

CITY OF WILBURTON

REGULAR MEETING

April 14, 2022

Public Notice posted April 13, 2022, 10:30a.m.
Front Entrance Door, Wilburton City Hall

The Wilburton City Council convened in a **Regular Meeting** held on the **14th day of April 2022** at **5:33p.m.** with President Terry Haynes presiding. Mayor Stephen Brinlee was ill. Rev Bud Vincent, Center Point Baptist Church, offered the opening Prayer. President Haynes led the group in the Pledge of Allegiance after which the Roll Call was conducted.

ROLL CALL:

City Clerk Blankenship conducted the Roll Call with members responding:

LITTLEJOHN	PRESENT	GOAD	ABSENT
HAYNES	PRESENT	KENDALL	PRESENT
SIMS	PRESENT		

CITIZEN COMMENTS:

There were no sign-ins on the Citizen Comment Sign-In Sheet.

- 1. DISCUSS AND TAKE ACTION TO APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF MARCH 10, 2022.**
- 2. DISCUSS AND TAKE ACTION TO APPROVE MARCH 2022 CLAIMS FOR PAYMENT.**
- 3. DISCUSS AND TAKE ACTION TO APPROVE PAYMENT OF PAYROLLS APRIL 15 THROUGH MAY 12, 2022.**

MOTION BY LITTLEJOHN, SECOND BY SIMS, TO COMBINE AND APPROVE FIRST THREE ITEMS ON THE AGENDA.

Upon roll call, members voted as follows:

LITTLEJOHN	Yes	GOAD	<i>Absent</i>
HAYNES	Yes	KENDALL	Yes
SIMS	Yes		

- 4 DISCUSS AND TAKE ACTION TO APPROVE HOW TO PROCEED WITH BUILT RITE CONSTRUCTION AND THE COMPLETION OF THE LUTIE LAGOONS PROJECT.**

City Attorney Richard Lerblance described the issue and the steps taken to the current status.: Built Rite Construction President Richard Evans called City Attorney Lerblance to explain facts as he knew them, who in turn, called and discussed with Mr. Evans' lawyer, Brent Cable. The City does not believe Mr. Evans completed the work on the Lagoon. In the letter of 16 March 2022, Mr. Cable stated Mr. Evans believes he completed the job having delivered additional fill. When he requested a change order to the contract to ISG, he was denied. He requested a second change order via a letter to ISG on 4 April 2021 and again was denied. Mr. Evans believes he is owed \$43,210.45.

Dale Burke, President of ISG, stated there are two lagoons and Mr. Evans put more fill than required on the first lagoon; therefore, did not have enough for second lagoon. The real issue is Mr. Evans left the job in the middle of the night. That left PWA Director Elder with the job of having to pump the lagoon dry, which required pumping at least 6 times. We are holding the \$43,210.45 to complete the contract. We had a second company look at completing the job: they have submitted a quote of \$20,000."

Councilman Sims asked City Attorney Lerblance what he recommended. Attorney Lerblance stated that while he follows what Mr. Burke is saying, the cancel cannot be cancelled because of non-performance; Built Rite did not complete the work on the contract as agreed to, so they are not entitled to \$43,210.45. Mr. Burke agreed Built Rite is entitled to \$16,710.35.

Councilman Littlejohn asked Attorney Lerblance if he would agree a good course of action is to pay Mr. Evans \$16,710.35, cancel the contract and move on. Attorney Lerblance stated that would be the most direct method.

MOTION BY LITTLEJOHN, SECOND BY SIMS, TO AUTHORIZE. CITY ATTORNEY LERBLANCE TO OFFER BUILT RITE CONSTRUCTION \$16,710.35 OUT OF THE \$43,210.45 WITH REMAINING RETAINED FOR DAMAGES AND TO CONSIDER THE CONTRACT COMPLETE.

Upon roll call, members voted as follows:

LITTLEJOHN	Yes	GOAD	<i>Absent</i>
HAYNES	Yes	KENDALL	Yes
SIMS	Yes		

5 DISCUSS AND TAKE ACTION TO APPROVE FOLLOWING APPOINTMENTS:

City Attorney Lerblance stated each appointment needs to be voted on separately.

A. RE-APPOINTMENT OF MIKE ELDER AS CITY INSPECTOR EFFECTIVE 15 APRIL 2022 FOR A TWO (2) YEAR TERM.

MOTION BY SIMS, SECOND BY KENDALL, TO APPROVE. MIKE ELDER AS CITY INSPECTOR EFFECTIVE 15 APRIL 2022 FOR A TWO (2) YEAR TERM.

Upon roll call, members voted as follows:

LITTLEJOHN	Yes	GOAD	<i>Absent</i>
HAYNES	Yes	KENDALL	Yes
SIMS	Yes		

B. APPOINTMENT OF BRIAN CROCKETT AS CHIEF OF WILBURTON VOLUNTEER FIRE DEPARTMENT EFFECTIVE 15 APRIL 2022 FOR A TWO (2) YEAR TERM. Mr. Elder stated the Latimer County Firefighters Association had voted unanimously last week to approve Mr. Crockett as the Fire Chief.

MOTION BY LITTLEJOHN, SECOND BY KENDALL, TO APPROVE. BRIAN CROCKETT AS CHIEF OF WILBURTON VOLUNTEER FIRE DEPARTMENT EFFECTIVE 15 APRIL 2022 FOR A TWO (2) YEAR TERM.

Upon roll call, members voted as follows:

LITTLEJOHN	Yes	GOAD	<i>Absent</i>
HAYNES	Yes	KENDALL	Yes
SIMS	Yes		

C. RE-APPOINTMENT OF RICHARD LERBLANCE AS CITY ATTORNEY EFFECTIVE 15 APRIL 2022 FOR A TWO (2) YEAR TERM.

MOTION BY LITTLEJOHN, SECOND BY KENDALL, TO APPROVE. RICHARD LERBLANCE AS CITY ATTORNEY EFFECTIVE 15 APRIL 2022 FOR A TWO (2) YEAR TERM.

Upon roll call, members voted as follows:

LITTLEJOHN	Yes	GOAD	<i>Absent</i>
HAYNES	Yes	KENDALL	Yes
SIMS	Yes		

D. APPOINTMENT OF RONNIE MAY AS MUNICIPAL JUDGE EFFECTIVE 15 APRIL 2022 FOR A TWO-(2) YEAR TERM. Mr. May was the substitute Judge for the March Court. He is the City Judge for Hartshorne. Judge Boyer has broken his ankle and is expected to take a while for rehab.

MOTION BY SIMS, SECOND BY HAYNES, TO APPROVE. RONNIE MAY AS MUNICIPAL JUDGE EFFECTIVE 15 APRIL 2022 FOR A TWO (2) YEAR TERM.

Upon roll call, members voted as follows:

LITTLEJOHN	Yes	GOAD	<i>Absent</i>
HAYNES	Yes	KENDALL	Yes
SIMS	Yes		

E. RE-APPOINTMENT OF CODY WOODS AS EMERGENCY MANAGEMENT DIRECTOR EFFECTIVE 15 APRIL 2022 FOR A TWO (2) YEAR TERM.

MOTION BY KENDALL, SECOND BY LITTLEJOHN, TO APPROVE. CODY WOODS AS EMERGENCY MANAGEMENT DIRECTOR EFFECTIVE 15 APRIL 2022 FOR A TWO (2) YEAR TERM.

Upon roll call, members voted as follows:

LITTLEJOHN	Yes	GOAD	<i>Absent</i>
HAYNES	Yes	KENDALL	Yes
SIMS	Yes		

6. **DISCUSS AND TAKE ACTION TO APPROVE 1 JULY 2022 THRU 30 JUNE 2023 FEED THE NEED CONTRACT.** President Haynes asked City Clerk Blankenship if there were any significant changes in the contract. City Clerk Blankenship stated the contract looks very similar to last year's contract. She and Mayor Brinlee are meeting next week with Ms. Ellen Young to discuss some issues such as Ms. Young pays less on some City submitted invoices.

MOTION BY SIMS, SECOND BY KENDALL, TO APPROVE 1 JULY 2022 THRU 30 JUNE 2023 FEED THE NEED CONTRACT.

Upon roll call, members voted as follows:

LITTLEJOHN	Yes	GOAD	<i>Absent</i>
HAYNES	Yes	KENDALL	Yes
SIMS	Yes		

7. **DISCUSS AND TAKE ACTION TO APPROVE OPEH&W INVOICE FOR SURCHARGE OF \$12,479.51.** President Haynes stated this charge is due to COVID and is assumed to be a one-time surcharge. A discussion followed from where the funds should be taken and whether to pay lump sum or make several payments.

MOTION BY LITTLEJOHN, SECOND BY KENDALL, TO APPROVE INVOICE FOR \$12,479.51 SURCHARGE TO OPEH&W AS A ONE-TIME PAYMENT FROM ARPA FUNDS.

Upon roll call, members voted as follows:

LITTLEJOHN	Yes	GOAD	<i>Absent</i>
HAYNES	Yes	KENDALL	Yes
SIMS	Yes		

8. **DISCUSS AND TAKE ACTION TO APPROVE ODOT FUNDING AGREEMENT FOR PROJECT JP#34115, EAST BLAIR SIDEWALK.** Dale Burke, ISG, stated this project is now moving from Design Phase (completed 8 months ago), to Construction Phase. Sidewalk construction will be on the south side only of Blair Avenue from Elementary School east to Northeast 4th Street. President Haynes commented on the width of the sidewalk stating are not wide enough for 2 "big guys" to walk side by side. Mr. Burke replied the width is standard 4 foot wide and is ADA compliant. Should start construction late summer. Contract is 80/20 match: any over runs are paid by ODOT, and capped at \$73,000.

Crysta Watson, ISG, stated the bidding is completely handled by ODOT, unlike other contracts. ISG's part is done after the design portion.

Councilman Sims stated one of his constituents was concerned about possible removal of an old tree. Mr. Burke stated only trees within the City easement will be removed for sidewalk construction.

Councilman Sims asked about disposition of mail boxes. Mr. Burke replied if it is in the easement, it will be removed for sidewalk construction and subsequently replaced.

MOTION BY LITTLEJOHN, SECOND BY SIMS, TO APPROVE ODOT FUNDING AGREEMENT FOR PROJECT JP#34115, EAST BLAIR SIDEWALK PROJECT.

Upon roll call, members voted as follows:

LITTLEJOHN	Yes	GOAD	<i>Absent</i>
HAYNES	Yes	KENDALL	Yes
SIMS	Yes		

COUNCILMAN COMMENTS:

- A. Councilman Littlejohn asked the status of the City Lake Project. City Attorney Lerblance stated he is working with Merit Oil for them to pay for the road. It is subject to negotiation as to who pays for moving the road.

Councilman Littlejohn discussed the selling of one of the properties on the road and inquired if City had obtained a signed easement agreement before the sale.

Councilman Littlejohn discussed the Wards desire to put a cabin and boat dock on City Lake, but are unsure of easement placement and status.

PWA Director Elder stated the Conservation Office gave status as they have the funding now, but have not gone out for bids, as yet.

- B. Councilman Sims asked about current City Lake level after the last rainy 2 weeks. Dir Elder stated he has not measured but the water is now to end of boat dock indicating the lake is starting to fill up. The pump is still drawing off the creek at rate of 300,000 gallons a day.

- C. President Haynes asked Mr. Burke the status of the Water Analysis. Mr. Burke stated the analysis is completed. He has discussed with Mayor and PWA Director and is awaiting an opportunity to present to City Council.
- D. CH Bias stated he has two (2) Patrol Officers and one (1) Reserve Officer leaving within the next week. He stated he is running employment adds in the newspaper, but no one has applied. "We can't compete with the Tribal Police when they offer \$25 an hour starting pay." Mayor Brinlee stated cannot raise the pay until the new fiscal year begins 1 July. The positive side is they will be working Latimer County so county law enforcement security is beefed up. Councilman Sims asked if officers must be CLEET certified to be hired. CH Bias stated if officer is not CLEET certified, City pays for CLEET training. We require they have their CLEET certification within 6 months of being hired.
- E. President Haynes announced an "Historic Event of the Council": Ward 4 Councilwoman Jayme Goad gave birth to a son, "increasing our population by 1 and is the first Council person to have a baby."

9. **NEW BUSINESS:**

There was no New Business.

10. **ADJOURN.**

MOTION BY LITTLEJOHN, SECOND BY KENDALL, TO ADJOURN AT 6:30pm.

Upon roll call, members voted as follows:

LITTLEJOHN	Yes	GOAD	<i>Absent</i>
HAYNES	Yes	KENDALL	Yes
SIM	Yes		

//ABSENT//

CINDEE BLANKENSHIP, City Clerk

STEPHEN BRINLEE, Mayor

ALLEN LITTLEJOHN, Ward 1

TERRY HAYNES, Ward 2

DOUG SIMS, Ward 3

//ABSENT//

JAYME GOAD, Ward 4

JULIA KENDALL, Ward 5