CITY OF WILBURTON

REGULAR SCHEDULED MEETING
May 14, 2020

Public Notice posted May 13, 2020, 10:00a.m.
Front Entrance Door, Wilburton City Hall

The Wilburton City Council convened in a **Regular Scheduled** Meeting held on the **14th day of May, 2020** at **5:30p.m.** with Mayor Stephen Brinlee presiding. NOTE: The May 14, 2020 City Council Meeting was conducted via telephone conference due to Federal and State mandated restrictions for COVID-19 safety. The Roll Call was conducted with the following verbal responses. Also calling into the telephone conference were City Attorney Richard Lerblance; Water Maintenance Supervisor Mike Elder; Infrastructure Solutions Group (ISG) President Dale Burke; and Latimer County News Tribune Editor Mark Showell.

TELECONFERENCE ROLL CALL:
City Clerk Blankenship, conducted the roll call with members responding:

LITTLEJOHN	PRESENT	MINGS	PRESENT
HAYNES	PRESENT	KENDALL	PRESENT
SIMS	PRESENT		

CITIZEN COMMENTS:
Mayor Brinlee stated the teleconference dial in number had been posted in several locations for the citizen's use, if desired. There were no Citizen Comments or residents calling in.

1. **DISCUSS AND TAKE ACTION TO APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF APRIL 9, 2020.**

2. **DISCUSS AND TAKE ACTION TO APPROVE THE MINUTES OF THE SPECIAL CITY COUNCIL MEETING OF APRIL 10, 2020.**

3. **DISCUSS AND TAKE ACTION TO APPROVE APRIL 2020 CLAIMS FOR PAYMENT.**

4. **DISCUSS AND TAKE ACTION TO APPROVE PAYMENT OF PAYROLLS MAY 15 THROUGH JUNE 11, 2020.**

MOTION BY LITTLEJOHN, SECOND BY HAYNES, TO COMBINE AND APPROVE FIRST FOUR (4) ITEMS ON THE AGENDA.

Upon verbal roll call, members voted as follows:

LITTLEJOHN	Yes	MINGS	Yes
HAYNES	Yes	KENDALL	Yes
SIMS	Yes		

5. **DISCUSS AND TAKE ACTION TO APPROVE CHANGE ORDER #4 FOR BUILT RIGHT CONTRACTOR FOR INTEREST OF $2,123.71, CDBG SEWER SYSTEM IMPROVEMENT GRANT, PROJECT WI-17-02. Dale Burke, ISG, Presenting.**

ISG President Dale Burke presented the issue stating he had kept the City Attorney apprised of developments. This is first time that a contractor has invoiced for interest owed.

City Attorney Lerblance stated he had reviewed the contract and the procedure for bidding and implementation, to include the timeline used. Sometimes the period of Council approval to pay and funds applied for and received from Department of Commerce (DOC) does not meet with approved contract timeline, as in this case. But if delay is due to DOC slow reaction, may have a reason to appeal Change Order #4.

MOTION BY HAYNES TO APPROVE PAYMENT OF $2,123.71 TO ISG TO BE FORWARDED TO DOC FOR PAYMENT.

Mayor Brinlee stated if we pay the contractor, we will not be reimbursed by DOC. If we approve this payment, henceforth, we will have to hold each contractor to the letter of the contract with no exceptions.

Councilman Littlejohn asked what the current status is; how far are away are we from end of contract? Mr. Burke replied that with this payment, we're done with the sewer lines, but two items left on contract.

Councilman Haynes withdrew his motion. Mayor Brinlee stated the motion is withdrawn. He asked if there is any further discussion.

Councilman Littlejohn asked if the City waits, will that incur more debt and the City would still be required to pay the invoice. Mr. Burke replied that no more interest can be levied by contractor.

Attorney Lerblance stated the contract says if the Engineers approve it, it is subject for DOC. The Engineer has to pay within 30 days., adding he has no way of checking their days listed. He asked if the City pays and DOC is delinquent, can the City get money from grant funds for interest.

It was determined the invoice should be forwarded to DOC via KEDDO per set procedures to determine if DOC will pay with grant funds.

City Clerk Blankenship stated Contractors Payment #6 was paid on time, it was not late, but other payments were late.

MOTION BY LITTLEJOHN TO TABLE CHANGE ORDER #4 FOR $2,123.71 TO DETERMINE WHO IS LIABLE FOR INTEREST PAYMENT. HAYNES SECONDED THE MOTION.

Upon verbal roll call, members voted as follows:

LITTLEJOHN	Yes	MINGS	Yes
HAYNES	Yes	KENDALL	Yes
SIMS	Yes		

6. **DISCUSS AND TAKE ACTION TO APPROVE CONTRACTOR'S PAY APPLICATION #7 FOR $8,265 FOR CDBG SEWER SYSTEM IMPROVEMENTS GRANT, PROJECT WI-17-2.**

Mr. Burke stated this is the monthly payout for work completed. There is $95,000 remaining with last paid approval of April 27. Attorney Lerblance stated it needs to be paid within 30 days, so no problem. City Clerk Blankenship stated it's a problem getting Grant drawdown dollars from DOC. Will need to use fund balance which will make it possible to issue check tomorrow, if approved.

MOTION BY HAYNES, SECOND BY LITTLEJOHN, TO APPROVE CONTRACTOR'S PAY APPLICATION #7 FOR $8,265 FOR CDBG SEWER SYSTEM IMPROVEMENTS GRANT, PROJECT WI-17-2.

Upon verbal roll call, members voted as follows:

LITTLEJOHN	Yes	MINGS	Yes
HAYNES	Yes	KENDALL	Yes
SIMS	Yes		

7 **DISCUSS AND TAKE ACTION TO APPROVE INFORMATION SOLUTIONS GROUP (ISG) INVOICES (#1-$6700; #2-$3,316.50; #3-$4,723.50; #4-$3,195.06; #5-$9,893.94; #6-$3,350; #7-$3,820 Less #8-$2,674 Paid Dec 23, 2019 and Mar 31, 2020).**

City Clerk Blankenship stated these were paid by PWA but should have been paid from City as is CDBG; this will approve City funds to reimburse PWA. Approved on PWA Agenda, but not by City Council.

City Attorney Lerblance stated the Agenda should be corrected to state pay invoices to PWA. Suggest this Agenda Item be tabled and place on June City Council Agenda to pay PWA..

MOTION BY HAYNES, SECOND BY KENDALL, TO STRIKE AGENDA ITEM #7.

Upon verbal roll call, members voted as follows:

LITTLEJOHN	Yes	MINGS	Yes
HAYNES	Yes	KENDALL	Yes
SIMS	Yes		

8. **DISCUSS AND TAKE ACTION TO APPROVE $9,301 FOR PURCHASE OF COVID-19 SAFETY EQUIPMENT FOR WFD.** Mayor Brinlee asked if a representative of the Fire Department was on line. There being no response, he stated they will proceed to discuss and make a determination. Attorney Lerblance asked if any of the items have been purchased. Mayor Brinlee stated the list does not contain any items previously purchased.

Councilman Littlejohn asked if the pandemic was waning, were the items were still necessary, or was the purchase in anticipation of a resurgence as had been predicted. Councilman Haynes stated all items can be stored to be available, as needed.

Mr. Elder, a WFD member, stated CH Donoley anticipated a possible need in August. Currently have some supplies stored in an ambulance at Fire Station with stickers identifying re-purpose. We had to initiate storing our own supplies as EOC did not have any; therefore, we raided the old hospital for supplies to ensure our firemen are safely ready for any, or for COVID -19, situations

Attorney Lerblance stated the City is liable when looking at the issue of a fireman getting the virus.

Councilman Haynes asked where the funds are coming from to which Mayor Brinlee stated the Fund Balance. Attorney Lerblance stated Congress is working on a bill to reimburse related purchases.

A discussion followed concerning need to purchase locally as many listed supplies as possible.

MOTION BY HAYNES, SECOND BY SIMS, TO APPROVE $9,201 PURCHASE OF COVID-19 SAFETY EQUIPMENT FOR WFD.

Upon verbal roll call, members voted as follows:

LITTLEJOHN	Yes	MINGS	Yes
HAYNES	Yes	KENDALL	Yes
SIMS	Yes		

9. **DISCUSS AND TAKE ACTION TO APPROVE INITIATING PARK & RECREATION BALL SEASON FOR SUMMER 2020.** Mayor Brinlee stated June 1st is date previously set by Gov Stitt for sports to resume. If approved, the ball season would end last of June. Councilman Sims asked if City would have liability if a player caught COVID-19. Attorney Lerblance stated no, if the city has published guidelines. Not an ordinance nor resolution, but guidelines signed by parents with application. The sports safety issue is a work in progress at this time.

Councilman Littlejohn stated had several discussions with parents with most being leery about participating in sports; many have said no to the 2020 season. My opinion is it needs to be shut down this year. Mayor Brinlee stated that while McAlester has shut down their sports programs, Stigler and Hartshorne are playing ball; do not know about Poteau's decision. No school leagues are playing.

Councilwoman Mings stated with all the sickness going on and the possibility of contagious contact, we need to protect our kids.

Councilman Sims stated there is no need to take a chance with our kids' health.

Mayor Brinlee stated that kids and seniors are our most vulnerable residents and are at risk even with social distancing which is especially hard playing sports.

MOTION BY LITTLEJOHN, SECOND BY MINGS, TO CANCEL SUMMER SPORTS PROGRAM FOR 2020.

Upon verbal roll call, members voted as follows:

LITTLEJOHN	Yes	MINGS	Yes
HAYNES	Yes	KENDALL	Yes
SIMS	Yes		

10. **DISCUSS AND TAKE ACTION TO RESCIND ORDINANCE 20-1104, CHAP 15, AMEND CURFEW HOURS, AND RETURN TO ORIGINAL DEFINITION OF CURFEW HOURS AS STATED IN SECTION 15-8-2(1).** Mayor Brinlee stated WPD Ch Bias said the extended curfew is no longer needed. There is no one under quarantine in the City at this time. He asked if there is further discussion.

MOTION BY HAYNES, SECOND BY MINGS, TO RESCIND ORDINANCE 20-1104, CHAP 15, AMEND CURFEW HOURS, AND RETURN TO ORIGINAL DEFINITION OF CURFEW HOURS AS STATED IN SECTION 15-8-2(1)

Upon verbal roll call, members voted as follows:

LITTLEJOHN	Yes	MINGS	Yes
HAYNES	Yes	KENDALL	Yes
SIMS	Yes		

11. **NEW BUSINESS.**

No New Business was addressed.

12. **ADJOURN:**

MOTION BY LITTLEJOHN, SECOND BY HAYNES, TO ADJOURN.

Upon verbal roll call, members voted as follows:

LITTLEJOHN	Yes	MINGS	Yes
HAYNES	Yes	KENDALL	Yes
SIMS	Yes		

Cindee Blankenship
CINDEE BLANKENSHIP, City Clerk

STEPHEN BRINLEE, Mayor

Allen Littlejohn
ALLEN LITTLEJOHN, Ward 1

Terry Haynes
TERRY HAYNES, Ward 2

Doug Sims
DOUG SIMS, Ward 3

Mae Mings
MAE MINGS, Ward 4

Julia Kendall
JULIA KENDALL, Ward 5