

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 13th day of November, 2018 and that an agenda of said meeting was posted at the place of such meeting at 4:55 p.m. on the 8th day of February, 2019.

MINUTES OF THE REGULAR SCHEDULED MEETING OF THE DURANT CITY COUNCIL OF February 12, 2019 AT 6:00 PM, Roscoe J. Hatfield Council Chambers, 300 West Evergreen, Durant, Oklahoma

CALL TO ORDER

Mayor Tomlinson called the meeting to order at 6:14 p.m.

INVOCATION/FLAG SALUTE

James Dalton provided the invocation. Marty Cook led the flag salute.

Mayor Tomlinson announced the City of Durant was named a Top 5 Finalist for the Small Business Revolution television show. Mayor Tomlinson encouraged everyone to vote for Durant by going to www.mydurant.com/vote. Voting will be open February 12 -19, 2019. The winner will be announced February 26, 2019.

ROLL CALL

Present: Council Member Destry Hawthorne
Council Member Oden Grube
Council Member Mike Dills
Vice-Mayor Chad Hitchcock
Mayor Jerry Tomlinson

City Attorney Tom Marcum
City Manager Tim Rundel
City Clerk Cynthia J. Price

Absent: None

(*denotes partial attendance)

Mayor Tomlinson declared a quorum.

1. 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 Staff Briefing Minutes
 - 1(a)(1). Staff Briefing Minutes of December 11, 2018;
 - 1(a)(2). Staff Briefing Minutes of January 8, 2019

- b. Consider Approval of Regular Meeting Minutes of January 8, 2019
 - c. Consider Approval of Special Called Meeting Minutes of January 18, 2019
 - d. Consider Approval of Claims - January 2019
 - e. Consider Approval of Mayoral Appointment of Chris Pierce to Serve as At-Large Member of the Durant Industrial Authority
 - f. Consider Approval of Change to LumenServe Contract 2019-03 Exhibit A from \$258 Per Month to \$309 Per Month
- Approved

Motion was made by Chad Hitchcock and seconded by Mike Dills to approve consent items as presented.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

2. Consider Items Removed from Consent

3. Information Items

- a. Airport Manager Monthly Report - January 2019
- b. City Clerk Monthly Report - January 2019
- c. Community Development Monthly Report - January 2019
- d. Durant Industrial Authority Monthly Report - January 2019
- e. Emergency Management Report - January 2019
- f. Financial Statements for December 2018 and Sales Tax Report for January 2019
- g. Fire Department Monthly Report - January 2019
- h. Grants Department Report - January 2019
- i. Landfill Information and Reports - January 2019

- j. Library Report - January 2019
- k. Parks Monthly Report January 2019
- l. Planning Commission Meeting Minutes - December 18, 2018
- m. Police Department Monthly Report - December 2018
- n. Public Works Project Updates - January 2019
- o. Solid Waste Department Monthly Report - January 2019
- p. Street Department Report - January 2019
- q. Utility Department Monthly Report - January 2019
- r. Utility Line Maintenance Report - January 2019
- s. Waste Water Treatment Plant and Lab Monthly Report - January 2019
- t. Water Treatment Plant Monthly Reports - January 2019

4. Administration

- a. Consider Approval of Resolution 2019-05 Creating the Durant Partnership Coalition Consisting of the Choctaw Nation, the Durant Industrial Authority and the City of Durant Designating Partnership Funding for the Purpose of Street Repairs and Resurfacing

Approved

City Manager Tim Rundel addressed council and stated that the results of a community survey in 2018 reflected 88% of the respondents were unsatisfied with the conditions of the streets. A general operations bond was placed on the ballot in June and failed. In January 2019, the Choctaw Nation of Oklahoma approached the city to discuss a partnership fund they were creating to assist communities within their 10.5 counties. The Choctaw Nation of Oklahoma will be giving the City of Durant quarterly contributions from businesses they run which are non-gaming. The city received its first contribution through this partnership in January 2019 in the amount of \$55,100, City Manager Rundel recommended those funds be used for resurfacing and repairing streets. City Manager Rundel feels these contributions from the Choctaw Nation of Oklahoma will total approximately \$150,000 per year. City Manager Rundel did address the Durant Industrial Authority Board on February 11, 2019 and requested a partnership fund in the amount of \$150,000. There was discussion but ultimately the matter was tabled due to legal questions and questions on the

accounting side. City Manager Rundel stated he would appear again before the Durant Industrial Authority Board with the same request at their March 11, 2019 meeting. The City of Durant is considering a pay match of \$150,000. Mayor Tomlinson stated the proposed resolution is non-binding and contingent upon further action by the Durant Industrial Authority.

Motion was made by Destry Hawthorne and seconded by Oden Grube to approve Resolution 2019-05 contingent upon approval by the Durant Industrial Authority. Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

- b. Consider Approval of Resolution 2019-04 - Appointment of Rocky Powers as City of Durant Administrative Hearing Officer and Tina Prentice-Pigg as Alternate Administrative Hearing Officer

Approved

Community Development Director and City Planner Matt Nahrstedt addressed council and requested the appointment of Rocky Powers as City of Durant Administrative Hearing Officer and Tina Prentice-Pigg as Alternate Administrative Hearing Officer. Mr. Nahrstedt stated Jack Skaggs resigned after more than two decades of service. Mr. Nahrstedt stated these two positions would replace the one position previously held by Mr. Skaggs. Payment for services would be divided between the two positions and would total \$500 per month (2 hearings per month at \$250 per hearing).

Mr. Nahrstedt stated Mr. Skaggs will be recognized at a later date for his many years of service and dedication to the City of Durant.

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to approve Resolution 2019-04 - Appointment of Rocky Powers as City of Durant Administrative Hearing Officer and Tina Prentice-Pigg as Alternate Administrative Hearing Officer.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

- c. Consider, Discuss and Authorize the City Manager to Enter into an Agreement with McGrath Human Resources Group for \$30,956 to Update/Develop a Classification and Compensation Program and Update Job Descriptions, or Take Any Other Appropriate Action

Approved

Administrative Services Director Greg Buckley addressed council and stated the current compensation plan has not been reviewed or updated for 8-10 years. Mr. Buckley stated

the purpose of the agreement is to provide an analysis that will insure jobs are being compensated appropriately, re-classifying those positions and grouping them together. A working model will be established that can be followed in the future. A job analysis will be conducted with the employees to update the job descriptions. The compensation side will look at the external market for those positions to insure the city is currently paying those positions appropriately for the knowledge, skills, duties and responsibilities. Mr. Buckley further stated this program will allow the city to retain and recruit quality employees. It is a 6 - 7 month process. This program does not include union employees.

Motion was made by Destry Hawthorne and seconded by Mike Dills to authorize city manager to enter into an agreement with McGrath Human Resources Group for \$30,956 to update/develop a classification and compensation program and update job descriptions.

Motion Passed with the following vote:

Ayes: Dills, Hawthorne, Hitchcock, Tomlinson

Nays: Grube

- d. Consider Approval of Resolution 2019-06 Authorizing Mural Projects for Bliss Boutique and Building at S 2nd Ave and Lost St Approved

Community Development Director and City Planner Matt Nahrstedt presented sketches of the proposed murals.

Motion was made by Mike Dills and seconded by Destry Hawthorne to approve Resolution 2019-06 authorizing mural projects for Bliss Boutique and the building at S. 2nd Avenue and Lost Street.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

5. Public Hearings

- a. Consider Approval of Ordinance 1875 - Rezoning from Highway Commercial and Commercial Recreation (C-2) to Single-Family Residential (R-1) for Property Located West of N. 1st and North of Gail Farrell

Approved

Community Development Director and City Planner Matt Nahrstedt addressed council and stated this item was presented to council last month and tabled due to questions regarding the legal description. The legal description has been confirmed to be correct. This is a one acre parcel that would be divided into four different lots. Mr. Nahstedt recommends denial as it does not follow the land use map. The Planning Commission approved with one member abstaining due to conflict of interest. There have been no citizen complaints. There has been one citizen concern.

Hearing opened to public.

Michael Ellis - opposed due to safety concerns.

Tom Marcum - no objection

Charlie Bachmann - no objection

Todd Nankivil, property owner - stated he is willing to work with a different type of driveway to avoid safety concerns backing out onto roadway.

Call for comment 3 times. Public hearing closed.

Motion was made by Chad Hitchcock and seconded by Destry Hawthorne to approve Ordinance 1875, Section 1 - Rezoning from Highway Commercial and Commercial Recreation (C-2) to Single-Family Residential (R-1) for property located West of N. 1st and North of Gail Farrell.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

Motion was made by Chad Hitchcock and seconded by Destry Hawthorne to approve Ordinance 1875, Section 2, Emergency Clause.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

6. Citizen Comments on Non-Agenda Items

There were no citizen comments.

7. Executive Session

- a. Consider Executive Session for Confidential Communication with Attorney Concerning Pending Claim Against the City of Durant - Billy, et al. v. City of Durant, Oklahoma (This Executive Session Authorized by Title 25, Section 307 B(4) of the Oklahoma State Statutes)

Approved

Motion was made by Chad Hitchcock and seconded by Mike Dills to enter into executive session.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

Motion was made by Chad Hitchcock and seconded by Mike Dills to re-enter regular session.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

b. Consider Action Pursuant to 7(a) Above

Approved

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to authorize settlement of Billy, et al. v. City of Durant, Oklahoma for the amount of \$170,400.54.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

8. New Business

There was no new business.

ADJOURNMENT

Motion was made by Chad Hitchcock and seconded by Mike Dills to adjourn meeting.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson