

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 4:40 p.m. on the 6th day of March, 2020.

MINUTES OF THE REGULAR SCHEDULED MEETING OF THE DURANT CITY COUNCIL OF March 10, 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 6:01 p.m.

INVOCATION/FLAG SALUTE

Police Chief David Houser provided the invocation. City Manager John Dean led the flag salute.

ROLL CALL

Present: Council Member Mike Morris
Council Member Danny Sherrer
Council Member Jerry Tomlinson
Vice Mayor Steve Brittingham
Mayor Oden Grube

City Manager John Dean
City Attorney Tom Marcum
Administrative Assistant Paige Murray

Absent: None

(*denotes partial attendance)

Mayor Grube declared a quorum.

1. Presentations

a. Employee Recognition

Assistant City Manager James Dalton was joined by members of the city council and the city manager as he recognized Albert Pierce for 36 years of service to the City of Durant. Mr. Pierce was presented with a key to the city, engraved coffee cup and package of coffee.

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 February 11, 2020
- b. Consider Approval of Special Called Minutes of February 15, 2020
- c. Consider Approval of Claims - February 2020
- d. Consider Approval of Budget Amendment 2020-09
- e. Consider Approval of Mayoral Appointment to Airport Advisory Board
- f. Consider Approval to Renew the AirMedCare Network Membership for City Employees
- g. Consideration to Approve the Submission of a Grant Application in the Amount of \$175,979 Through the FEMA 2020 Assistance to Firefighters Grant (AFG) Program to Include a Five Percent Local Match to Purchase Self Contained Breathing Apparatus Units for the Durant Fire Department.

Approved

Motion was made by Steve Brittingham and seconded by Mike Morris to approve consent items as presented.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

3. Consider Items Removed from Consent

4. Information Items

- a. City Clerk Monthly Report - February 2020
- b. City Manager Monthly Report - February 2020
- c. Community Development Monthly Report - February 2020
- d. Durant Industrial Authority Monthly Report - February 2020
- e. Emergency Management Report - February 2020
- f. Financial Statements and Sales Tax Breakdown-January 2020

- g. Fire Department Monthly Report February 2020
- h. Grants Department Report - February 2020
- i. Human Resources Monthly Report - February 2020
- j. Library Monthly Report - February 2020
- k. Parks Department Monthly Report - February 2020
- l. Planning Commission Minutes of January 21, 2020
- m. Police Department Monthly Report - January 2020
- n. Street Department Monthly Report - February 2020

5. Administration

- a. Consider Approval of Ordinance 1896 amending Chapter 51 - Garbage System and Facilities of the Durant Code of Ordinances.

Approved

City Manager John Dean addressed council and stated this amendment changes the current system of providing extra hauls on Wednesdays and moves it to the first Saturday of the month. Any extra haul would need to be scheduled three days in advance of the requested pickup date. Trash would also be required to be contained in bags to be placed inside the polycart. The lid of the polycart must be able to fully close. Notification will be sent out to all utility customers.

Citizens are still permitted to bring one extra haul to the city landfill per month at no charge. Citizens must present their current water bill to prove residency and the haul must not exceed 1500 pounds.

Motion was made by Danny Sherrer and seconded by Steve Brittingham to approve Ordinance 1896 Amending Chapter 51 - Garbage System and Facilities of the Durant Code of Ordinances.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

- b. Consideration of Ordinance 1867A Amending Chapter 111 Marijuana Businesses of the Code of Ordinances

Approved

Building Official Marc Hall appeared before council on behalf of Danielle Barker, Community Development Director. Mr. Hall stated this amendment stems from a change in the state statutes and will bring the City of Durant Code into compliance. The only change is the 1000 foot buffer between a school and a dispensary.

Motion was made by Danny Sherrer and seconded by Steve Brittingham to approve Ordinance 1867A, Section 1, Amending Chapter 111 Marijuana Businesses of the Code of Ordinances.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

- c. The 2020 Oklahoma Department of Emergency Management (OEM) 9-1-1 Management Authority Grant Award #F305202 in the Amount of \$ 156,346.40 with a Total Project Cost of \$195,433 to Implement an Updated CAD (Computer Aided Dispatch) System for the Durant Police Department Communication Center (C-2020-09)

- 1. Consideration to Accept the 2020 Oklahoma Department of Emergency Management (OEM) 9-1-1 Management Authority Grant Award # F305202 in the Amount of \$ 156,346.40 with a Total Project Cost of \$195,433 to Implement an Updated CAD (Computer Aided Dispatch) System for the Durant Police Department Communication Center (C-2020-09)

- 2. Consideration to Approve the 2020 Oklahoma Department of Emergency Management (OEM) 911 Management Authority State-Local Agreement for the 2020 Oklahoma 9-1-1 Authority Grant Award #F305202. (C-2020-09)

Approved

5(c)1 - Police Chief David Houser addressed council and stated the city match is \$39,086.60. The fire tax money which has accumulated for purposes such as this has been set aside to fund the match. Chief Houser stated the software currently being used was implemented in 2007 and is now outdated and is no longer serviceable.

Motion was made by Mike Morris and seconded by Steve Brittingham to accept the 2020 Oklahoma Department of Emergency Management Authority Grant Award #F305202 in the amount of \$156,346.40 with a total project cost of \$195,433 to implement an updated CAD (Computer Aided Dispatch) System for the Durant Police Department Communication Center (C-2020-09).

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

5(c)2 -

Motion was made by Mike Morris and seconded by Danny Sherrer to approve the 2020 Oklahoma Department of Emergency Management (OEM) 911 Management Authority State-Local Agreement for the 2020 Oklahoma 9-1-1 Authority Grant Award #F305202 (C-2020-09).

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

- d. Consideration to Approve the Railroad Pipeline Crossing Agreement (C-2020-10) Related to the Tubacex Durant Utility Infrastructure Improvements 17488 CDBG-ED 18 (C-2019-32).

Approved

Engineer Brandon Wall addressed council on behalf of Grants Coordinator Rebecca Payne and answered questions.

Motion was made by Steve Brittingham and seconded by Danny Sherrer to approve the Railroad Pipeline Crossing Agreement (C-2020-10) related to the Tubacex Durant Utility Infrastructure Improvements 17488 CDBG-ED 18 (C2019-32).

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

- e. Consider Approval of Ordinance 1898 Amending Durant Code of Ordinances Section 32.125 Regarding Functions of the Airport Advisory Board

Approved

City Manager John Dean addressed council and stated this amendment brings the duties of the Airport Advisory Board in line with that of an advisory board. The duties as outlined in the code had given them management authority which is not in line with an advisory board. It also establishes attendance requirements to serve as a member of the advisory board.

Motion was made by Steve Brittingham and seconded by Mike Morris to approve Ordinance 1898, Section 1, amending Durant Code of Ordinances Section 32.125 regarding functions of the Airport Advisory Board.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

Motion was made by Steve Brittingham and seconded by Mike Morris to approve Ordinance 1898, Section 2, emergency clause.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

- f. Consider Approval of Ordinance 1899 Amending Durant Code of Ordinances Section 32.047 Regarding Functions of the Cemetery Advisory Board

Approved

City Manager John Dean addressed council and stated this amendment brings the duties of the Cemetery Advisory Board in line with that of an advisory board. The duties as outlined in the code had given them management authority which is not in line with an advisory board. It also establishes attendance requirements to serve as a member of the advisory board.

Motion was made by Steve Brittingham and seconded by Mike Morris to approve Ordinance 1899, Section 1, amending Durant Code of Ordinances Section 32.047 regarding functions of the Cemetery Advisory Board.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

Motion was made by Steve Brittingham and seconded by Mike Morris to approve Ordinance 1899, Section 2, emergency clause.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

- g. Consider Approval of Recommendation from Durant Industrial Authority to Expend Funds in the Amount of \$15,700 from Economic Development Sales Tax to Pay for Cardinal Drive Widening Project Approved

Lisa Taylor, Executive Director of the Durant Industrial Authority, addressed council and corrected the name of Cardinal Drive to Cardinal Way. This is a city owned street. Ms. Taylor stated on March 9, 2020 the Durant Industrial Authority voted to recommend to expend funds in the amount of \$15,700 from the Economic Development Sales Tax to pay for the Cardinal Way Widening Project. The Durant Industrial Authority proposed the City perform the labor and the materials be paid for from the Economic Development Sales Tax. City Manager Dean stated he is in agreement.

Motion was made by Jerry Tomlinson and seconded by Danny Sherrer to approve recommendation from Durant Industrial Authority to expend funds in the amount of \$15,700 from Economic Development Sales Tax to pay for Cardinal Way Widening Project.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

- h. Consider Approval of Resolution 2020-09 Regarding Indebtedness Pledged to the Capital Improvement Sales Tax

Approved

City Manager John Dean stated that prior to the February 2020 sales tax election there were concerns from citizens that the council would borrow money against that tax longer than the term which had been done in the past. Members of the public asked that the city council issue a statement addressing those concerns which is the purpose behind the resolution. Attorney Tom Marcum stated his concerns with regard to the wording of the resolution and recommended Item 1 be stricken.

Motion was made by Mike Morris and seconded by Steve Brittingham to approve Resolution 2020-09 regarding indebtedness pledged to the Capital Improvement Sales Tax striking Item 1.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

- i. Consider Approval to Engage BOK Financial Securities for Financial Advisory Services Provided to the City of Durant and Its Public Trusts.

Approved

Chris Gander, Investment Banker with Bank of Oklahoma Financial Securities, addressed council and stated the Bank of Oklahoma has a fiduciary responsibility to advise the city of what is in their best interests and the best terms available. Mr. Gander stated the use of the engagement letter is contingent upon approval of Resolutions 2020-07 and 2020-08 under the Durant City Utilities Authority agenda.

Motion was made by Jerry Tomlinson and seconded by Danny Sherrer to approve to engage BOK Financial Securities for financial advisory services provided to the City of Durant and its public trusts.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

6. Public Hearings

- a. Public Hearing for Closeout of Community Development Block Grant - Economic Development 16802 CDBG-ED 16 Grant (C-2016-86) for Infrastructure Improvements Supporting New Job Creations Benefitting the Commercial Metals Company (CMC) Facility at 585 Old Highway 70 - Durant OK.

1. Consideration to Accept the 16802 CDBG-ED 16 Project as Complete.

2. Consideration to Approve the 16802 CDBG-ED 16 Project Closeout Documents.

No Action Taken

- b. Consideration PC2020-03: Resolution # 2020-03 a Conditional Use Permit for the placement of a Mobile Home to be located at 208 SE 5th

Approved

Building Official Marc Hall appeared before council on behalf of Danielle Barker, Community Development Director. Mr. Hall stated the Planning Commission approved with a 3-2 vote. There was one letter of protest received.

Hearing opened to public.

Billy Putman, owner of property, in favor of approval.

Call for comment three times.

Public hearing closed.

Motion was made by Mike Morris and seconded by Oden Grube to approve PC2020-03: Resolution 2020-03 a Conditional Use Permit for the placement of a mobile home to be located at 208 SE 5th.

Motion Passed with the following vote:

Ayes: Grube, Morris, Sherrer

Nays: Brittingham, Tomlinson

- c. Consideration PC2020-04: Approval of Ordinance 1895 - Rezoning from R-1 to R-3 and the Approval of the Preliminary Plat for property located East of Cale Switch Rd and South of Choctaw Rd.

Approved

Building Official Marc Hall appeared before council on behalf of Danielle Barker, Community Development Director. The property is owned by the Choctaw Nation as part of their LEAP Program. The single family homes will be on 5000 square foot lots.

Hearing opened to public. Call for comment three times.

No comments.

Public hearing closed.

Motion was made by Jerry Tomlinson and seconded by Steve Brittingham to approve Ordinance No. 1895, Section 1, rezoning from R-1 to R-3 and the approval of preliminary plat for property located East of Cale Switch Road and South of Choctaw Road.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

Motion was made by Jerry Tomlinson and seconded by Steve Brittingham to approve Ordinance 1895, Section 2, emergency clause.

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. New Business

There was no new business.

ADJOURNMENT

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

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson