

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 11:25 a.m. on the 8th day of November, 2019.

MINUTES OF THE REGULAR SCHEDULED MEETING OF THE DURANT CITY COUNCIL OF November 12, 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

Police Chief David Houser provided the invocation. Community Development Director Danielle Barker led the flag salute.

Mayor Grube welcomed new City Manager John Dean.

ROLL CALL

Present: Council Member Mike Morris	City Manager John Dean
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. Present Proclamation for Small Business Saturday - November 30, 2019

Mayor Grube was joined by city council members and City Manager Dean as she presented the Small Business Saturday Proclamation to Stephanie Gardner, Executive Director of Durant Main Street, and Kyle Norwood, owner of the Old Ice House Beer Garden.

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 October 8, 2019
- b. Consider Approval of Special Meeting Minutes of October 15, 2019
- c. Consider Approval of Special Called Meeting Minutes of October 28, 2019
- d. Consider Approval of Special Called Meeting Minutes of October 29, 2019
- e. Consider Approval of Claims - October 2019
- f. Consider Approval of Budget Amendment 2020-05
- g. Consider Approval of Schedules of Meetings for 2020
- h. Consider Approval of City Holiday Schedule for 2020
- i. Consider Approval of Special Event Permit Application by Durant Main Street for Christmas Tree Lighting Ceremony at City Hall (SEP-2019-20)
- j. Consider Approval of an Easement to OG&E for the Installation of Service to the Electronic Vehicle Charging Stations Being Constructed on the Lost Street Parking Lot
- k. Consider Approval of Deed from Sunstar, LLC for a Parcel of Land Located on Larkspur Lane
- l. Consider Approval to Purchase Seven In-Car Police Radios for \$19,042.66
- m. Consideration to Accept Resignation from Senior Citizen Advisory Committee Member Mike Ridgway
- o. Consideration to Approve Request and Application from Pam Buntz to Serve on the Senior Citizen Advisory Committee
- p. Consider Acceptance of Resignation of Sean Burrage from the Durant Industrial Authority;

Consider Appointment of Michael Goodwin as Educational Institution
Non-Voting Member of the Durant Industrial Authority to Fulfill the
Remaining Term of Sean Burrage Which Expires July 1, 2020

Approved

Motion was made by Steve Brittingham and seconded by Mike Morris to approve
consent items as presented.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

3. Consider Items Removed from Consent

4. Information Items

- a. Airport Manager Monthly Report - October 2019
- b. City Clerk Report - October 2019
- c. Community Development Monthly Report - October 2019
- d. Durant Industrial Authority Monthly Report - October 2019
- e. Emergency Management Report October 2019
- f. Financial Statements and Sales Tax Breakdown
- g. Fire Department Monthly Report - October 2019
- h. Grants Department Report - October 2019
- i. Landfill Information and Reports - October 2019
- j. Library Report for October 2019
- k. Parks Department Monthly Report October 2019
- l. Planning Commission Meeting Minutes of September 17, 2019

- m. Police Department Monthly Report - September 2019
- n. Solid Waste Department Monthly Report - October 2019
- o. Street Department Monthly Report October 2019
- p. Utility Department Monthly Report - October 2019
- q. Waste Water Treatment Plant and Lab Monthly Report - October 2019
- r. Water Treatment Plant Monthly Reports - October 2019

5. Administration

- a. Consider Recommendation from Oklahoma Municipal Assurance Group (OMAG) for Denial of Tort Claim by Joy Ellis Approved

City Clerk Cynthia Price addressed council and provided an overview of the claim.

Motion was made by Jerry Tomlinson and seconded by Steve Brittingham to approve recommendation from Oklahoma Municipal Assurance Group (OMAG) and deny tort claim of Joy Ellis.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

- b. Consider Approval of Agreement # C-2019-72 with the Choctaw Nation of Oklahoma for the Signalization of an Intersection Located at South Ninth Avenue and the Choctaw Resort Primary Entrance

Approved

Public Works Director Marty Cook addressed council and stated this is part of the remodel and expansion of the resort facility. The new primary entrance will be off South 9th Street. The Choctaw Nation of Oklahoma will fully fund, install and pay for the engineering and equipment. The Choctaw Nation of Oklahoma will then turn it over to the City of Durant to maintain. Mr. Cook stated it will be a three way lighted intersection.

Motion was made by Jerry Tomlinson and seconded by Danny Sherrer to approve Agreement C-2019-72 with the Choctaw Nation of Oklahoma for the signalization of an intersection located at South Ninth Avenue and the Choctaw Resort primary entrance.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

- c. Consider Acceptance of the Attorney General's Safe Oklahoma Grant in the Amount of \$20,000 to assist with the Salary of Our Civilian Criminal Analyst (C-2019-73)

Approved

Police Chief David Houser addressed council and stated this item is to accept \$20,000 to continue the employment of the criminal analyst. There has been a criminal analyst position in force since 2015. The amount of \$20,000 is decreased from years past. Police Chief Houser recommends approval.

Motion was made by Jerry Tomlinson and seconded by Mike Morris to accept the Attorney General's Safe Oklahoma Grant in the amount of \$20,000 to assist with the salary of the Civilian Criminal Analyst (C-2019-73).

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

- d. Consider Approval of Ordinance Number 1889; An Ordinance Amending The Employee Retirement System, Defined Benefit Plan For The City of Durant, Oklahoma By Adopting a Revised and Restated Retirement Plan; Providing For Repealer and Severability; Adopting Those Amendments Mandated By The Internal Revenue Code; And Declaring An Emergency

Approved

Kari Jones, Human Resources Supervisor, addressed council and stated the Internal Revenue Service recently made revisions to the Defined Benefit Plan through the Oklahoma Municipal Retirement Fund (OMRF). Ms. Jones provided a letter from the McAfee and Taft Law Firm which detailed the revisions.

Motion was made by Jerry Tomlinson and seconded by Steve Brittingham to approve Ordinance 1889, Section 1-6, amending the Employee Retirement System, Defined Benefit Plan for the City of Durant, Oklahoma, and adopt a revised and restated retirement plan; provide for repealer and severability; and adopt those amendments mandated by the Internal Revenue Code.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

Motion was made by Jerry Tomlinson and seconded by Steve Brittingham to approve Ordinance 1889, Section 7, emergency clause.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

- e. Consider Approval of Ordinance Number 1891; An Ordinance Amending The Employee Retirement System, Defined Contribution Plan For The City Manager For The City Of Durant, Oklahoma; Providing Retirement Benefits For Eligible Employees Of The City of Durant, Oklahoma; Pertaining To The Definition Of Employee; Providing For Plan Design; Providing For Employer Pickup Of Contributions; Providing For Repealer and Severability; And Declaring An Emergency

Approved

Kari Jones, Human Resources Supervisor, addressed council and stated this item is to amend the City Manager Only (CMO) Plan through the Oklahoma Municipal Retirement Fund (OMRF) to include the City Manager with a 4% government pickup and a 14% employer contribution.

Motion was made by Jerry Tomlinson and seconded by Steve Brittingham to approve Ordinance 1891, Section 1-5, amending the Employee Retirement System, Defined Contribution Plan for the City Manager for the City of Durant, Oklahoma. provide retirement benefits for eligible employees of the City of Durant, Oklahoma; pertaining to the definition of employee; provide for plan design; provide for employer pickup of contributions; provide for repealer and severability.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

Motion was made by Jerry Tomlinson and seconded by Steve Brittingham to approve Ordinance 1891, Section 6, emergency clause.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

- f. Consider Approval of Ordinance Number 1890; 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 The Definition Of Employee; Providing For Repealer and Severability; And Declaring An Emergency

Approved

Kari Jones, Human Resources Supervisor, addressed council and stated the purpose of this item is to exclude the city manager from the defined contribution plan.

Motion was made by Jerry Tomlinson and seconded by Steve Brittingham to approve Ordinance 1890, Section 1-4, amending the Employee Retirement System, Defined Contribution Plan for the City of Durant, Oklahoma; provide retirement benefits for eligible employees of the City of Durant, Oklahoma; pertaining to the definition of employee; provide for repealer and severability.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

Motion was made by Jerry Tomlinson and seconded by Steve Brittingham to approve Ordinance 1890, Section 5, emergency clause.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

- g. Consider Approval of Reimbursement to the Durant Industrial Authority for Expenses
 - a. IT Service Fees and Audit Expense;
 - b. Contract Labor for Interim Director and Secretary

Approved

5.(g) (a)

Paul Buntz, Interim Executive Director of the Durant Industrial Authority, addressed council and stated there was no change to the budget to reflect the terms of the contract between the City of Durant and the Durant Industrial Authority approved by council on May 14, 2019 (C-2019-25).

Motion was made by Jerry Tomlinson and seconded by Danny Sherrer to direct city manager to bring a budget amendment back for consideration in order to provide reimbursement to the Durant Industrial Authority.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

5.(g)(b)

Paul Buntz, Interim Executive Director of the Durant Industrial Authority, addressed council. Discussion followed.

Motion was made by Jerry Tomlinson and seconded by Steve Brittingham to direct the city manager and the city attorney to work together along with the Durant Industrial Authority Board to bring back a recommendation.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

- h. Consider Approval of the Petition for Termination of the George Pendleton Trust

Approved

Library Director Robbee Tonubbee stated the city attorney needs council permission in dissolving the George Pendleton Trust (the 'Trust'). Ms. Tonubbee stated if the trust is not dissolved, the library would only be permitted to purchase books with the trust funds. If the trust is dissolved, the library could use the funds for whatever is worked out with the attorneys and the remaining trustee. Ms. Tonubbee stated it would be in the best interest of the library and the City of Durant to dissolve the Trust. City Attorney Marcum reviewed the different aspects of the Trust and stated that if the Trust was dissolved, the use of the funds would remain consistent with the desires of Mr. Pendleton. City Attorney Marcum recommended dissolving the Trust.

Motion was made by Jerry Tomlinson and seconded by Steve Brittingham to follow the city attorney's recommendation and approve the Petition for Termination of the George Pendleton Trust.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Sherrer, Tomlinson

Abstain: Morris

- i. Consider Approval of Request for Authorization to Purchase a 2020 Chevrolet 2500 HD Silverado Crew Cab 4x4 Pickup

Approved

Interim Assistant City Manager/Emergency Management Services Director James Dalton addressed council and stated this vehicle would be used to replace a 2008 model with 130,000 miles. Mr. Dalton stated this is a budgeted item.

Motion was made by Steve Brittingham and seconded by Jerry Tomlinson to approve request for authorization to purchase a 2020 Chevrolet 2500 HD Silverado Crew Cab 4x4 Pickup.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

- j. Consideration to Award or Reject Construction Bids (No.17031-A) Determined by SEALED Bid Opening on Monday, February 11- Related to the Market Square Improvements at 123 N. 1st Avenue - Project 17031 CDBG (C-2017-65) Upon Completion of all Grant Requirements and Legal Counsel Approval.

Approved

Grants Coordinator Rebecca Payne addressed council and stated two bids were received. Both bids were over budget. Ms. Payne recommended both bids be rejected and go out for bid again.

Motion was made by Jerry Tomlinson and seconded by Mike Morris to reject construction bids (No. 17031-A) related to the Market Square Improvements at 123 N. 1st Avenue - Project 17031 CDBG (C-2017-65).

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

6. Public Hearings

- a. Consideration Ordinance #1886- PC2019-17 a Rezoning from A-1 to I-1 near 3002 N 1st

Approved

Community Development Director Danielle Barker addressed council and stated the owner wants to bring the zoning into compliance with the surrounding area. Ms. Barker stated the Planning Commission recommended approval. No telephone calls or letters in opposition were received.

Public hearing opened.

Call for comment three times.

No public comments

Public hearing closed.

Motion was made by Steve Brittingham and seconded by Jerry Tomlinson to approve Ordinance 1886, Section 1.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

Motion was made by Steve Brittingham and seconded by Jerry Tomlinson to approve Ordinance 1886, Section 2, emergency clause.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

b. Consideration Ordinance #1888 - PC2019-19 a Rezoning from A-1 to C-2 near 1216 Radio Road

Community Development Director Danielle Barker addressed council and stated the owner wants to build and operate a dance hall featuring Oldies music. Food and beverages would be served but no alcohol or smoking would be permitted according to the applicant. Ms. Barker stated the Planning Commission recommended denial. City Attorney Tom Marcum warned that once the property is rezoned, any subsequent owners could operate any type of business there as long as it met zoning guidelines.

Public Hearing Opened

Don Duncan, owner - in support of zoning change.

Call for public comment three times.

No public comment.

Public hearing closed.

Motion was made by Steve Brittingham and seconded by Jerry Tomlinson to deny Ordinance 1888.

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. New Business

There was no new business.

ADJOURNMENT

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

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson