

**MINUTES OF THE REGULAR SCHEDULED MEETING OF THE
DURANT CITY COUNCIL
ON MAY 10, 2011 AT 4:00 PM
ROSCOE J HATFIELD COUNCIL CHAMBERS, DURANT CITY HALL**

CALL TO ORDER

Meeting was called to order at 4:11 pm by Mayor Jerry L. Tomlinson.

INVOCATION

Invocation was given by James Dalton, Emergency Management Director.

ROLL CALL

Present: Mayor Jerry L. Tomlinson City Manager James H. Dunegan
Vice-Mayor Thomas Marcum City Attorney Pat Phelps
Council Member Leon Sherrer City Clerk Leta McNatt
Council Member Jerry Polson
Absent: Council Member Bobby Story

Mayor Tomlinson stated for the record we have a quorum.

The Mayor welcomed and recognized the young men from Scouting Troops 649, 615 and 517 in the audience. On behalf of the City, the Council is pleased to receive these Eagle Scout project requests.

From April 14 to 16, 2011, there were at least 155 confirmed tornadoes across 14 states, including Oklahoma. On the evening of April 14th the tornado that touched down in Tushka OK caused devastation in a matter of minutes. Nearly everyone has been affected either directly or indirectly. Mayor Tomlinson stated that the City Manager informed Council that Emergency Management and the Durant Fire Dept were heading to Tushka to help. On behalf of Council, the City commends our emergency services and who are committed to their jobs. The City also commends the Choctaw Nation, our area organizations including some of the scouts, and countless individuals who have given their time, effort, funds, etc. to help others in need. Mayor also directly thanked the City Manager for the time, effort, and commitment he puts into his job. Even though City Hall hours are 8-5, he is often available early and late, and keeps the Council advised of situations on a regular basis.

ORDER OF BUSINESS

1. Election of Officers

a. Election of Mayor by Council

Motion made by Vice Mayor Marcum and seconded by Council Member Polson to re-elect Jerry L. Tomlinson as Mayor. Motion carried with the following vote:

Aye: Polson, Sherrer, Marcum

Nay: None Abstain: Tomlinson

Mayor Tomlinson stated it has truly been an honor to serve with City Council members, and he looks forward to continued service. These council members represent the City and its citizens in a respectful and responsible way.

b. Election of Vice Mayor by Council

Motion made by Council Member Polson and seconded by Council Member Sherrer to re-elect Thomas Marcum as Vice-Mayor. Motion carried with the following vote:

Aye: Polson, Sherrer, Marcum, Tomlinson

Nay: None Abstain: None

Vice Mayor Marcum stated it is a pleasure to continue to serve as vice mayor. Dr. Polson has been a great addition to the Council, and it is a tremendous time for the city of Durant.

2. Consent Items

Mayor Tomlinson explained the Consent docket. It is a step that allows a certain number of items to be voted on at once. On occasion, Council has questions or discussion is needed about some of these items. These particular items are removed and discussed within the next section.

- a. Consider Approval of Minutes for the City Council Regular Meeting of April 12, 2011 – *approved*
- b. Consider Approval of Minutes for the City Council Special Meeting of April 26, 2011 – *approved*
- c. Consider Approval of Claims – *approved*
- d. Consider Approval of Budget Amendment 2011-09 – *approved*
- e. Consider Authorization for Boy Scout Troup 649 to Perform Eagle Scout Projects at the Durant Police Department Firing Range – *approved after discussion, see 3.e.*
- f. Consider City Electrical and Electronics Technical Professional Position:
 - (1) Approval to Create a New Position – *approved after discussion, see 3.f.(1)*
 - (2) Approval of Job Description – *approved after discussion, see 3.f.(2)*
- g. Consider Surplus and/or Obsolete Robert L. Williams Library Equipment:
 - (1) Resolution 2011-18 Declaring Old Library Equipment Surplus and/or Obsolete – *approved*
 - (2) Authorize Library Director to Auction Excess or Obsolete Old Library Equipment – *approved*
 - (3) Authorize Library Director to Secure the Professional Services of an Auctioneer to Auction Old Library Excess or Obsolete Equipment – *approved*
- h. Consider Recommendation to the Oklahoma Municipal Assurance Group (OMAG) for Vote to be Cast for Election of Trustee – *approved*
- i. Consider Approval and Adoption of the FY11 Citizen Participation Plan for the 2011 Community Development Block Grant (CDBG) Applications – *approved*
- j. Consider Work Order C-2011-29 with Wall Engineering to Perform Preliminary Engineering Services for Improvements to Rail Spur that Serves Eagle Suspension as part of the Community Development Block Grant-Economic Development Infrastructure Financing (CDBG-EDIF) Application – *approved*
- k. Consider Approval to Block Brookside Drive Through Carl Albert Park on the Morning of May 24, 2011, for Use by Durant Northwest Heights School for Their Second Grade Picnic – *approved*
- l. Consider Authorization to Extend the Existing Sewer Line at the Durant Animal Clinic (86 West Mulberry Street) – *approved*

Motion made by Vice Mayor Marcum and seconded by Council Member Sherrer to approve Consent Items 2.a – 2.d. and 2.g. – 2.l. as presented. Motion carried with the following vote:

Aye: Polson, Polson, Sherrer, Marcum, Tomlinson

Nay: None Abstain: None

- 3. Consideration of Items Removed from Consent Docket
Items e. and f. removed for discussion with details below.

- 3.e. Consider Authorization for Boy Scout Troop 649 to Perform Eagle Scout Projects at the Durant Police Department Firing Range

There is a list of close to 10 entities who utilize this firing range, so this is a great project for the Boy Scouts, for our city and law enforcement as a whole. Mayor stated this is a community project as businesses are donating materials. Chief Cook introduced Troop Master John Wyeth and his troop. J. Wyeth stated he is excited for their troop. Some of their potential plans are to build a cement slab, build bleachers, build a block house with no roof to walk on top of this building for training (there's not one of these in the area). Mayor recommended the City Manager sign off on Scout Troop paperwork for these projects.

Motion made by Council Member Polson and seconded by Council Member Sherrer to approve Eagle Scout Projects at the Durant Police Department Firing Range as presented. Motion carried with the following vote:

Aye: Polson, Polson, Sherrer, Marcum, Tomlinson

Nay: None Abstain: None

- 3.f. Consider City Electrical and Electronics Technical Professional Position:

Assistant City Manager Ralph Houser – The position is for an existing employee who has been performing this work for years now. It will be a salary rather than hourly position and will be equal to what this employee has been receiving (salary vs. overtime); employee's supervisors are fine with this.

- (1) Approval to Create a New Position – *approved*

Motion made by Council Member Polson and seconded by Council Member Sherrer to approve City Electrical and Electronics Technical Professional position. Motion carried with the following vote:

Aye: Polson, Polson, Sherrer, Marcum, Tomlinson
Nay: None Abstain: None

(2) Approval of Job Description – *approved*

Motion made by Council Member Polson and seconded by Council Member Sherrer to approve City Electrical and Electronics Technical Professional job description. Motion carried with the following vote:

Aye: Polson, Polson, Sherrer, Marcum, Tomlinson
Nay: None Abstain: None

4. Information Items

a. Department Reports for April 2011

Library / Dr. Dottie Davis – On the first day the Donald W. Reynolds Community Center and Library opened, there were 568 visitors and over 800 books were checked out. It is a beautiful facility and they are proud of it. Close to everything is completed, the Dedication ceremony is scheduled May 25 and they are working diligently for this event. The Friends of the Library donated two children’s sculptures at each entrance, there is also artwork from Janey Umstead and others. An expansion of services includes the first classes offered today in the computer lab to set up Gmail accounts. Ebook collection will be activated May 31, the Language program is in place, and they are working to update their web page. Summer Reading Program is taking applications. The After School program is already in progress. Dr. Davis extended a sincere thanks to all who helped with this new facility to also include Assistant City Manager Ralph Houser, the library staff, Friends of the Library, the Dedication committee; no one does anything by themselves.

Emergency Services – Mayor read Fire Department Chief Joines’ letter to Council. The Police Department, Emergency Management, were also commended for their work under pressure and their heartfelt passion in doing what they do. Council Member Polson and Vice Mayor Marcum thanked Emergency Services for their help to protect the city.

- b. City Boards, Committees, and Commissions Minutes for April 2011
- c. Reynolds Foundation Grant Report
- d. City Projects Update

No action; information only.

5. Administration

a. Consider Approval of Agreement C-2011-28 for the City of Durant to Perform Minor Maintenance on 2 Union Pacific Railroad Bridges (Cemetery Road bridge and Rodeo Road bridge)

The work needed at the Cemetery Road bridge is to paint the walls and clean up brush from around it. According to engineer’s report, the Rodeo Road bridge needs some cosmetic repairs done under the arch to protect exposed rebar from corrosion and long-term failure. Assistant City Manager Ralph Houser – Back in the early 1900s these were considered streets, so that is why the City is responsible to get the inspections done. ODOT mentions these maintenance issues each year, but it is on the railroad right of way, so the City must go through the permission process to work on these. It took a few years to get permission from the railroad, and permission was finally given.

Motion made by Vice Mayor Marcum and seconded by Council Member Sherrer to approve C-2011-28 as presented. Motion carried with the following vote:

Aye: Polson, Sherrer, Marcum, Tomlinson
Nay: None Abstain: None

b. Consider Approval of Resolution 2011-17 Annual Adjustment to the Community Development Fee Schedule (*replaces Resolution 2008-29*)

No Action Taken; Table for next agenda.

c. Consider Request for the City of Durant to Proceed with Legal Research and Planning for the De-Annexation of Split City / County Roads

Assistant City Manager Ralph Houser and County Commissioner Monty Montgomery explained that the City and the County cannot get state funding for road maintenance on split roads. This request to Council is not to de-annex at this time, but to receive authorization to proceed with legal research and planning for the de-annexation of split roads. Some roads have been identified, but there may be others: Cale Switch, Simmons, Sandstone (partial), and Bryan.

Motion made by Vice Mayor Marcum and seconded by Council Member Sherrer to authorize the City Manager and Staff to research on planning this action and return to Council at a future meeting. Motion carried with the following vote:

Aye: Polson, Sherrer, Marcum, Tomlinson

Nay: None Abstain: None

Recessed out of regular session into Public Hearings at 5:06pm.

Reconvened into regular session at 5:50pm.

- d. Consider Request to Move Durant Drivers License Testing Center from 401 S. 4th Avenue to 120 S. 5th Avenue

City Manager Jim Dunegan – Virgil Bonham, the Administrative Officer of the Driver License Examining Division, approached the City about using another site for their testing center. The current driver testing site is in a location with very limited parking and the building is not modified to serve the public. Although they have had offers to move to other towns, they want to keep the driver testing process within the City of Durant. Chief Cook showed them the old Durant Police Station, and V. Bonham is amenable to the testing center relocating to that site after the Durant Police Department moves to their new building later in the year.

Motion made by Council Member Polson and seconded by Vice Mayor Marcum to approve moving the Testing Center to 120 S 5th Avenue when the building becomes available. Motion carried with the following vote:

Aye: Polson, Sherrer, Marcum, Tomlinson

Nay: None Abstain: None

- e. Consider Authorization to Spend \$18,500 for the Purchase of Two (2) Z-Trac Mowers for the Cemetery (RFAP 2011-060)

The Z-Trac is a turning radius mower; these items were budgeted.

Motion made by Council Member Polson and seconded by Council Member Sherrer to approve RFAP 2011-060. Motion carried with the following vote:

Aye: Polson, Sherrer, Marcum, Tomlinson

Nay: None Abstain: None

- f. Consider Approval of Agreement C-2011-27 with MidPlains Construction Inc. for GSA Remodel at City Hall

Assistant City Manager Ralph Houser – To minimize delays in the project, Council approval of this professional services agreement with MidPlains Construction as general contractor for this GSA project is requested. GSA approves all drawings prior to when the construction starts; 50% of the process is drawings approvals. MidPlains has already passed GSA background checks. GSA anticipates move-in date around November 2011.

Motion made by Vice Mayor Marcum and seconded by Council Member Polson to approve C-2011-27. Motion carried with the following vote:

Aye: Polson, Sherrer, Marcum, Tomlinson

Nay: None Abstain: None

- g. Consider Application to Oklahoma Arts Council for Local Government Challenge Grant

City of Durant Grants Coordinator, Becca Parr – Action requested is to approve application submission for this Local Government Challenge grant and to provide a required funds match from the City if the application is awarded. The City has previously partnered with Red River Arts

Council (RRAC) on this Challenge grant. The Texoma Arts Council would like to apply for this Challenge grant in the amount of \$4,000 with required cash matching funds by the City. Their grant project is to develop and implement a children's art instruction program. This Challenge grant is awarded from July 1 to June 30. Applicants may request up to \$5,000.

Motion made by Vice Mayor Marcum and seconded by Council Member Polson to approve application to the OAC for Local Government Challenge Grant as presented. Motion carried with the following vote:

Aye: Polson, Sherrer, Marcum, Tomlinson

Nay: None Abstain: None

- h. Consider Approval of Routes, Necessary Street Closings, and Runner Route Management for 5k Charity Run on June 18, 2011

Assistance for this charity run hosted by Chris Mitchell is requested. Proceeds raised are to be distributed equally to: Families Feeding Families, Hope Chest, Pregnancy Crisis Center, Crisis Control Center Inc, and the Special Olympics. There will be 50-100 persons to run, event starting at 7am on June 18. PD Reserves will be required for the run route as will some assistance from the Street Department.

Motion made by Vice Mayor Marcum and seconded by Council Member Polson to approve assistance as presented. Motion carried with the following vote:

Aye: Polson, Sherrer, Marcum, Tomlinson

Nay: None Abstain: None

- i. Consider Alley Closure Request adjacent to the Durant Animal Clinic (86 West Mulberry Street)

City Attorney – Official action to close this alley was actually taken in 1953; it was just discovered moments before Council meeting. To correct the title, the Durant Animal Clinic will have to go to district court.

No cost to the City, No action by the City required.

- j. Consider Resolution 2011-15 Decreasing Sewer Rate for Superusers (over 6,000,000 gallons water per month)

Action requested is to approve the proposed new sewer rate for superusers (over 6,000,000 gallons of water per month). They are not asking for refund or rebate. Superusers must use a high percentage of water for irrigation / landscaping, cooling towers or other uses which do not return the water to the sanitary sewer system. This reduction will account for water they are not sending to sanitary sewer. It must be calculated on a case-by-case basis and will vary by superuser (various eligibility standards). It is further proposed the non-sewer discharged water be periodically reviewed and metered or measured to assure no significant changes have occurred. The effective date of this change is proposed to start the first billing cycle in June 2011 for current superusers.

Motion made by Council Member Sherrer and seconded by Vice Mayor Marcum to approve Resolution 2011-15 as presented. Motion carried with the following vote:

Aye: Polson, Sherrer, Marcum, Tomlinson

Nay: None Abstain: None

Presentations, Public Hearings and Citizen Requests – 5:00 p.m.

6. Public Hearings

The City of Durant is proposing to submit two (2) grant applications to the Oklahoma Department of Commerce for Community Development Block Grants (CDBG) with the Economic Development Infrastructure Financing Program (CDBG-EDIF). These two grant proposals for infrastructure improvements include: a railroad spur and drainage improvements for Eagle Suspensions Inc, and building improvements benefitting Vault Motors Corporation.

Becca Parr, City of Durant Grants Coordinator – The Oklahoma Department of Commerce (ODOC) has instructed to make certain hearings are conducted under specific guidelines; inform the public when the City is about to apply for a grant in the form of a public hearing, provide a clear explanation of the proposed project(s), provide an opportunity for citizens to discuss the proposed project(s).

- a. Application Phase Public Hearing for a FY2011 Community Development Block Grant-Economic Development Infrastructure Financing (CDBG-EDIF) Project Supporting Infrastructure Improvements to Create Jobs at Eagle Suspension, Inc.

Eagle Suspension has been in the Durant community for approximately 5 years. They anticipate adding 75 more jobs within the next 3 years, with the railroad spur bringing in materials and improved drainage. New CDBG guidelines allow a grant request up to \$500,000. There is no matching funds cost to the City; however, the business investment (expansion cost) is applied as match for this grant. The required engineer services can be included in the grant budget. Job Creation will primarily target applicants from the low to moderately low income group.

- b. Application Phase Public Hearing for a FY2011 Community Development Block Grant-Economic Development Infrastructure Financing (CDBG-EDIF) Project to Support Infrastructure Improvements to Create Jobs at Vault Motors Corporation

Vault Motors Corporation has been in Carrollton TX for a number of years, and is a relatively new company to our community. The City can apply for up to \$1 million to make improvements to the existing building and parking lot. Contingent upon receiving this grant, Vault Motors' estimation is to add 90 new jobs. The owner cannot count any pre-existing jobs towards this grant before they start this project.

It is a publically owned building subleased by the Vault Motors Corporation. Vice Mayor Marcum inquired if grant funds are awarded and accepted, what is the City's accountability to the building for future? Grants Coordinator will report back to Council.

No Action Taken; Table for next agenda.

- c. Consider Resolution 2011-19 to Support CDBG-EDIF Application for Infrastructure Improvements, to Create Jobs at Eagle Suspension, Inc.

Motion made by Vice Mayor Marcum and seconded by Council Member Sherrer to approve Resolution 2011-19. Motion carried with the following vote:
Aye: Polson, Sherrer, Marcum, Tomlinson
Nay: None Abstain: None

- d. Consider Resolution 2011-20 to Support CDBG-EDIF Application for Infrastructure Improvements, to Create Jobs at Vault Motors Corporation

No Action; table for next agenda

- e. Consider Authorization for Mayor to Sign CDBG-EDIF Application Documents

Motion made by Council Member Sherrer and seconded by Vice Mayor Marcum to authorize the Mayor to sign FY2011 CDBG-EDIF application documents. Motion carried with the following vote:
Aye: Polson, Sherrer, Marcum, Tomlinson
Nay: None Abstain: None

- 7. New Business
No New Business at this time.

ADJOURNMENT

Motion made at 6:08 pm to adjourn as declared by Mayor Tomlinson.

**MINUTES OF THE REGULAR SCHEDULED MEETING OF
THE DURANT CITY UTILITIES AUTHORITY (DCUA)
ON MAY 10, 2011 AT 4:00 PM
ROSCOE J. HATFIELD COUNCIL CHAMBERS, DURANT CITY HALL**

CALL TO ORDER

Meeting was called to order at 6:27 pm by Chairman Jerry L. Tomlinson.

ROLL CALL

Present: Chairman Jerry L. Tomlinson City Manager James H. Dunegan
Vice-Chairman Thomas Marcum City Attorney Pat Phelps
Trustee Leon Sherrer Secretary Leta McNatt
Trustee Jerry Polson
Absent: Trustee Bobby Story

Chairman Tomlinson stated for the record we have a quorum.

ORDER OF BUSINESS

1. Consent Items
 - a. Consider Approval of Minutes for the Durant City Utilities Authority Regular Meeting of April 12, 2011 – *Approved*
 - b. Consider Approval of Minutes for the Durant City Utilities Authority Special Meeting of Special Meeting of April 26, 2011 – *approved*
 - c. Consider Approval of Claims – *Approved*
 - d. Consider Authorization to Extend the Existing Sewer Line at the Durant Animal Clinic (86 West Mulberry Street) – *Approved*

Motion made by Vice Chair Marcum and seconded by Trustee Sherrer to approve the Consent Items 1.a. – 1.d. as presented. Motion carried with the following vote:

Aye: Polson, Sherrer, Marcum, Tomlinson

Nay: None Abstain: None

2. Consideration of Items Removed from Consent

No action required.

3. Information Items

- a. Department Reports for April 2011
- b. Utility Billing Summary for April 2011

No action; information only

4. Administrative

- a. Consider Resolution 2011-15 Decreasing Sewer Rate for Superusers (over 6,000,000 gallons water per month)

Motion made by Trustee Polson and seconded by Vice Chair Marcum to approve Resolution 2011-15. Motion carried with the following vote:

Aye: Polson, Sherrer, Marcum, Tomlinson

Nay: None Abstain: None

5. New Business

No New Business at this time.

ADJOURNMENT

Motion made at 6:28 pm to adjourn as declared by Chair Tomlinson. Motion carried with the following vote:

Aye: Polson, Sherrer, Marcum, Tomlinson

Nay: None Abstain: None

**MINUTES OF THE REGULAR MEETING OF THE
DURANT DEVELOPMENT AUTHORITY (DDA)
ON MAY 10, 2011 AT 4:00 PM
ROSCOE J. HATFIELD COUNCIL CHAMBERS, DURANT CITY HALL**

CALL TO ORDER

Meeting was called to order at 6:33 pm by Chairman Jerry L. Tomlinson.

ROLL CALL

Present:	Chairman Jerry L. Tomlinson	City Manager James H. Dunegan
	Vice-Chairman Thomas Marcum	City Attorney Pat Phelps
	Trustee Leon Sherrer	Secretary Leta McNatt
	Trustee Jerry Polson	
Absent:	Trustee Bobby Story	

Chairman Tomlinson stated for the record we have a quorum.

ORDER OF BUSINESS

1. Consent Item
 - a. Consider Approval of Minutes for the Durant Development Authority Regular Meeting of April 12, 2011 – *Approved*
Motion made by Vice Chair Marcum and seconded by Trustee Sherrer to approve Consent Item 1.a. as presented. Motion carried with the following vote:
Aye: Polson, Sherrer, Marcum, Tomlinson
Nay: None Abstain: None
2. Consideration of Items Removed from Consent Docket
No action required.
3. Information Items
 - a. Durant School District Sales Tax Revenue Disbursements – current
No action required.
4. New Business
No New Business at this time.

ADJOURNMENT

Motion made to adjourn at 6:35 pm by Vice Chair Marcum and seconded by Trustee Sherrer. Motion carried with the following vote:
Aye: Polson, Sherrer, Marcum, Tomlinson
Nay: None Abstain: None