

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 4:25 p.m. on the 7th day of December, 2018. An amended agenda was posted at the place of such meeting at 4:17 p.m. on the 10th day of December, 2018.

MINUTES OF THE REGULAR SCHEDULED MEETING OF THE DURANT CITY COUNCIL OF December 11, 2018 AT 6:00 PM, Roscoe J. Hatfield Council Chambers, 300 West Evergreen, Durant, Oklahoma AMENDED

CALL TO ORDER

Mayor Tomlinson called the meeting to order at 6:13 p.m.

INVOCATION/FLAG SALUTE

Fire Chief Roger Joines provided the invocation. City Manager Tim Rundel 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.

Mayor Tomlinson announced that 'The Wall That Heals' is coming to Durant on May 9-12, 2019. The 'Wall That Heals' is a three-quarter scale replica of the Vietnam Veterans Memorial along with a mobile education center. It will be temporarily located at the Durant Multi Sports Complex and will be open 24 hours a day and is free to the public. 'The Wall That Heals' honors the more than three million Americans who served in the U.S. Armed forces in the Vietnam War and it bears the names of the more than 58,000 men and women who made the ultimate sacrifice in Vietnam.

Stephanie Gardner, Director of Durant Main Street, was asked to step forward. Ms. Gardner announced the reality television show Small Business Revolution, has named the City of Durant as one of ten semi-finalists for its \$500,000 downtown makeover competition. Small Business Revolution will visit Durant in January to narrow the list to five finalists. The public will then vote on the winner starting in mid-February 2019.

1. Presentations

- a. Holiday Music Program Presented by Fairview Baptist Church

The Fairview Baptist Church Praise Team performed several Christmas songs and invited the audience to join in and celebrate the holiday season.

- b. Presentation of Honor Roll of Service Certificates and Lapel Pins from the Oklahoma Municipal League

The Oklahoma Municipal League recognized six City of Durant employees who have completed 25 years of service in municipal government for a total of 150 years of public service. Recipients received an Honor Roll of Service Certificate and a lapel pin. The names of these recipients will be entered into a permanent Honor Roll of Service, leather bound book that is maintained and on permanent display at the Oklahoma Municipal League office.

The following employees were recognized:

Stacey Bennett - Fire Department;
Chris Cicio - Police Department;
Laura Hider - Police Department;
Chief David Houser - Police Department;
Joe Sebourn - Police Department;
Ben Veenstra - Police Department.

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 November 13, 2018
- b. Consider Approval of Special Called Meeting Minutes of November 27, 2018
- c. Consider Approval of Claims for November 2018
- d. Consider Approval of Special Event Permit for Trooper Nicholas Dees Run (SEP-2018-32)
- e. Consider Approval of Second Amended and Restated Employment Agreement Between City of Durant and City Manager Timothy L Rundel

- f. Consider Approval of Agreement # C-2018-76 to Partner with Crispin Porter & Bogusky LLC ("CPB"), as agent for Domino's Pizza LLC. ("Domino's") for the Donation of \$5,000 to be Used Solely for the Filling of Potholes within the City of Durant.
- g. Request Council Approval to Accept Oklahoma Homeland Security Grant #950.065 in the amount of \$3626.04 for annual satellite broadband service on the Regional Communications Trailer (RDT 2)
- h. Consider Recommendation of Oklahoma Municipal Assurance Group (OMAG) to Deny Tort Claim of Shannon Sullivan
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. City Clerk Monthly Report - November 2018
- b. Community Development Monthly Report - November 2018
- c. Durant Industrial Authority Monthly Report - November 2018
- d. Emergency Management Report - November 2018
- e. Financial Statements October 2018 and November 2018 Sales Tax
- f. Fire Department Monthly Report - November 2018
- g. Grants Department Report - November 2018
- h. Landfill Information & Reports - November 2018
- i. Library Monthly Report - November 2018
- j. Parks Department Monthly Report - November 2018

- k. Planning Commission Meeting Minutes - October 16, 2018
- l. Police Department Monthly Report - Oct 2018
- m. Public Works Projects Update for November 2018
- n. Solid Waste Department Monthly Report - November 2018
- o. Street Department Report - November 2018
- p. Utility Department Monthly Report - November 2018
- q. Utility Line Maintenance Report - November 2018
- r. Waste Water Treatment Plant and Lab Monthly Report - November 2018
- s. Water Treatment Plant Monthly Report - November 2018

5. Administration

- a. Consider Approval of Mayoral Appointment for Municipal Judge and Alternate Municipal Judge for 2019-2021 Term Pursuant to Durant City Code Sections 35.16 and 35.19 and Approval of Contract Services Agreements
 - 1. Consider Mayoral Appointment of Kenneth Rainbolt to Serve Additional Term as Municipal Judge for 2019-2021 Term and Approval of Contract Services Agreement for City Judge Services (C-2018-67);
 - 2. Consider Mayoral Appointment of Matt Mickle to Serve Additional Term as Alternate Municipal Judge for 2019-2021 Term and Approval of Contract Services Agreement for Alternate City Judge Services (C-2018-68).

Approved

Motion was made by Chad Hitchcock and seconded by Destry Hawthorne to approve mayoral appointment of Kenneth Rainbolt as Municipal Judge for 2019-2021 term pursuant to Durant City Code Sections 35.16 and 35.19 and approve contract service agreement (C-2018-67).

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

Motion was made by Chad Hitchcock and seconded by Mike Dills to approve mayoral appointment of Matt Mickle as Alternate Municipal Judge for 2019-2021 term pursuant to Durant City Code Sections 35.16 and 35.19 and approve contract service agreement (C-2018-68).

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

- b. Consider Approval to Proceed with the Mooney Lift Station Upgrade Project for the Amount of \$277,150.00.
 1. Consider Approval of a Supplemental Budget Adjustment # 1745 for \$102,150.00 to Fund the Mooney Lift Station Upgrade Project.
 2. Consider Approval of the Professional Services Agreement (C-2018-77) with Wall Engineering for the Engineering, Design, Bidding, Procurement, Construction Oversight, and Project Administration for the Upgrade of the Mooney Lift Station in the Amount of \$36,260.00.
 3. Consider Approval to Proceed with the Bidding Process for the Mooney Lift Station Upgrade in the Amount of \$240,890.00.

Approved

Marty Cook, Public Works Director, addressed council and stated the Mooney Lift Station services the west side of town. Mr. Cook stated the Mooney Lift Station is currently over capacity and under servicing development.

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to approve Supplemental Budget Adjustment #1745 for \$102,150 to fund the Mooney Lift Station Upgrade Project.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to approve the Professional Services Agreement (C-2018-77) with Wall Engineering for the Engineering, Design, Bidding, Procurement, Construction Oversight, and Project Administration for the upgrade of the Mooney Lift Station in the amount of \$36,260.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to approve proceeding with the bidding process for the Mooney Lift Station upgrade in the amount of \$240,890.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

- c. Consider Award of Bid and Approval of Contract to Green Belt Turf Management for Highland Cemetery Lawn Maintenance Services for 2019-2021 Growing Seasons in the Amount of \$124,240 (C-2018-74)

Approved

Marty Cook, Public Works Director, addressed council and stated there were two bidders. Mr. Cook recommended Green Belt Turf Management stating it would cost the city in excess of the bid amount to provide those same services.

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to award bid and approve contract to Green Belt Turf Management for Highland Cemetery Lawn Maintenance Services for 2019-2021 growing seasons in the amount of \$124,240 (C-2018-74).

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

- d. Consider Award of Bid to Douglass Distributing and Approval of Contract for Equipment and Motor Fuel Supply to Douglass Distributing (C-2018-75)

Approved

Marty Cook, Public Works Director, addressed council and stated there were three bidders. Mr. Cook recommended Douglass Distributing who is the current provider.

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to award bid for equipment and motor fuel supply to Douglass Distributing and approve contract to Douglass Distributing for equipment and motor fuel supply (C-2018-75).

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

- e. Consider Approval of Ordinance 1872 - An Amendment to Code Sections on Screening Requirements

Approved

Matt Nahrstedt, Community Development Director and City Planner, addressed council and stated the goal of the ordinance is to clean up some confusing language but not change the overall intent. Mr. Nahrstedt reviewed the changes.

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to approve Ordinance 1872, Section 1 - Amendment to Code Sections on Screening Requirements.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to approve Ordinance 1872, Section 2 - Emergency Clause.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

- f. Consider Approval of Ordinance 1870 - An Amendment to Code Sections on Sign Regulations

Approved

Matt Nahrstedt, Community Development Director and City Planner, addressed council and stated the goal of the ordinance is to clean up some confusing language but not change the overall intent. Mr. Nahrstedt reviewed the changes.

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to approve Ordinance 1870, Section 1- Amendment to Code Sections on Sign Regulations.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to approve Ordinance 1872, Section 2 - Emergency Clause.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

- g. Consider Approval of Resolution 2018-36 - Establish Roofer Registration Fee in City of Durant Fee Schedule

Approved

Matt Nahrstedt, Community Development Director and City Planner, addressed council and stated effective October 1, 2018, the State of Oklahoma Construction Industry Board approved roofer registration. Mr. Nahrstedt recommended a \$100 roofer registration fee which he stated was equal in amount to what the other trades pay.

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to approve Resolution 2018-36 to establish Roofer Registration Fee in the amount of \$100 in City of Durant Fee Schedule.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

- h. Consider Approval of Ordinance 1871 - An Amendment to Code Sections on Metal Buildings and Building Facades

Approved

Matt Nahrstedt, Community Development Director and City Planner, addressed council and stated the goal of the ordinance is to clean up some confusing language but not change the overall intent. Mr. Nahrstedt reviewed the changes.

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to approve Ordinance 1871, Section 1- Amendment to Code Sections on Metal Buildings and Building Facades.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to approve Ordinance 1871, Section 2 - Emergency Clause.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

- i. Consider Approval of Resolution #2018-37 Establishing a Streets and Infrastructure Task Force for the City of Durant

Approved

City Manager Tim Rundel addressed council and stated that at the November 13, 2018 council meeting, council approved a task force to be formed to examine the needs of the city infrastructure and provide a detailed report back to the governing body. Mr. Rundel stated this is an ad hoc committee which will dissolve after the report has been provided. Mr. Rundel requested that the members be named at the January 9, 2019 council meeting and have until the end of the fiscal year to produce a report to council. The committee would consist of two council members and five committee members. Each council member would nominate a committee member from their ward. The at-large council member would nominate a committee member from within the city limits. Mr. Rundel stated all meetings will be open to the public to attend and give input to the committee as well. Mr. Rundel asked to have the resolution amended so that a committee member is required to be a resident of the City of Durant but is not required to also be a property owner in order to serve. Mr. Rundel stated any person interested in serving on the committee should contact their council member.

Motion was made by Destry Hawthorne and seconded by Mike Dills to approve Resolution 2018-37 changing the Resolution Number at the top to 2018-37 and in Section 3, Paragraph A, Bullet Point 1, strike the words 'property owner in' and replace with the word 'of '.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

6. Public Hearings

- a. Consider Approval of Ordinance 1868 - Rezoning from General Agricultural (A-1) to Highway Commercial and Commercial Recreation (C-2) for Portion of Property Located West of Westside Dr and South of Ed F. Davis Rd.

Matt Nahrstedt, Community Development Director and City Planner, addressed council and stated it is a 5 acre portion of property. The Planning Commission recommended denial with one member abstaining. Eight formal complaints were received. Mr. Nahrstedt also recommended denial and suggested consideration of either a C-1 or C-0. Mr. Nahrstedt said the application is for restaurant use.

Hearing opened to the public.

Dr. Whittington - owner of property. Property would be used for restaurant and plans for it to be deed restricted. All ingress and egress would be off Westside Drive.

William Tuttle - in opposition.

Drew Jackson - in opposition.

Rocky Powers - in opposition.

Dr. Harrison - in opposition.

Jim Thorpe - in opposition. In support of more restrictive zoning.

Jeff McQueen - in opposition.

Ted Johnson - in opposition

Kent Whittington - owner of property.

Rocky Powers

Jim Thorpe

William Tuttle

Charles Bachmann - question for council

Matt Nahrstedt answered questions from council.

Rocky Powers

Drew Jackson

Patricia McQueen - in opposition.

William Tuttle

Three calls for comment. Public hearing closed.

Further discussion by council.

Motion was made by Oden Grube and seconded by Mike Dills to deny approval of Ordinance 1868.

Motion Failed with the following vote:

Ayes: Dills, Grube

Nays: Hawthorne, Hitchcock, Tomlinson

Motion was made by Chad Hitchcock and seconded by Destry Hawthorne to approve Ordinance 1868 - Rezoning from General Agricultural (A-1) to Convenient Commercial District (C-1) for Portion of Property located West of Westside Drive and South of Ed F. Davis Road. Motion Passed with the following vote:

Ayes: Dills, Hawthorne, Hitchcock, Tomlinson

Nays: Grube

7. Citizen Comments on Non-Agenda Items

Charles Bachmann - proposition regarding road improvement

8. Executive Session

- a. 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 executive session.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

Motion was made by Chad Hitchcock and seconded by Mike Dills to re-enter regular session.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

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

Approved

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to direct the city attorney to enter into settlement negotiations with plaintiffs' attorney.

Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

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