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 5:00 p.m. on the 9th day of November, 2018.

MINUTES OF THE REGULAR SCHEDULED MEETING OF THE DURANT CITY COUNCIL OF November 13, 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 6:13 p.m.

INVOCATION/FLAG SALUTE

Mayor Tomlinson dedicated this meeting to North Ogden, Utah Mayor Brent Taylor who was killed in the line of duty on November 4, 2018. A moment of silence followed for the Taylor family and the fire victims in California. James Dalton provided the invocation. Council Member Hawthorne led the flag salute.

ROLL CALL

Present: Council Member Destry Hawthorne
Council Member Oden Grube
Council Member Mike Dills
Vice-Mayor Chad Hitchcock
Mayor Jerry Tomlinson

City Attorney Tom Marcum
City Manager Tim Rundel
City Clerk Cynthia J. Price

Absent: None (*denotes partial attendance)

Mayor Tomlinson declared a quorum.

1. Presentations

a. Presentation of Proclamation for Small Business Saturday To Be Observed November 24, 2018

Mayor Tomlinson and council presented a proclamation proclaiming November 24, 2018 as Small Business Saturday to Stephanie Gardner, Durant Main Street Director and Amber Foster. owner of Foster Creativity.

Ms. Gardner announced that the City of Durant has been named as one of the 20 finalists to compete to be featured on the Small Business Revolution TV show for

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Season Four. The winning town will receive a $500,000 Main Street Makeover and be the filming location for the show's fourth season in Spring 2019.

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 Special Called Meeting Minutes of October 9, 2018

b. Consider Approval of Regular Meeting Minutes of October 9, 2018

c. Consider Approval of Special Called Meeting Minutes of October 23, 2018

d. Consider Approval of Claims for October 2018

e. Consider Approval of Budget Supplements for FY 18-19

f. Consider Approval of 2019 City of Durant Holiday Schedule

g. Consider Approval of 2019 Meeting Schedules

h. Consider Appointment of Marty Cook to Cemetery Advisory Board

i. Consider Acceptance of Edge Grant for $3737.43 from Oklahoma Department of Libraries

j. Consider Approval to Purchase Mobile Car Radios for Police Units in the Amount of $30,703.80 Via NASPO ValuePoint Contract

k. Consider Acceptance of Health Literacy Grant for $4000 from Oklahoma Department of Libraries

l. Consider Acceptance of Healthcare Marketplace Grant for $300 from American Libraries Association

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m. Consider Acceptance of Network Remediation Grant for $4275.00 from Oklahoma Department of Libraries

Approved

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

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

3. Consider Items Removed from Consent

4. Information Items

a. Airport Manager Monthly Report - October 2018

b. City Clerk Monthly Report - October 2018

c. Community Development Monthly Report - October 2018

d. Durant Industrial Authority Monthly Report - October 2018

e. Emergency Management Report - October 2018

f. Financial Statements September 2018 and November States Tax 2018

g. Fire Department Monthly Report October 2018

h. Grants Department Report - October 2018

i. Landfill Information and Reports - October 2018

j. Library Monthly Report - October 2018

k. Parks Department Monthly Report - October 2018

l. Planning Commission Meeting Minutes - September 18, 2018

m. Police Department Monthly Report - September 2018

n. Public Works Projects Update for October 2018

o. Solid Waste Collection Monthly Report - October 2018

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p. Street Department Report - October 2018

q. Utility Department Monthly Report - October 2018

r. Utility Line Maintenance Report - October 2018

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

t. Water Treatment Plant Monthly Report - October 2018

5. Administration

a. Consider Approval of Resolution 2018-29 Authorizing Participation in the OMAG Recognition Program

Approved

City Clerk Cynthia Price stated the Durant City Council successfully completed the 2nd Annual OMAG Recognition Program on October 23, 2018. Funds to be received from OMAG for participation in the Recognition Program have been earmarked for projects/services that will improve communication and transparency between the city council, staff and citizens in accordance with Resolution 2017-27.

Motion was made by Chad Hitchcock and seconded by Mike Dills to approve Resolution 2018-29 authorizing participation in the OMAG Recognition Program.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

b. Consider Approval of Employee Holiday Checks for 2018

Approved

City Manager Tim Rundel addressed council and stated this is a budgeted item in the amount of $350 per employee.

Motion was made by Mike Dills and seconded by Chad Hitchcock to approve employee holiday checks for 2018.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

c. Consider Approval of Change Order for Contract C-2018-58 for the Purchase of Police Vehicles

Approved

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Police Chief David Houser addressed council and stated the lease previously approved by council could not be fulfilled as the vehicles selected were no longer available. Chief Houser stated Enterprise presented him with three new options. Chief Houser recommended Option C for 2019 Chevrolet Tahoes. John Holland from Enterprise stepped forward to answer questions from council.

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to approve change order for Contract C-2018-58 and select Option C for the purchase of 2019 Chevrolet Tahoe police vehicles.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

d. Consider Approval of Resolution # 2018-33 Establishing An Arts and Cultural Advisory Committee for the City of Durant

   Approved

City Manager Tim Rundel addressed council and stated that on September 11, 2018 he was authorized by council to work with staff to propose guidelines and identify participating members for an Arts and Cultural Advisory Committee. Mr. Rundel stated this work has now been completed and is back before council with a proposed resolution.

Motion was made by Chad Hitchcock and seconded by Mike Dills to approve Resolution 2018-33 establishing an Arts and Cultural Advisory Committee for the City of Durant.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

e. Consideration Authorizing City Manager And Staff to Develop Guidelines for the Creation of The Durant Streets and Infrastructure Task Force

   Approved

City Manager Tim Rundel addressed council and proposed the creation of a Durant Streets and Infrastructure Task Force consisting of two council members, city staff and appointed community members to study the infrastructure issues and gain a better understanding of the city's budget, funding strategies and capacities and make a recommendation back to the city council. Mr. Rundel recommended there be a 90-120 day timeline to report back to council.

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to authorize city manager and staff to develop guidelines for the creation of the Durant Streets and Infrastructure Task Force.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

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f. Consider National League of Cities (NLC) Service Line Warranty Program and Take Possible Action

Approved

Ashley Shiwarski , Business Development Senior Manager, Regional Water Team, of Utility Service Partners, Inc. addressed council and provided them with handouts and a powerpoint presentation. Ms. Shiwarski gave an overview of the Service Line Warranty Program and stated there would be no cost to the city and the program does provide minimal revenue to the city on an annual basis. All residents would receive informational mailings. City Attorney Tom Marcum had concerns about allowing use of city logo on mailings. Ms. Shwarski stated the city would have approval rights for all mailings.

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to approve Marketing Agreement between City of Durant and Utility Service Partners Private Label, Inc. d/b/a Service Line Warranties of America (C-2018-71).

Motion Passed with the following vote:

Ayes: Dills, Hawthorne, Hitchcock, Tomlinson
Nays: Grube

g. Consider Approval of Authorizing City Manager to Sign an Agreement with Alliance Work Partners to Provide and Manage an Employee Assistance Program with a Six Visit Per Issue Model at $1.81 Per Employee Per Month, or take any other appropriate action

Approved

Greg Buckley, Administrative Services Director and Treasurer, addressed council and stated he went out with proposals for a full service employee assistance program and received responses from three vendors. Mr. Buckley recommended Alliance Work Partners. The program is free to employees and completely anonymous.

Motion was made by Destry Hawthorne and seconded by Mike Dills to approve Alliance Work Partners Purchase of Services Agreement (C-2018-70).

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

h. Consider Approval of Ordinance 1870 - An Amendment to Code Sections on Sign Regulations, Metal Buildings and Building Facades, and Screening Requirements

Tabled

Matt Nahrstedt, Community Development Director and City Planner, addressed council and stated the goal is to clean up confusing language and modernize details regarding sign regulations, metal buildings and building facades, and screening requirement. Mr. Nahrstedt reviewed sign regulations, metal buildings and facades. After discussion and feedback from council, Mr. Nahrstedt will make revisions and report back to council at the

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December 11, 2018 meeting. City Manager Tim Rundel suggested Mr. Nahrstedt provide council with photos and examples at his next presentation.

i. Consider Approval of Resolutions to Update the City of Durant Fee Schedule

1. Resolution 2018-30 to Include New Beverage Garden Permit Fee
2. Resolution 2018-31 to Update Certificate of Compliance Fee

Approved

Agenda Item 5.i (1) - Matt Nahrstedt, Community Development Director and City Planner, addressed council and stated this is to close out the administrative process of putting in the new beverage garden ordinance that council approved in October 2018. The proposed Beverage Garden Permit Fee in conjuction with the ordinance would be $50.00.

Motion was made by Chad Hitchcock and seconded by Destry Hawthorne to approve Resolution 2018-30 to include new Beverage Garden Permit Fee.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

Agenda Item 5 i (2) - Matt Nahrstedt, Community Development Director and City Planner, addressed council and stated the fire marshal and building official are in agreement with updating the fee amount from $50.00 to $100.00.

Motion was made by Chad Hitchcock and seconded by Destry Hawthorne to approve Resolution 2018-31 to update Certificate of Compliance Fee.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

j. Consideration To Accept A $5,000 Grant Award From The Nancy Lieberman Charities Received Through The U.S. Department of Justice 2018 COPS - Community Oriented Policing Services Program To Support Local Law Enforcement And Community Relations Efforts. Approved

Rebecca Collins, Grants Coordinator, addressed council and stated in June 2018, the city received a Kids and Cops Dream Court valued at $30,000 from the Nancy Lieberman Charities Foundation. Now, the Nancy Lieberman Charities Foundation is granting the Durant Police Department the amount of $5000 to be utilized with the Dream Court for such items as purchasing basketballs, tee shirts, and paying overtime to police officers to have activities with the youth in the community. Police Chief Houser addressed council and stated this is an outstanding opportunity to interact with the children of Durant.

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Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to accept a $5000 grant award from the Nancy Lieberman Charities Foundation received through the U.S. Department of Justice 2018 COPS - Community Oriented Policing Services Program to support local law enforcement and community relations efforts.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

k. Consideration To Accept A $2,000 Public Works Safety Equipment Grant Award From The Oklahoma Municipal Assurance Group (OMAG) To Purchase Gas Detectors For Public Works Department.

Approved

Rebecca Collins, Grants Coordinator, addressed council and stated the grant funds would be used to purchase four (4) gas detectors to be used in trenches on site.

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to accept a $2,000 Public Works Safety Equipment Grant Award from the Oklahoma Municipal Assurance Group (OMAG) to purchase gas detectors for the Public Works Department.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

l. Consideration To Submit Grant Application To The National Fitness Campaign In The Amount Of $30,000 For Partial Funding To Build An Outdoor Fitness Court At Carl Albert Park

Approved

Rebecca Collins, Grants Coordinator, addressed council and stated we have been contacted by the National Fitness Court out of San Fransciso, CA as a possible community to apply for this grant for an outdoor fitness gym. The proposed gym would fit on the dilapidated tennis courts at Carl Albert Park. If the city is awarded the grant, we would have one year to raise additional funding to complete the project. Ms. Collins stated there is no obligation. If the city was not able to raise the necessary funds, the grant would be de-obligated. A video presentation followed. Ms. Collins reiterated no city funds would be committed and it would be up to community partners to raise the additional $90,000. The current Land and Water Grant that is being utilized at Carl Albert Park would be used to build the pad. City Manager Tim Rundel stated the Parks and Recreation Advisory Board supports application for this grant.

Motion was made by Chad Hitchcock and seconded by Destry Hawthorne to approve submission of grant application to the National Fitness Campaign in the amount of $30,000 for partial funding to build an outdoor fitness court at Carl Albert Park.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

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6. Public Hearings

a. Public Hearing For Closeout Of 16753 Community Development Block Grant (CDBG) 16 Relating To The Residential Streets Improvements

Public hearing for the 16753 CDBG 16 (C-2016-81) closeout will be led by Becca Collins. Upon closeout of the Public Hearing, the following items will be presented for consideration:

1. Consideration To Accept The 16753 CDBG 16 Residential Streets Improvements Project #s 645 on West Mississippi Street, # 646 on West Alabama Street, # 647 on North East 3rd Avenue and # 648 on East Cedar Street As Successfully Complete.

2. Consideration To Approve The 16753 CDBG 16 Closeout Documents Approved

Rebecca Collins, Grants Coordinator, addressed council and stated the Streets Improvements Project for four (4) different block segments (Project #645 on West Mississippi Street), Project #646 on West Alabama Street, Project #647 on North East 3rd Avenue and Project #648 on East Cedar Street) has been completed. The City of Durant utilized their own labor and equipment. The total budget was $194,800 with a 1:1 match. The project finished at $178,252,39 coming in under budget. This grant was for materials only.

Hearing opened to public.
Call for public comment three times.
No comments.
Public Hearing closed.

Agenda Item 6. A (1)

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to accept the 16753 CDBG 16 Residential Streets Improvements Project #645 on West Mississippi Street, Project #646 on West Alabama Street, Project #647 on North East 3rd Avenue and Project #648 on East Cedar Street as successfully complete.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

Agenda Item 6. A (2)

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to approve the 16753 CDBG 16 Closeout Documents.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

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b. Public Hearing for the Purpose of Providing Information, Including an Analysis of Potential Positive or Negative Impacts, and Answering Questions Regarding the Proposed Project Hickory Economic Development Project Plan

No Action Taken

Paul Buntz, Interim Executive Director of Durant industrial Authority addressed council and introduced Dan Batchelor and Jeff Sabin with the Center for Economic Development Law. This is the first of two public hearings. Mr. Sabin provided a recap of the project history, overview of the project plan elements and the financial and economic impacts.

Hearing opened to public.

Jean Masoner - $21 million payroll for the 600 temporary construction jobs.

James Bishop - Sufficient electrical power capacity.

Public hearing closed.

c. Public Hearing For The 2018 Community Development Block Grant Economic Development (CDBG-ED) Application Phase Relating To The Publicly Owned Water Distribution and Sewer Collection Infrastructure Improvements Project In The Approximate Amount Of $940,000 Serving The Tubacex Durant, Inc. Facility Operations To Create New Jobs Located At 362 County Club Road.

Public hearing for the 2018 CDBG-ED Application Phase will be led by Becca Collins. Upon completion of the Public Hearing, the following items will be presented for consideration:

1. Consideration To Approve Application Resolution No. 2018-32 For Approval To Submit The 2018 Community Development Block Grant Economic Development Application To Oklahoma Department Of Commerce For Publicly Owned Infrastructure Improvements Serving The **Tubacex Durant, Inc.** Facility Located At 362 Country Club Road.

2. Consideration To Authorize The Mayor To Sign Related Grant Application Documents Necessary To Complete The 2018 CDBG-ED Application For The Publicly Owned Infrastructure Improvements Project Serving **Tubacex Durant, Inc.** Facility.

Approved

Rebecca Collins, Grants Coordinator, addressed council and stated the estimated project cost is $940,000. Tubacex Durant, Inc. is proposing 140 new jobs with an average salary of $55,000 which qualifies for the Oklahoma Quality Jobs Program. It does not require any local match. The private investment of the $40+ Million Dollars would provide the necessary leverage for the application. The grant is for water and sewer improvements.

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Marty Cook, Public Works Director, identified the locations of the proposed water and sewer improvements.

Ms. Collins stated the national objective of this program is the development of viable urban communities by providing decent housing and a suitable living environment and expanding economic opportunities principally for persons of low to moderate income.

Hearing opened to public.
Call for public comment three times.
No comments.
Public Hearing closed.

Agenda Item 6. c. (1)

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to approve Application Resolution No. 2018-32 for approval to submit the 2018 Community Development Block Grant Economic Development Application to Oklahoma Department of Commerce for publicly owned infrastructure improvements serving the Tubacex Durant, Inc. facility located at 362 Country Club Road.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson
Agenda Item 6. c. (2)

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to authorize the mayor to sign related grant application documents necessary to complete the 2018 CDBG-ED Application for the publicly owned infrastructure improvements project serving Tubacex Durant, Inc. facility.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

d. Consider Approval of Resolution 2018-28, a Conditional Use Permit for the Operation of a Community Shelter and Center at 4310 W University Blvd

Approved

Matt Nahrstedt, Community Development Director and City Planner, addressed council and stated the property is located at 4310 West University Boulevard and has one structure on it known as King's Closet. Mr. Nahrstedt provided handouts to council. The property consists of one acre and is currently zoned C-1. The proposed resolution does not affect the current zone.If the conditional use permit were approved and the applicant were to terminate the use or the ownership was to change hands, the property would revert back to a C-1 property without a conditional use permit. The Planning Commission was presented with a three phase development plan. Mr. Nahrstedt reviewed the three phases. The Planning Commission had questions and concerns. There were two formal concerns from citizens regarding safety and quiet. Applicant Michelle Chester addressed council.

Misty - Gave personal testimony.

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Larry Smithart - In support of community shelter. Encouraged partnerships with other organizations and churches in community.

Betty Colclazier - in support of community shelter. Expressed concern about one facility for both men and women. Also expressed concern for children that could be housed at facility.

Michelle Chester - There will be one large room. Security guards and volunteer staff will be on site.

Kenny (inaudible) - Needs to be a solution.

Shawna Shelton - In support of community shelter.

Sarah Metz - in support of community shelter.

Sue Stanfield - in support of community shelter.

Public Hearing Closed

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to approve Resolution 2018-28, a Conditional Use Permit for the Operation of a Community Shelter and Center at 4310 W. University Boulevard.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

7. Citizen Comments on Non-Agenda Items

There were no citizen comments.

8. Executive Session

a. Consider Executive Session to Discuss the Employment and Performance Review of City Manager (This Executive Session Authorized by Title 25, Section 307 B(1) 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 Chad Hitchcock to re-enter regular session.

Motion Passed with the following vote:

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Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

b. Consider Action Pursuant to 8(a) Above

Mayor Tomlinson stated the city council has met in executive session to discuss the employment and performance review of the city manager. This executive session is authorized by Title 25, Section 307 B(1) of the Oklahoma State Statutes.

9. New Business

There was 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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