

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 4:50 p.m. on the 10th day of May, 2019.

MINUTES OF THE REGULAR SCHEDULED MEETING OF THE DURANT CITY COUNCIL OF May 14, 2019 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 6:02 p.m.

INVOCATION/FLAG SALUTE

Police Chief David Houser provided the invocation. The Police Honor Guard led the flag salute.

ROLL CALL

Present: Council Member Mike Morris	City Manager Tim Rundel
Council Member Danny Sherrer	City Attorney Tom Marcum
Council Member Jerry Tomlinson	City Clerk Cynthia J. Price
Vice Mayor Steve Brittingham	
Mayor Oden Grube	

Absent: None

(*denotes partial attendance)

Mayor Grube declared a quorum.

1. Presentations

- a. Proclamation Declaring May 12-18, 2019 as National Police Week in the City of Durant

Mayor Grube presented Lieutenant Chris Marcy and Master Patrol Officer Shane Harkey of the Durant Police Honor Guard with a proclamation declaring May 12-18, 2019 as National Police Week.

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 Staff Briefing Minutes of March 12, 2019
Consider Approval of Staff Briefing Minutes of April 9, 2019,
- b. Consider Approval of Regular Meeting Minutes of April 9, 2019
- c. Consider Approval of Special Called Meeting Minutes of April 29, 2019
- d. Consider Approval of Claims - April 2019
- e. Consider Approval of Budget Amendments for FY 18-19
- f. Consider Approval of Year 3 of 3 Year Agricultural Hay Lease with Cole
Craigie for Highland Cemetery Addition (C-2017-77)
- g. Consider Approval of Appointments to Boards and Authorities
- h. Consideration Appointment of Shane Knight to the Planning
Commission
B: Reappointment of Kevin Keener to the Planning Commission
C: Reappointment of Drew Jackson to the Planning Commission

Approved

Motion was made by Jerry Tomlinson and seconded by Steve Brittingham to approve consent items as presented.

Motion Passed with the following vote:

Ayes: Morris, Sherrer, Tomlinson, Brittingham, Grube

3. Consider Items Removed from Consent

4. Information Items

- a. Airport Manager Monthly Report - April 2019
- b. City Clerk Report - April 2019
- c. Community Development Monthly Report - April 2019
- d. Durant Industrial Authority Monthly Report - April 2019
- e. Emergency Management Report - April 2019

- f. Financial Statements for March 2019 and Sales / Use Tax Report for May 2019
- g. Fire Department Monthly Report - April 2019
- h. Grants Department Report - April 2019
- i. Library Report for April 2019
- j. Parks Department Monthly Report - April 2019
- k. Planning Commission Minutes of February 19, 2019
- l. Police Department Monthly Report - April 2019
- m. Solid Waste Department Monthly Report - April 2019
- n. Street Department report April 2019
- o. Utility Department Monthly Report - April 2019
- p. Utility Line Maintenance Report- April 2019
- q. Waste Water Treatment Plant and Lab Reports - April 2019
- r. Water Treatment Plant Monthly Reports - April 2019
- s. Legislative Update

Senator David Bullard addressed city council and challenged each of them to make a list of the top ten businesses they would like to see come to Durant. Senator Bullard pledged that if a council member can get a meeting with any of the ten businesses on their list, Governor Kevin Stitt, Lt. Governor Matt Pinnell and Senator Bullard will rearrange their schedules to be at that meeting. Senator Bullard further challenged council to gather together once a week to pray for the city and its economic growth.

5. Administration

- a. Consider Award of Bid for Grave Digging Services to 3B Grave Service LLC

Consider Award of Contract for Grave Digging Services to 3B Grave Service LLC (C-2019-23)

Approved

Cemetery Administrator Cynthia Price addressed council and stated the bid was advertised in the Durant Democrat and on the city website. There was a pre-bid meeting which was mandatory for all prospective bidders to attend. 3B Grave Service LLC was the only company represented at the pre-bid meeting and was also the only bidder. Ms. Price stated 3B Grave Service LLC has been the grave digging services contractor for the City of Durant for the last three years and she recommends 3B Grave Service LLC be awarded the bid. The proposed contract contains a two year price lock guarantee and continues to honor prepaid open/closing fees as payment in full. The proposed contract was reviewed and approved by City Attorney Marcum.

Motion was made by Jerry Tomlinson and seconded by Mike Morris to award bid for grave digging services to 3B Grave Service LLC and approve contract for grave digging services with 3B Grave Services LLC (C-2019-23).

Motion Passed with the following vote:

Ayes: Morris, Sherrer, Tomlinson, Brittingham, Grube

- b. Consideration To Accept Match Contribution From Choctaw Nation In The Amount Of \$ 673,913 Supporting The EDA Public Works Federal Assistant Grant 08-01-05284 For Wastewater Treatment Plant Improvements

Approved

Rebecca Collins, Grants Coordinator, addressed council and stated in April 2019, the City of Durant received \$1.5 Million Dollars from the U.S. Economic Development Administration for the sludge press improvements at the wastewater treatment plant. At the time of the application, the Choctaw Nation committed \$700,000 towards this project. The \$673,913 is the required match for the grant.

Motion was made by Jerry Tomlinson and seconded by Steve Brittingham to accept the match contribution from the Choctaw Nation in the amount of \$673,913 supporting the EDA Public Works Federal Assistant Grant 08-01-5284 for wastewater treatment plant improvements.

Motion Passed with the following vote:

Ayes: Morris, Sherrer, Tomlinson, Brittingham, Grube

- c. Consideration To Accept Match Contribution From Choctaw Nation In The Amount Of \$ 26,087 Supporting The EDA Public Works Federal Assistant Grant 08-01-05284 For Wastewater Treatment Plant Improvements

Approved

Rebecca Collins, Grants Coordinator, addressed council and stated the amount of \$26,087 from the Choctaw Nation is the balance of their \$700,000 contribution and it will be utilized towards the project in whatever manner is needed.

Motion was made by Steve Brittingham and seconded by Danny Sherrer to accept the match contribution from Choctaw Nation in the amount of \$26,087 supporting the EDA Public Works Federal Assistant Grant 08-01-05284 for wastewater treatment plant improvements.

Motion Passed with the following vote:

Ayes: Morris, Sherrer, Tomlinson, Brittingham, Grube

- d. Consider, Discuss and Approve Ordinance 1880 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; Providing for Definition of Compensation; Providing for Repealer and Severability; and Declaring an Emergency, or Take Any Other Appropriate Action

Approved

Assistant City Manager Greg Buckley addressed council and stated that with the recent retirements it was brought to light that the definition of compensation was different between the Defined Benefit and Defined Contribution Retirement Plans. The proposed Ordinance amends the Defined Contribution Plan to match the Defined Benefit Plan definition.

Motion was made by Jerry Tomlinson and seconded by Mike Morris to approve Ordinance 1880, Sections 1-4, 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; Providing for Definition of Compensation; Providing for Repealer and Severability.

Motion Passed with the following vote:

Ayes: Morris, Sherrer, Tomlinson, Brittingham, Grube

Motion was made by Jerry Tomlinson and seconded by Mike Morris to approve Ordinance 1880, Section 5 Emergency Clause. Motion Passed with the following vote:

Ayes: Morris, Sherrer, Tomlinson, Brittingham, Grube

- e. Consider Approval of Resolution of the City of Durant Requiring Approval By the City Council of All Departmental Transfers Exceeding Certain Amounts (Resolution 2019-15)

Approved

City Attorney Thomas Marcum addressed council and stated it is not statutorily required that the council approve inter-departmental transfers. City Attorney Marcum stated a request was made that all such transfers exceeding the amount of \$50,000 be approved by the council prior to the transfer occurring.

Motion was made by Mike Morris and seconded by Steve Brittingham to approve Resolution 2019-15 of the City of Durant requiring approval by the city council of all departmental transfers exceeding certain amounts.

Motion Passed with the following vote:

Ayes: Morris, Sherrer, Tomlinson, Brittingham, Grube

- f. Consider Approval of Contract Between the City of Durant and the Durant Industrial Authority

Approved

City Manager Tim Rundel stated the Durant Industrial Authority approved this contract with a unanimous vote on May 13, 2019. City Manager Rundel stated an executive director has not been hired. The executive director position will answer to the city manager on a day to day basis.

Motion was made by Steve Brittingham and seconded by Danny Sherrer to approve the contract between the City of Durant and the Durant Industrial Authority.

Motion Passed with the following vote:

Ayes: Morris, Sherrer, Tomlinson, Brittingham, Grube

6. Public Hearings

- a. Consideration Ordinance #1876 A Rezoning for Property Located in the 3400 Block of N. 1st from R-1 to R-3

Denied

Doug Moore, Community Development Director, addressed council and stated staff recommended denial as the zoning request is not in line with the future land use plan. Mr. Moore stated the Planning Commission recommended denial as well.

Hearing opened to public.

Dr. Greg Clay - opposes R3 zoning.

Call for comment three times.

Public hearing closed.

City Attorney Tom Marcum provided the legal history of this zoning matter. City Attorney Marcum stated that the council has the authority to do what it wants to do but should keep in mind that the 150 foot strip was established by the district court judge upon appeal of the council's previous decision.

Motion was made by Steve Brittingham and seconded by Jerry Tomlinson to deny Ordinance 1876 rezoning property located in the 3400 block of N. 1st from R-1 to R-3.

Motion Passed with the following vote:

Ayes: Morris, Sherrer, Tomlinson, Brittingham, Grube

- b. Consideration Ordinance # 1877 A Rezoning for Property Located on Highway 70 East Near NE 18th from R-1 to R-2

Denied

Doug Moore, Community Development Director, addressed council and stated staff recommends denial as the zoning request is not consistent with the future land use plan. Mr. Moore stated the Planning Commission recommended denial as well.

Hearing opened to public.

Call for comment three times.

Public hearing closed.

Motion was made by Steve Brittingham and seconded by Danny Sherrer to deny Ordinance 1877 rezoning property located on Highway 70 East near NE 18th from R-1 to R-2.

Motion Passed with the following vote:

Ayes: Morris, Sherrer, Tomlinson, Brittingham, Grube

- c. Consideration Ordinance # 1878 A Rezoning for Property Located in the 100 block of South 13th, from R-2 to C-2

Approved

Doug Moore, Community Development Director, addressed council and stated staff recommends approval. The Planning Commission recommends approval.

Hearing opened to public.

Call for comment three times.

Public hearing closed.

Motion was made by Mike Morris and seconded by Steve Brittingham to approve Ordinance 1878 rezoning property located in the 100 block of South 13th from R-2 to C-2.

Motion Passed with the following vote:

Ayes: Morris, Sherrer, Tomlinson, Brittingham, Grube

Motion was made by Mike Morris and seconded by Jerry Tomlinson to approve Ordinance 1878, Section 2, emergency clause.

Motion Passed with the following vote:

Ayes: Morris, Sherrer, Tomlinson, Brittingham, Grube

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

Denied

Doug Moore, Community Development Director, addressed council and stated he yields the floor to the city attorney. City Attorney Tom Marcum stated there was a meeting last week and he hoped the applicant would produce additional information at that time but it did not happen. City Attorney Marcum stated that this evening he received information that some progress has been made. City Attorney Marcum stated to be sure both the homeowners and city are protected, he recommends denial.

David Kelly, Attorney for Roger Ball - requests approval.

Susan L., affected homeowner - wants assurance homeowners will be protected.

Charles Bachmann - how did it happen, how can this type of situation be prevented from happening again in the future. Who is responsible for this mistake?

City Attorney Tom Marcum - Builder is responsible for building houses within lines.

Roger Ball, Developer - requests approval through council.

Motion was made by Steve Brittingham and seconded by Mike Morris to deny request of an amendment to the final plat for the Redbud Estates Subdivision, located along Commercial Lane.

Motion Passed with the following vote:

Ayes: Morris, Sherrer, Tomlinson, Brittingham, Grube

7. Citizen Comments on Non-Agenda Items

Ricky Armstrong - road conditions, flooding.

Jack Shadle - storm warning system, repair of siren, street lights not working, drainage concerns.

Robert Rummell - flooding.

Charles Bachmann - sidewalks.

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 Chris Rose's Application for a Disability Pension

Approved

Motion was made by Mike Morris and seconded by Steve Brittingham to enter into executive session.

Motion Passed with the following vote:

Ayes: Morris, Sherrer, Tomlinson, Brittingham, Grube

Motion was made by Jerry Tomlinson and seconded by Mike Morris to re-enter regular session.

Motion Passed with the following vote:

Ayes: Morris, Sherrer, Tomlinson, Brittingham, Grube

- b. Consider Action Pursuant to 8(a) Above

Approved

Motion was made by Jerry Tomlinson and seconded by Mike Morris to approve application of Chris Rose for disability pension.

Motion Passed with the following vote:

Ayes: Morris, Sherrer, Tomlinson, Brittingham, Grube

- c. Consider Executive Session for Confidential Communication with Attorney Concerning Pending Claims Against the City of Durant: Ballard v. City of Durant, Oklahoma (CV-2018-32); Brittingham v. City of Durant, Oklahoma (CV-2018-34); Sullivan vs. City of Durant, Oklahoma (CJ-2018-55); Cash v. City of Durant, Oklahoma (CJ-2016-138); Tort Claim of Dempsey Keach Ballard; (This Executive Session Authorized by Title 25, Section 307 B(4) of the Oklahoma State Statutes)

Approved

Motion was made by Mike Morris and seconded by Steve Brittingham to enter executive session.

Motion Passed with the following vote:

Ayes: Morris, Sherrer, Tomlinson, Brittingham, Grube

Motion was made by Jerry Tomlinson and seconded by Mike Morris to re-enter regular session.

Motion Passed with the following vote:

Ayes: Morris, Sherrer, Tomlinson, Brittingham, Grube

- d. Consider Action Pursuant to 8(c) Above

No Action Taken

9. New Business

There was no new business.

ADJOURNMENT

Motion was made by Jerry Tomlinson and seconded by Steve Brittingham to adjourn meeting.

Motion Passed with the following vote:

Ayes: Morris, Sherrer, Tomlinson, Brittingham, Grube