

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 5:05 p.m. on the 5th day of April, 2019.

MINUTES OF THE REGULAR SCHEDULED MEETING OF THE DURANT CITY COUNCIL OF April 9, 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

James Dalton provided the invocation. A boy scout troop in attendance 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 the Military Order of the Purple Heart Special Recognition Award to the City of Durant by Three Valley Museum

Nancy Ferris, Director of the Three Valley Museum, presented Mayor Tomlinson and City Council Members with the Military Order of the Purple Heart Special Recognition Award on behalf of the Ernest Childers Chapter 589, Military Order of the Purple Heart, U.S.A. This award was bestowed upon the City of Durant for its dedication and support honoring America's combat wounded veterans and all veterans.

- b. Proclamation Declaring April 14, 2019 through April 19, 2019 National Telecommunications Week Recognizing Our 911 Public Safety Communications Specialists

Mayor Tomlinson asked Police Chief David Houser and 911 Public Safety Communications Specialists Alicia Dennis, Amber Cendejas, Lacy Dillingham and Kayci Roberts to step forward for presentation of the proclamation.

c. Proclamation Recognizing April 2019 as Fair Housing Month

Mayor Tomlinson read the proclamation declaring April 2019 as Fair Housing Month in the City of Durant.

d. Presentation of Employee Service Awards - 1st Quarter 2019

The following employees were recognized for a combined 85 years of dedicated service to the City of Durant:

FIVE YEARS:

Thomas Billy, Police Department, Certificate, Pin, \$50

Matthew Polson, Police Department, Certificate, Pin, \$50

Nicholas Spencer, Police Department, Certificate, Pin, \$50

FIFTEEN YEARS

Amber Cendejas, 911 Dispatch, Certificate, Pin, \$150

Marty Pope, Parks Department, Certificate, Pin, \$150

James Scott, Street Department, Certificate, Pin, \$150

TWENTY FIVE YEARS

Dustin Rudolf, Fire Department, Plaque, Certificate, Pin, \$250

e. Appreciation Ceremony for Mike Dills, Destry Hawthorne, Chad Hitchcock

Mayor Tomlinson presented Council Member Mike Dills, Council Member Destry Hawthorne and Council Member Chad Hitchcock with an engraved plaque in recognition of their service to the City of Durant.

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 March 12, 2019

b. Consider Approval of Claims - March 2019

- c. Consider Approval of Budget Supplements for FY 18-19
- d. Consider Recommendation of Oklahoma Municipal Assurance Group (OMAG) to Deny Claim of Elizabeth Toone
- e. Consider Approval of Special Event Permit Application by Durant Rotary Club for the 23rd Annual Magnolia Bike Tour (SEP-2019-05)
- f. Consider Approval of Oklahoma Municipal League 2019-2020 Service Fees for the City of Durant in the Amount of \$19,758.78
- g. Select Two Nominees for 2019 Ballot of Oklahoma Municipal Assurance Group Board of Trustees
- h. Consider Approval of Resignation of Billy Blackburn from At Large Position on Durant Industrial Authority Board
- i. Consider Approval of Mayoral Appointment to Durant Industrial Authority for At-Large Seat Vacated by Billy Blackburn
- j. Consider Approval of Year 2 of 3 Year Mowing Contract for Pioneer Cemetery with True Grit Works in the Amount of \$5100 (C-2017-75)
- k. Consider Approval of Year 2 of 3 Year Contract for Parks, Medians, Bypass, and Highway Mowing to Elite Six in the Amount of \$17,300; Lynch Lawn & Landscape in the Amount of \$3,240; and True Grit Works in the Amount of \$143,200
- l. Consider to Accept a Donation of Two Handicap Swings Valued at \$11,000 from Trace and Dena Sherill, and The Durant High School Student Council to be Placed at Carl Albert Park and Keithly Park

The donation was presented by Jon Hazell and select members of the Durant High School Student Council during the Presentation section of the meeting. The donation of two handicap swings valued at \$11,000 was made possible by fund raising efforts of the Durant High School Student Council and a financial contribution by Trace and Dena Sherrill.

- m. Consider Approval of Change to LumenServe Contract 2019-03 Exhibit A from \$309 Per Month to \$294 Per Month

Approved

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

Motion was made by Chad Hitchcock and seconded by Destry Hawthorne 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

(i). Mayor Tomlinson recommended the appointment of Ashley Stuteville to the Durant Industrial Authority Board to fill the At-Large Seat that was vacated by Billy Blackburn.

Motion was made by Chad Hitchcock and seconded by Destry Hawthorne to approve the mayoral appointment of Ashley Stuteville to the Durant Industrial Authority Board for the At-Large Seat vacated by Billy Blackburn.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

4. Information Items

- a. Airport Manager Monthly Report - March 2019
- b. City Clerk Report - March 2019
- c. Community Development Monthly Report - March 2019
- d. Durant Industrial Authority Monthly Report - March 2019
- e. Emergency Management Report - March 2019
- f. Financial Statements for February 2019 and Sales Tax for March 2019
- g. Fire Department Monthly Report March 2019
- h. Grants Department Report - March 2019
- i. Library Report - March 2019
- j. Parks Department Report March 2019
- k. Police Department Monthly Report - February 2019
- l. Solid Waste Department Monthly Report - March 2019

- m. Street Department Report - March 2019
- n. Utility Department Monthly Report - March 2019
- o. Utility Line Maintenance Report- March 2019
- p. Waste Water Treatment Plant Monthly Reports - March 2019
- q. Water Treatment Plant Monthly Reports - March 2019

5. Administration

- a. Consider Acceptance of FY 17-18 Annual Audited Financial Statements, including Single Audit and Performer

Approved

Assistant City Manager and Treasurer Greg Buckley distributed copies of the audit to council members. Mr. Buckley stated the audit was an unqualified audit and a positive audit however there were two issues identified that relate to operations from previous years. One of the issues was related to a \$5 Million Dollar ODOT Grant of which the City served as a pass through and the other regarded workers compensation reserves. Andy Cromer with Arledge & Associates addressed the council and stated an unqualified audit is defined as an unmodified opinion. Mr. Cromer provided an overview of the audit. Frank Crawford with Crawford & Associates addressed council and discussed the Performer which was created to take the full audit and reduce it down to a scale of 1 to 10. The City of Durant was rated 7 indicating the evaluator's opinion that the City of Durant's overall financial health remains above satisfactory although the overall score did decline somewhat during the year due to a decrease in sales tax revenue.

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to accept FY 17-18 Annual Audited Financial Statements, including Single Audit and Performer.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

- b. Consider Approval of Service Agreement with Crawford & Associates for Accounting and Consulting Services (C-2019-15)

Approved

Assistant City Manager and Treasurer Greg Buckley addressed council.

Motion was made by Chad Hitchcock and seconded by Destry Hawthorne to approve Service Agreement with Crawford & Associates for Accounting and Consulting Services.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

- c. Consider Recommending Award of a Bid for the Water Treatment Plant Fluoride System Project to Howard Construction, Inc for \$296,000.00.

Approved

Public Works Director Marty Cook addressed council and stated there were two bids. Mr. Cook recommended the bid be awarded to Howard Construction, Inc. in the amount of \$296,000 as the lowest and best bid. Mr. Cook stated the recommended bid meets all bid specifications. Construction should begin in late Summer 2019.

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to award bid for the Water Treatment Plant Fluoride System Project to Howard Construction, Inc. in the amount of \$296,000.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

- d. Consider Approval of Resolution 2019-11 Authorizing Mural Projects for Buildings at N 2nd and W Main, S 5th and Lost and 410 University Place and for Fence at S 4th and Lost

Approved

Doug Moore, new Community Development Director, addressed council. Discussion followed as to whether the Ironhorse mural was actually a logo. Clay and Dottie Moore, mural artists, stepped forward and provided background information for the Ironhorse drawing and stated it was not a logo.

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to approve Resolution 2019-11 authorizing mural projects for buildings at N 2nd and W Main, S 5th and Lost and the fence at S 4th and Lost and striking any references to Item 'C' at 410 University Place.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

- e. Consider Entering into a Contract with Claims Recovery Specialists LLC. for the Attempted Recovery of Fire Services on Behalf of the City of Durant, OK from Its Citizens and /or Their Auto and Home Owners Insurance Policies

Approved

Fire Chief Roger Joines addressed council and stated this would be a third party billing company that would try to recover costs incurred on fires, automobile accidents, wildfires

and hazardous material spills. Fire Chief Joines stated most insurance policies have this coverage built in.

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to enter into a contract with Claims Recovery Specialists LLC for the attempted recovery of fire services on behalf of the City of Durant, OK from its citizens and/or their auto and home owners insurance policies.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

- f. Consider Entering into a Contract with Claims Recovery Specialists LLC. for Damage Claims Recoveries on City-Owned Assets (i.e. Roadway Lighting, Traffic Signals, Signs, Guardrail, and Any Other Infrastructure) Under the Care, and on Behalf of the City of Durant, OK

Approved

Fire Chief Roger Joines addressed council and stated the proposed company would pull police reports to look for damage to city infrastructure and bill the responsible parties' insurance company.

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to enter into a contract with Claims Recovery Specialists LLC for damage claims recoveries on city-owned assets (i.e. roadway lighting, traffic signals, signs, guardrail and any other infrastructure under the care, and on behalf of, the City of Durant, OK.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

- g. Consider Approval of Resolution of 2019-12 Supporting The Purchase of New Senior Center

Approved

City Manager Tim Rundel addressed council and stated Gaye Cunningham is trying to raise funds to purchase a facility for a new senior center. The sale price of the 10,000 square foot facility is \$433,000. City Manager Rundel stated Ms. Cunningham has raised \$70,000 to date and needs to raise another \$200,000. The proposed Resolution would pledge \$100,000 towards the purchase of this facility. Once purchased, the facility would be deeded over to the City of Durant who would maintain it. City Manager Rundel stated the old facility would be surplussed and those funds would be utilized for renovations in the new senior center.

Motion was made by Chad Hitchcock and seconded by Destry Hawthorne to approve Resolution 2019-12 supporting the purchase of the new Senior Center.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

6. Public Hearings

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

Tabled

Doug Moore, Community Development Director, addressed council. City Attorney Tom Marcum acknowledged efforts are underway in a couple of matters but the releases have not yet been obtained which was required to move this matter forward. Mr. Marcum recommended council deny the request or otherwise dispose of this matter in a manner that is not an approval. Mr. Moore stated his staff supports the city attorney's recommendations.

Ongoing discussion followed between City Attorney Marcum and David Kelley, attorney for Roger Ball, on how to resolve the plat issues.

Roger Ball, Developer - in support of approval of amendment for final plat

Lee Henderson - can Roger Ball get an extension.

Call for comment three times.

Public hearing closed.

Motion was made by Destry Hawthorne and seconded by Oden Grube to table based on the applicant's request for an extension.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

7. Citizen Comments on Non-Agenda Items

There were no citizen comments.

8. Executive Session

- a. Discussion and Consideration of Entering into Executive Session as Authorized by Title 25, Section 307 B(7) of the Oklahoma State Statutes to Discuss Health Related Information as it Pertains to Terry Condor's Application for a Disability Pension

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 re-enter regular session. Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

- b. Consider Action Pursuant to 8.a. Above
Approved

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to approve Terry Condor's application for a disability pension.

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