

**MINUTES OF THE SPECIAL SCHEDULED MEETING OF THE
DURANT CITY COUNCIL
ON JUNE 29, 2011 AT 3:00 PM
ROSCOE J HATFIELD COUNCIL CHAMBERS, DURANT CITY HALL**

CALL TO ORDER

Meeting was called to order at 3:14 pm by Mayor Jerry L. Tomlinson.

INVOCATION

Invocation was given by James Dalton, Director of Emergency Management.

ROLL CALL

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

Mayor Tomlinson stated for the record we have a quorum.

Mayor Tomlinson – This past week the City received a couple of really nice letters complementing two employees. These men went beyond their regular duties in one case, and a real genuine case of honesty in another case. These two employees will be recognized at the July 12 Council meeting during public presentation/hearing portion and Council will read the letters at that time. On behalf of Council, we are pleased and proud of the quality of these City employees.

July is National Park and Recreation month. The National Recreation Park Association is promoting the importance of parks and recreation in establishing and maintaining healthy lifestyles and communities. It is a reminder to local officials and residents of the role that parks and recreation play in the lives of Americans. The City of Durant has several employees that keep our parks maintained. A proclamation will be posted on the City website and City Hall entrances in July.

ORDER OF BUSINESS

1. Consider Reappointment of Herb Manning to the Planning Commission for a 3-Year Term (exp June 2014)

Motion made by Council Member Sherrer and seconded by Council Member Polson to approve Mr. Manning's reappointment to the Planning Commission. Motion carried with the following vote:
Aye: Polson, Sherrer, Story, Marcum, Tomlinson
Nay: None Abstain: None

2. Consider Approval for Purchase of a 700 J Dozer for the Parks Department (RFAP 2011-080)

Motion made by Council Member Polson and seconded by Council Member Story to approve RFAP 2011-080. Motion carried with the following vote:
Aye: Polson, Sherrer, Story, Marcum, Tomlinson
Nay: None Abstain: None

3. Consider Authorization to Advertise for Bids for Thermoplastic Pavement Marking Services for the Street Department (Striping Crosswalks, Turn Lanes on University, South 2nd Avenue, Sunny Meadows, and Main Street) (Bid 2011-082)

Motion made by Council Member Sherrer and seconded by Council Member Story to authorize Advertising for Bids, 2011-082. Motion carried with the following vote:
Aye: Polson, Sherrer, Story, Marcum, Tomlinson
Nay: None Abstain: None

4. Consider Recreation Marketing Manager Position:

a. Approval to Create a New Position

Assistant City Manager Ralph Houser – input was requested from the Parks Advisory Board/PAB and the Organized Sports Committee/OSC for this position. Mayor Tomlinson – Last year this need for management and coordinating capabilities was recognized. This is an effort to resolve some of the problems that have been recognized these past few years with coordinating fields, restrooms, concessions, scheduling, etc., a number of things this position will be able to assist in and help manage. OSC Chair Curtis Armor – It is important that this position has enough authority to carry out duties. It is real easy to get lost in assignments, but need resources, etc. Mayor Tomlinson – the word “enforce” – that authority will be given/recognized. This job description is a work in progress, some may be added, taken out of etc., but it is most likely not in its final form, and the title may change to more accurately reflect the job. We need to move forward in this as a first step in order to advertise, interview, etc. in order to select someone for this position.

Motion made by Council Member Story and seconded by Council Member Sherrer to approve creation of this new position of Recreation Marketing Manager as presented. Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

b. Approval of Job Description

Updated “Blue Sheet” version was distributed. OSC Chair Curtis Armor – In trying to schedule and find tournaments, he doesn’t want it to turn into just a marketing position; this person needs to serve community/youth. He recommends the person also chair the OSC. Whenever the Organized Sports Committee/OSC started, it was to get all the sports teams to work together, but it is hard to do. This would have a centralized person, but resources are needed to do this, and C. Armor wants to make sure this person has the authority to do it. Mayor Tomlinson – the “marketing” concern in the job title is recognized; this job title could change. City Manager Dunegan – “essential functions” in the last paragraph will provide room to be flexible. Vice Mayor Marcum – concerned that task #6 gives no authority over city leased facilities, no authority to direct any personnel or facilities. City Manager Dunegan – you cannot put two different people over a person. OSC Chair C. Armor – Agrees that everyone has a vested interest in this and it is a step in the right direction. City Manager Dunegan – recognizes and appreciates the hard work that C. Armor and the OSC committee has put into this.

Motion made by Council Member Sherrer and seconded by Council Member Story to approve “Blue Sheet” version of Recreation Marketing Manager Job Description as presented. Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

5. Donald W. Reynolds Community Center and Library Café:

a. Consider Award of Bid to Lease Café Space

Dr. Dottie Davis – The City received three bids and requests Council to accept what we consider the best bid, which is from Shawn Shirey.

Motion made by Vice Mayor Marcum and seconded by Council Member Story to approve award of bid to lease the Donald W. Reynolds Community Center and Library Café space to Shawn Shirey. Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

- b. Consider Agreement with Shawn Shirey to Lease Café Space (C-2011-49)

Attorney Phelps reviewed the contract. One typo in 3a – the last sentence regarding sales tax paid should read as 5% not as %5.

The payment must be accompanied by a statement of the following: Gross sales less COGS (cost of goods sold) less Oklahoma sales tax paid X ~~%~~5% (amount due to city).

Motion made by Vice Mayor Marcum and seconded by Council Member Story to approve C-2011-49 with amendment as noted above. Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

6. Consider Law Enforcement Center:

- a. Consider Award of Bid for Concrete Paving Material to Rustin Concrete

City of Durant Technical Projects Director Jerry Yandell – The City sent bid requests to two primary people in Durant but did not receive a response from either. Overall, the City received only one bid for concrete material, and that came from Rustin Concrete. This bid is in line with previous bids for slab concrete. Vice Mayor Marcum – how does this price relate to what the City normally pays for concrete? J. Yandell – this is a little less than what the City normally pays, and it is the same price that Rustin Concrete charges for slab work.

Motion made by Council Member Polson and seconded by Council Member Story to award bid to Rustin Concrete as presented. Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

- b. Consider Award of Bid for Painting (Labor and Materials) to Henshaw Painting

Technical Projects Director Jerry Yandell – The City previously bid out material and labor, and then both together. The City was endeavoring to save money, if we purchase the materials. However in this case, it saves us money to have both labor and materials together and revise the contract. Attorney Phelps – Henshaw said he would accept the old rate. Vice Mayor Marcum – did other bidders also have the opportunity to bid for labor and materials? J. Yandell – Yes.

Motion made by Vice Mayor Marcum and seconded by Council Member Sherrer to award bid to Henshaw Painting as presented. Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

- c. Consider Revised Agreement with Henshaw Painting to Include Materials (C-2011-09 labor only becomes C-2011-09-R labor and materials)

Motion made by Council Member Polson and seconded by Vice Mayor Marcum to approve C-2011-09-R as presented. Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

7. Consider Airport Management Agreement with Dewayne Williams for Fixed Base Operator of Durant Regional Airport – Eaker Field (C-2011-42)

Technical Projects Director Jerry Yandell – Mr. Dewayne Williams' contract was up for renewal in April. In order to get his contract into the FY schedule, we elected to renew his contract July 1, on an annual basis for Fixed Base Operator (FBO) services. The only change to this contract is that we changed to a percentage basis relating to the allocation of fuel sales. City Attorney Phelps has

reviewed the contract for legal, and R. Houser and J. Dunegan have worked with the attorney.

Motion made by Council Member Sherrer and seconded by Council Member Story to approve C-2011-42. Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

8. Consider Approval to Purchase Tractor and Mower from John Deere (State Contract SW190) for Upkeep/Maintenance at the Airport Terminal Building (RFAP 2009-131 – New Terminal Construction)

Technical Projects Director Jerry Yandell – This piece of equipment is sorely needed to help maintain what we have now and for what we will have in future at the airport terminal building.

Motion made by Council Member Story and seconded by Council Member Sherrer to approve Purchase of Tractor and Mower on State Contract as presented. Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

9. Consider Approval of Maintenance Agreement with Otis Elevator Company for City Hall Elevator (C-2011-41)

City of Durant Technical Projects Director Jerry Yandell – It is a requirement of the state to have and maintain the elevator for inspection every two years. A required maintenance plan is in place since it is a public building. This contract will satisfy state requirement. This is the lesser of three agreements (this is a new elevator). This contract won't take effect until 2012 when our warranty wears out. If we take action now, we get a discount.

Motion made by Council Member Sherrer and seconded by Council Member Story to approve C-2011-41 as presented. Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

10. Consider Acceptance of Three Stihl Chain Saws Donated to the Durant Fire Department by a Member of the Community

Durant Fire Chief Roger Joines – A citizen in our community recognized a need for this equipment and thought we could use it. He and his wife (remaining anonymous) would like to donate three new chain saws and box(es) to put the saws in. He has worked in and around fire service; he and his wife are able and would like to donate these saws to the Durant Fire Department.

Motion made by Vice Mayor Marcum and seconded by Council Member Sherrer to accept this gift of three Stihl chain saws for the Durant Fire Department. Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

On behalf of the Council and the City, Mayor Tomlinson asked that Chief Joines express grateful appreciation to these anonymous donors.

11. Public Hearing

Community Development Director Joseph Marquardt – Property owner Kevin Keener's case was brought to Council at the June 14th meeting. There were questions from Council, and J. Marquardt and K. Keener met with the city attorney after that meeting. The property is located at 2805 N. 1st Avenue. This request is to rezone the property from Single Family Residential R-1 and Highway Commercial / Commercial Recreation C-2 to Light Industrial I-1 (Ref: PC 2011-06).

There have been 6 permits during 2002-2008 for the facilities on this property. Those facilities are all permitted. With grandfathered permits, the Facade ordinance of 2005 and 2007 would have only affected two of those properties.

Vice Mayor Marcum – This is in my ward and there are no buffers or setbacks as required by our ordinances on this property for light industrial district zoning. Mr. Keener may not want to put anything objectionable on his property, but he could sell the property tomorrow. We need to look beyond this for future and we cannot control what he may want to do with it.

Property owner K. Keener – zoning classification is where the problem starts and that is forcing him to ask for industrial zoning. He is sandwiched between two industrial zoned businesses so he feels it is a correct fit with that property.

Mayor Tomlinson – The commercial rating with conditional use permit would probably be looked upon favorably by the Council, but there is difficulty with the Industrial zoning request.

K Keener confirmed that the residence is R-1 and the balance of his other property is C-2.

Vice Mayor Marcum – if the entire property is zoned as C-2, then he will withdraw motion. Mayor Tomlinson – That would at least allow Mr. Keener to move forward.

- a. Consider Approval of Ordinance 1659 Amending the Zoning Map of the City of Durant for Property located at 2805 N. 1st Avenue from Single Family Residential R-1 and Highway Commercial / Commercial Recreation C-2 to Light Industrial I-1 (Ref: PC 2011-06)

Motion to disapprove application for Ordinance 1659 by Vice Mayor Marcum and seconded by Council Member Sherrer.

Property Owner Keener – He needs to move forward with the project immediately and will reconsider rezoning options to come to some sort of agreement.

Withdraw motion for the record – Vice Mayor Marcum and Council Member Sherrer.

Based on the applicant's amended request, Vice Mayor Marcum moves to rezone property located at 2805 N. 1st Avenue from R-1/C-2 to C-2 so that all of the applicant's property will be zoned C-2.

Ordinance 1659 will be redrafted by the City Attorney. After further discussion, City Attorney and Community Development Director recommend rezoning to Highway Commercial / Commercial Recreation C-2 but with no Conditional Use Permit (CUP) at this time; property owner can request it at a later date.

Motion made by Vice Mayor Marcum and seconded by Council Member Sherrer to approve Ordinance 1659, Section 1 as amended above. Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

Motion made by Vice Mayor Marcum and seconded by Council Member Sherrer to approve Ordinance 1659, Section 2. Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

12. Parks Department:

- a. Consider Authorization to Purchase Replacement Mower via State Contract (RFAP 2011-084)

Parks Superintendent Keach Ballard – This request is to purchase a replacement mower via state contract. It has a 5 foot deck, 7 gage metal. Hopefully, it will last as long as the one the Parks Department is replacing. The other one is no longer workable.

Motion made by Council Member Sherrer and seconded by Council Member Polson to authorize purchase, RFAP 2011-084. Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

b. Consider Approval of Budget Amendment 2011-084

Motion made by Council Member Sherrer and seconded by Vice Mayor Marcum to approve BA 2011-084. Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

Mayor Tomlinson – Skiler Schmitz has been our reporter for over a year and is moving on to the Norman / OKC area to expand his horizons. On behalf of Council and the City, it's been a real pleasure working with Skiler and we wish him the best.

ADJOURNMENT

Motion made at 4:33 pm to adjourn as declared by Mayor Tomlinson. Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

**MINUTES OF THE SPECIAL SCHEDULED MEETING OF
THE DURANT CITY UTILITIES AUTHORITY (DCUA)
ON JUNE 29, 2011 AT 3:00 PM
ROSCOE J. HATFIELD COUNCIL CHAMBERS, DURANT CITY HALL**

CALL TO ORDER

Meeting was called to order at 4:36 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
Trustee Jerry Polson

Chair Tomlinson stated for the record we have a quorum.

ORDER OF BUSINESS

1. Consider Resolution 2011-30 Increasing Solid Waste Disposal Rate and Repealing Resolution 2011-23

City Attorney Pat Phelps – This is a corrective resolution. After Resolution 2011-23 was passed, the Water department had a problem with the interpretation of it. The 3.5% increase was already in place for improvements at the Waste Water Treatment Plant (WWTP) and Water Treatment Plant (WTP). What we did not expect was the Solid Waste / SORD 5% increase effective July 1; that is why it is in addition to the 3.5%. Southern Oklahoma Regional Disposal (SORD) Inc's intent is to add an additional 5% for two years in a row. This is approximately \$20/ton now, and then \$21/ton effective July 1, 2011, and then \$22/ton effective July 1, 2012.

Motion made by Vice Mayor Marcum and seconded by Council Member Story to approve Resolution 2011-30 and Repealing Resolution 2011-23 as presented. Motion carried with the following vote:

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

ADJOURNMENT

Sherrer/Marcum Motion made at 4:40 pm to adjourn as declared by Chair Tomlinson. Motion carried with the following vote:

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

**MINUTES OF THE SPECIAL SCHEDULED MEETING OF
DURANT AIRPORT AUTHORITY (DAA)
ON JUNE 29, 2011 AT 3:00 PM
ROSCOE J. HATFIELD COUNCIL CHAMBERS, DURANT CITY HALL**

CALL TO ORDER

Meeting was called to order at 4:40 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
Trustee Jerry Polson

Chair Tomlinson stated for the record we have a quorum.

ORDER OF BUSINESS

1. Consider Airport Management Agreement with Dewayne Williams for Fixed Base Operator of Durant Regional Airport – Eaker Field (C-2011-42)

City Attorney Pat Phelps – The City leases part of that facility to the DAA and there may be some financing, so DAA is included in the signing of this agreement. *[See Council Agenda Item #7]*

Motion made by Council Member Polson and seconded by Council Member Story to approve C-2011-42 as presented. Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Tomlinson

Nay: None Abstain: None

(Vice Mayor Marcum stepped out of the meeting and was not present to vote on this agenda item.)

ADJOURNMENT

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

Aye: Polson, Sherrer, Story, Tomlinson

Nay: None Abstain: None