

This is to certify that in conformity with the Oklahoma Open Meeting Act, public notice of the date, time and place of this meeting was filed with the City Clerk of Durant on the 12th day of November, 2019 and that an agenda of said meeting was posted at the place of such meeting at 4:10 p.m. on the 6th day of February, 2020.

MINUTES OF THE REGULAR SCHEDULED MEETING OF THE DURANT CITY COUNCIL OF February 11, 2020 AT 6:00 PM, Roscoe J. Hatfield Council Chambers, 300 West Evergreen, Durant, Oklahoma

CALL TO ORDER

Mayor Grube called the meeting to order at 6:00 p.m.

INVOCATION/FLAG SALUTE

Assistant City Manager James Dalton provided the invocation. Council Member Mike Morris led the flag salute.

ROLL CALL

Present: Council Member Mike Morris	City Manager John Dean
Council Member Danny Sherrer	City Attorney Tom Marcum
Council Member Jerry Tomlinson	City Clerk Cynthia J. Price
Vice Mayor Steve Brittingham	
Mayor Oden Grube	

Absent: None

(*denotes partial attendance)

Mayor Grube declared a quorum.

1. Presentations

a. Retirement of Police K9 Baron

Police Chief David Houser introduced Lt. Jesse Petty and Police K9 Baron. Chief Houser stated the K9 Program was implemented in 1982 and there have been a total of eight dogs who have served in the program. Baron is a 12 year old Slovakian German Shepherd who has served the Durant Police Department since July 2008. Lt. Petty has been the only handler assigned to Baron throughout the dog's twelve years of service. An adoption ceremony followed. Baron will now reside permanently with the Petty family.

2. Consent Items

To help streamline meetings and allow the focus to be on other items requiring strategic thought, the "Consent Items" portion of the agenda groups the routine, procedural, and self-explanatory non-controversial items together. These items are voted on in a single motion (one vote). However, any Council member requesting further information on a

specific item thus removes it from the "Consent Items" section for individual attention and separate vote.

- a. Consider Approval of Regular Meeting Minutes of January 14, 2020
- b. Consider Approval of Payroll Claims - January 2020
- c. Consider Approval of Budget Amendment 2020-08
- d. Consider Approval to Declare Building Located at 320 Country Club Road Surplus and Approve Demolition
- e. Consider Acceptance of the Retirement of K9 Baron and Adoption and Transfer of Ownership by Jesse Petty
- f. Consider Declaring 2000 Dodge Durango as Surplus
Approved

Council Member Tomlinson requested Agenda Item 2(d) be removed for further discussion.

Motion was made by Jerry Tomlinson and seconded by Steve Brittingham to approve remaining consent items (2a; 2b; 2c; 2e; 2f).

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

3. Consider Items Removed from Consent

3(d) - Police Chief Houser stepped forward and answered questions from council regarding the city owned structure located at 320 Country Club Road.

Motion was made by Mike Morris and seconded by Steve Brittingham to declare building located at 320 Country Club Road as surplus and approve demolition.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

4. Information Items

- a. City Clerk Monthly Report - January 2020
- b. City Manager Monthly Report - January 2020
- c. Community Development Monthly Report - January 2020

- d. Durant Industrial Authority Monthly Report - January 2020
- e. Emergency Management Report - January 2020
- f. Financial Statements and Sales Tax Breakdown
- g. Fire Department Monthly Report - January 2020
- h. Grants Department Report - January 2020
- i. Human Resources Monthly Report - January 2020
- j. Library Monthly Report - January 2020

Council Member Tomlinson thanked Library Director Robbee Tonubbee, the City of Durant and the AARP Foundation for providing the community with free tax preparation services at the library.

- k. Parks Department Monthly Report - January 2020
- l. Planning Commission Minutes of December 17, 2019
- m. Police Department Monthly Report - Dec 2019
- n. Street Department Monthly Report - January 2020

5. Administration

- a. Consider Approval of Citizen Appointment to the Utility Account Appeals Board Pursuant to Resolution 2020-01
Approved

City Manager John Dean recommended the citizen appointment should be a person who lives in Rural Water District 2 and recommended Council Member Mike Morris.

Motion was made by Oden Grube and seconded by Steve Brittingham to appoint Mike Morris to hold citizen seat on the Utility Account Appeals Board pursuant to Resolution 2020-01.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

- b. Consider Award of Bid for City Hall Roof Repair Phase 2
Approved

City Clerk Cynthia Price stated there were two bids submitted. One of the bids was disqualified due to the bidder not having a valid Oklahoma Commercial Roofer License. Assistant City Manager James Dalton stated an insurance claim had been filed by the city clerk for the city hall roof repair and the claim was approved. Assistant City Manager Dalton recommended Ferguson Roof Systems be awarded the bid.

Motion was made by Jerry Tomlinson and seconded by Mike Morris to award bid for City Hall Roof Repair Phase 2 to Ferguson Roof Systems in the amount of \$59,795.00.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

- c. Consider Approval of Memorandum of Agreement (C-2020-02) with the Choctaw Nation of Oklahoma to Cooperate in a Project Located on Big Lots Parkway

Approved

Public Works Director Marty Cook stated the Choctaw Nation of Oklahoma is building a child care center on property owned by the Choctaw Nation adjacent to Big Lots Parkway and just south of Tribal Headquarters. Mr. Cook stated it is necessary to install connecting entrances for this project and may be necessary to install traffic signals in the future. The Choctaw Nation of Oklahoma would provide all construction costs and, upon completion, convey the improvements to the City of Durant who will then be responsible for repair and maintenance.

Motion was made by Jerry Tomlinson and seconded by Danny Sherrer to approve Memorandum of Agreement (C-2020-02) with the Choctaw Nation of Oklahoma to cooperate in a project located on Big Lots Parkway.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

- d. Consider Approval of Ordinance Number 1896 Amending Chapter 51 Garbage System and Facilities of the Code of Ordinances

No Action Taken

6. Public Hearings

- a. Consideration PC2020-02 a Conditional Use Permit and Preliminary Plat for Property Located at 1716 Cale Switch Road

Approved

Community Development Director Danielle Barker addressed council and stated the applicant is the First Church of the Nazarene. The church owns a 20 acre parcel of land which they are wanting to divide into two 10 acre parcels. The Planning Commission recommended approval by a unanimous vote.

Public hearing opened.

Brent Smith, Pastor of First Church of the Nazarene - Available to answer any questions.

Call for comments three times.

Public hearing closed.

Motion was made by Steve Brittingham and seconded by Jerry Tomlinson to approve PC2020-02 a Conditional Use Permit and Preliminary Plat for property located at 1716 Cale Switch Road.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

b. Public Hearing on Resolution 2020-05 Amending Landfill Rates

Approved

City Manager John Dean addressed council and stated the proposed resolution would reduce landfill rates for the citizens of Durant from \$37.95 to \$30.00 per ton and solidifies the once per month dump for residents of the city free of charge. The rates for non-residents of the city and commercial users would increase from \$37.95 to \$45.00 per ton with a minimum charge of \$25.00.

Public Hearing opened.

Request for comment three times.

No public comments

Public hearing closed.

Motion was made by Mike Morris and seconded by Steve Brittingham to approve Resolution 2020-05 amending landfill rates.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

7. Citizen Comments on Non-Agenda Items

There were no citizen comments.

8. Executive Session

- a. Discussion and Consideration of Entering into Executive Session as Authorized by Title 25, Section 307 B(7) of the Oklahoma State

Statutes to Discuss Health Related Information as it Pertains to Jeff Hutchinson's Application for a Disability Pension

Approved

Motion was made by Steve Brittingham and seconded by Danny Sherrer to enter into executive session.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

Motion was made by Jerry Tomlinson and seconded by Danny Sherrer to re-enter regular session.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

- b. Consider Action Pursuant to 8(a) Above
Disapproved

Motion was made by Jerry Tomlinson and seconded by Mike Morris to deny application of Jeff Hutchinson for a disability pension.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

- c. Consider Executive Session for Confidential Communication with Attorney Concerning Pending Claims Against the City of Durant (This Executive Session Authorized by Title 25, Section 307 B(4) of the Oklahoma State Statutes)
 - c) Consider Executive Session for Confidential Communication with Attorney Concerning Pending Claims Against the City of Durant: Brittingham v. City of Durant, Oklahoma (CV-2018-34); (This Executive Session Authorized by Title 25, Section 307 B(4) of the Oklahoma State Statutes).
 - d) Consider Executive Session for Confidential Communication with Attorney Concerning Pending Claims Against the City of Durant: Ballard v. City of Durant, Oklahoma (CV-2018-32); (This Executive Session Authorized by Title 25, Section 307 B(4) of the Oklahoma State Statutes).
 - e) Consider Executive Session for Confidential Communication with Attorney Concerning Pending Claims Against the City of Durant: Ballard v.

City of Durant, Oklahoma (CV-2019-58); (This Executive Session Authorized by Title 25, Section 307 B(4) of the Oklahoma State Statutes).

f) Consider Executive Session for Confidential Communication with Attorney Concerning Pending Claims Against the City of Durant: Ballard v. City of Durant, Oklahoma (CJ-19-148) (This Executive Session Authorized by Title 25, Section 307 B(4) of the Oklahoma State Statutes).

g) Consider Executive Session for Confidential Communication with Attorney Concerning Pending Claims Against the City of Durant: Sullivan vs. City of Durant, Oklahoma (CJ-2019-55); (This Executive Session Authorized by Title 25, Section 307 B(4) of the Oklahoma State Statutes).

h) Consider Executive Session for Confidential Communication with Attorney Concerning Pending Claims Against the City of Durant: Bruton, et al. v. City of Durant, Oklahoma, et al., (CJ-19-60) (This Executive Session Authorized by Title 25, Section 307 B(4) of the Oklahoma State Statutes).

Approved

City Attorney Tom Marcum reported there was a scrivener's error in the title of Item 8(h). The case number was incorrectly listed as CJ-19-148 and should have read CJ-19-60.

Motion was made by Steve Brittingham and seconded by Danny Sherrer to enter into executive session.

Motion Passed with the following vote:

Motion was made by Jerry Tomlinson and seconded by Danny Sherrer to re-enter regular session.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

d. Consider Action Pursuant to 8(c), 8(d), 8(e), 8(f), 8(g), 8(h) Above

No Action Taken on Items 8(c), 8(d), 8(e), 8(f), 8(g), 8(h)

9. New Business

There was no new business.

ADJOURNMENT

Motion was made by Steve Brittingham and seconded by Danny Sherrer to adjourn meeting.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson