

**Minutes of the Claremore Cultural Development Authority Regular Meeting
Claremore, Oklahoma March 15, 2021**

NOTICE: This meeting was conducted at this physical location, Claremore City Hall Council Chambers, 104 S. Muskogee Ave., and via videoconference and/or audioconference.

CALL TO ORDER

Meeting called to order by Mayor Bill Flanagan at 6:00 P.M.

Mayor Flanagan asked Deputy City Clerk Lisa Rogers to note that members are present/absent as indicated below:

Present: Jennifer Lewis, Herb McSpadden, Ken Hays, Will DeMier, Bill Flanagan, Brian Callender, Justin Michael, Dennis Grace, Scott Savage

Absent:

Staff Present: John Feary, Bryan Drummond, Lisa Rogers, Tim White, Sean Douglas, Joe Kays, Mitch Louderback, Garrett Ball, Stan Brown

Invocation by Rajan Zed, Universal Society of Hinduism

CALL TO THE PUBLIC

Aaron Coleman- talked about COVID-19 facts and the vaccine. Says we've been lied to by the media, doctors, etc. Talked about treatments that could have been used and haven't.

Kelly Coleman- upset with the City Council for letting a Hinduism prayer happen for the invocation. Spoke about the differences between Hinduism views and Christianity.

Nancy Bethea- disagrees with the Hinduism invocation; our country was founded on Christianity.

Sam Bethea- disagrees with the Hinduism invocation; our county was founded on Christianity rather than other religions.

ACCEPTANCE OF THE AGENDA

Motion by Hays, second by DeMier that the agenda for the Regular CCDA meeting of March 15, 2021 be approved as written. Roll call vote: Lewis, yes; Hays, yes; McSpadden, yes; DeMier, yes; Flanagan, yes; Callender, yes; Michael, yes; Grace, yes; and Savage, yes. Motion carried.

CURRENT BUSINESS

(1) Approve/Reject the following consent items:

**(a) Minutes of the Regular Claremore Cultural Development Authority Meeting on
March 1, 2021.**

(b) All claims as printed.

Motion by Hays, second by Lewis to approve the consent items as listed. Roll call vote: Lewis, yes; Hays, yes; McSpadden, yes; DeMier, yes; Flanagan, yes; Callender, yes; Michael, yes; Grace, yes; and Savage, yes. Motion carried.

ADJOURNMENT

Motion by Hays, second by McSpadden to adjourn. Roll call vote: Lewis, yes; Hays, yes; McSpadden, yes; DeMier, yes; Flanagan, yes; Callender, yes; Michael, yes; Grace, yes; and Savage, yes. Motion carried.

Meeting adjourned at 6:12 P.M.

Lisa M. Rogers

Lisa M. Rogers
Deputy City Clerk

**Minutes of the Claremore Public Works Authority Regular Meeting
Claremore, Oklahoma March 15, 2021**

NOTICE: This meeting was conducted at this physical location, Claremore City Hall Council Chambers, 104 S. Muskogee Ave., and via videoconference and/or audioconference.

CALL TO ORDER

Meeting called to order by Mayor Bill Flanagan at 6:12 P.M.

Mayor Flanagan asked Deputy City Clerk Lisa Rogers to note that members are present/absent as indicated below:

Present: Jennifer Lewis, Herb McSpadden, Ken Hays, Will DeMier, Bill Flanagan, Brian Callender, Justin Michael, Dennis Grace, Scott Savage

Absent:

Staff Present: John Feary, Bryan Drummond, Lisa Rogers, Tim White, Sean Douglas, Joe Kays, Mitch Louderback, Garrett Ball, Stan Brown

ACCEPTANCE OF THE AGENDA

Motion by Savage, second by DeMier that the agenda for the Regular CPWA meeting of March 15, 2021 be approved as written. Roll call vote: Lewis, yes; Hays, yes; McSpadden, yes; DeMier, yes; Flanagan, yes; Callender, yes; Michael, yes; Grace, yes; and Savage, yes. Motion carried.

CURRENT BUSINESS

(1) Approve/Reject the following consent items:

- (a) Minutes of the Regular Claremore Public Works Authority Meeting on March 1, 2021.**
- (b) All claims as printed.**
- (c) Approval of MESHEK Engineering invoice #8036 in the amount of \$2,712.00 for the Stormwater Analysis & Design project, Lowry Regional Detention Design (Garrett Ball).**
- (d) Approval of MESHEK Engineering invoice #8080 in the amount of \$15,978.60 for the Claremore Reavis Road Culvert project (Garrett Ball).**
- (e) Approval of MESHEK Engineering invoice #8037 in the amount of \$1,500.16 for the Stormwater Analysis & Design project, Forest Park Roadway design (Garrett Ball).**

Motion by Hays, second by Lewis to approve the consent items as listed. Roll call vote: Lewis, yes; Hays, yes; McSpadden, yes; DeMier, yes; Flanagan, yes; Callender, yes; Michael, yes; Grace, yes; and Savage, yes. Motion carried.

(2) Discussion and vote to Approve/Reject to reject the bid of Marsau Enterprises due to bidder error for the Talbert-Sioux Waterline Replacement project (Garrett Ball).

The project will replace the feeder line to Talbert Tower and a feeder line to the Sioux Tower. The low bid came in \$1 million plus under budget and had a substantial error. Staff recommends this bid is rejected due to bidder error.

Motion by DeMier, second by Callender to approve rejecting the low bid from Marsau Enterprises. Roll call vote: Lewis, yes; Hays, yes; McSpadden, yes; DeMier, yes; Flanagan, yes; Callender, yes; Michael, yes; Grace, yes; and Savage, yes. Motion carried.

(3) Discussion and vote to Approve/Reject awarding the construction contract for the Talbert-Sioux Waterline Replacement project to McGuire Brothers Construction at a cost of \$3,722,000.00 (Garrett Ball).

McGuire Brothers was the lowest of the remaining 3 bids. The City has worked with them in the past and they are qualified for the project. It's not a budgeted item- this will be paid out of the 2019 Capital Improvement Bond Note. It will get rid of all of the cast iron lines in that area.

Motion by DeMier, second by Hays to award contract to McGuire Brothers Construction. Roll call vote: Lewis, yes; Hays, yes; McSpadden, yes; DeMier, yes; Flanagan, yes; Callender, yes; Michael, yes; Grace, yes; and Savage, yes. Motion carried.

ADJOURNMENT

Motion by Savage, second by Lewis to adjourn. Roll call vote: Lewis, yes; Hays, yes; McSpadden, yes; DeMier, yes; Flanagan, yes; Callender, yes; Michael, yes; Grace, yes; and Savage, yes. Motion carried.

Meeting adjourned at 6:18 P.M.

Lisa M. Rogers

Lisa M. Rogers
Deputy City Clerk

**Minutes of the Claremore City Council Regular Meeting
Claremore, Oklahoma March 15, 2021**

NOTICE: This meeting was conducted at this physical location, Claremore City Hall Council Chambers, 104 S. Muskogee Ave., and via videoconference and/or audioconference.

CALL TO ORDER

Meeting called to order by Mayor Bill Flanagan at 6:18 P.M.

Mayor Flanagan asked City Clerk Sarah Sharp to note that members are present/absent as indicated below:

Present: Jennifer Lewis, Herb McSpadden, Ken Hays, Will DeMier, Bill Flanagan, Brian Callender, Justin Michael, Dennis Grace, Scott Savage

Absent:

Staff Present: John Feary, Bryan Drummond, Lisa Rogers, Tim White, Sean Douglas, Joe Kays, Mitch Louderback, Garrett Ball, Stan Brown

ACCEPTANCE OF THE AGENDA

Motion by Hays, second by DeMier that the agenda for the Regular Claremore City Council meeting of March 15, 2021 be approved as written. Roll call vote: Lewis, yes; Hays, yes; McSpadden, yes; DeMier, yes; Flanagan, yes; Callender, yes; Michael, yes; Grace, yes; and Savage, yes. Motion carried.

AWARDS, PRESENTATIONS, AND COMMUNICATIONS

MAYOR'S REPORT & APPOINTMENTS

He's reviewed the financial statements through January and the budget numbers are in line.

STAFF REPORTS

John Feary- the roof project at City Hall is complete and the new shelter at the lake is completed.

(1) COVID-19 Update (Sean Douglas).

Current data- 2 new cases, 5802 total, 86 deaths, 5547 recovered, 169 active cases

Numbers have been staying stable for the last couple of weeks- we are back to numbers we saw in October 2020. Potential concerns for increases are spring break and Easter. An average of 11.4 daily cases per 100,000 in the County. It puts us in the yellow category. Total hospitalizations have gone down. Tests are more readily available now- people aren't having to

wait to get tested. Rogers County 65+ residents- 49% have received their first dose, 31.2% have received their 2nd dose. These numbers don't include the Indian Hospital. Wednesday at the Expo Center a mass dose vaccination will be taking place- 4000+ appointments have been made. Private pharmacies have doses for vaccinations now as well.

Will wants to put an item on the next agenda to rescind the mask mandate. Numbers are down to a manageable level and the hospitals aren't overwhelmed now.

The Mayor commented that trends are going in the right directions.

CURRENT BUSINESS

(2) Approve/Reject the following consent items:

(a) Minutes of the Regular Council Meeting on March 1, 2021.

(b) All claims as printed.

(c) Actual salary claims for pay period ending February 20, 2021 in the amount of \$524,216.29 and estimated salary claims to include contractual agreement for Fire Union Dues, Flexible Spending Accounts, Life Insurance, Fire Pension, Police Pension, Oklahoma Municipal Retirement Fund, Supplemental Vision, and Short/Long Term disability plans, and United Way Contributions for the next pay period in the amount of \$600,000. Payroll at \$600,000 amount to include payables.

Motion by Hays, second by Savage to approve the consent items as listed. Roll call vote: Lewis, yes; Hays, yes; McSpadden, yes; DeMier, yes; Flanagan, yes; Callender, yes; Michael, yes; Grace, yes; and Savage, yes. Motion carried.

(3) Discussion and vote to Approve/Reject entering into an amended agreement with Oklahoma Natural Gas (ONG) for relocation of a gas line in conflict with improvements proposed at the Lowry Culverts (Garrett Ball).

Stricken from the agenda. We have a conference call with ONG scheduled for tomorrow.

EXECUTIVE SESSION

(4) Approve/Reject entering into executive session to discuss the following items:

(a) Discussing collective bargaining labor negotiation proceedings concerning the Claremore Police Union, FOP Lodge #112 and the Claremore Fire Union, IAFF Local 1077 pursuant to the Oklahoma Statute title 25, Section 307 (b) (2).

(b) Conduct confidential communications between the City Council and its attorneys concerning a potential lawsuit against KC Gunite stemming from its non-compliance with the terms of a Settlement Agreement entered into in *City of Claremore v. K.C. Gunite, Inc.*, Case No. 19-CV-333-CVE, U.S. District Court for the

Northern District of Oklahoma, the City Council having been advised by its attorneys that disclosure will seriously impair the ability of the City to conduct the claim and possible litigation in the public interest, pursuant to Okla. Stat. tit. 25 § 307(B)(4).

Time In: 6:34 p.m.

Motion by McSpadden, second by DeMier to approve entering into executive session. Roll call vote: Lewis, yes; Hays, yes; McSpadden, yes; DeMier, yes; Flanagan, yes; Callender, yes; Michael, yes; Grace, yes; and Savage, yes. Motion carried.

(5) Vote to acknowledge return to open session.

Time Out: 7:43 p.m.

Motion by DeMier, second by Lewis to approve returning to open session. Roll call vote: Lewis, yes; Hays, yes; McSpadden, yes; DeMier, yes; Flanagan, yes; Callender, yes; Michael, yes; Grace, yes; and Savage, yes. Motion carried.

(6) Statement of executive session minutes.

While in Executive Session Council discussed collective bargaining labor negotiation proceedings concerning the Claremore Police Union, FOP Lodge #112 and the Claremore Fire Union, IAFF Local 1077 pursuant to the Oklahoma Statute title 25, Section 307 (b) (2). All councilors present at the meeting physically attended executive session, as well as City Attorney Bryan Drummond and City Manager John Feary. Police Chief Stan Brown and Fire Chief Sean Douglas attended a portion of the Executive Session. Councilor Callender appeared via teleconference.

While in Executive Session Council discussed with its attorneys a potential lawsuit against KC Gunite stemming from its non-compliance with the terms of a Settlement Agreement entered into in City of Claremore v. K.C. Gunite, Inc., Case No. 19-CV-333-CVE, U.S. District Court for the Northern District of Oklahoma, the City Council having been advised by its attorneys that disclosure will seriously impair the ability of the City to conduct the claim and possible litigation in the public interest, pursuant to Okla. Stat. tit. 25 § 307(B)(4). All councilors present at the meeting physically attended executive session, as well as city attorneys and City Manager John Feary. Parks Department Director Joe Kays and Recreation Center Director Mitch Louderback attended a portion of the Executive Session. Council Callender appeared via teleconference.

No other matters were discussed and no votes were taken.

(7) Motion, discussion, and vote to approve or not approve the filing of a lawsuit against K.C. Gunite stemming from its non-compliance with the terms of a Settlement Agreement

entered into in *City of Claremore v. K.C. Gunite, Inc.*, Case No. 19-CV-333-CVE, U.S. District Court for the Northern District of Oklahoma.

Councilor DeMier made a motion to approve filing of a lawsuit against K.C. Gunite as discussed in executive session.

Motion by DeMier, second by Hays to approve filing of a lawsuit against K.C. Gunite as discussed in executive session. Roll call vote: Lewis, yes; Hays, yes; McSpadden, yes; DeMier, yes; Flanagan, yes; Callender, yes; Michael, yes; Grace, yes; and Savage, yes. Motion carried.

ADJOURNMENT

Motion by Savage, second by McSpadden to adjourn. Roll call vote: Lewis, yes; Hays, yes; McSpadden, yes; DeMier, yes; Flanagan, yes; Callender, yes; Michael, yes; Grace, yes; and Savage, yes. Motion carried.

Meeting adjourned at 7:46 P.M.

Lisa M. Rogers

Lisa M. Rogers
Deputy City Clerk