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 5:45 p.m. on the 4th day of October, 2019.

MINUTES OF THE REGULAR SCHEDULED MEETING OF THE DURANT CITY COUNCIL OF October 8, 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 6:00 p.m.

INVOCATION/FLAG SALUTE

Fire Chief Roger Joines provided the invocation. Council Member Sherrer led the flag salute.

ROLL CALL

Present:	Council Member Mike Morris	Interim City Manager Paul Buntz
	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. Presentation of Employee Service Awards for 3rd Quarter 2019

FIVE YEARS:
Teresa Taylor, Human Resources, Certificate, Pin, $50

TWENTY YEARS
David Anderson, City Garage, Plaque, Certificate, Pin, $200
Deputy Police Chief Joseph Clark, Police Department, Plaque, Certificate, Pin, $200;
Brandon Lesley, Parks Department, Plaque, Certificate, Pin, $200;

THIRTY YEARS
Fire Chief Roger Joines, Fire Department, Plaque, Certificate, Pin, $300;
Ronnie Pope, Utility Department, Plaque, Certificate, Pin, $300

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 September 10, 2019

b. Consider Approval of Special Meeting Minutes of September 16, 2019

c. Consider Approval of Claims - September 2019

d. Consider Approval of Budget Amendment 2020-01

e. Consider Approval of Budget Amendment 2020-02

f. Consider Approval of Budget Amendment 2020-03

g. Consider Approval of Employee Holiday Checks for 2019

h. Consider Recommendation To Approve ODOT Resolution EC-2105/ City Of Durant Resolution No. 2019-23 Concerning Bridge Inspection Responsibility By Local Government for Compliance with National Bridge Inspection Standards, Bridge Contracts for April 1, 2020 to March 31, 2022

i. Consider Approval of Special Event Permit Application by Bryan County United Way for 'Be A Hero' 5K and Fun Run (SEP-2019-18)

j. Consider Approval of Special Event Permit Application by P.L.A.Y. for Cris LLC for the Play for Cris 5K Run and Fun Run (SEP-2019-19)

k. Consider Approval of Mayoral Recommendation of Appointment of Mike Delloro and Wayne Jones to the Parks & Recreation Advisory Board

l. Consider Appointment of Keith Baxter to Fill Vacated Seat on Durant Community Facilities Authority Board

m. Consider Approval of Annual and Special Contracts with Caliber Public Safety to Update Bryan County's 9-1-1 Addressing

1. Consider Approval of Contract C-2019-62 for annual agreement with Caliber for 4 visits including labor, November 2019 to June 2020, for $21,200.
2. Consider Approval of Special Contract C-2019-61 for a one time payment of $4,100 for the collection of 300 new 9-1-1 addresses in Bryan County.

n. Consider Approval of US Cellular Tower Lease Contracts

o. Consider Approval of Agreement Between the Durant Chamber of Commerce and the City of Durant for Providing Services to Support Tourism and Economic Growth in Durant (C-2019-63)

Interim City Manager Paul Buntz clarified funding will come from the general fund not the tourism hotel tax.

Approved

Motion was made by Steve Brittingham and seconded by Jerry Tomlinson to approve consent items as presented with the clarification as to Item 2(o).

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 - September 2019

b. Community Development Monthly Report - September 2019

c. Durant Industrial Authority Monthly Report -September 2019

d. Emergency Management Report - September 2019

e. Financial Statements and Sales Tax Breakdown

f. Fire Department Monthly Report- September 2019

g. Grants Department Report - September 2019

h. Landfill Information and Reports - September 2019

i. Library Report for September 2019

j. Parks Department Monthly Report - September 2019

k. Police Department Monthly Report - August 2019

l. Solid Waste Department Monthly Report - September 2019

m. Street Department Monthly Report - September 2019

n. Utility Department Monthly Report - September 2019

o. Utility Line Maintenance Report - September 2019

p. Waste Water Treatment Plant and Lab Monthly Report - September 2019

q. Water Treatment Plant Monthly Reports- September 2019

5. Administration

a. Consider Approval of Payment for Temporary Water Tap for 12" Line by Rural Water District Number 5 to Serve Tubacex Durant to be Paid from the Economic Development Sales Tax Fund

Approved

Interim City Manager Paul Buntz addressed council and stated the Tubacex project requested a water tap on the existing 12" main. The tap could not be made because there are no other customers on that line. As a temporary measure, Interim City Manager Buntz recommends proceeding with a temporary tap which will require some regular flushing. Rural Water District #5 has agreed on a temporary basis. The cost of $3400 for the temporary tap would be paid from the Economic Development Sales Tax Fund. The Durant Industrial Authority recommended approval of this expenditure at their meeting on October 7, 2019.

Motion was made by Jerry Tomlinson and seconded by Steve Brittingham to approval of payment for temporary water tap for 12" line by Rural Water District 5 to serve Tubacex Durant to be paid from the Economic Development Sales Tax Fund.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

b. Consider Recommendation from Oklahoma Municipal Assurance Group (OMAG) for Denial of Tort Claim by Glenda Meadors

Approved

City Clerk Cynthia Price addressed council and provided a summary of the claim.

Motion was made by Steve Brittingham and seconded by Danny Sherrer to approve recommendation from Oklahoma Municipal Assurance Group (OMAG) for denial of tort claim by Glenda Meadors.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

c. Consideration to Approve Resolution 2019-25 for Support and Match Commitment Necessary for the OK 9-1-1 Authority Grant Application to Implement an Upgraded 9-1-1 System and Equipment to Include Hardware, Software, GIS Addressing and Mapping.

Approved

Grants Coordinator Rebecca Payne and Police Chief David Houser addressed council. Chief Houser stated the Oklahoma 9-1-1 Authority has a grant program for software/hardware equipment for 911 dispatching services. Chief Houser further stated it was learned today that services applied for are actually in two different categories and require two different grant applications. One resolution would cover both grant applications. The current computer aided dispatch system is ten years old and outdated. The upgrade is compatible with current system. The Capital Improvement Fund and Fire Tax Fund would each be used to provide required match funds. Chief Houser stated the fire tax dollars are tied to the approval of the Fire Tax Board. Chief Houser also noted that the dollar amounts are an estimate only.

Motion was made by Jerry Tomlinson and seconded by Steve Brittingham to approve Resolution 2019-25 to be amended so the GIS and CAD Portions are separated out in anticipation of there being two separate grant applications.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

d. Consideration to Accept Office of Justice 2019 Bulletproof Vest Partnership Grant Award OJP-BVP 2019 (C-2019-65) in the Amount of $ 3,819.14 for the Durant Police Department

Approved

Grants Coordinator Rebecca Payne addressed council and stated there is a 1-1 cash match which is budgeted. it will provide approximately 11 bullet proof vests for the police officers. Ms. Payne stated by guidelines, the officers' vests must be replaced every five years.

Motion was made by Danny Sherrer and seconded by Jerry Tomlinson to accept Office of Justice 2019 Bulletproof Vest Partnership Grant Award OJP-BVP 2019 (C-2019-65) in the amount of $3,819.14 for the Durant Police Department.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

e. Consideration to Accept FEMA / Homeland Security 2018 Assistance to Firefighters Grant (AFG) Award EMW-2018-FV-01944 (C-2019-64) for Vehicle Acquisition in the Amount of $ 952,380.95 to Purchase a 95-FT Aerial for the Durant Fire Department

Approved

Grants Coordinator Rebecca Payne and Fire Chief Roger Joines addressed council and stated the current ladder truck is 19 years old. There is a 95/5 match. The city match is $67,620. Fire Chief Joines stated the match funds are in place. The truck should be received in April 2020.

Motion was made by Jerry Tomlinson and seconded by Mike Morris to accept FEMA/Homeland Security 2018 Assistance to Firefighters Grant (AFG) Award EMW-2018-FV-01944 (C-2019-64) for vehicle acquisition in the amount of $952,380.95 to purchase a 95-FT Aerial for the Durant Fire Department.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

f. Consideration to Approve Change Order No. 2 for Construction Contract 2018-149 No. 2 (C-2018-48) with W. Brown Enterprises, Inc. for the Water Main & Sewer Utility Infrastructure Improvements Related to 17166 CDBG-ED 87 (C-2018-17)

Approved

Grants Coordinator Rebecca Payne addressed council and stated this is one of the final components of the SteelFab project. Ms. Payne and Engineer Brandon Wall confirmed there is budget money to cover this change order in the amount of $4,868.00.

Motion was made by Jerry Tomlinson and seconded by Steve Brittingham to approve Change Order No. 2 for Construction Contract 2018-149 No. 2 (C-2018-48) with W. Brown Enterprises, Inc. for the Water Main & Sewer Utility Infrastructure Improvements related to 17166 CDBG-ED 87 (C-2018-17).

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

g. Water and Wastewater Utility Infrastructure Improvements Funded By Community Development Block Grant (CDBG) Economic Development Infrastructure Finance Grant Award 17488 CDBG-ED 18 (C-2019-32) Related to the Tubacex Durant, Inc. Facility to Create New Jobs at 362 Country Club Road.

1. Consideration for Approval of Construction Contract 2019-32C Documents with W. Brown Enterprises, Inc. for Water & Sewer Utility Infrastructure Improvements Related to 17488 CDBG-ED 18 (C-2019-32) for the Tubacex Durant, Inc. project - Contingent Upon Legal Review And Approval Of Change Order No. 1.

2. Consideration For Approval of Change Order No.1 for Construction Contract 2019-32C with W. Brown Enterprises, Inc. for the Water Main & Sewer Main Utility Infrastructure Improvements Related To 17488 CDBG-ED 18 (C-2019-32)

Approved

5.(g)(1) Grants Coordinator Rebecca Payne addressed council.

Motion was made by Jerry Tomlinson and seconded by Steve Brittingham to approval of Construction Contract 2019-32C documents with W. Brown Enterprises, Inc. for Water & Sewer Utility Infrastructure Improvements related to 17488 CDBG-ED 18 (C-2019-32) for the Tubacex Durant, Inc. Project contingent upon legal review by the city attorney and approval of Change Order No. 1.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

5.(g)(2) Grants Coordinator Rebecca Payne addressed council and requested approval based upon the contingencies stated in Agenda Item 5(g)(1).

Motion was made by Jerry Tomlinson and seconded by Danny Sherrer to approval of Change Order No. 1 for Construction Contract 2019-32C with W. Brown Enterprises, Inc. for the Water Main & Sewer Main Utility Infrastructure Improvements related to 17488 CDBG-ED 18 (C-2019-32) contingent upon legal review by the city attorney.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

h. Consideration to Approve Memorandum of Agreement (MOA) C-2019-66 With Rural Water & Sewer District # 5 Relating to the Infrastructure Improvements Serving The Tubacex Durant, Inc. Facility Located at 362 Country Club Road Related to 17488 CDBG-ED 18 (C-2019-32)

Approved

Grants Coordinator Rebecca Payne addressed council and stated the city attorney has reviewed the Memorandum of Agreement.

Motion was made by Jerry Tomlinson and seconded by Steve Brittingham to approve Memorandum of Agreement (MOA) C-2019-66 with Rural Water & Sewer District #5 relating to the infrastructure improvements serving the Tubacex Durant, Inc. facility located at 362 Country Club Road related to 17488 CDBG-ED 18 (C-2019-32).

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

i. Consideration to Approve Inter-Local Agreement C-2019-67) With Rural Water And Sewer District # 5 Relating to the Proposed Infrastructure Improvements Serving The Tubacex Durant, Inc. Facility Located at 362 Country Club Road Related to 17488 CDBG-ED 18 (C-2019-32)

   Approved

Grants Coordinator Rebecca Payne addressed council.

Motion was made by Danny Sherrer and seconded by Oden Grube to approve Inter-Local Agreement (C-2019-67) with Rural Water and Sewer District #5 relating to the proposed infrastructure improvements serving the Tubacex Durant, Inc. facility located at 362 Country Club Road related to 17488 CDBG-ED 18 (C-2019-32).

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

j. Authorization to Accept the Inter-Local Agreement for the Creation of a Public Safety Pre-Plan Project with Durant ISD (C-2019-70) Approved

Interim Assistant City Manager and Emergency Management Services Director James Dalton addressed council and stated this project began three years ago. Mr. Dalton stated this agreement would help first responders in the event of a critical incident at any of the Durant schools. The agreement does not involve any monetary funds.

Motion was made by Steve Brittingham and seconded by Mike Morris to accept the Inter-Local Agreement for the creation of a Public Safety Pre-Plan Project with Durant ISD (C-2019-70).

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

k. Request the Council Accept the Formal Request from Bryan County Commissioner Ron Boyer to Transfer Ownership of (3) Communication

Towers, Located Outside of the City of Durant, from the City of Durant to Bryan County for Public Safety Communications Use by Bryan County

Approved

Interim Assistant City Manager and Emergency Management Services Director James Dalton addressed council and provided the history of the three communication towers. Mr. Dalton stated the City of Durant originally purchased the towers at a cost of $10,000 each. Eventually equipment became broken and they could not get parts for repair. The towers have now stood vacant for quite a few years. Mr. Dalton stated the cost for rehabbing and maintaining the towers is more than the original purchase. Mr. Dalton recommends the three communication towers move to county asset from city asset. Commissioner Boyer stepped forward to answer questions from council.

Motion was made by Mike Morris and seconded by Steve Brittingham to accept the formal request from Bryan County Commissioner Ron Boyer to transfer ownership of three (3) communication towers, located outside of the City of Durant, from the City of Durant to Bryan County for public safety communications used by Bryan County.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

l. Consider Approval of Resolution 2019-24 Authorizing a Mural Project for Colton's Run

Approved

Community Development Director Danielle Barker addressed council and stated the mural is to mark the 10th anniversary of Colton's Run. The mural will be located at 2nd and Main on the Salon Worx Building.

Motion was made by Jerry Tomlinson and seconded by Danny Sherrer to approve Resolution 2019-24 authorizing a mural project for Colton's Run.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

6. Public Hearings

a. Consideration PC2019-13 Final Plat for Heritage Phase III, Located off Larkspur Lane

Approved

Community Development Director Danielle Barker addressed council and stated the Planning Commission recommended approval of the final plat.

Hearing opened to the public.

Call for comment 3 times.

No public comments.

Public hearing closed.

Motion was made by Jerry Tomlinson and seconded by Steve Brittingham to approve PC2019-13 Final Plat for Heritage Phase III, located off Larkspur Lane.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

b. Consideration Ordinance #1885, Rezoning from C-O to I-1 for the Property Located at 613 N. 49th

Disapproved

Community Development Director Danielle Barker addressed council and stated the purpose of this application is for a concrete batch plant. It was highly contested at the Planning Commission Meeting in September 2019. The Planning Commission has recommended denial. Several letters of concern were received.

Hearing opened to public.

Rhonda Richards - opposition to concrete plant

James Corley - opposition to concrete plant

Allen White - opposed to concrete plant

Judy Hodges - opposed to concrete plant

Jon Hazell - opposed to concrete plant

Zach Patterson - proper zoning concern

Matt Gregory - opposed to concrete plant

Call for comment three times.

No further public comment.

Public hearing closed.

Motion was made by Jerry Tomlinson and seconded by Steve Brittingham to deny Ordinance #1885, rezoning from C-O to I-1 for the property located at 613 N. 49th.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

c. Consideration Ordinance # 1887 Rezoning from R-2 to I-1 for the Property Located at 101 W. Louisiana

Approved

Community Development Director Danielle Barker addressed council and stated the purpose of this application is for a medical marijuana grow facility. The Planning Commission recommended approval.

Hearing opened to public.

Call for public comment.

John Buchanan, co-owner of property located at 101 W. Louisiana - in favor of zone change.

Call for comment 3 times.

No further public comment.

Motion was made by Jerry Tomlinson and seconded by Steve Brittingham to approve Ordinance #1887, Section 1, rezoning from R-2 to I-1 for the property located at 101 W. Louisiana.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Sherrer, Tomlinson

Abstain: Morris

Motion was made by Jerry Tomlinson and seconded by Steve Brittingham to approve Ordinance #1887, Section 2, emergency clause.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

7. Citizen Comments on Non-Agenda Items

There were no citizen comments.

8. Executive Session

a. Consider Executive Session for Discussion of Purchase of Property Related to Lawsuit (City of Durant vs. Joan Griffith, Case # CS-2019-

241 (This Executive Session Authorized by 25 O.S. 307 (B)(3) of the Oklahoma State Statutes)

Approved

Motion was made by Jerry Tomlinson and seconded by Steve Brittingham to enter into executive session.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

Motion was made by Steve Brittingham and seconded by Mike Morris to re-enter regular session.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

b. Consider Action Pursuant to 8(a) Above

No Action Taken

c. Consider Executive Session for Discussion of Purchase of Property Related to Lawsuit (City of Durant vs. Martha Ruth Thompson, Case # CS-2019-240 (This Executive Session Authorized by 25 O.S. 307 (B)(3) of the Oklahoma State Statutes)

Approved

Motion was made by Jerry Tomlinson and seconded by Steve Brittingham to enter into executive session.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

Motion was made by Steve Brittingham and seconded by Mike Morris to re-enter regular session.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

d. Consider Action Pursuant to 8(c) Above

No Action Taken

9. 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