

**MINUTES OF THE REGULAR SCHEDULED MEETING OF THE
DURANT CITY COUNCIL
ON JUNE 14, 2011 AT 4:00 PM
ROSCOE J HATFIELD COUNCIL CHAMBERS, DURANT CITY HALL**

CALL TO ORDER

Meeting was called to order at 4:13 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 Bobby Story (*late*) City Clerk Leta McNatt
Council Member Leon Sherrer

Absent: Council Member Jerry Polson

Mayor Tomlinson stated for the record we have a quorum. Council Member Story will be late.

ORDER OF BUSINESS

1. Consent Items
 - a. Consider Approval of Minutes for the City Council Regular Meeting of May 10, 2011 – *approved with correction; see 2.a. below*
 - b. Consider Approval of Minutes for the City Council Special Meeting of May 17, 2011 – *approved*
 - c. Consider Approval of Minutes for the City Council Special Meeting of May 24, 2011 – *approved*
 - d. Consider Approval of Claims – *approved*
 - e. Consider Approval of Budget Amendment 2011-11 – *approved*
 - f. Consider Resolution 2011-24 Supporting Continued Participation in the Main Street Program – *approved*
 - g. Consider Renewal of Annual Contracts with Non-Profit Organizations
 - 1) Durant Literacy Council (C-2011-34) – *approved*
 - 2) Durant Area Chamber of Commerce (C-2011-35) – *approved*
 - 3) Durant Main Street (C-2011-36) – *approved after discussion; see 2.g.3) below*
 - 4) Big Five Community Services (C-2011-37) – *approved*
 - 5) Durant Historical Society (C-2011-38) – *approved*
 - h. Consider Funding Agreement with District Attorney Drug Task Force (C-2011-39) – *approved*
 - i. Consider Approval to Update the RFAP Form Which Includes Process, Procedures and Instructions (“Request for Authorization to Spend/Purchase”) – *approved*
 - j. Consider Street Closure for Country Estates Block Party on July 30, 2011, from 4:00 pm until dark (from Roadrunner Drive through a portion of Robin Drive) – *approved*
 - k. Consider Acceptance of Letter of Engagement from Crawford & Associates PC for Accounting and Consulting Services (C-2011-40) – *approved after discussion; see 2.k. below*
 - l. Consider Authorization to Bid on Financing for a Replacement Brush Loader for the Solid Waste Department – *approved*
 - m. Consider Agreement Between Independent School District I-72 and the City of Durant to Repair Three Double Tennis Courts Located at the South End of Dixon Durant Park (C-2011-32) – *approved*
 - n. Consider Committee/Board Appointments for Vacated/Expiring Terms
 - 1) Municipal Judge – 2 yr Term – Exp June 2013
 - a) Ken Rainbolt, reappoint – *approved*
 - b) Theresa McGehee (Asst Judge), reappoint – *approved*
 - 2) Airport Advisory Committee – 3 yr Term – Exp June 2014
 - a) Larry Nolan, reappoint – *approved*
 - b) Steve Pelto, reappoint – *approved*

- 3) Durant Community Facilities Authority – 3 yr Term – Exp June 2014
 - a) Position #2 – Leslie Webster, reappoint – *approved*
 - b) Position #5 – Shon Aguero, reappoint – *approved*
 - c) Position #8 – Dr. Jerry Polson - City Council, reappoint – *approved*
- 4) Library Board – 3 yr Term – Exp June 2014
 - a) Marion Hill – *approved*
 - b) Carolyn Mabry – *approved*
- 5) Organized Sports Committee / OSC – 2 yr Term – Exp June 2013
 - a) Tim Hampton - Softball, reappoint – *approved*
 - b) Curtis Armor, Chair (representative to Parks Adv Bd), reappoint – *approved*
- 6) Park & Recreation Advisory Board / PAB – 5 yr Term – Exp June 2016
 - a) Leslie Webster, Chair, reappoint – *approved*
 - b) Curtis Armor, Representing OSC, reappoint – *approved*
- 7) Planning Commission – 3 yr Term – Exp June 2014
 - a) Stewart Hoffman – *approved* – *approved*

Motion made by Council Member Sherrer and seconded by Vice Mayor Marcum to approve Consent Items 1.b – 1.g.(2), 1.g.(4) – 1.j., and 1.l. – 1.n.(7)a) as presented. Motion carried with the following vote:

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

On behalf of City Council, Mayor Tomlinson thanked all those who have been appointed and reappointed to Committees/Boards under Agenda Item 1.n. for their future and past service.

2. Consideration of Items Removed from Consent Docket

Agenda Items 1.a., 1.g.(3), and 1.k. Removed from Consent Docket:

2.a. Consider Approval of Minutes for the City Council Regular Meeting of May 10, 2011

Scrivener's error – within the May 10th minutes under Item #2 Consent Items, the Council vote lists Polson twice; should only note four Aye votes: ~~Polson~~, Polson, Sherrer, Marcum, Tomlinson (Story was absent).

Motion made by Vice Mayor Marcum and seconded by Council Member Sherrer to approve Item 2.a. with correction. Motion carried with the following vote:

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

2.g.(3) Consider Renewal of Annual Contracts with Non-Profit Organizations:
 Durant Main Street (C-2011-36)

Mayor Tomlinson: for the record, Council Member Story arrived from Oklahoma City.

Vice Mayor Marcum – requested clarification of the matching funds given to this nonprofit organization, and the number of members within the Main Street Program. This was answered by Main Street Program Manager Beverly Hemphill and City of Durant Budget Compliance Administrator Sarah Sherrer. Main Street Program has approximately 150 members. For its operations, the Program raises \$29,000 and the City of Durant matches it.

Motion made by Council Member Sherrer and seconded by Council Member Story to approve Item 2.g.(3) Contract C-2011-36 as presented. Motion carried with the following vote:

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

- 2.k. Consider Acceptance of Letter of Engagement from Crawford & Associates PC for Accounting and Consulting Services (C-2011-40)

Vice Mayor Marcum – requested clarification of contracted service. Over the past few years, as the City Treasurer’s Department is built up, contracted services to Crawford & Associates is being reduced.

Motion made by Vice Mayor Marcum and seconded by Council Member Story to approve Item 2.k., Contract C-2011-40 as presented. Motion carried with the following vote:

Aye: Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

3. Information Items (No Action; Information Only)

- a. Department Reports for May 2011

Library Director Dr. Dottie Davis and Assistant Librarian Reba Titsworth – The Donald W. Reynolds Community Center and Library has been open for a few weeks now. They are averaging over 700 patrons per day which is early double from the Robert L. Williams facility. There are water/AC issues that are being addressed at the new facility.

- b. City Boards, Committees, and Commissions Minutes for May 2011

- c. Reynolds Foundation Grant Report

Recessed out of Regular Council Session and into Durant Development Authority / DDA Session at 4:32pm. Motion made by Council Member Sherrer and seconded by Vice Mayor Marcum.

Reconvened into Regular Council Session at 4:43pm. Motion made by Council Member Sherrer and seconded by Vice Mayor Marcum.

- d. City Projects Update

- e. Water Meter Pilot Update

Assistant City Manager Ralph Houser – Pilot meters are ordered and being installed in series. In addition to the 2-inch commercial meters, we are considering installing some smaller sized residential meters. We have been in contact with two engineers about how the best cities water systems operate and have some calculations.

4. Administration

- a. Consider Recommendation from Oklahoma Municipal Assurance Group (OMAG) Regarding Tort Claim of Justin and Brandi Glover

No Action for this Council Meeting.

Mayor Tomlinson – with no objections from Council, it was requested that this claim be referred back to the City’s insurance group for further review. In all fairness OMAG may come back with the same recommendation, but we shall do this in the event there is another recommendation. The Glovers should hear from the Assistant City Manager and OMAG.

- b. Consider the 2011 Oklahoma Department of Transportation (ODOT) Tree Grant:

City of Durant Grants Coordinator Becca Parr – The proposed 2011 grant project is for the purchase and installation of trees with necessary irrigation for another site within the sports complex, pending approval from ODOT and Forestry services. The maximum grant request is \$25,000 with a required 25% in-kind labor and equipment match contribution in the amount of \$8,334 by the City. The grant guidelines allow up to three years to complete the match through maintaining the project site. The grant application is due July 8. If funded the City will receive award notice September – October 2011; and the trees must be planted by April 15, 2012.

- (1) Approval to Apply for the 2011 ODOT Tree Grant at the Durant Multi Sports Complex (DMSC)

Motion made by Vice Mayor Marcum and seconded by Council Member Story to approve submission of this grant application. Motion carried with the following vote:

Aye: Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

- (2) Approval of Resolution 2011-29 for the ODOT Tree Grant Application

Motion made by Vice Mayor Marcum and seconded by Council Member Sherrer to approve Resolution 2011-29 for the required 25% in-kind match. Motion carried with the following vote:

Aye: Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

- c. Consider Donation and Placement of a Used Federal Storm Siren from the City of Durant to the Rock Creek Elementary School in Blue OK

Emergency Management Director James Dalton – After being able to place new sirens in the City of Durant, we were also able to get grants for sirens placed near our schools. One area not incorporated is the community of Blue OK, so we couldn't get them a REAP (Rural Energy for America Program) grant. There has been concern for some time now of the risk of a tornado coming through that area without warning. We have a 1993 siren in fairly good condition, currently located on North Washington in Durant. There is a new one setting on the same lot within 10 feet. This 1993 siren is part of our old system, but is still in operational condition. J. Dalton will work with the Rock Creek school superintendent to retool the siren to work with our current system and place the siren on the Rock Creek Elementary grounds. Rock Creek Schools will provide the maintenance on the siren. J. Dalton will also coordinate the training for the testing and monitoring of the siren with the Rock Creek Schools.

Motion made by Council Member Sherrer and seconded by Vice Mayor Marcum to approve donation and placement of used Federal storm siren. Motion carried with the following vote:

Aye: Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

- d. Consider Resolution 2011-26 for Support of the City of Durant to Issue Certificates of Occupancy for Bryan County and Approval of the Community Development Fee Schedule to Cover Such Cost

City of Durant Community Development Director Joseph Marquardt – On June 6, 2011, the County Commissioners voted to allow the City of Durant to issue Certificate of Occupancies for new homes in Bryan County. Staff's request for action is to add a \$100 fee for County Certificates of Occupancy to cover the City's cost of doing business. Some of the other counties are doing this as well. There is no additional cost for the City or the County, and there is no liability on the City. The County will hire a licensed inspector. City staff will visit the structure for final inspection, and Community Development will review documentation for compliance before giving a Certificate of Occupancy.

Motion made by Vice Mayor Marcum and seconded by Council Member Sherrer to approve Resolution 2011-26. Motion carried with the following vote:

Aye: Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

- e. Consider Paving at the Durant Law Enforcement Center, Phase V:

City of Durant Technical Projects Director Jerry Yandell – the Bid Tabulation sheet from Theorem Architects indicates the lowest bidder for paving on all these four paving projects at the Durant Law Enforcement Center is DanWell Companies.

(1) Consider Award of Paving Bid to DanWell Companies

Motion made by Council Member Story and seconded by Council Member Sherrer to approve Award of Paving Bid to DanWell Companies as presented. Motion carried with the following vote:

Aye: Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

(2) Consider Paving Agreement with DanWell Companies for Concrete Paving / Labor (C-2011-45)

Motion made by Vice Mayor Marcum and seconded by Council Member Story to approve C-2011-45. Motion carried with the following vote:

Aye: Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

(3) Consider Paving Agreement with DanWell Companies for Concrete Curb and Gutter / Labor (C-2011-46)

Motion made by Vice Mayor Marcum and seconded by Council Member Sherrer to approve C-2011-46. Motion carried with the following vote:

Aye: Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

(4) Consider Paving Agreement with DanWell Companies for Concrete Sidewalks / Labor (C-2011-47)

Motion made by Vice Mayor Marcum and seconded by Council Member Story to approve C-2011-47. Motion carried with the following vote:

Aye: Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

(5) Consider Paving Agreement with DanWell Companies for Radio Tower Foundation / Material and Labor (C-2011-48)

Motion made by Vice Mayor Marcum and seconded by Council Member Sherrer to approve C-2011-48. Motion carried with the following vote:

Aye: Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

f. Consider Acceptance of a Department of Homeland Security Grant for a 2012 International 4400 Truck to be Used by the Durant Fire Department for Pulling the Technical Rescue Trailer

Durant Fire Chief Roger Joines (gave appreciation to Captain Hall on this project) – This truck is valued at \$95,000 and will be used to pull the technical rescue trailer. The fire department can keep the old vehicle too. If the City accepts this US Homeland Security grant, the City of Durant will be responsible for the upkeep and maintenance of this vehicle.

Motion made by Vice Mayor Marcum and seconded by Council Member Story to accept Homeland Security Grant for a 2012 International 4400 Truck. Motion carried with the following vote:

Aye: Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

g. Consider Authorization to Apply for Justice Assistance Grant (JAG) for equipment at the Durant Police Department

Lieutenant Carrie Wyrick - This grant is administered by the District Attorneys Council and is for equipment. There is no requirement for matching City funds. We can request up to \$10,000 and it is limited to mobile data terminals, handheld radios or vehicle mounted radios. The grant application is due June 30, 2011.

Motion made by Vice Mayor Marcum and seconded by Council Member Sherrer to authorize submission of JAG grant application as presented. Motion carried with the following vote:
Aye: Sherrer, Story, Marcum, Tomlinson
Nay: None Abstain: None

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

5. Presentations

- a. Consider Presentation of Monetary Gift to the City by Jeff Shattuck on Behalf of the Durant Kiwanis Club for Improvements to Lloyd Plyler Park

On behalf of the Kiwanis Club, President Jeffrey Shattuck presented the City of Durant with a check for \$25,000 as a partner in the remodeling of Lloyd Plyler Park's "Kiwanis Field." On behalf of City Council and the City, Mayor Tomlinson and Vice Mayor Marcum accepted this gift to the City. The Mayor expressed appreciation of the Kiwanis Club's generous donation, their efforts, passion, and love for our community. It is a blessed organization that has a great history of taking our community to heart and the Club contributes to so many worthwhile projects.

Mayor Tomlinson also thanked City Grants Coordinator Becca Parr for her efforts in securing grants for park improvement, as well as to City Parks Superintendent Keach Ballard and his team in doing a great job in park renovations.

6. Public Hearings

Mayor Tomlinson – Anyone from the audience who wants to address Council will have opportunity to do so during this portion of the City Council meeting.

- a. Public Hearing: Budget FY 2011-2012

Budget Compliance Administrator Sarah Sherrer – As required by state statute, the City of Durant budget summary was published on June 5, 2011, in the Durant Daily Democrat newspaper.

Vice Mayor Marcum requested line item clarifications. Sarah Sherrer summarized the budgeting process with explanations of the various funds relating to Utilities, Capital Improvements, Durant Industrial Foundation reserve.

Mayor Tomlinson asked if anyone in the audience had questions/comments on the proposed budget. For the Council meeting records, it is recognized that this afternoon Council members received an objection to the budget in written form. It has been referred to the City Attorney for review.

Hearing no further discussion, hearing closed.

On behalf of City Council, Mayor Tomlinson recognized Council Members Story and Polson who were appointed to attend and serve on the Budget Committee for the City of Durant. Appreciation was also extended to Sarah Sherrer, Department Heads and many others who work on their department budget for weeks and weeks, spending the time and effort required to produce these budgets for continued services for this city.

On an annual basis the City Manager presents his letter of recommendation to the Council members. City Manager Dunegan thanked the Mayor and City Council and said that it is a privilege to serve Council, the City, and the staff. The City Staff has done an outstanding job, everyone "steps up to the plate" in each department. In tough economic times, Durant continues to have growth. Nevertheless, we have taken current national economic conditions into account when developing what we feel is a conservative budget. Overall, the General Fund and Durant City Utilities Authority budgets represent a slight increase over the current year budget projections, mainly due to a projected increase in funds to be carried forward into FY 2011-12.

Revenue estimates for FY 2011-12 were based on a review and analysis of past and forecasted revenues of the municipality with an emphasis placed on the current year projected totals. We anticipate that revenues will exceed current budgeted amounts. We managed to give pay raises to employees deserving of that, and it includes raises mandated in Police and Fire contracts, and 3% to non-union departments, based upon evaluation. A \$350 bonus per employee is given on an annual basis.

(1) Consider Resolution No. 2011-27 Approving Adoption of Budget for FY 2011-2012

Motion made by Council Member Sherrer and seconded by Council Member Story to approve Resolution 2011-27. Motion carried with the following vote:

Aye: Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

b. Public Hearing: 2011 Community Development Block Grant (CDBG) Small Cities Application

City of Durant Grants Coordinator Becca Parr – The City is eligible for FY11 CDBG Small Cities Grant in the amount of \$93,588 with a required 1:1 cash match. The proposed project is to make improvements to existing police station headquarters at 120 S 5th Avenue, once it is vacated for the future Department of Public Safety facility. The building will remain as publicly owned property. This is the fourth year for the City to participate in this program and the grant amount changes according to the OK Department of Commerce (ODOC) budget. The project requires that the project benefits the entire city. The scope is to make improvements of the existing building (refurbish, make it ADA accessible). The city-wide survey conducted last year qualifies the City's eligibility (at least 51 percent of households surveyed must be in the low-to-moderate income).

Mayor Tomlinson - Hearing no further discussion from Council or the audience, Hearing closed.

(1) Consider Approval to Apply for the 2011 CDBG Small Cities Application

Motion made by Vice Mayor Marcum and seconded by Council Member Story to approve application to apply for the 2011 CDBG Small Cities grant as presented. Motion carried with the following vote:

Aye: Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

(2) Consider Resolution 2011-28 for the 2011 CDBG Small Cities Application

This Resolution is a commitment to the cash match should the City be awarded this grant.

Motion made by Council Member Sherrer and seconded by Council Member Story to approve Resolution 2011-28. Motion carried with the following vote:

Aye: Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

c. Public Hearing: Property Located at 3031 N. 1st Avenue (*Ref: PC2011-03*)

City of Durant Community Development Director Joseph Marquardt – On February 7, 2011, Chuck and Jennifer Horton filed an application requesting this zoning change from R-3 General Residential to C-2 Highway Commercial to allow for a Conditional Use Permit (CUP) for a self-service storage facility at this location. This property is next to the Horton's existing business, The Spin Cycle. There is one protest. The case went to the Planning Commission but was tabled due to lack of quorum, and then rescheduled. The Planning Commission never took vote on it. The Horton's asked if this case can go directly to City Council, and the city attorney has said yes. The proposed storage facility is going to match their facility next door (brick facade). Mayor Tomlinson asked about conditions of a CUP. J. Marquardt – The property owners must remain in compliance; if they do not comply with City ordinance, their Conditional Use Permit (CUP) can be revoked. Vice Mayor Marcum asked clarification if the map included the house. Property Owner Jennifer Horton – The plans are to eventually remove the house and add on more self-service storage, so it is sensible to try to rezone the entire property.

Hearing no further comments from Council or the audience, Hearing is closed.

- (1) Consider Approval for Rezoning from the General Residential "R-3" District to Highway Commercial "C-2" District

Motion made by Vice Mayor Marcum and seconded by Council Member Story to approve zoning change to C-2 Highway Commercial to allow for a Conditional Use Permit (CUP).

Motion carried with the following vote:

Aye: Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

- (2) Consider Ordinance 1653 to Amend the Zoning Map ~~of the Zoning Code~~

Motion made by Vice Mayor Marcum and seconded by Council Member Sherrer to approve Ordinance 1653, Section 1. Motion carried with the following vote:

Aye: Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

Motion made by Vice Mayor Marcum and seconded by Council Member Story to approve Ordinance 1653, Section 2. Motion carried with the following vote:

Aye: Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

- (3) Consider Approval for a Conditional Use Permit

Motion made by Council Member Story and seconded by Council Member Sherrer to approve Conditional Use Permit (CUP). Motion carried with the following vote:

Aye: Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

- (4) Consider Resolution 2040~~11~~-11 Authorizing a Conditional Use Permit for a Self-Service Storage Facility [*Scrivener's error – should be "Resolution 2011-11" not "Resolution 2010-11"*]

Motion made by Vice Mayor Marcum and seconded by Council Member Sherrer to approve Resolution 2011-11. Motion carried with the following vote:

Aye: Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

- d. Public Hearing: Property Located at 2908 N. 1st Avenue (Phase Two) (*Ref: PC2011-04*)

Community Development Director Joseph Marquardt – This is for Phase Two of the project. On April 18, 2011, Ryan Hackett and Tom Tibbetts filed an application to request a zoning change for property located at 2908 N. 1st Street from Medium Industrial "I-2" and the Highway Commercial / Commercial Recreation "C-2" to General Residential R-3 District. This request is compatible with the present zoning and conforming uses of nearby property, including overlay zoning and to the character of the neighborhood. No comments or complaints received regarding this project. Planning Commission and Zoning passed this case last night. (*This is the old drive through theater, south of the box factory.*) Staff recommends approval.

Hearing no comments, Hearing closed.

- (1) Consider Approval to Change the Zoning from Medium Industrial "I-2" and Highway Commercial / Commercial Recreation "C-2" to General Residential R-3 District

Motion made by Vice Mayor Marcum and seconded by Council Member Sherrer to approve zoning change to General Residential R-3 District. Motion carried with the following vote:

Aye: Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

- (2) Consider Resolution of Support 2011-25 for the Linden Woods II Application of Tax Credit and Construction of a Housing Development Within the City of Durant

Community Development Director Joseph Marquardt – The developer is submitting a tax credit application to the Oklahoma Housing Finance Association (OHFA) to finance this project. OHFA ranks each development across the state according to the level of participation by the city and other outside financing sources. The Council's support of this resolution will allow this development to be among the highest ranked projects in the state and will give it the best opportunity to be funded. Vice Mayor Marcum – He is in support of this project, but it goes further in part as it suggests if approved, it would cost the City money in reduced water and sewer rates for residents for 10 years. Because it's a for-profit venture, it doesn't seem appropriate. J. Marquardt – This savings for the \$14,016 over a 10-year period goes to the tenant and not to the builder. Tom Tibbetts – to be competitive and get funded by OHFA, they must have City support. This Phase II will not be rental properties but a community of 40 single homes. There will be classes how to take care of the air conditioning unit, the yard, etc.

Motion made by Council Member Story and seconded by Council Member Sherrer to approve Resolution 2011-25. Motion carried with the following vote:

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

- (3) Consider Approval of Ordinance 1655 Amending the Zoning Map ~~of the Zoning Code~~

Motion made by Vice Mayor Marcum and seconded by Council Member Story to approve Ordinance 1655, Section 1. Motion carried with the following vote:

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

Motion made by Vice Mayor Marcum and seconded by Council Member Story to approve Ordinance 1655, Section 2. Motion carried with the following vote:

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

- e. Public Hearing: Adjusting the Oil and Gas Zone Map (*Ref: PC2011-05*)

Community Development Director Joseph Marquardt – On April 18, 2011, XTO Energy Inc filed an application to request a zoning change for the Oil and Gas Zone from X Zone Oil and Gas (Not Allowed) to Oil and Gas Zone (Allowed). The Planning Commission approved this case last night. Staff has no recommendation for approval or denial. This request is to adjust the map for a 20 foot wide strip going from north to south. XTO Energy Representative Brooks Pollard - They are seeking to allow 40 feet during the construction phase. Council requested further review of the Oil and Gas Zone Map.

No further comments from Council or the audience – hearing closed.

- (1) Consider Approval to Change from X Zone Oil and Gas (Not Allowed) to Oil and Gas Zone (Allowed)

Motion made by Vice Mayor Marcum and seconded by Council Member Sherrer to approve adjustment of the Oil and Gas Zone Map as presented. Motion carried with the following vote:

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

- (2) Consider Ordinance 1656 Amending the Oil and Gas Map

Motion made by Vice Mayor Marcum and seconded by Council Member Story to approve Ordinance 1656, Section 1. Motion carried with the following vote:

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

Motion made by Vice Mayor Marcum and seconded by Council Member Sherrer to approve Ordinance 1656, Section 2. Motion carried with the following vote:
Aye: Sherrer, Story, Marcum, Tomlinson
Nay: None Abstain: None

f. Public Hearing: Property Located at 2805 N. 1st Avenue (Ref: PC2011-06)

Community Development Director Joseph Marquardt – On May 9, 2011, Kevin Keener filed an application to request a zoning change for property located at 2805 N. 1st Street from Single Family Residential R-1 and Highway Commercial / Commercial Recreation “C-2” to Light Industrial I-1. The purpose for this change is to add storage buildings. Staff recommends approval, no comments or letters in denial of this case. The Planning Commission approved this case yesterday.

Vice Mayor Marcum - Concerns regarding appearance of consistency, extending east/west when there is a potential for residential development to the north and south of that area. Joseph Marquardt – There are storage buildings and a shop not shown on the aerial photos. I-1 is the requirement for storage units.

Kevin Keener – They plan to expand the storage facility which adjoins this property on the north side. There is a single family home on that property, that is why it is zoned R-1. All the storage buildings will be metal, using the same color scheme as the other storage buildings for consistency. In his opinion, the property fits industrial and this zoning would be a better match with his neighbors.

Council Member Story – The City passed a facade ordinance a few years ago. The metal buildings on that property were grandfathered in, but the City is moving away from this.

Hearing no further comments from Council or audience, hearing closed.

(1) Consider Approval to Change the Zoning from Single Family Residential R-1 and Highway Commercial / Commercial Recreation “C-2” to Light Industrial L-1

~~Motion made by Council Member Sherrer and seconded by Council Member Story to approve zoning change to Light Industrial L-1 as presented. Motion carried with the following vote:
Aye: Sherrer, Story, Tomlinson
Nay: Marcum Abstain: None~~

MOTION DOES NOT CARRY; Ordinance did not pass (see below).

(2) Consider Ordinance 1657 Amending the Zoning Map of the Zoning Code

Ordinance amendment:
from “... with the Medium Industrial “I-2” District...”
to “... with the Light Industrial I-1 District...”

Motion made by Council Member Sherrer and seconded by Mayor Tomlinson to approve Ordinance 1657, Section 1 as amended. Motion carried with the following vote:
Aye: Sherrer, Tomlinson
Nay: Story, Marcum Abstain: None

MOTION DOES NOT CARRY.

Concerns regarding metal vs. brick facades, potential of zoning changes if property is sold at a future date were expressed. Mayor Tomlinson recommended Community Development Director J. Marquardt and property owner K. Keener meet with City Attorney P. Phelps to review options to help get this project moving forward, hopefully to find a solution that the City and the property owner can agree upon. Resubmit for future Council meeting.

7. New Business
No New Business at this time.

ADJOURNMENT

Motion made at 6:40 pm to adjourn by Council Member Sherrer and seconded by Vice Mayor Marcum.
Adjournment declared by Mayor Tomlinson.

- b. Consider Contract Renewal between the Durant City Utilities Authority and the Durant Industrial Authority (DIA) (C-2011-43)

Chair Tomlinson: There were no objections in Durant Industrial Authority (DIA) meeting to the contract at this morning's meeting. Motion made by Vice Chair Marcum and seconded by Trustee Sherrer to approve C-2011-43. Motion carried with the following vote:

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

- c. Consider Agreement With Siemens Industry Inc for Sodium Chloride Services at the Water Treatment Plant (C-2011-44; *Siemens Industry Inc Ref: Q110516MFM2 REVISED*)

The contract between Siemens Industry and the City of Durant is up for renewal for the purchase of chlorine dioxide at the Water Treatment Plant. Superintendent Gray's recommendation is to choose Option 1 which will save the City money on the price of this chemical. Although the services will change to every other month rather than monthly, water treatment plant staff can manage the work on this schedule, and storage is not a problem.

Motion made by Vice Chair Marcum and seconded by Trustee Story to approve C-2011-44, Option 1. Motion carried with the following vote:

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

- d. Consider Resolution 2011-23 Increasing Solid Waste Disposal Rate

The City of Durant has contracted with Southern Oklahoma Regional Disposal (SORD) Inc as a depository for household and commercial solid waste. SORD has increased its landfill disposal fees for all communities who use their service by 5% for FY 2011-12 and another 5% for FY 2012-13. This resolution is to cover this rate increase by adjusting fees for solid waste disposal to those solid waste disposal customers. In FY 2011-12, the new rate for the City Transfer Station will be \$60.50 for the dump fee at the Transfer Station starting July 1, 2011.

City Attorney Pat Phelps – This resolution needs to be corrected/amended and passed as one fiscal year. Vice Chair Marcum – Move for adoption with the amendment on the third "whereas" to end after the first 2012 and strike the rest to read:

WHEREAS, SORD has increased its rates by 5% for fiscal year 2011-2012 and an additional 5% for fiscal year 2012-13, and

Motion made by Vice Chair Marcum and seconded by Trustee Story to approve Resolution 2011-23 as amended. Motion carried with the following vote:

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

5. New Business

No New Business at this time.

ADJOURNMENT

Motion made at 7:00 pm to adjourn as declared by Chair Tomlinson. Motion carried with the following vote:

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

**MINUTES OF THE REGULAR SCHEDULED MEETING OF THE
DURANT AIRPORT AUTHORITY (DAA/Airport)
ON JUNE 14, 2011 AT 4:00 PM
ROSCOE J. HATFIELD COUNCIL CHAMBERS, DURANT CITY HALL**

CALL TO ORDER

Meeting was called to order at 7:00 pm by Chair Jerry L. Tomlinson.

ROLL CALL

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

Absent: Trustee Jerry Polson

Chair Tomlinson stated there is a quorum.

ORDER OF BUSINESS

1. Consent Items

- a. Consider Approval of Minutes for the Durant Airport Authority Regular Meeting of May 10, 2011 – *Approved*
- b. Consider Approval of Claims – *no claims submitted for approval*

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

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

2. Consideration of Items Removed from Consent Docket

No action required.

3. Information Items

- a. Department Reports for May 2011
- b. Airport Projects Update
- c. Committee Reports and Minutes for May 2011

No action; information only

4. New Business

No New Business at this time.

ADJOURNMENT

Motion made at 7:02 pm to adjourn as declared by Chair Tomlinson. Motion carried with the following vote:

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

**MINUTES OF THE REGULAR MEETING OF THE
DURANT DEVELOPMENT AUTHORITY (DDA)
ON JUNE 14, 2011 AT 4:00 PM
ROSCOE J. HATFIELD COUNCIL CHAMBERS, DURANT CITY HALL**

CALL TO ORDER

Meeting was called to order at 4:33 pm by Chair Jerry L. Tomlinson.

ROLL CALL

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

Absent: Trustee Jerry Polson

Chair 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 May 10, 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: Sherrer, Story, Marcum, Tomlinson
Nay: None Abstain: None

2. Consideration of Items Removed from Consent Docket

No action required.

3. Information Items

- a. Update from Dr. Jason Simeroth Regarding New High School Construction Project

Superintendent of Schools, Dr. Jason Simeroth, is out of town. One of the Assistant Superintendents, Larry Scott, provided an update to Council regarding the new high school construction project. The inside of the building will be ready for teacher in-service (August 8), and the first day of school (August 11). It may even be available for freshmen orientation (August 4), but they are flexible.

The flooring is down, academic classroom chairs, teacher work stations are still to be assembled. The auditorium is complete, scaffolding is coming down. Stalls are assembled in the restrooms. The cafeteria is a food court approach. The kitchens are getting ready. The windows in the gym let light in but without glare. The media center is complete with glass in place as well as finishing the glass-in of four stairwells. The statue base is awaiting the lion statue to proudly represent the school. Work will continue on the outside when school starts. Parking area on southwest part of school is for faculty/visitors. Student parking is not visible from street but adequate for students/faculty/staff. There are three different entrances, bus loop access only for one area.

Old high school renovation – bids have gone out for painting. The plan is to remodel for the middle school to potentially move in this August. Plans for paint, to refurbish classrooms, storage, change entrance to security entrance (check into the office, a safety feature just like the new facility). There is no dollar amount at this time.

b. Durant School District Sales Tax Revenue Disbursements – current

No action required.

4. New Business

No New Business at this time.

ADJOURNMENT

Motion made at 4:42 pm to adjourn as declared by Chair Tomlinson. Motion carried with the following vote:

Aye: Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None