

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 29th day of March, 2018 and that an agenda of said meeting was posted at the place of such meeting at 4:57 p.m. on the 2nd day of April, 2018. Amended agenda posted at the place of such meeting at 4:35 p.m. on the 12th day of April, 2018.

**MINUTES OF THE SPECIAL MEETING OF DURANT CITY Council
Special Meeting OF April 16, 2018 AT 5:00 PM, 300 West Evergreen,
Large Conference Room, Durant, OK**

CALL TO ORDER

Mayor Tomlinson called the meeting to order at 5:03 p.m.

INVOCATION/FLAG SALUTE

City Manager Tim Rundel provided the invocation. There was no flag salute.

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
 Vice-Mayor Chad Hitchcock
 Mayor Jerry Tomlinson

Absent: None

(*denotes partial attendance)

Mayor Tomlinson declared a quorum.

1. Consider Approval of PC2017-16 a Preliminary Plat for Property Located Near Washington and Mockingbird

Approved

PUBLIC HEARING -

Matt Nahrstedt, City Planner and Community Development Director, addressed council and stated on November 17, 2017, Raquel Schmitz filed an application requesting approval of a preliminary plat to facilitate the construction of a phased neighborhood of single-family homes. City staff has reviewed the preliminary plat and found no discrepancy. The Planning Commission recommended this plat for approval with a 4-0-0 vote

with one member absent on December 19, 2017. City Council voted 2-2-0 on this request with one member absent on February 13, 2018. Mr. Nahrstedt stated this is a 27 acre property.

Hearing opened to public:

Brenda Shipman - clarify number of lots;

Jerry Combrink - not in opposition to development; in opposition to number of houses and traffic impact;

Gerald Daniels - traffic impact; in favor of development;

Mike Morris - in opposition to development;

Bill Waddell - in opposition to development; lot size, air quality concerns;

Mark Swearengen - in opposition; lot size;

John Kilpatrick - in opposition; lot size, traffic impact.

Discussion from council. Marty Cook, Public Works Director, stated the proposed lots would be 8400 square feet in size.

Eric Schmitz, Developer, addressed council and audience.

Mike Morris;

Brenda Shipman;

Mark Swearengen;

Bill Waddell;

John Kilpatrick;

Eric Schmitz;

Brenda Shipman;

Don Lasawyer - retention pond;

Sam Aldridge - sewer system.

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to approve PC2017-16, a preliminary plat for property located near Washington and Mockingbird. Motion Passed with the following vote:

Ayes: Hawthorne, Hitchcock, Tomlinson

Nays: Dills, Grube

2. Consider Approval of Contract Between the City of Durant and the Durant Industrial Authority

Approved

City Attorney Tom Marcum addressed council and stated the contract before them for consideration is the latest version which was approved by the Durant Industrial Authority Board of Directors after the April 4, 2018 Special Called City Council Meeting. Council Member Grube stated her position that it was permissible under Section 9 of Ordinance 1408 to make changes to the ordinance to

allow for payment of administrative costs. City Attorney Marcum stated Section 3 of Ordinance 1408 states specifically that the tax could not be spent on administrative expenses or salaries and is not subject to revision or amendment. Discussion followed.

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to approve contract between the City of Durant and the Durant Industrial Authority (DIA) conditioned upon amending Section 6 to substitute the first paragraph with 'The City shall employ an Economic Development Director. The director shall be under the supervision of the Durant City Manager. The director shall work collaboratively and in cooperation with the DIA Board of Directors. The director shall be responsible for overseeing and carrying out the economic development activities and operations of both the City and the DIA. The director may serve as the director of the DIA. The City and the DIA Board of Directors shall cooperate in the recruitment and selection of the economic development director. Amend Section 11- Contract Term to have the contract end on June 30, 2019.

Motion Passed with the following vote:

Ayes: Dills, Hawthorne, Hitchcock, Tomlinson

Nays: Grube

3. Discuss and Approve Services Agreement with Fiduciary Services, LLC. for Financial Assistance and Management, or Take Any Other Appropriate Action

Approved

Greg Buckley, Administrative Services Director, addressed council and stated a person is needed to perform day to day operations in the treasurer's office. Mr. Buckley stated he is providing administrative oversight of the treasurer's office on a temporary basis until council selects a permanent replacement. Council Member Grube stated her position that the contractor had already been paid illegally. City Manager Tim Rundel stated when he became aware that the former treasurer was resigning he needed to move quickly and signed a temporary professional services agreement with Fiduciary Services up to the legal limit prior to this matter coming before council. City Manager Rundel announced the Assistant City Treasurer/Financial Manager gave her notice today to resign her position in two weeks. City Manager Rundel further stated Mr. Buckley has seven departments that report to him and it is not

possible for him to perform these day to day operations in addition to his current workload. City Manager Rundel stated the importance of allowing the temporary contractor to work alongside the former city treasurer for a period of time before the former city treasurer's employment terminated due to the complexities of governmental accounting and principles. The temporary contractor was available and brought 37 years of experience. Council Member Grube stated her position that the council should have approved the temporary contract. Mayor Tomlinson stated that what City Manager Rundel did falls within his scope of duties and that the city manager did not violate anything with regard to that portion of his job description nor did he violate anything with the dollar amount that he is allowed to spend up to. City Attorney Tom Marcum stated as the chief administrator of the city, the city manager can hire any number of temporary employees in the treasurer's office. City Attorney Marcum stated the city manager's actions in this regard were perfectly permissible, nothing distrustful, nothing underhanded, and all done above board. City Attorney Marcum further stated the city manager has the administrative authority to hire people in any administrative office in this building without this council. City Manager Rundel recommended Crawford & Associates to provide additional assistance in light of the resignation of the Assistant Treasurer/Finance Manager. City Manager Rundel stated we have had an open contract with Crawford & Associates for several years. Since we are near the end of our fiscal year, the contract with Crawford & Associates may require an extension if they are called upon to provide these additional services.

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to approve services agreement with Fiduciary Services, LLC for Financial Assistance and Management. Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

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