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 5:05 p.m..on the 7th day of September, 2018.

MINUTES OF THE REGULAR SCHEDULED MEETING OF THE DURANT CITY COUNCIL OF September 11, 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 6:15 p.m.

INVOCATION/FLAG SALUTE

Chief Roger Joines provided the invocation. Presentation of Colors followed. The Durant Intermediate School Choir sang the national anthem. Posting of Colors followed. Chief Joines led the pledge of allegiance. The Durant High School Choir sang the Blessing Song and Salute to the Armed Forces.

ROLL CALL

Present:	Council Member Destry Hawthorne	City Attorney Tom Marcum
	Council Member Oden Grube	City Manager Tim Rundel
	Council Member Mike Dills	City Clerk Cynthia J. Price
	Mayor Jerry Tomlinson	
Absent:	Vice-Mayor Chad Hitchcock	(*denotes partial attendance)

Mayor Tomlinson declared a quorum.

1. Presentations

a. Special Presentation In Honor of 9/11 Victims

The Durant Intermediate School Choir sang the national anthem. The Durant High School Choir sang the Blessing Song and Salute to the Armed Forces with recognition of those members of the audience, council and city staff who served in a branch of the armed forces.

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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 August 14, 2018

b. Consider Approval of Claims for August 2018

c. Consider Approval of Budget Amendments for FY 18-19

d. Consider Approval of Special Event Application from Cub Scouts Pack 615 of Durant for Pack 615 Cub Mobile/Soap Box Derby (SEP-2018-27)

e. Consider Approval of Special Event Application from Choctaw Nation Trail of Tears Bike Team for Third Annual Youth Bike Ride (SEP-2018-26)

f. Consider Approval of Mayor Appointment to the Cemetery Advisory Board

g. Consider Approval of 2018 Safe Oklahoma Grant From Oklahoma Attorney General's Office (Contract # 2018-59) In the Amount Of $57,627

h. Authorization to Apply for, and if Awarded, Authorize the City Manager to Accept the FY 2019 Emergency Management Performance Grant for State and Local Assistance

i. Request Adoption by Resolution 2018 - 024 of the Durant / Bryan County Emergency Operations Plan (EOP)

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Approved

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

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

3. Consider Items Removed from Consent

4. Administration

a. Consider Authorization to Accept a Donation in the Amount of $4,500.00 from Trace and Dena Sherrill for the Purchase of a Two Bay Handicap Swing to be Located at Durant Dixon Park

Approved

Marty Pope, Parks Superintendent, addressed council and stated this donation is Phase 1 of a 3 Phase project. Phase 1 will be located at Dixon Durant Park (Rocket Park). Phase 2 will be the splash pad at Keithley Park next year. Carl Albert Park will be Phase 3. Marty Pope expressed thanks to Trace and Dena Sherrill for all they do for the community.

Motion was made by Mike Dills and seconded by Chad Hitchcock to accept donation in the amount of $4,500 from Trace and Dena Sherrill for the purchase of a two bay handicap swing to be located at Durant Dixon Park.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

b. Consideration To Accept Donated Funds In The Amount Of $ 69,518 From Durant Trails And Open Space (DTOS), A Local Community Partner, To Be Specifically Utilized Towards The Cash Match Requirement For Construction Related To The 2016 Transportation Alternative Project (TAP) Rails To Trails Phase 1 Grant Award TAPS-2983-(004)TP State Job No. 32983 (04) From The OK Department Of Transportation In The Amount Of $396,630. (C-2017-25).

Approved

Rebecca Collins, Grants Coordinator, addressed council and stated the city received a grant from the Oklahoma Department of Transportation to rehab an abandoned railway on the east side of 1st Street. Ms Collins stated that project is

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under design. There was a match requirement of $99,158. The Durant Trails and Open Spaces offered to facilitate the funds for this project.

The following representatives of Durant Trails and Open Spaces stepped forward to donate the remaining match funds for the project: Stuart Rustin, Derek Hines, Paul Buntz, Mike Delloro, James Bishop and TIm Boatmun, All audience members who were involved in this project were asked to step forward. A group photo was taken.

Motion was made by Chad Hitchcock and seconded by Destry Hawthorne to accept donated funds in the amount of $69,518 from Durant Trails and Open Space (DTOS), a local community partner, to be utilized towards the cash match requirement for construction related to the 2016 Transportation Alternative Project (TAP) Rails to Trails Phase 1 Grant Award TAPS-2983-(004) TP State Job No. 32983 (04) from the Oklahoma Department of Transportation in the amount of $396,630 (C-2017-25).

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

c. Consider Award of Bid for Propane Sales and Service for the City of Durant and Approve Contract with McCraw Oil Company, Inc. at Rate of $1.39 Per Gallon for Year 1, $1.35 Per Gallon for Year 2, and $1.32 Per Gallon for Year 3

   Approved

Marty Pope, Parks Superintendent, addressed council and stated there were two bids. Mr. Pope recommended McCraw Oil Company, Inc. be awarded the bid as lowest bidder.

Motion was made by Chad Hitchcock and seconded by Mike Dills to award bid for propane sales and service for the City of Durant to McCraw Oil Company, Inc. at rate of $1.39 per gallon for Year 1, $1.35 per gallon for Year 2, and $1.32 per gallon for Year 3 and approve contract with McCraw Oil Company Inc. (C-2018-46).

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

d. Consider Recommendation of Oklahoma Municipal Assurances Group (OMAG) to Deny Tort Claim

   Approved

Cynthia Price, City Clerk provided a summary of the tort claim.

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Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to approve recommendation of Oklahoma Municipal Assurance Group (OMAG) to deny tort claim of Edward Raiburn.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

e. Consider Approval of a Request from Bryan County Emergency Medical Service for the City to Install "No Parking" Signs Along the East Side of South 22nd from 306 South 22nd to West Mississippi Street. Approved

Marty Cook, Public Works Director, addressed council and stated this would provide Bryan County Emergency Medical Service (BCEMS) an exit out of their facility when trucks are parked or buses are crossing to the north. BCEMS has experienced difficulties exiting their facility for an emergency call during peak hours. There has been no negative feedback.

Motion was made by Mike Dills and seconded by Chad Hitchcock to approve request from Bryan County Emergency Medical Service for the City of Durant to install 'No Parking' signs along the East side of South 22nd from 306 South 22nd to West Mississippi Street.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

f. Consider Approval of Employee Health Benefit Renewals with Blue Cross Blue Shield for Health and Dental Insurance and VSP for Vision Insurance, or Take Any Other Appropriate Action

Approved

Greg Buckley, Administrative Services Director, addressed council and stated Blue Cross Blue Shield is the health and dental care provider, VSP is the vision provider. Renewal quotes were requested from the current providers. There was a premium decrease of 13% for renewal. Dustin Brand, broker with Insurica, provided a PowerPoint presentation which included comparative slides between current rates and renewal rates and reviewed additional benefits.

Motion was made by Destry Hawthorne and seconded by Mike Dills to approval of employee health benefit renewals with Blue Cross Blue Shield for health and dental insurance and VSP for Vision Insurance.

Motion Passed with the following vote:

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Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

g. Consider Approval of a Conditional Economic Development Agreement Between the Durant Industrial Authority, Tubacex US Holding, Inc., and Tubacex Durant, Inc., Providing for the Disposition of Certain Real Property Located Generally at Country Club Road and State Highway 78 and Providing for the Development of a Steel Tubing Manufacturing Facility on Said Real Property, and Authorizing the Durant Industrial Authority's Actions Implementing the Provisions of Such Agreement

   No Action Taken

h. Consider Approval of Ordinance No. 1865 Vacating Alley in Block 204 of the Original Town Plat of Durant

   Approved

Tom Marcum, City Attorney, addressed council and stated this is for the closing of an alley not a vacating of an alleyway. Mr. Marcum stated the owner requested alley be closed for use. There are no utilities in the 167 feet of alleyway.

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to approve Ordinance 1865, Section 1-3, amending the Code of Ordinances of the City of Durant, Oklahoma by closing an alley lying within Block 204 of the original town plat of Durant, declaring repealer, providing for severability.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to Ordinance 1865, Section 4, Emergency Clause.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

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i. Consideration To Approve Resolution 2018-25 In Support Of The Completed Durant Arts District South 9th Avenue (S9A) Master Plan Partially Funded By The National Endowment For The Arts Our Town Grant And Local Partners.

Approved

Rebecca Collins, Grants Coordinator, addressed council and stated the master plan was approved by city council in August 2018. Ms. Collins stated she is now ready to present the master plan to the National Endowment for the Arts (NEA). She stated the resolution would be included within the master plan.

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to approve Resolution 2018-25 in support of the completed Durant Arts District South 9th Avenue (S9A) Master Plan partially funded by the National Endowment for the Arts Our Town Grant and local partners.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

j. Consideration To Authorize City Manager And Staff To Develop Guidelines For Creating An Arts And Culture Advisory Committee With Approval To Identify And Appoint Community Members To Serve In This Capacity.

Approved

Rebecca Collins, Grants Coordinator, stated the purpose of the Arts and Cultural Advisory Committee would be to steer projects. City Manager Tim Rundel stated the committee would act in an advisory capacity only and report back to council.

Motion was made by Destry Hawthorne and seconded by Mike Dills to authorize city manager and staff to develop guidelines for creating an Arts and Cultural Advisory Committee with approval to identify and appoint community members to serve in this capacity.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

k. Consideration To Approve Resolution 2018-26 Supporting The Submission Of A Grant Application To The United States Economic Development Administration (EDA) Requesting $1,500,000 In Grant Funds For Necessary Wastewater

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Infrastructure Improvements To Benefit Economic Development Growth And Job Creations. Approved

Rebecca Collins, Grants Coordinator, addressed council and stated there is an opportunity to apply for a $1.5 Million through the United States Economic Development Administration. The funds would be used for a sludge press needed at the Waste Water Treatment Plant. Engineer Brandon Wall addressed council and explained the process of the sludge press. City Manager Tim Rundel stated it would increase the capacity and allow the city an additional 5-10 years without having to expand the waste water treatment plant.

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to approve Resolution 2018-26 contingent upon the updated number as far as job creation.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

5. Public Hearings

a. Consider Approval of Ordinance 1862 - Rezoning from General Agricultural (A-1) District to Single-Family Residential (R-1) District for Portion of Property Located East of Brookhaven Dr; Providing for an Emergency.

Approved

Matt Nahrstedt, Community Development Director and City Planner, addressed council and stated 3.71 acres with access off of Brookhaven Drive. This action is to facilitate the sale of property for one single family home. The Planning Commission for approval with one member absent. Mr. Nahrstedt recommended approval. There was one citizen concern received.

Public hearing opened

Anthony Pate, owner of property - stated citizen who had presented letter of opposition no longer had concern.

Call for comment three times.

Public hearing closed.

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to approve Ordinance 1862, Section 1, rezoning from General Agricultural (A-1) District to Single-Family Residential (R-1) District for portion of property located East of Brookhaven Drive.

Motion Passed with the following vote:

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Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to approve Ordinance 1862, Section 2, Emergency Clause.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

b. Consider Approval of PC 2018-18 – Preliminary Plat for Property Located South of US 70 Bypass and West of Cemetery Road. Approved

Matt Nahrstedt, Community Development Director and City Planner, addressed council and stated it would be a single family neighborhood currently titled Rodeo Square. The property contains 160 acres, There is a proposed 241 lots at a half acre each with six internal streets which would all connect to Cemetery Road. The Planning Commission voted four members in favor with one member absent. Mr. Nahrstedt recommended approval with general note that Cemetery Road is in rather poor condition and a long term strategy needs to be considered for transition between the development and the right-of-way. A citizen concern was received.

Public Hearing opened.

Alan Hobbs, property owner - had drainage study available for council to view, property in Calera School District but within Durant city limits.

Betty Colclazier - requested clarification of location

Steven Garner - traffic concerns

Charles Bachmann - impact fees on new development

Called three times for comments.

Public Hearing closed.

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to approve PC 2018-18 - preliminary plat for property located South of US 70 Bypass and West of Cemetery Road.

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Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

6. Information Items

a. City Clerk Monthly Report - August 2018

b. Community Development Monthly Report - August 2018; Presentations on Alcohol at Special Events and on Medical Marijuana

Matt Nahrstedt, Community Development Director and City Planner, addressed council and provided a PowerPoint presentation on special events and outdoor alcohol consumption. Mr. Nahrstedt reviewed the current city code and gave comparisons to current city code in the cities of Ada, Ardmore and Midwest City.

Mr. Nahrstedt discussed medical marijuana and stated applications began in late August. He discussed how it could affect the City of Durant. He provided his findings of any actions taken by the cities of Ada, Ardmore and Midwest City in this regard. City Manager Tim Rundel stated there will be an ordinance drafted for consideration by city council at the October 9, 2018 meeting.

c. Durant Industrial Authority Monthly Report - August 2018

d. Emergency Management Report - August 2018

e. Financial Statements - July 2018

f. Fire Department Monthly Report August 2018

g. Grants Department Report - August 2018

h. Landfill Information & Reports - August 2018

i. Library Report for Aug 2018

j. Parks Department Monthly Report - August 2018

k. Planning Commission Meeting Minutes of July 17, 2018 and Special Meeting of August 7, 2018

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l. Police Department Monthly Report - July 2018

m. Public Works Director Monthly Project Report -August 2018

n. Solid Waste Department Monthly Report - August 2018

Marty Cook disabled workers come to door, there is form to take to dr. then you get on roll out list. Albert could drop off.

o. Street Department Report - August 2018

p. Utilities Department Monthly Report - August 2018

q. Utility Line Maintenance Report - August 2018

r. Water Treatment Plant Monthly Reports - August 2018

s. Waste Water Treatment Plant and Lab Monthly Reports - August 2018

7. Citizen Comments on Non-Agenda Items

Dustin Belvin - medical marijuana
Aaron Holton - medical marijuana

8. Executive Session

a. Consider Executive Session for Confidential Communication with Attorney Concerning Pending Claim Against the City of Durant - Ballard v. City of Durant, Oklahoma (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 Destry Hawthorne and seconded by Mike Dills to re-enter regular session.

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Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

b. Consider Action Pursuant to 8(a)

   Above No Action Taken

c. Consider Executive Session for Confidential Communication with Attorney Concerning Pending Claim Against the City of Durant - Billy, et al. v. City of Durant, Oklahoma (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 Destry Hawthorne and seconded by Mike Dills to re-enter regular session. Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

d. Consider Action Pursuant to 8(c)

   Above No Action Taken

e. Consider Executive Session for Confidential Communication with Attorney Concerning Pending Claim Against the City of Durant - Johnston v. City of Durant, Oklahoma (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 Destry Hawthorne and seconded by Mike Dills to re-enter regular session. Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

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f. Consider Action Pursuant to 8(e) Above

No Action Taken

g. Consider Executive Session for Confidential Communication with Attorney Concerning Pending Claim Against the City of Durant - Rundel v. Grube, et al., CJ-2018-135 (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 Destry Hawthorne and seconded by Mike Dills to re-enter regular session.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

h. Consider Action Pursuant to 8(g) Above

No Action Taken

9. New Business

There is 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

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