

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 4:15 p.m. on the 9th day of April, 2020. An amended agenda was posted at 4:00 p.m. on the 10th day of April, 2020.

MINUTES OF THE REGULAR SCHEDULED MEETING OF THE DURANT CITY COUNCIL OF April 14, 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 6:05 p.m.

INVOCATION/FLAG SALUTE

Assistant City Manager James Dalton provided the invocation. Council Member Danny Sherrer led the flag salute.

ROLL CALL

In Attendance and Appearing Remotely:

Council Member Mike Morris
Council Member Jerry Tomlinson
City Clerk Cynthia J. Price

In Attendance and Appearing In-Person:

Council Member Danny Sherrer
Vice Mayor Steve Brittingham
Mayor Oden Grube
City Manager John Dean
City Attorney Tom Marcum

Absent: None

(*denotes partial attendance)

Mayor Grube declared a quorum.

1. Presentations

a. Presentation of Employee Service Awards for 1st Quarter 2020

The City of Durant is practicing social distancing due to the COVID 19 pandemic. For the safety of our employees and their families, the awards process was changed. Mayor Grube announced the names of those employees receiving service awards and their respective years of service. The city clerk provided the service award, pin, and check for each designated employee to their department manager who will conduct the presentation at their department location.

These employees represent a combined total of 130 years of dedicated service to the City of Durant!

5 Years -

Joshua Mullins Police Department;
Scott Seiber, Police Department;
Jeffrey Rush, Fire Department.

10 Years -

Cynthia Price, City Clerk;
Richard Ezell, Police Department;
Andrew Piper, Police Department;
Joyce Cornelison, Library.

15 Years -

Russell Harkey, Police Department;
Rocky McDaniel, Police Department;
Kenneth Rodgers, Landfill;
Darla Smith, Community Development;
Jerry Risner, Wastewater Treatment Plant.

b. Proclamation Declaring April 2020 as Fair Housing Month

Mayor Grube read aloud the proclamation declaring April 2020 as Fair Housing Month in 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 10, 2020
- b. Consider Approval of Special Called Minutes of March 31, 2020
- c. Consider Approval of Claims - March 2020
- d. Consider Approval of Budget Amendment 2020-10
- e. Consider Approval of Recommendation from the Durant Industrial Authority to Expend Funds in the Amount of \$20,027.70 from Economic Development Sales Tax to Pay for Tubacex Infrastructure

- f. Consider Approval of Tyler Technologies Software (Incode) Yearly Renewal Quote
- g. Consider Approval of Tyler Content Manager Enterprise Edition (TCM EE)
- h. Consider Approval of Appointment of City Manager John Dean to the Southern Oklahoma Development Association (SODA) Board of Directors
- i. Consider Approval of Recommendations of Three Nominees for 2020 Election of Oklahoma Municipal Assurance Group Board of Trustees
- j. Consider Approval of Annual Contract with Caliber Public Safety to Update Bryan County's 9-1-1 Addressing
- k. Consider Approval of Resolution 2020-06 Endorsing the Imagine Durant Blue Zones Project to Improve Well Being and Economic Vitality
- l. Consider Approval of Proclamation for National Women's Health Week (May 10-16, 2020) and Women's Health Month (May 2020)

Approved

Council Member Jerry Tomlinson noted that Agenda Item 2(e) - Consider Approval of Durant Industrial Authority to Expend Funds in the Amount of \$20,027.70 from Economic Development Sales Tax to Pay for Tubacex Infrastructure - is also listed as Agenda Item 5(e) under the Administration category. City Manager John Dean stated this item should be addressed under the Administration category and not under the Consent category.

Motion was made by Jerry Tomlinson and seconded by Mike Morris to remove Agenda Item 2(e) from consideration and approve all remaining 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 Report - March 2020
- b. City Manager Monthly Report
- c. Community Development Monthly Report

- d. Emergency Management Report - March 2020
- e. Financial Statements and Sales Tax Breakdown-February 2020
- f. Fire Department Monthly Report March 2020
- g. Human Resources Report - March 2020
- h. Library Report for March 2020
- i. Parks Department Monthly Report - March 2020
- j. Police Department Monthly Report - February 2020
- k. Street Department March Monthly Report 2020

5. Administration

- a. Consider Approval of Resolution 2020-12 to Extend the State of Emergency Due to the Covid-19 Pandemic; Establishing Public Meeting Practices for City Council, Authorities, Trusts, Commissions, Advisory Boards and Committees of the City of Durant; Limit Gatherings; Directing the City Manager to Not Issue Permits for Events with Certain Projected Attendance; Authorizing the City Manager to Adjust Operations and Services in Response to Covid-19 as Necessary; and Delay the Municipal Court Dockets

Approved

Motion was made by Jerry Tomlinson and seconded by Steve Brittingham to approve Resolution 2020-12 to extend the State of Emergency due to the COVID-19 Pandemic; Establishing Public Meeting Practices for City Council, Authorities, Trusts, Commissions, Advisory Boards and Committees of the City of Durant; Limiting Gatherings; Directing the City Manager to not issue permits for events with certain projected attendance; Authorizing the City Manager to adjust operations and services in response to COVID-19 as necessary; and delay the municipal court dockets; State of Emergency to remain in effect within the City of Durant until 3:00 p.m. on Thursday, April 30, 2020 when the pandemic emergency will be reassessed.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

- b. Consider Approval of the Updated Compensation Plan and Salary Schedule as Recommended by McGrath Human Resources Group, Effective July 1st 2020

No Action Taken

- c. Consider and Take Action with Respect to Resolution 2020-11 Approving the Incurrence of Indebtedness by the Durant City Utilities Authority (the "Authority") Issuing Its Utility System and Sales Tax Revenue Note, Series 2020 (the "Note"); Providing that the Organizational Document Creating the Authority is Subject to the Provisions of the Indenture Authorizing the Issuance of Said Note; Waiving Competitive Bidding with Respect to the Sale of Said Note and Approving the Proceedings of the Authority Pertaining to the Sale of Said Note; Ratifying, Confirming, and Approving the Sales Tax Agreement By and Between the City of Durant, Oklahoma (the "City") and the Authority Pertaining to the Year-to-Year Pledge of Certain Sales Tax Revenues; Ratifying, Confirming, and Approving the Lease, as Amended, Pertaining to the City's Utility Systems; and Containing Other Provisions Relating Thereto

Approved

Allan Brooks, Attorney with the Public Finance Law Group PLLC, appeared remotely and introduced Chris Gander, Investment Banker with BOK Financial Securities who also appeared remotely. Mr. Gander stated that due to the COVID-19 pandemic, the banks have not been as responsive in bidding on notes. One bid was received from First United Bank. The note would be at 3%, pre-payable after 10 years, with a 1% premium. Mr. Gander stated he believed it was a good and fair rate as to what is available on the market and recommended the approval of First United Bank. Council Member Morris asked City Manager John Dean to again state the purpose of the \$13.2 Million Dollar Note. City Manager Dean stated the intent is for \$11 Million Dollars to go towards street improvements and \$2 Million Dollars to go toward water improvements which is in line with the recommendations of the Streets and Infrastructure Task Force.

Motion was made by Jerry Tomlinson and seconded by Danny Sherrer to approve Resolution 2020-11 approving the incurrence of indebtedness by the Durant City Utilities Authority (the "Authority") issuing its Utility System and Sales Tax Revenue Note, Series 2020 (the "Note"); providing that the organizational document creating the authority is subject to the provisions of the indenture authorizing the issuance of said note; waiving competitive bidding with respect to the sale of said note and approving the proceedings of the authority pertaining to the sale of said note; ratifying, confirming, and approving the lease, as amended, pertaining to the City's Utility Systems; and containing other provisions relating thereto; and approving First United Bank as lender.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

- d. Consideration to Accept Assistance Agreement for \$1.5 Million Dollars from the U.S. Dept of Interior Bureau of Reclamation WaterSMART Water and Energy Efficiency Grant Program (WEEG) for a City-Wide AMR Smart Meter Conversion and Advanced Metering Infrastructure Project. (C-2020-18)

Approved

Grants Coordinator Rebecca Payne addressed council and stated this agreement will affect every business and citizen in Durant. The Oklahoma Water Resources Board (OWRB) loan will provide the match. The City is no longer required to provide in-kind labor and equipment.

Motion was made by Jerry Tomlinson and seconded by Steve Brittingham to accept Assistance Agreement for \$1.5 Million Dollars from the U.S. Department of Interior Bureau of Reclamation WaterSMART Water and Energy Efficiency Grant Program (WEEG) for a City-Wide AMR Smart Meter Conversion and Advanced Metering Infrastructure Project (C-2020-18).

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

- e. Consideration to Approve Costs for an Emergency Utility Bore Completed by W. Brown Enterprises, Inc in the Amount of \$ 20,027.70 for the Utility Infrastructure Improvements Necessary to Support Tubacex Durant, Inc. Operations.

Approved

Grants Coordinator Rebecca Payne addressed council on behalf of Lisa Taylor, Executive Director of the Durant Industrial Authority. Ms. Payne stated the water and sewer infrastructure that was approved for the Tubacex project did not include the bore. The utility bore was an emergency. The Durant Industrial Authority Board has approved a recommendation to the Durant City Council for authority to pay the cost of the emergency utility bore from the 1/4 cent economic development sales tax.

Motion was made by Jerry Tomlinson and seconded by Steve Brittingham to approve costs for an emergency utility bore completed by W. Brown Enterprises, Inc. in the amount of \$20,027.70 for the utility infrastructure improvements necessary to support Tubacex Durant, Inc. operations to be paid from the economic development sales tax.

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

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

Approved

6.(a)(A) - The public was advised to email City Clerk Cynthia Price at cprice@durant.org with their request to speak at the public hearing. No email requests were received.

Grant Coordinator Rebecca Payne addressed council and stated the only match was the Commercial Metals Company's private investments. There were no funding costs to the City of Durant for the water, sewer and roadway improvements. The project came in under budget. Commercial Metals Company committed to creating 168 jobs to be offered to low to moderate income persons as required as a condition of the grant. 184 jobs were created. This grant was funded in Fall 2016. It was a three year grant. The ending period was the end of 2019. Because there was \$80,000 left over in grant funds, an extension was granted which allowed for overlay on McLean Road since it would directly benefit Commercial Metal Company.

Motion was made by Jerry Tomlinson and seconded by Mike Morris to accept the 16802 CDBG-ED 16 Project as complete.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

6.(a)(B) - Grant Coordinator Rebecca Payne addressed council and stated some the documents are not complete.

Motion was made by Jerry Tomlinson and seconded by Danny Sherrer to approve the 16802 CDBG-ED 16 Project Closeout Documents contingent upon the grants coordinator completing the pertinent information and coordinating with the city manager and the city attorney to insure the missing pieces are complete.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

7. New Business

There was no new business.

ADJOURNMENT

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

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson