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 14th day of November, 2017 and that an agenda of said meeting was posted at the place of such meeting at 5:45 p.m.on the 9th day of February, 2018.

MINUTES OF THE REGULAR SCHEDULED MEETING OF THE DURANT CITY COUNCIL OF February 13, 2018 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 6:04 p.m.

INVOCATION/FLAG SALUTE

Fire Chief Roger Joines provided the invocation. Council Member Chad Hitchcock led the flag salute.

ROLL CALL

Present: Council Member Oden Grube	City Attorney Tom Marcum
Council Member Mike Dills	City Manager Tim Rundel
Vice Mayor Chad Hitchcock	City Clerk Cynthia J. Price
Mayor Jerry Tomlinson	

Absent: Council Member Destry Hawthorne (*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 Regular Meeting Minutes of January 9, 2018

b. Consider Approval of Special Called Meeting Minutes of January 23, 2018

c. Consider Approval of Claims for January 2018

d. Consider Approval of Budget Amendment 2018-04

e. Consider Approval of Special Event Application from Choctaw Nation for Blue Ribbon 5K Run and One Mile Run (SEP #2018-01)

f. Consider Approval of Special Event Application from Durant Main Street for Magnolia Farmers Market (SEP #2018-03)

g. Consider Approval of Special Event Application from Durant Main Street for Colton's Main Street Run (SEP #2018-05)

h. Consider Approval of Special Event Application from Crisis Control Center for Kick Up Your Heels Event (SEP #2018-04) Approved

Council Member Grube requested Item 1(d) be removed for further discussion.

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

Motion Passed with the following vote:

Ayes: Dills, Grube, Hitchcock, Tomlinson

Absent: Hawthorne

2. Consider Items Removed from Consent

2(d) Michelle Hall, Assistant City Treasurer, addressed council and stated the budget amendment is a housekeeping item and no additional funds are being requested.

Motion was made by Oden Grube and seconded by Mike Dills to approve Budget Amendment 2018-04.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hitchcock, Tomlinson

Absent: Hawthorne

3. Administration

a. Consider Approval of Ordinance 1844 - Amending the Durant Code of Ordinances, Adding Section 96.022, 96.023, 96.024, 96.025 and 96.058 "ANIMALS"; Providing for an Emergency.

Approved

Matt Nahrstedt, Community Development Director and City Planner, addressed council and stated the proposed ordinance would add language stating the number of dogs and cats permitted on premises within the city, defines what constitutes a kennel, and adds language regarding dog parks and leaving animals in vehicles.

Motion was made by Mike Dills and seconded by Chad Hitchcock to approve Ordinance No. 1844 amending the Code of Ordinances, adding Section 96.022, 96.023, 96.024, 96.025 and 96.058 "Animals".

Motion Passed with the following vote:

Ayes: Dills, Grube, Hitchcock, Tomlinson

Absent: Hawthorne

Motion was made by Chad Hitchcock and seconded by Mike Dills to approve Section 2 - Declaration of Emergency.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hitchcock, Tomlinson

Absent: Hawthorne

b. Consider Approval of Ordinance 1845 - Amending the Durant Code of Ordinances Sections 96.001, 96.005, 96.008, 96.025, 96.042, 96.998; Providing for an Emergency

Approved

Matt Nahrstedt, Community Development Director and City Planner, addressed council and stated the proposed ordinance is a housekeeping item and was discussed with the Durant Police Department and Durant Animal Control. The proposed ordinance adds language regarding miniature pigs and amends the

following sections: 'Definitions', 'Disposal of Manure', 'Dogs and Cats to be Vaccinated', 'Killing or Removing Rabid Animals Prohibited' and 'Violations'.

Motion was made by Chad Hitchcock and seconded by Oden Grube to approve Ordinance 1845 amending the Durant Code of Ordinances Sections 96.001, 96.005, 96.008, 96.025, 96.042 and 96.998.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hitchcock, Tomlinson

Absent: Hawthorne

Motion was made by Chad Hitchcock and seconded by Oden Grube to approve Section 7 - Declaration of Emergency.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hitchcock, Tomlinson

Absent: Hawthorne

c. Consider Approval of Resolution 2018-03 to Enter into Right-of-Way, Public Utility and Encroachment Agreement with the Oklahoma Department of Transportation In Connection with the Construction of a Public Project Known as Project No. J3-1855(004), Job No. 31855(04) Construction, (05) R/W, (06) Utilities (Contract #C-2018-08)

   Approved

Marty Cook, Public Works Director, addressed council and stated this item regards roadwork the Oklahoma Department of Transportation will be doing between the south end of the Highway 70 Bypass and the south end of Calera.

Motion was made by Chad Hitchcock and seconded by Mike Dills to approve Resolution 2018-03 to enter into Right of Way, Public Utility and Encroachment Agreement with the Oklahoma Department of Transportation in connection with the construction of a public project known as Project No. J3-1855(004), Job No. 31855(04) Construction, (05) R/W, Utilities (Contract #C-2018-08).

Motion Passed with the following vote:

Ayes: Dills, Grube, Hitchcock, Tomlinson

Absent: Hawthorne

d. Consider Approval of Right-Of-Way, Public Utility and Encroachment Agreement with Oklahoma Department of Transportation (C-2018-08) Approved

Motion was made by Chad Hitchcock and seconded by Oden Grube to approve Right of Way, Public Utility and Encroachment Agreement with Oklahoma Department of Transportation (C-2018-08).

Motion Passed with the following vote:

Ayes: Dills, Grube, Hitchcock, Tomlinson

Absent: Hawthorne

e. Consider Approval of Memorandum of Understanding Between the City of Durant and the Durant Industrial Authority

No Action Taken

f. Consider Award of Bid and Authorization for Mayor to Execute Quit Claim Deed for Real Estate Parcel on South 22nd Avenue and West Mississippi, Durant, OK

Approved

Marty Cook, Public Works Director, addressed council and stated this bid was advertised in the Durant Daily Democrat on January 18, 2018 and January 25, 2018. The bid was advertised on the city website continuously from January 18, 2018 through February 7, 2018. There were two bids. The highest bid was Bryan County Ambulance Authority. Mr. Cook recommended award of bid to Bryan County Ambulance Authority.

Motion was made by Mike Dills and seconded by Chad Hitchcock to award bid for real estate parcel on South 22nd Avenue and West Mississippi to Bryan County Ambulance Authority in the amount of $15,176.00 and authorize mayor to execute quit claim deed.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hitchcock, Tomlinson

Absent: Hawthorne

4. Public Hearings

a. Consider Approval of Ordinance 1842 - Rezoning from Agriculture to Single Family Residential for Property Located Across the

Intersection of Kimberly Rd. and N 49th St.; Providing for an Emergency Approved

Matt Nahrstedt, Community Development Director and City Planner, addressed council and presented maps of the property. One citizen concern was received. The Planning Commission approved the application request with a 4-0 vote on December 19, 2018.

Hearing opened to public.

Zachary Everett - Property owner - stepped forward to answer any questions from council.

2nd call for public comment.

3rd call for public comment.

Public hearing closed.

Motion was made by Oden Grube and seconded by Chad Hitchcock to approve Ordinance 1842 - Rezoning from Agricultural (A-1) to Single Family Residential (R-1) for property located across the intersection of Kimberly Road and North 49th Street.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hitchcock, Tomlinson

Absent: Hawthorne

Motion was made by Chad Hitchcock and seconded by Mike Dills to approve Ordinance 1842, Section 2 - Emergency Clause.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hitchcock, Tomlinson

Absent: Hawthorne

b. Consideration: PC 2017-16 - A Preliminary Plat for Property Located Near Washington Avenue and Mockingbird Lane

Disapproved

Matt Nahrstedt, Community Development Director and City Planner, addressed council and stated this property was re-zoned last year. It is a phased neighborhood of single family homes . The proposed preliminary plat has met all

requirements. The Planning Commission voted approval with a 4-0 vote and one member absent. His office has received citizen visits, three emails and 1 phone call expressing concerns with the request.

Hearing opened to public.

Charlie Bachmann - stated he was initially in opposition but is withdrawing his objection.

Jerry Combrink - in opposition.

Brenda Shipman - in opposition.

Bill Waddell - in opposition.

Martin Tucker - in opposition.

Eric Schmitz - Developer and Part-Owner - answered questions from council.

Brenda Shipman - reappeared in opposition.

Mark Swearingen - in opposition.

John Kilpatrick - in opposition.

Eric Schmitz - reappeared and answered questions from council.

Jerry Combrink - reappeared in opposition.

Zachary Everett - comment only.

Eric Schmitz - reappeared for comment.

Linda Combrink - comment in rebuttal to Eric Schmitz.

Bill Waddell - comment in rebuttal to Eric Schmitz.

2nd call for public comment.

3rd call for public comment.

Public hearing closed.

Marty Cook, Public Works Director, addressed council and reiterated the proposed preliminary plat meets all requirements of a R-1 plat.

City Attorney Tom Marcum stated it appears that the applicant has met all now existing requirements the City has and from a legal standpoint it is incumbent upon the council to approve.

Motion was made by Chad Hitchcock and seconded by Jerry Tomlinson to approve PC 2017-16 - a preliminary plat for property located near Washington Avenue and Mockingbird Lane. Motion Failed with the following vote:

Ayes: Hitchcock, Tomlinson
Nays: Dills, Grube

Absent: Hawthorne

5. Information Items

a. Airport Manager's Monthly Report - January 2018

b. City Clerk Report - January 2018

c. Emergency Management Report - January 2018

d. Financial Reports December, 2017, and Sales Tax Breakdown, January, 2018

e. Fire Department Monthly Report January 2018

f. Grants Department Report January 2018

g. Landfill Information & Reports - January 2018

h. Library Report - January 2018

i. Parks and General Services Department Monthly Report - January 2018

j. Planning Commission Regular Meeting Minutes - December 19, 2017

k. Police Department Monthly Report - December 2017

l. Public Works Director Monthly Projects Report for January 2018

m. Solid Waste Department Monthly Report - January 2018

n. Street Department Report January 2018

James Young, Street Department Superintendent, and Marty Cook, Public Works Director, were asked to step forward to speak about the road striping project and answer questions from council.

o. Utility Billing Office Monthly Summary Report - December 2017

p. Waste Water Treatment Plant Monthly Reports - January 2018

q. Water Treatment Plant Monthly Reports - January 2018

6. Citizen Comments on Non-Agenda Items

Clinton Bates - Potholes on road and bridge.

7. 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, Hitchcock, Tomlinson

Absent: Hawthorne