rd, 2016 City election. Voting yes: Thompson, Craft, Rosamond, White, Stott, Willcutt, Buchanan. Voting no: none.

Mayor Tramel moved to Addendum Item #1.

1. DISCUSS, POSSIBLY ACT ON APPROVAL OF FEE WAIVER OR FEE REDUCTION OF GRAHAM COMMUNITY HALL FOR THE ANNUAL FIREFIGHTERS PANCAKE BREAKFAST TO BE HELD NOVEMBER 5TH, 2016.

Motion was made by Thompson, second by Buchanan to approve fee waiver of Graham Community Hall for the Annual Firefighters Pancake Breakfast to be held November 5th, 2016. Voting yes: Craft, Rosamond, White, Willcutt, Buchanan, Thompson. Voting no: Stott.

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 September 20th, 2016 Council meeting.
- b. Approve payroll purchase orders through October 7th, 2016.
- c. Approve claims for purchase orders through October 4th, 2016.

<u>FUNDS</u>	<u>PURCHASE ORDER NUMBER</u>	<u>TOTALS</u>
GENERAL	1620160781 - 1620160792	51,541.68
STREET & DRAINAGE	1620160792 - 910833B	88,683.02
GOLF	1620160764 - 1620160766	18,981.17
CAPITAL OUTLAY	1620160598 - 1620160757	4,309.94
REAL PROPERTY ACQUISITION	1620160738	65.00
RECREATION CENTER	1620160715 - 1620160665	47,885.52
PPWA	1620160736 - 1620160780	5,100.00
E-911	1620160793 - 910783B	4,260.01
LIBRARY SPECIAL	1620160252	687.34
DONATIONS	1620160803 - 1620160465	1,312.95
TOTAL		222,826.63

NEW BLANKET PURCHASE ORDERS

TOTAL**14,500.00**

- d. Acknowledge receipt of deficient purchase orders.
No deficient purchase orders were presented.
- e. Discussion and possible action regarding approval of expenditure of \$71,359.72 to Cherokee Pride Construction, Inc. for Application No: 3 of Street Maintenance 2016 Project from Street – Concrete Repair Account #14-145-5428.
- f. Discussion and possible action regarding approval of Option Site Ground Lease Agreement with Branch Communications, LLC for proposed new cell tower on Whitaker Addition, Blk 29, Lots 14, 15, 16, 17, N of Hwy (951/567), Parcel ID 1460-00-029-014-001-00.
- g. Discussion and possible action regarding the original Communications Site Lease Agreement (Ground), effective June 2nd, 2003 and Quit Claim Deed by the Municipal Utility Board dated December 19th, 2011.
- h. Discussion and possible action regarding the approval of a Resolution for an Amendment to Communications Site Lease Agreement (Ground) OK47585-A/Pryor 2, OK.
- i. Discussion and possible action to approve contract for services with James Dunn as circuit rider building inspector.
- j. Discussion and possible action regarding surplus of the following items from the Thomas J. Harrison Pryor Public Library to be recycled at the Pryor Creek EWaste Collection Event on October 8th, 2016:
- 3 computers purchased from Ages, manufacture date pre 2005, City ID#s 3191, 3209, 3432
 - 6 Optiplex 320 computers, manufactured in 2007, City ID#s 3161, 3165, 3166, 3167, and 2 with no ID #s
 - 1 Optiplex 330 computer, manufactured in 2008, City ID# 3368
 - 5 Optiplex GX520 computers, manufactured in 2006, City ID#s 3184, 3185, 3186, 3187, 3188
 - 1 Intel Server Chassis, manufactured in 2005, City ID# 3163
- k. Discussion and possible action regarding hiring John Stanglin to fill vacant Patrol position at the Pryor Creek Police Department at Range J, Step 1 (annual wage - \$32,295.00), effective October 20th, 2016.
- l. Discussion and possible action regarding hiring Richard “Blake” Crittenden to fill vacant Dispatch position at the Pryor Creek Police Department at Range D, Step 1 (annual wage - \$28,597.00).
- m. Discussion and possible action regarding approval of contract for School Resources Officer and Canine Handler with the Pryor Creek Police Department. Current Handler is Sergeant Justin Couch.

Motion was made by Willcutt, second by Thompson to approve items a-m, less f, g, h, k, l. Voting yes: Rosamond, White, Stott, Willcutt, Buchanan, Thompson, Craft. Voting no: none.

Item i: Scrivener’s error: Should read “Building Inspector,” instead of “circuit rider building inspector.”

f. DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF OPTION SITE GROUND LEASE AGREEMENT WITH BRANCH COMMUNICATIONS, LLC FOR PROPOSED NEW CELL TOWER ON WHITAKER ADDITION, BLK 29, LOTS 14, 15, 16, 17, N OF HWY (951/567), PARCEL ID 1460-00-029-014-001-00.

Motion was made by Rosamond, second by Buchanan to approve Option Site Ground Lease Agreement with Branch Communications, LLC for proposed new cell tower on Whitaker Addition, Blk 29, Lots 14, 15, 16, 17, N of Hwy (951/567), Parcel ID 1460-00-029-014-001-00. Voting yes: White, Stott, Willcutt, Buchanan, Thompson, Craft, Rosamond. Voting no: none.

g. DISCUSSION AND POSSIBLE ACTION REGARDING THE ORIGINAL COMMUNICATIONS SITE LEASE AGREEMENT (GROUND), EFFECTIVE JUNE 2ND, 2003 AND QUIT CLAIM DEED BY THE MUNICIPAL UTILITY BOARD DATED DECEMBER 19TH, 2011.

Motion was made by Rosamond, second by Buchanan to approve the 30-year lease extension according to the terms of the 10-22-14 letter (see attached) from our City Attorney to SBA Communications. Voting yes: Stott, Willcutt, Buchanan, Thompson, Craft, Rosamond, White. Voting no: none.

h. DISCUSSION AND POSSIBLE ACTION REGARDING THE APPROVAL OF A RESOLUTION FOR AN AMENDMENT TO COMMUNICATIONS SITE LEASE AGREEMENT (GROUND) OK47585-A/PRYOR 2, OK.

Motion was made by Rosamond, second by Willcutt to approve a Resolution for an Amendment to Communications Site Lease Agreement (Ground) OK47585-A/Pryor 2, OK. Voting yes: Willcutt, Buchanan, Thompson, Craft, Rosamond, White, Stott. Voting no: none.

k. DISCUSSION AND POSSIBLE ACTION REGARDING HIRING JOHN STANGLIN TO FILL VACANT PATROL POSITION AT THE PRYOR CREEK POLICE DEPARTMENT AT RANGE J, STEP 1 (ANNUAL WAGE - \$32,295.00), EFFECTIVE OCTOBER 20TH, 2016.

Motion was made by Rosamond, second by Willcutt to approve hiring John Stanglin to fill vacant Patrol position at the Pryor Creek Police Department at Range J, Step 1 (annual wage - \$32,295.00), effective October 20th, 2016. Voting yes: Buchanan, Thompson, Craft, Rosamond, White, Stott, Willcutt. Voting no: none.

l. DISCUSSION AND POSSIBLE ACTION REGARDING HIRING RICHARD "BLAKE" CRITTENDEN TO FILL VACANT DISPATCH POSITION AT THE PRYOR CREEK POLICE DEPARTMENT AT RANGE D, STEP 1 (ANNUAL WAGE - \$28,597.00).

Motion was made by Willcutt, second by Buchanan to approve hiring Richard "Blake" Crittenden to fill vacant Dispatch position at the Pryor Creek Police Department at Range D, Step 1 (annual wage - \$28,597.00), effective October 20th, 2016. Voting yes: Thompson, Craft, Rosamond, White, Stott, Willcutt, Buchanan. Voting no: none.

6. COMMITTEE REPORTS:

a. BUDGET / PERSONNEL (ROSAMOND)

Rosamond reported that the Budget / Personnel Committee will meet for their regularly scheduled meeting next Tuesday, October 11th, 2016.

b. ORDINANCE / INSURANCE (THOMPSON)

Thompson reported that the Ordinance / Insurance Committee met on September 29th and will hopefully meet again this month.

c. STREET / MAINTENANCE GARAGE (WILLCUTT)

Willcutt stated that he had no report.

7. DEPARTMENT HEAD REPORTS:

a. Street Department – Jack Downing

b. Park / Cemetery Department – Frank Powell

Jack Downing, Buddy Glenn and Frank Powell were in Tulsa attending a superintendent training seminar and were unavailable to present their reports.

c. Library – Cari Rerat

Cari handed out a report on the Library for September (see attached.) The library averaged 272 people through the doors per day.

d. Recreation Center – Laura Holloway

Laura reported that September is always a slow month, because people spend more time outside. The Recreation Center had about 6,460 people through its doors last month. Laura stated that tomorrow, Wednesday, October 5th, is National Walk-to-School Day. CPR Training for the public and employees took place at the end of September. The Walktober challenge is taking place all month. Many other activities are

scheduled for this month. Laura thanked Randy Melton and his crew who worked diligently to get the pool heater installed immediately upon its arrival.

e. Golf – Dennis Bowman

Dennis Bowman was out of town and was unavailable to present his report.

f. Police Department – Dennis Nichols

Dennis Nichols handed out a report on the Police Department statistics for September (see attached.)

g. Fire Department – Tim Thompson

Assistant Fire Chief B.K. Young handed out a report on the Fire Department statistics for September (see attached.) B.K. took the opportunity to thank the surrounding fire departments and volunteers who helped in specific cases at the industrial park and out near Adair. October is their busy month. They are active in conducting fire education at the schools and selling their pink T-shirts for a good cause.

Motion was made by Buchanan, second by Stott to enter into recess until 7:30 p.m. to allow everyone to walk over to view the new Art Gallery. Voting yes: Willcutt, Buchanan, Thompson, Craft, Rosamond, White, Stott. Voting no: none.

Motion was made by Rosamond, second by Stott to resume regular session at 7:30 p.m. after recess. Voting yes: Buchanan, Thompson, Craft, Rosamond, White, Stott, Willcutt. Voting no: none.

9. POSSIBLE EXECUTIVE SESSION PURSUANT TO THE OKLAHOMA OPEN MEETING ACT FOR THE PURPOSE OF DISCUSSING FORMAL OFFER FROM BOARD OF COUNTY COMMISSIONERS OF MAYES COUNTY TO PURCHASE THE CITY-OWNED PORTION OF OLD JAIL (25 O.S. § 307 (B) (2)).

Motion was made by Willcutt, second by Buchanan to enter into Executive Session at 7:30 p.m. pursuant to the Oklahoma Open Meeting Act for the purpose of discussing formal offer from Board of County Commissioners of Mayes County to purchase the city-owned portion of old jail (25 O.S. § 307 (B) (2)). Voting yes: Craft, Rosamond, White, Stott, Willcutt, Buchanan, Thompson. Voting no: none.

10. CONSIDER RESUMING REGULAR SESSION. NO ACTION TAKEN DURING EXECUTIVE SESSION.

Motion was made by Buchanan, second by Thompson to resume regular session at 8:00 p.m. No action taken during Executive Session. Voting yes: Buchanan, Thompson, Craft, Rosamond, White, Stott, Willcutt. Voting no: none.

11. POSSIBLE ACTION BASED ON EXECUTIVE SESSION CONCERNING DISCUSSING FORMAL OFFER FROM BOARD OF COUNTY COMMISSIONERS OF MAYES COUNTY TO PURCHASE THE CITY-OWNED PORTION OF OLD JAIL. (25 O.S. § 307 (B) (2)).

Motion was made by Buchanan, second by Thompson to reject formal offer from Board of County Commissioners of Mayes County to purchase the city-owned portion of old jail (25 O.S. § 307 (B) (2)) and authorize City Attorney to continue negotiations with Mayes County. Voting yes: Thompson, Craft, Rosamond, White, Stott, Willcutt, Buchanan. Voting no: none.

12. UNFORESEEABLE BUSINESS.

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

No unforeseeable business was presented.

8. ADJOURN.

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

PRYOR PUBLIC WORKS AUTHORITY

1. CALL TO ORDER.

Mayor Tramel called the meeting to order at 8:05 p.m.

2. DISCUSS, POSSIBLY ACT ON APPROVAL OF MINUTES OF SEPTEMBER 20TH, 2016 MEETING.

Motion was made by Stott, second by Willcutt to approve the minutes of September 20th, 2016 meeting. Voting yes: Rosamond, White, Stott, Willcutt, Buchanan, Thompson, Craft. Voting no: none.

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 Rosamond to adjourn the Pryor Public Works Authority meeting. Voting yes: White, Stott, Willcutt, Buchanan, Thompson, Craft, Rosamond. Voting no: none.

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

MINUTES WRITTEN BY CITY CLERK EVA SMITH
