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 5:35 p.m. on the 4th day of May, 2018.

MINUTES OF THE REGULAR SCHEDULED MEETING OF THE DURANT CITY COUNCIL OF May 8, 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 6:07 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. 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 April 10, 2018

b. Consider Approval of Special Called Meeting Minutes of April 14, 2018

c. Consider Approval of Special Called Meeting Minutes of April 16, 2018

d. Consider Approval of Claims for April 2018

e. Consider Approval of Budget Amendment 2018-05

f. Consider Approval of Amending RFAP 2018-034 Legal Services from $60,000.00 to $90,000.00, or Take Any Other Appropriate Action

g. Consider Approval of Former Employee Jordan Ward's Application for Lump Sum Distribution from Oklahoma Municipal Retirement Plan (Defined Benefits)

h. Consider Approval of Special Event Application from Durant Main Street for Kopper Kettle Cook-Off (SEP #2018-10)

i. Consider Approval of Special Event Application from Durant FOP Auxiliary for Police Memorial Service (SEP #2018-12)

j. Consider Approval of Special Event Application from Durant Area Chamber of Commerce for Southeastern Oklahoma State University and Durant High School Joint Homecoming Parade on October 11, 2018 at 6:30 p.m.; Veteran's Day Parade on November 10, 2018 at 10:00 a.m. and Christmas Parade on December 4, 2018 at 7:00 p.m. (SEP #2018-14)

k. Consider Approval of Special Event Application from Durant Rotary Club for Magnolia Bike Tour (SEP #2018-15)

l. Consider Approval of Special Event Application from Light of Hope Shelter, Inc. for Light of Hope 5K Run (SEP #2018-13)

Approved

Council Member Grube asked that Item 1(f) be removed for further discussion.

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to approve remaining consent items as presented.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

2. Consider Items Removed from Consent

2(f) - Administrative Services Director Greg Buckley addressed council in response to Council Member Grube and stated the City is currently under the amount of the existing RFAP. City Manager Tim Rundel stated former city attorney Pat Phelps was both contractual and a part-time employee and that both those amounts were not factored in to

the original RFAP for legal services. City Attorney Tom Marcum stated he does not anticipate going over $90,000 and that this amount was proposed to avoid having to go back to council to ask for approval of another budget amendment. Council Member Grube stated she was just trying to watch our money because the city is supposedly broke. City Attorney Marcum asked Council Member Grube on what basis she makes the statement that the city is supposedly broke. Council Member Grube first challenged City Attorney Marcum's right to speak and then answered that her reason for making the statement was because there is a $20 Million bond issue we are trying to get passed.

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to approve amendment of RFAP 2018-034 Legal Services from $60,000 to $90,000.

Motion Passed with the following vote:

Ayes: Dills, Hawthorne, Hitchcock, Tomlinson

Abstain: Grube

3. Administration

a. Select Two Nominees and Authorize Ballot to Fill Expiring Terms of Two Trustees on the Oklahoma Municipal Assurance Group Board of Trustees

Approved

City Manager Tim Rundel recommended Kimberly Meek, City Manager of the City of Duncan, Oklahoma, and Craig Stephenson, City Manager of the City of Ponca City, Oklahoma for election to the Oklahoma Municipal Assurance Group Board of Trustees.

Motion was made by Chad Hitchcock and seconded by Mike Dills to select Kimberly Meek, City Manager of the City of Duncan, Oklahoma, and Craig Stephenson, City Manager of the City of Ponca City, Oklahoma and authorize ballot to fill expiring terms of two trustees on the Oklahoma Municipal Assurance Group Board of Trustees.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

b. Consider Recommendation of Oklahoma Municipal Assurance Group to Deny Tort Claim

Approved

City Clerk Cynthia Price provided an overview of the tort claim. The tort claim was provided in its entirety as an attachment to the agenda item.

Motion was made by Jerry Tomlinson and seconded by Chad Hitchcock to approve recommendation of the Oklahoma Municipal Assurance Group to deny tort clam of Stanley Pollard.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

c. Presentation by Durant Independent School District

No Action Taken

Duane Meredith, Durant Independent School District Superintendent, addressed council and provided a overview of the legal process for annexation.

d. Consider Approval of Resolution 2018-13 Establishing a Fee Schedule for Open Records

Approved

City Attorney Tom Marcum provided city council members with a copy of the proposed fee schedule for open records. The current form accurately reflects the permissible charges but was not posted with the county clerk. This action will bring the City into statutory compliance. Discussion followed

Motion was made by Destry Hawthorne and seconded by Oden Grube to approve Resolution 2018-13 Establishing a Fee Schedule for Open Records conditioned upon revision to Exhibit A - Electronic Copies and Exhibit A - Cost of Employee Time to read 'if employee time exceeds 60 minutes'.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

e. Consider Approval of Joint Resolution 2018-14 Authorizing the Acquisition of Real Property for the Purpose of Extending the Runway at Durant Regional Airport - Eaker Field and Declaring a Necessity
Approved

City Attorney Tom Marcum addressed council and stated the plans are to extend the runway at Durant Regional Airport southward 1800 feet. In order to be compliant with FAA regulations, the City needs to acquire real property at the end of the runway. The process has begun to have the land appraised to determine market value so that the City can enter into negotiations with the landowners. If the purchase is not successfully negotiated, the City can take the land by eminent domain. City Attorney Marcum stated the land will never be developed. Marty Cook, Public Works Director, stated the funds will come from the Airport Authority budget as it will become Airport Authority property. Mr. Cook stated the FAA requires that the city own a certain amount of property on each end of our paved runway to control development. The land will continue to be available for hay lease or grazing.

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to approve Joint Resolution 2018-14 authorizing the acquisition of real property for the purpose of extending the runway at Durant Regional Airport - Eaker Field and declaring a necessity.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

f. Consider Approval of Ordinance No. 1853 - Amending the Durant Code of Ordinances Section 135.06 "False Alarms"; Declaring an Emergency Approved

Matt Nahrstedt, City Planner and Community Development Director, addressed council and stated the amendment would address intentional 911 calls as well as unintentional 911 calls. Mr. Nahrstedt clarified the difference between the intentional and unintentional 911 calls. Mr. Nahrstedt recommended language be added to Section D(2) to read as follows: 'Any person found guilty in violation of subsection (D) shall be punished by a fine not to exceed One Hundred Dollars ($100.00), plus costs per call subsequent to notification.'.

Motion was made by Destry Hawthorne and seconded by Oden Grube to approve Ordinance No. 1853, Section 1, amending the Durant Code of Ordinances Section 135.06 "False Alarms" to include the amendment noted by Matt Nahrstedt.

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 1853, Section 2, Emergency Clause. Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

g. Consider Approval of Resolution # 2018-12 to Update the City of Durant Fee Schedule to Include New False Alarm Fees Approved

Matt Nahrstedt, City Planner and Community Development Director, addressed council and stated this resolution would update the fee schedule to include intentional and unintentional 911 calls at a fee of $500 and $100 respectively.

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to approve Resolution 2018-12 to update the City of Durant Fee Schedule to include new false alarm fees.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

h. Consider Approval of Resolution # 2018-11 Authorizing Five Mural

Projects in the Central Business District for the Durant Main Street Organization

Approved

Matt Nahrstedt, City Planner and Community Development Director, addressed council and stated there are five additional murals for consideration located at Axis Dance, the Pickery, Sweaengin Insurance, Nautilus and the Brenda Shipman Building. Artists Clay and Dotti Moore stepped forward and discussed the Nautilus project.

Motion was made by Mike Dills and seconded by Chad Hitchcock to approve Resolution 2018-11 Authorizing Five Mural Projects in the Central Business District for the Durant Main Street Organization.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

i. Consideration To Approve The Request For Authorization To Purchase RFAP 2018-160 In The Amount of $ 182,228 For Infrastructure Improvements At Market Square Partially Funded By 17031 CDBG 17 (C-2017-65)

Approved

Rebecca Collins, Grants Coordinator, addressed council and stated the Request for Authorization to Purchase is for the entire project. Ms. Collins stated no money will be spent until the release of funds is complete. There is a 1-1 cash match. This is a budgeted item.

Motion was made by Chad Hitchcock and seconded by Destry Hawthorne to approve the Request for Authorization to Purchase RFAP 2018-160 in the amount of $182,228 for infrastructure improvements at Market Square partially funded by 17031 CDBG 17 (C-2017-65).

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

j. 2017 Community Development Block Grant (CDBG) Economic Development Infrastructure Finance Grant Award 17166 CDBG -ED 87 For Water and Wastewater Infrastructure Improvements (C-2018-17) Benefitting SteelFab, Inc Facility To Create New Jobs At 446 Country Club Road.

1. Consideration To Approve The Residential Anti-Displacement And Relocation Assistance Plan Relating To the Community Development Block Grant-Economic Development Infrastructure Finance (CDBG-ED) Award 17166 CDBG-ED 87.

2. Consideration To Approve The Statement Of Compliance To

Ensure Compliance With Specific Grant Award Conditions Relating To The Community Development Block Grant-Economic Development Infrastructure Finance (CDBG-ED) Award 17166 CDBG-ED 87.

3. Consideration To Approve Resolution No. 2018-15 Relating To The SteelFab, Inc. Job Creations Benefitted By The Community Development Block Grant-Economic Development Infrastructure Finance (CDBG-ED) Award 17166 CDBG-ED 87.

4. Consideration To Approve Ordinance No. 1854 Relating To The SteelFab, Inc. Job Creations Benefitted By The Community Development Block Grant-Economic Development Infrastructure Finance (CDBG-ED) Award 17166 CDBG-ED 87.

5. Consideration To Approve The Request For Authorization To Purchase RFAP 2018-149 (CONST) In The Amount of $ 882,715 For Infrastructure Construction Costs Relating To the Community Development Block Grant-Economic Development Infrastructure Finance (CDBG-ED) Award 17166 CDBG-ED 87.

6. Consideration To Authorize The Mayor To Sign Documents Relating To The Community Development Block Grant-Economic Development Infrastructure Finance (CDBG-ED) Award 17166 CDBG-ED 87.

Approved

j.(1) Rebecca Collins, Grants Coordinator, addressed council and stated this project does not involve any displacement.

Motion was made by Chad Hitchcock and seconded by Destry Hawthorne to approve the Residential Anti-Displacement and Relocation Assistance Plan relating to the Community Development Block Grant - Economic Development Infrastructure Finance (CDBG-ED) Award 17166 CDBG-ED 87.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

j. (2) Rebecca Collins, Grants Coordinator, addressed council and stated the City has not secured or completed the easements for this project in accordance with #3 of the Statement of Compliance. Ms. Collins recommended that this document be approved contingent upon #3 of the Statement of Compliance being completed.

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to approve the Statement of Compliance to ensure compliance with specific grant award conditions relating to the Community Development Block Grant - Economic Development Infrastructure Finance (CDBG-ED) Award 17166 CDBG-ED 87 contingent upon #3 of the Statement of Compliance being completed.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

j. (3) Rebecca Collins, Grants Coordinator, appeared before council.

Motion was made by Chad Hitchcock and seconded by Destry Hawthorne to approve Resolution No. 2018-15 relating to the SteelFab, Inc. job creations benefited by the Community Development Block Grant - Economic Development Infrastructure Finance (CDBG-ED) Award 17166 CDBG-ED 87.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

j. (4) Rebecca Collins, Grants Coordinator, addressed council and stated this ordinance mirrors the resolution and is for job tracking based upon the grant guidelines.

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to approve Ordinance No. 1854, Sections 1 and 2, relating to the SteelFab, Inc. job creations benefited by the Community Development Block Grant - Economic Development Infrastructure Finance (CDBG-ED) Award 17166 CDBG-ED 87 contingent upon the final paragraph of the ordinance being corrected to replace the word 'special' with 'regular'.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

j. (4)

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to approve Ordinance 1854, Section 3 Emergency Clause. Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

j. (5) Rebecca Collins, Grants Coordinator, addressed council and stated this is all grant funds and no city funds.

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to approve Request for Authorization to Purchase RFAP 2018-149 (CONST) in the amount of $882,715 for infrastructure construction costs relating to the Community Development Block Grant - Economic Development Infrastructure Finance (CDBG-ED) Award 17166 CDBG-ED 87.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

j. (6)

Motion was made by Chad Hitchcock and seconded by Destry Hawthorne to authorize the mayor to sign documents relating to the Community Development Block Grant - Economic Development Infrastructure Finance (CDBG-ED) Award 17166 CDBG-ED 87.
Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

4. Public Hearings

a. Consider Approval of Ordinance # 1843, a Rezoning Request from R-3 (General Residential) to C-3 (General Commercial) for a Property Located at 215 University Blvd; Providing for an Emergency.

Approved

Matt Nahrstedt, City Planner and Community Development Director, addressed council and stated this item is to rezone the Church of Christ and its parking lot located at 215 University Boulevard. No discrepancy was found with the application. The Planning Commission recommended approval for C-O with a 4-0-0 vote though the application requested a C-3. There was one concern. Jered Hyatt, representing Church of Christ, answered questions from council.

Hearing opened to public;

Linda Gray - question as to how the Wesley Center is zoned; Rex WIlliams - types of businesses that would qualify under C-3;

Call for public comments three times.

Public hearing closed.

Motion was made by Chad Hitchcock and seconded by Destry Hawthorne to approve Ordinance 1843, Section 1, a rezoning request from R-3 (General Residential) to C-3 (General Commercial) for a property located at 215 university Boulevard; providing for an emergency.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

Motion was made by Chad Hitchcock and seconded by Destry Hawthorne to approve Ordinance 1843, Section 2 Emergency Clause.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

b. Consider Approval of PC2018-06, a Preliminary Plat for a Property Located at 1110 N 49th Ave.

Approved

Matt Nahrstedt, City Planner and Community Development Director, addressed council and stated this a 7.5 acre property located at 1110 49th Avenue. Mr. Nahrstedt stated the applicant hopes to sub-divide the property into half acre lots. All requirements have been met through the Community Development office. The Planning Commission approved the plat with a 4-0-0 vote. No citizens concerns have been received,

Hearing opened to public.

Betty Colclazier - spoke in favor.

Called for public comment x 3.

Public hearing closed.

Motion was made by Oden Grube and seconded by Chad Hitchcock to approve PC2018-06, a preliminary plat for a property located at 1110 N. 49th Avenue. Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

5. Information Items

a. Airport Manager's Monthly Report - April 2018

b. City Clerk Monthly Report - April 2018

c. Community Development Monthly Report - April 2018
Report of Community Development activities for the month of April 2018.

d. Durant Industrial Authority Monthly Report - April 2018

e. Emergency Management Report - April 2018

f. Financial Reports March, 2018 and Sales Tax Breakdown, April, 2018

Council Member Grube had questions and stated she would meet with Greg Buckley, Interim Treasurer and Administrative Services Director to discuss at a later time.

g. Fire Department Monthly Report April 2018

h. Grants Department Report - April 2018

i. Landfill Information & Monthly Reports - April 2018

j. Library Report for Apr 2018

k. Police Department Monthly Report - March 2018

l. Public Works Director Monthly Projects Report - April 2018

m. Solid Waste Department Monthly Report - April 2018

n. Street Department Report - April 2018

o. Utilities Department Monthly Report - March 2018

p. Waste Water Treatment Plant and Lab Monthly Report - April 2018

q. Water Treatment Plant Monthly Reports - April 2018

6. Citizen Comments on Non-Agenda Items

Name: Rex Williams Topic: Proposed $20 Million General Operation Bond

7. Executive Session

a. Consider Executive Session for Confidential Communication with Attorney Concerning Pending Claims Against the City of Durant - Dempsey Ballard v. City of Durant; Emily Brittingham 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 re-enter regular session.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

b. Consider Action Pursuant to Item 7(a)

No Action Taken

8. 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