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 4:45 p.m.on the 9th day of March, 2018.

MINUTES OF THE REGULAR SCHEDULED MEETING OF THE DURANT CITY COUNCIL OF March 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 6:08 p.m.

INVOCATION/FLAG SALUTE

James Dalton provided the invocation. Council Member Mike Dills led the flag salute.

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. Presentations

a. Presentation of $15 Million Dollar Reinvestment Award from Oklahoma Main Street to the City of Durant

Stephanie Gardner, Executive Director of Durant Main Street, introduced Buffy Hughes, Oklahoma Main Street Director. Ms. Hughes stated the awards represent a milestone achieved through the tracking of investments made to the downtown business district by the City of Durant, Durant Main Street, private business owners and investors. Ms. Hughes presented an award to Mayor Tomlinson for the City of Durant. Ms. Hughes presented an award to Stephanie Gardner for Durant Main Street.

b. Public Announcement and Presentation of Police Officers Selected for

Promotion

Police Chief David Houser announced the following promotions within the Durant Police Department: Brock Jones was promoted to Captain; Jesse Petty was promoted to Lieutenant; and Brian Chavez was promoted to Sergeant. Chief Houser stated the officers have more than 43 combined years of police experience serving Durant. Each officer stepped forward with their families to be recognized. The wife of each officer pinned their uniform to signify their new rank.

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 13, 2018

Approved

b. Consider Approval of Claims for February 2018

c. Consider Approval to Renew the AirMedCare Network Membership for City Employees

d. Consider Approval of Recommendation to Fill Vacant Position on Durant Community Facilities Authority (DCFA) Board

e. Consider Approval of Special Event Application from Durant Main Street for Draggin' Main Car Show (SEP #2018-02)

f. Consider Approval of Special Event Application from Baptist Collegiate Ministries at Southeastern Oklahoma State University for the 3rd Annual 5K 'Run for the Nations' (SEP #2018-06)

Approved

Mayor Jerry Tomlinson asked that Item 2(c) be removed for further discussion.

Motion was made by Mike Dills and seconded by Chad Hitchcock to approve remaining consent items as presented. Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

3. Consider Items Removed from Consent

3(c) - City Manager Tim Rundel stated the cost of the Air MedCare network membership contract is $50 per employee and includes those employees living in rural areas. There is no cost to city employees for this benefit.

Motion was made by Chad Hitchcock and seconded by Mike Dills to approve renewal of the AirMedCare Network membership for city employees. Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

4. Administration

a. Consider Acceptance of FY16/17 Audit and Financial Statement

Approved

LaDonna Sinning, Partner with Arledge and Associates, addressed council and provided a review of the letter, single audit report, and audited financial statements which were provided to each council member. Ms. Sinning explained the purpose and meaning of each document. There were no disagreements with management. There were no internal control deficiencies or compliance issues. There were no findings to report. The city's financial position improved over the year.

A question/answer period followed.

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to accept FY 16-17 Audit and Financial Statement. Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

b. Consider Approval of Sub-Lease Agreement Between the City of Durant and Independent School District No. 72 of Bryan County, Oklahoma a/k/a Durant Public Schools for Durant Multi Sports Complex (C-2018-10)

Approved

Parks Superintendent Marty Pope addressed council and stated this is a sub lease agreement for Durant Junior High sports to use certain facilities at the Durant Multi Sports Complex.

Motion was made by Mike Dills and seconded by Destry Hawthorne to approve Sub-Lease Agreement between the City of Durant and Independent School District No. 72 of Bryan County, Oklahoma a/k/a Durant Public Schools for Durant Multi Sports Company (C-2018-10). Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

c. Consider Award of Bid for Internet Services at Library for 2018-2019

Approved

Robbee Tonubbee, Director of the Donald W. Reynolds Community Center and Library, addressed council and stated there were three bids. One bid was disqualified. Ms. Tonubbee recommended OneNet based upon the bid matrix scores.

Motion was made by Destry Hawthorne and seconded by Oden Grube to award bid to OneNet for internet services at the library for 2018-2019 in the amount of $1,310.00 monthly. Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

d. Consider Acceptance of Donation of Land to City of Durant for Library/Reading Park

Approved

Robbee Tonubbee, Director of the Donald W. Reynolds Community Center and Library, addressed council and stated the land owner is in the process of selling his primary residence and wanting to donate the two adjoining lots that he owns. The lots adjoin city owned property. Ms. Tonubbee stated she has available funds to pay for the survey and appraisal of the lots.

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to accept donation of land to City of Durant for Library/Reading Park. Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

e. Consider Award of Bid for Asphalt

Approved

James Young, Street Department Superintendent, addressed council and stated there were two bids. Mr. Young recommended the asphalt bid be awarded to Overland Corporation. Overland Corporation was the lower bidder on all but one category. The other bidder is located in Whitesboro, TX. Mr. Young stated the additional time and fuel cost that would be incurred in traveling to Whitesboro were factors in his decision to recommend Overland Corporation.

Motion was made by Mike Dills and seconded by Destry Hawthorne to award bid for asphalt to Overland Corporation. Motion Passed with the following vote:

Ayes: Dills, Hawthorne, Hitchcock, Tomlinson
Nays: Grube

f. Consider Approval of Resolution # 2018-06 Authorizing a Mural Project for the Durant Main Street Organization

Approved

Marty Cook, Public Works Director, appeared on behalf of Matt Nahrstedt, Community Development Director and City Planner. Mr. Cook stated this mural would be on the Veterans of Foreign Wars Building at Lost Street and 2nd. The mural depicts a flag and soldiers.

Motion was made by Mike Dills and seconded by Chad Hitchcock to approve Resolution 2018-06 authorizing a mural project for the Durant Main Street organization. Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

g. Consider Approval of Resolution 2018-07 Directing Apportionment of the Increment Generated in Current and Prior Fiscal Years Ending June 30, 2018 from Increment District No. 2, City of Durant

Approved

City Attorney Tom Marcum addressed council and stated this is largely a housekeeping and administrative matter that provides for the transfer of collected tax increment funds for Commercial Metals Company. Mr. Marcum stated this resolution is to provide direction only.

Motion was made by Chad Hitchcock and seconded by Destry Hawthorne to approve Resolution 2018-07 directing apportionment of the increment generated in current and prior fiscal years ending June 30, 2018 from Increment District No. 2, City of Durant. Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

h. Consider Approval of Ordinance No. 1848 Amending the City of Durant Code of Ordinances by Amending Section 95.60 to Declare the Withdrawal of Groundwater in Excess of One's Equal Proportionate Share within the Blue River Subsurface Watershed as a Nuisance; Providing for Repealer and Severability; and Declaring An Emergency

Approved

City Attorney Tom Marcum addressed council and stated the City of Durant gets it water from the Blue River which comes from the Arbuckle-Simpson Aquifer. The aquifer is

also the location of several surface mining companies. Mr. Marcum stated that in the event a user upstream withdraws groundwater in excess of their proportionate share which affects our water supply, this ordinance gives the City of Durant a mechanism by which that user's actions can be declared a public nuisance.

Motion was made by Chad Hitchcock and seconded by Mike Dills to approve Ordinance No. 1848, Sections 1-3, amending the City of Durant Code of Ordinances by amending Section 95.60. Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

Motion was made by Destry Hawthorne and seconded by Mike Dills to approve Section 4 - Emergency Clause. Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

5. Public Hearings

a. Consider Approval of PC2018-02, a Preliminary Plat for Terra Bella Phase II, a Development Located near Washington Ave. and Redbud Lane.

Approved

Marty Cook, Public Works Director, appeared on behalf of Matt Nahrstedt, Community Development Director and City Planner. Mr. Cook stated Sean Burrage filed the application in January 2018. Mr. Burrage addressed council and stated Terra Bella II will contain 28 lots between .5 and .78 acres. Mr. Cook stated the application was approved by unanimous vote of the Planning Commission. There were no letters or concerns.

Hearing opened to public.

Edna Tidwell - traffic concerns.

Call for comment three times.

Hearing closed.

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to approve PC2018-02, a preliminary plat for Terra Bella Phase II, a development located near Washington Avenue and Redbud Lane. Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

b. Consider Approval of Ordinance # 1846 PC2018-04, a Rezoning Request from A-1 General Agriculture to R-1 Single-Family Residential for a Property Located South of Choctaw Road and East of Cale Switch Road.

Approved

Marty Cook, Public Works Director, appeared on behalf of Matt Nahrstedt, Community Development Director and City Planner. Choctaw Nation filed an application for approval of re-zoning in January 2018. This application is to facilitate the development of a single family neighborhood that will stay in the control of the Choctaw Nation and be a part of their sovereign nation as they rent it out. The development will be built in two phases and consist of a total of 40 single family homes. The application was approved by the Planning Commission in February 2018. There have been no letters or concerns.

Hearing opened to public.

Charles Bachmann - stress on sewer system, impact fees for affected infrastructure

Call for comment three times.

Hearing closed.

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Motion was made by Mike Dills and seconded by Destry Hawthorne to approve Ordinance 1846, Section 1, PC 2018-04, a rezoning request from A-1 General Agriculture to R-1 Single Family Residential for a property located South of Choctaw Road and East of Cale Switch Road. Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to approve Ordinance 1846, Section 2 - Emergency Clause. Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

c. Consider Approval of PC2018-05, a Final Plat for Heritage Crossing Phase II, a Development Located North of Larkspur Lane and Wilson Street.

Approved

Marty Cook, Public Works Director, appeared on behalf of Matt Nahrstedt, Community

Development Director and City Planner. Mr. Cook stated Sunstar Development filed an application for approval of the final plat for Heritage Crossing Phase II in January 2018. City staff has reviewed the final plat and visited the site with a couple of other departments and all are in agreement the plat is ready to be accepted. There have been no letters or concerns.

Hearing opened to public

George Jacox - spoke in favor.
Charles Bachman - Alternate route. possible objection.
Linda Gray - Sewer impact

Call for public comment three times.

Hearing closed.

Motion was made by Mike Dills and seconded by Oden Grube to approve PC2018-05, a final plat for Heritage Crossing Phase II, a development located north of Larkspur Lane and Wilson Street. Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

6. Information Items

a. Airport Manager Monthly Report - February 2018

b. City Clerk Report - February 2018

c. Community Development Monthly Report - February 2018

d. Emergency Management Report - February 2018

e. Financial Reports January, 2018, and Sales Tax Breakdown, February, 2018

f. Fire Department Monthly Report February 2018

g. Grants Department Report - February 2018

h. Landfill Information & Reports - February 2018

i. Library Report - February 2018

j. Parks and General Services Monthly Report - February 2018

k. Planning Commission Regular Meeting Minutes - January 16, 2018

l. Police Department Monthly Report - January 2018

m. Public Works Director - Monthly Projects Report - February 2018

n. Solid Waste Department Monthly Report - February 2018

o. Street Department Report - February 2018

p. Utility Billing Office Monthly Summary Report - January & February 2018

q. Waste Water Treatment Plant and Lab Monthly Report - February 2018

r. Water Treatment Plant and Lab Monthly Report - February 2018

7. Citizen Comments on Non-Agenda Items

Allen Thomas - excessive rainwater through water main.
Jerry Garrett - excessive rainwater through water main.
Melba Graham - excessive rainwater through water main.
Allen Juelch - excessive rainwater through water main.

8. Executive Session

a. Consider Executive Session for Confidential Communication with Attorney Concerning Pending Claims Against the City of Durant - Ballard v. City of Durant; Stephens v. City of Durant; Cash v. City of Durant. (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 Destry Hawthorne 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 Destry Hawthorne to return to regular session. Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

b. Consider Action Pursuant to Item 8(a)

Approved

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to direct the city manager and city attorney to defend and represent the city as necessary in pending claims as listed. Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

9. New Business

There was no new business.

ADJOURNMENT

Motion was made by Chad Hitchcock and seconded by Destry Hawthorne to adjourn meeting. Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson