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 4:40 p.m. on the 8th day of March, 2019.

MINUTES OF THE REGULAR SCHEDULED MEETING OF THE DURANT CITY COUNCIL OF March 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 6:17 p.m.

INVOCATION/FLAG SALUTE

Fire Chief Roger Joines provided the invocation. Council Member Destry Hawthorne led the flag salute.

Mayor Tomlinson, Council Members Mike Dills, Oden Grube and Destry Hawthorne, City Manager Tim Rundel and City Attorney Tom Marcum presented the Southeastern Oklahoma Men's Basketball Team, Coach Kelly Green and Assistant Coach Ryan Quinn with a Proclamation declaring March 12, 2019 as Savage Storm Men's Basketball Day in the City of Durant.

Mayor Tomlinson asked Kat Voorhees, Adoption/Foster Care Recruiter for the Choctaw Nation of Oklahoma, to step forward as he read again the proclamation that was presented on March 7, 2019 for Foster Care Awareness Day.

ROLL CALL

Present: Council Member Destry Hawthorne	City Attorney Tom Marcum
Council Member Oden Grube	City Manager Tim Rundel
Council Member Mike Dills	City Clerk Cynthia J. Price
Mayor Jerry Tomlinson	
Absent: Vice-Mayor Chad Hitchcock	(*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 of February 12, 2019

b. Consider Approval of Regular Meeting Minutes of February 12, 2019

c. Consider Approval of Claims for February 2019

d. Consider Renewal of AirMedCare Network Membership for Air Ambulance for FY 2019-2020

e. Consider Recommendation of Oklahoma Municipal Assurance Group (OMAG) to Deny Claim of Shelly Ash

f. Consider Recommendation of Oklahoma Municipal Assurance Group (OMAG) to Deny Claim of LouAnn Lively

g. Consider Approval of Special Event Permit Application by Magnolia Festival of Oklahoma for Magnolia Run 5K & Fun Run (SEP 2019-01)

h. Consider Approval of Special Event Permit Application by Durant Main Street for Magnolia Farmers Market (SEP 2019-02)

i. Consider Approval of Special Event Permit Application by Durant Main Street and Blast From The Past Car Club for Draggin' Main Car Show & Cruise (SEP 2019-03)

j. Consider Approval of Special Event Permit Application by Durant Area Chamber of Commerce for Great American Clean Up (SEP 2019-04)

Approved

Council Member Hawthorne requested Item 1(b) be removed for further discussion.

Motion was made by Destry Hawthorne and seconded by Mike Dills to approve consent items as presented.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Tomlinson

Absent: Hitchcock

2. Consider Items Removed from Consent

Item 2(b). Due to a scrivener's error on Item 5(a) of the February 12, 2019 agenda, Ordinance 1875 was incorrectly referenced as Ordinance 1834.

Motion was made by Destry Hawthorne and seconded by Mike Dills to approve the corrected regular meeting minutes of February 12, 2019.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Tomlinson

Absent: Hitchcock

3. Information Items

a. Airport Manager Monthly Report - February 2019

b. City Clerk Monthly Report - February 2019

c. Community Development Monthly Report - February 2019

d. Durant Industrial Authority Monthly Report - February 2019

e. Emergency Management Report - February 2019

f. Financial Statements for Jan 2019 and Sales Tax for Feb 2019

g. Fire Department Monthly Report February 2019

Fire Chief Roger Joines discussed the possibility of contracting with a third party cost recovery program. This program would assist in recouping expenses incurred as a result of vehicle wrecks and hazardous chemical spills. Fire Chief Joines stated there has been minimal billing done in the past but there is not a good process in place for recovering these costs. The third party company would come in and look at the runs to determine which ones they think they can recoup the expense on and then they will bill the insurance company. The bills would not go to an individual but to their insurance company. Fire Chief Joines stated if the individual does not have insurance, then those expenses would not be pursued. The third party company would also review police records looking for incidents regarding damaged guard rails, light poles and reflector poles, It would also include expenses incurred through damaged protective gear worn by the fire crews while responding to an accident or disaster. The third party company would charge the insurance company an additional recovery fee equal to 20-25% of the amount recovered as payment for their services. Fire Chief Joines will bring a proposal to council for consideration at the April 9, 2019 meeting. Mayor Tomlinson directed City Attorney Marcum to research this matter and report back to the city manager prior to bringing this back before council for consideration.

h. Grants Department Report - February 2019

i. Landfill Information and Reports - February 2019

j. Library Monthly Report - February 2019

k. Parks Monthly Report February 2019

l. Planning Commission Meeting Minutes - January 15, 2019

m. Police Department Monthly Report - January 2019

n. Public Works Project Update February 2019

o. Solid Waste Department Monthly Report - February 2019

p. Street Department Report - February 2019

q. Utility Department Monthly Report - February 2019

r. Utility Line Maintenance Report- February 2019

s. Waste Water Treatment Plant and Lab Monthly Report - February 2019

t. Water Treatment Plant Monthly Reports - February 2019

u. Senior Center

Gaye Cunningham of Bryan County RSVP Inc. addressed council to discuss a building available for sale which she believes could be utilized as a new senior citizen center. Ms. Cunningham provided council members with a handout and a power point presentation as she discussed issues with the current senior citizen center and advantages of the proposed site with pictures of each facility. Ms. Cunningham stated RSVP, Inc. has approximately $110,000 to apply towards the purchase of the proposed facility. She will be seeking out corporate donors for the remaining funds. City Manager Rundel stated he would research the city's ability to provide funding dollars as well. The facility would be owned and maintained by the city.

4. Administration

a. Consider Approval of Resolution 2019-10 Authorizing Mural Project for 2010 W Main Street

Matt Nahrstedt, Community Development Director and City Planner, addressed council and provided a new proposed rendering of a building mural for a medical marijuana retail dispensary.

Motion was made by Destry Hawthorne and seconded by Mike Dills to approve Resolution 2019-10 authorizing mural project for 2010 West Main Street.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Tomlinson

Absent: Hitchcock

b. Consider Award of Bid To Overland Corporation For Milling And Overlaying Washington Between Elm And University and Radio Rd Between W. Main And University In The Amount Of $223,100.00

Approved

James Young, Street Department Superintendent, addressed council and stated there were four bids. The lowest bidder was Overland Corporation in the amount of $223,100 with a one year material and workmanship warranty.

Motion was made by Destry Hawthorne and seconded by Mike Dills to award bid to Overland Corporation in the amount of $223,100 for milling and overlaying Washington between Elm and University and Radio Road between West Main and University.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Tomlinson

Absent: Hitchcock

c. Consider Award Of Bid To Midstate Traffic Controls, Inc For Backup Battery Systems For Traffic Signal Lights In The Amount Of $41,800.00

Approved

James Young, Street Department Superintendent, addressed council and stated two bids were received. Midstate Traffic Control, Inc. was the lowest bidder at $41,800 with a two year warranty.

Motion was made by Destry Hawthorne and seconded by Mike Dills to award bid to Midstate Traffic Controls, Inc. in the amount of $41,800 for backup battery systems for traffic signal lights.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Tomlinson

Absent: Hitchcock

d. Consider Award of Bid for Agricultural Hays Leases - Tract 1 - Former Country Club and Tract 2 - Durant Multi Sports Complex

Approved

Marty Cook, Public Works Director, addressed council and stated the bid was advertised in the Durant Democrat and on the city website. There were two bids. Mr. Cook recommended the agricultural lease for Tract 1 - Former Country Club be awarded to Danny Shepherd as the highest bidder. Mr. Cook recommended the agricultural lease for Tract 2 - Durant Multi Sports Complex be awarded to Ken Barfield as the highest bidder.

Motion was made by Mike Dills and seconded by Jerry Tomlinson to award agricultural lease bid for Tract 1 - Former Country Club to Danny Shepherd in the amount of $500 per year and award the agricultural lease for Tract 2 - Durant Multi Sports Complex to Ken Barfield in the amount of $200 per year.
Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Tomlinson

Absent: Hitchcock

e. Consideration To Approve Resolution 2019-07 Supporting The U.S. Department Of The Interior Bureau Of Reclamation 2019 WaterSMART Water And Energy Efficiency Program Grant Application For A City-Wide Automatic Meter Reader Project - Group 1 Grant Request Funding Category In The Amount Of $300,000.

Approved

Rebecca Collins, Grants Coordinator, addressed council and stated this is the same funding source as the grant for the 300 water meters for which the city has received verbal approval. There is an additional grant opportunity with two different categories known as Group 1 and Group 2. This particular application is for Group 1 in the amount of $300,000. If this grant application is awarded, those funds would be applied towards the $3.757868 Million Dollar project. The city can apply for both Group 1 and Group 2. If the city scores well, it can select which grant it would like to receive. Aqua Strategies, a partner with the Choctaw Nation of Oklahoma, is providing technical assistance for the two applications.

Motion was made by Destry Hawthorne and seconded by Mike Dills to approve Resoultion 2019-07 supporting the U.S. Department of the Interior Bureau of Reclamation 2019 WaterSMART Water and Energy Efficiency Program Grant Application for a City-Wide Automatic Meter Reader Project - Group 1 Grant Request Funding Category in the amount of $300,000 contingent upon Rebecca Collins being able to go back and review the Resolution and make sure everything is correct.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Tomlinson

Absent: Hitchcock

f. Consideration To Approve Resolution 2019-08 Supporting The U.S. Department Of The Interior Bureau Of Reclamation 2019 WaterSMART Water And Energy Efficiency Program Grant Application For A City-Wide Automatic Meter Reader Project - Group 2 Grant Request Funding Category In The Amount Of $ 1,500,000.

Approved

Rebecca Collins, Grant Coordinator, addressed council and stated this agenda item has the same project scope as Agenda Item 4(e) however this application is for Group 2 in the amount of $1,500.000. The Oklahoma Water Resources Board (OWRB) funds would be utilized as the cash match along with in-kind administration.

Motion was made by Destry Hawthorne and seconded by Mike Dills to approve Resolution 2019-08 supporting the U.S. Department of the Interior Bureau of Reclamation 2019 WaterSMART Water and Energy Efficiency Program Grant Application for a City-Wide Automatic Meter Reader Project - Group 2 Grant Request Funding Category in the amount of $1,500,000 contingent upon Rebecca Collins being able to review for accuracy.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Tomlinson

Absent: Hitchcock

5. Public Hearings

a. Consider Approval of Ordinance 1847 - Rezoning from Convenience Commercial (C-1) to General Residential (R-3) for Property Located in the 4700 Block of University Blvd

Approved

Matt Nahrstedt, Community Development Director and City Planner, addressed council and stated this request is from Shield of Faith Properties, LLC. The property is 4.7 acres and is already platted to 12 lots. This request is facilitate multi-family development. The Planning Commission voted 4-0 to approve. Mr. Nahrstedt recommends approval. There were two formal citizen concerns received.

Hearing opened to public.

Sharon Walker - concern regarding drainage and sewer problems.
Ronnie Burns - concerns regarding flooding,

Call for comment 3 times.

Public hearing closed.

Motion was made by Destry Hawthorne and seconded by Mike Dills to approve

Ordinance 1847, Section 1 - Rezoning from Convenience Commercial (C-1) to General Residential (R-3) for property located in the 4700 block of University Boulevard.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Tomlinson

Absent: Hitchcock

Motion was made by Destry Hawthorne and seconded by Mike Dills to approve Ordinance 1847, Section 2, Emergency Clause.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Tomlinson

Absent: Hitchcock

b. Consideration to Approve or Deny Final Plat for Patriot Field, Property Located on West Side of South 15th Avenue Between West Georgia and Byers

Approved

Matt Nahrstedt, Community Development Director and City Planner, addressed council regarding request of Jay Mauck. The purpose of the division of property is for construction of a single family neighborhood. It meets all of the city specifications in terms of infrastructure. The Planning Commission voted 4-0 for approval. There was one citizen concern.

Public hearing opened.

Jesse Dalrymple - concern regarding street

Call for comment three times.

Public hearing closed.

Motion was made by Destry Hawthorne and seconded by Mike Dills to approve final plat for Patriot Field, property located on west side of South 15th Avenue between West Georgia and Byers.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Tomlinson

Absent: Hitchcock

c. Consideration to Approve or Deny Request of an Amendment to the Final Plat for the Redbud Estates Subdivision, Located Along Commercial Lane

Tabled

Matt Nahrstedt, Community Development Director and City Planner, addressed council and stated this request is by Roger Ball. Mr. Nahrstedt stated when the platting process was done and construction occurred there was an issue with several of the homes being built over property boundaries, specifically Lots 9 through 14. On February 19, 2019, the Planning Commission voted 4-0 for denial due to lack of notice to the property owners' mortgage companies and the hold harmless agreement was not notarized. Mr. Nahrstedt recommends approval contingent upon the notarization of the hold harmless agreement as well as the documentation showing lender notice. Citizen concerns were received.

Public hearing opened.

David Kelly, Attorney for Roger Ball. stated there needs to be a replat as there is no other way in his opinion to accomplish the goal and make it look good in regard to county records. Mr. Kelly stated he would get the hold harmless document notarized. Mr. Kelly stated he has contacted all of the lenders but he does not have a completed agreement with them at this point. He is asking for approval to move forward and correct the problem.

City Attorney Tom Marcum stated before he can advise council to approve replatting the property, the council must be sure property owners are protected. Mr. Marcum stated he cannot advise council to approve their request at this time. Mr. Marcum further stated there is more than one way to correct this problem.

David Kelly - restated his request for approval of the replat. Mr. Kelley stated they do not have everything together to do what needs to be done at this time but it will be completed even though it is not completed as he makes this request. Mr. Kelly stated he can't really do that until the council approves the replat.

James Bishop - requests further explanation of the issues and concerns.

City Attorney Tom Marcum stated there are multiple interest holders in each of the properties. There are lenders, utility easement holders, landowners, whoever has a particular interest in that property. Mr. Marcum stated until each of those interest holders has signed off in approval, the city runs the risk of changing somebody's property line without their consent and that is a taking. The city incurs liability for a taking.

David Kelly - stated he does not believe there is another way to correct the problem in that he is not wanting to correct a plat but is asking for replatting. Mr. Kelly stated he believes all of the property owners have notice because they signed the plat.

Chris Adams, Bryan County Abstract Company - Bryan County Abstract Company performed title work and issued title insurance to both the owners and the mortgage companies on 3 of the 4 owners in question. Mr. Adams stated he cannot speak to what those policies cover.

Public hearing closed.

City Attorney Marcum recommended this item be tabled.

Motion was made by Destry Hawthorne and seconded by Mike Dills to table until next regular scheduled meeting.of April 9, 2019.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Tomlinson

Absent: Hitchcock

6. Citizen Comments on Non-Agenda Items

There were no citizen comments.

7. New Business

There was no new business.

ADJOURNMENT

Motion was made by Destry Hawthorne and seconded by Mike Dills to adjourn meeting.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Tomlinson

Absent: Hitchcock