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 9:15 a.m. on the 8th day of May, 2020.

MINUTES OF THE REGULAR SCHEDULED MEETING OF THE DURANT CITY COUNCIL OF May 12, 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 6:01 p.m.

INVOCATION/FLAG SALUTE

Assistant City Manager James Dalton provided the invocation. Council Member Mike Morris led the flag salute.

ROLL CALL

In Attendance and Appearing Remotely:

Vice Mayor Steve Brittingham

In Attendance and Appearing In-Person:

Council Member Mike Morris
Council Member Danny Sherrer
Council Member Jerry Tomlinson
Mayor Oden Grube
City Manager John Dean
City Attorney Tom Marcum
City Clerk Cynthia J. Price

Absent: None (*denotes partial attendance)

Mayor Grube 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 14, 2020

b. Consider Approval of Special Called Meeting Minutes of April 29, 2020

c. Consider Approval of Budget Amendment 2020-11

d. Consider Approval of Payroll Claims - April 2020

e. Consider Approval of Addendum to Lease Agreement with Stahl/Scott Fetzer Company (C-2018-27A)

f. Consider Approval of Addendum to Lease Agreement with Trussworks, LLC (C-2019-47A)

g. Consider Approval of Crawford & Associates PC, Letter of Engagement of Account and Consulting Services (C-2020-21)

h. Consider Approval of Arledge & Associates PC, Agreed-Upon Procedures Engagement Letter (C-2020-22) & Single Audit Engagement Letter (C-2020-23) for Audit Service FY2019-2020

i. Consideration to Support a FEMA Assistance to Firefighters Grant (AFG) Application Through the FY 2019 Fire Prevention and Safety Program for Funds to Purchase a Mobile Fire Extinguisher Training Unit.

j. Consideration to Approve Change Order No. 1 to MidPlains Construction, Inc. Contract Agreement (C-2020-19) in the Amount of $1900 - for Canopy Shade Structure Rush Order Necessary to Complete 17031 CDBG Market Square Improvements Project (C-2017-65).

k. Consider Approval of Proclamation for National Men's Health Week (June 10-16, 2020) and Men's Health Month (June 2020) Approved

Motion was made by Jerry Tomlinson and seconded by Mike Morris to approve consent items as presented.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

2. Consider Items Removed from Consent

3. Information Items

a. City Clerk Report - April 2020

b. City Manager Monthly Report - April 2020

c. Community Development Monthly Report - April 2020

d. Durant Industrial Authority Monthly Report - April 2020

e. Emergency Management Report - April 2020

f. Financial Statements March 2020 and Sales Tax April 2020 Breakdown

g. Fire Department Monthly Report April 2020

h. Grants Department Report - April 2020

i. Human Resources Monthly Report - April 2020

j. Parks Department Monthly Report - April 2020

k. Planning Commission Minutes of April 21, 2020

l. Police Department Monthly Report - April 2020

m. Street Department Monthly Report - April 2020

4. Administration

a. Consider Approval of Ordinance No. 1897 Creating a Regional Planning Commission Pursuant to 11 O.S. 46-101

Approved

City Manager John Dean addressed council and stated this item was first discussed at the council retreat in February 2020. The proposed Ordinance would allow the City to have subdivision authority in the county within three miles of the city limits.

Motion was made by Jerry Tomlinson and seconded by Danny Sherrer to approve Ordinance No. 1897 creating a Regional Planning Commission pursuant to 11 O.S. 46-101.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

b. Consider Approval of Recommended Streets for Improvements and Authorize Staff to Solicit Bids for the Improvements

Approved

City Manager John Dean addressed council and stated staff has reviewed and recommended a list of streets for improvements. Staff will prepare the necessary documents to advertise for bids. The cost of the recommended street work is approximately $2 Million Dollars. Mayor Grube stated the list adds up to 8.2 miles of streets. Council Member Tomlinson raised the question of preserving the bricks beneath the overlay for historical value. Public Works Director Marty Cook will research the cost and bring an estimate back to council.

Motion was made by Jerry Tomlinson and seconded by Mike Morris to approve the recommended streets for improvements and authorize staff to solicit bids for the improvements.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

c. Consider Approval of Resolution 2020-17 Extending the State of Emergency Due to the COVID-19 Pandemic

Approved

City Manager John Dean addressed council and stated the proposed resolution extends the State of Emergency to May 28, 2020 and keeps the City in line with Governor Stitt's Open Up & Recover Safely (OURS) Plan.

Motion was made by Jerry Tomlinson and seconded by Steve Brittingham to approve Resolution 2020-17 extending the State of Emergency due to the COVID-19 Pandemic.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

d. Consideration to Approve Change Order No. 2 to W. Brown Enterprises, Inc. Contract Agreement (C-2019-32C) in the Amount of $9,496.20 for Tubacex Durant, Inc. Utility Infrastructure Improvements Related to 17488 CDBG-ED Project. (C-2019-32)

Approved

Grants Coordinator Rebecca Payne addressed council and stated the purpose of the change order is for the installation of a 12" riser for the master meter vault and to remove and replace asphalt, additional pipe, backfill and fittings for the Tie In Location. Grants Coordinator Payne recommended approval.

Motion was made by Jerry Tomlinson and seconded by Danny Sherrer to approve Change Order No. 2 to W. Brown Enterprises, Inc. Contract Agreement (C-2019-32C) in the amount of $9,496.20 for Tubacex Durant, Inc. Utility Infrastructure Improvements related to 17488 CDBG-ED Project (C-2019-32).

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

e. Consider Approval of an Agreement for Professional Services with Wall Engineering for Street Improvements

Approved

Engineer Brandon Wall addressed council and stated the agreement is for surveying, geotech, all support services, hydraulic studies and design for University and West Main. Council Member Sherrer asked if sidewalks would be included on streets being reconstructed. Mr. Wall stated that sidewalks would be considered on an area by area basis. City Manager John Dean recommended that sidewalks be included in the bid. City Manager recommends approval.

Motion was made by Jerry Tomlinson and seconded by Mike Morris to approve agreement for professional services with Wall Engineering for street improvements.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

f. Consider Approval of Collective Bargaining Agreement with Fraternal Order of Police (FOP), Local 113 for Fiscal Year 2020-21 and Authorize the Mayor to Sign Agreement, or Take Any Other Appropriate Action.

Approved

Human Resources Supervisor Kari Jones addressed council and stated the Fraternal Order of Police (FOP) and the City have agreed to roll the 2020 Collective Bargaining Agreement into 2021 with a provision stating if other city employees receive a Cost of Living Allowance (COLA) then negotiations would be re-opened. The implementation of a compensation plan for city employees would not be a factor for negotiations to be re-opened. City Manager John Dean recommended approval.

Motion was made by Jerry Tomlinson and seconded by Danny Sherrer to approve Collective Bargaining Agreement with Fraternal Order of Police (FOP), Local 113 for Fiscal Year 2020-21 and Authorize the Mayor to sign agreement.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

g. Consideration to Approve Pending Budget and Grant Contract Modification for Tubacex Durant, Inc. Water and Wastewater Infrastructure Improvements 17488 CDBG-ED Project (C-2019-32)
Tabled

Grants Coordinator Rebecca Payne appeared before council and stated the City was awarded $939,366.00 for Tubacex which included the water, wastewater, infrastructure improvements and engineering costs including the railroad bore. The construction costs came in lower than originally estimated because one of the bidders already had their equipment located on a nearby site for another project. The Oklahoma Department of Commerce (ODOC) reviewed the project because of the amount of money that would not be utilized and proposed to reduce the amount to fit expenses plus allow a 15% contingency. Ms. Payne stated that until the budget modification is approved, the grant reimbursement cannot be requested.

City Manager John Dean recommended this item be tabled.

Motion was made by Jerry Tomlinson and seconded by Mike Morris to table item.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

h. Consider Approval of Resolution 2020-18 Adopting the 2020 Records Retention Manual of the City of Durant Pursuant to 11 O.S. Section 22; and Providing for Annual Supplements

Approved

City Manager John Dean addressed council and stated this has been an ongoing project through the City Clerk's Office and was recently completed with the assistance of IT Director Brenton Rucker and City Attorney Tom Marcum.

Motion was made by Jerry Tomlinson and seconded by Mike Morris to approve Resolution 2020-18 adopting the 2020 Records Retention Manual for the City of Durant pursuant to 11 O.S. Section 22; and Providing for Annual Supplements.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

i. An Ordinance Amending the Employee Retirement System, Defined Benefit Plan for the City of Durant, Oklahoma; Providing Retirement Benefits for Eligible Employees of the City of Durant, Oklahoma; Providing for Contributions by Participants; Providing for Employer Pickup of Mandatory Contributions; Providing for Repealer and Severability;

Approved

Human Resources Supervisor Kari Jones addressed council and stated that each year the Oklahoma Municipal Retirement Fund (OMRF) provides an actuarial report based on the City retirement plan. This past year the criteria was changed with regard to life expectancy. The increased life expectancy resulted in an increase of costs that will be needed to keep the Plan funded. Ms. Jones stated that to accommodate for the increase, the City proposes to re-apply the mandatory 1.5% currently contributed by city employees from the Defined Contribution Plan to the Defined Benefit Plan effective July 1. As of July 1st, any employee contribution to the Defined Contribution Plan will be voluntary.

Motion was made by Jerry Tomlinson and seconded by Steve Brittingham to approve Ordinance 1905 Amending the Employee Retirement System, Defined Benefit Plan for the City of Durant, Oklahoma; Providing Retirement Benefits for Eligible Employees of the City of Durant, Oklahoma; Providing for Contributions by Participants; Providing for Employer Pickup of Mandatory Contributions; Providing for Repealer and Severability.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

j. An Ordinance Amending the Employee Retirement System, Defined Contribution Plan for the City of Durant, Oklahoma; Providing Retirement Benefits for Eligible Employees of the City of Durant, Oklahoma; Pertaining to Plan Designation; Providing for Repealer and Severability;

   Approved

Human Resources Supervisor Kari Jones addressed council and stated the proposed Ordinance reduces the mandatory city employees' contribution to the Defined Contribution Plan from 1.5% to 0%.

Motion was made by Jerry Tomlinson and seconded by Danny Sherrer to approve Ordinance 1906 amending the Employee Retirement System, Defined Contribution Plan for the City of Durant, Oklahoma; Providing Retirement Benefits for Eligible Employees of the City of Durant, Oklahoma; Pertaining to Plan Designation; Providing for Repealer and Severability.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

5. Public Hearings

a. Consideration PC2020-05 a Final Plat for Pecan Creek, Located at 49th Street & Kimberly Road

   Approved

Community Development Director Danielle Barker addressed council and stated staff has reviewed and there are some street issues. The street superintendent stated he is in agreement with approval of the plat with the condition that the streets gets fixed properly within a reasonable amount of time.

Hearing opened to public.

Call for comment three times.

No public comment.

Public hearing closed.

Motion was made by Mike Morris and seconded by Steve Brittingham to approve PC2020-05 a final plat for Pecan Creek, located at 49th Street and Kimberly Road.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

b. Consideration of Ordinance #1902, Rezoning for the Property Located on the North East corner of Wilson St and 49th Avenue from A-1, General Agriculture to R-1, Single-Family Residential

Approved

Community Development Director Danielle Barker addressed council and stated the property owner is requesting rezoning and a lot split so that he can build a residence there. The Planning Commission has recommended approval. There have not been any letters/comments received in opposition.

Hearing Opened to Public

Call for comment 3 times.

No public comment.

Public hearing closed.

Motion was made by Danny Sherrer and seconded by Jerry Tomlinson to approve Ordinance 1902, Section 1, rezoning for the property located on the North East corner of Wilson Street and 49th Avenue from A-1, General Agriculture to R-1, Single-Family Residential.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

Motion was made by Danny Sherrer and seconded by Jerry Tomlinson to approve Ordinance 1902, Section 2, emergency clause.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

c. Consideration of Ordinance 1903, Rezoning for property near the intersection of South 9th Avenue and Big Lots Parkway from I-2, Medium Industrial to C-2, Highway Commercial Recreation

   Approved

Community Development Director Danielle Barker addressed council and stated Choctaw Nation is the property owner and the property is currently in the process of being placed in a trust. The intent is to place a day care facility on the property. The Planning Commission has recommended approval. There have not been any letters/comments received in opposition.

Hearing Opened to Public

Call for comment 3 times.

No public comment.

Public hearing closed.

Motion was made by Danny Sherrer and seconded by Jerry Tomlinson to approve Ordinance 1903, Section 1, rezoning for property near the intersection of South 9th Avenue and Big Lots Parkway from I-2, Medium Industrial to C-2, Highway Commercial Recreation.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

Motion was made by Danny Sherrer and seconded by Steve Brittingham to approve Ordinance 1903, Section 2, emergency clause.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

6. New Business

There was no new business.

ADJOURNMENT

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

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson