

**MINUTES OF THE REGULAR SCHEDULED MEETING OF THE  
DURANT CITY COUNCIL  
ON SEPTEMBER 13, 2011 AT 4:00 PM  
ROSCOE J HATFIELD COUNCIL CHAMBERS, DURANT CITY HALL**

**CALL TO ORDER**

Meeting was called to order at 4:12 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 Deputy City Clerk Torri Johnston  
Council Member Jerry Polson

Absent: Council Member Bobby Story (out of town)

Mayor Tomlinson stated for the record we have a quorum.

**ORDER OF BUSINESS**

1. Consent Items
  - a. Consider Approval of Minutes for the City Council Regular Meeting of August 9, 2011 – *approved*
  - b. Consider Approval of Minutes for the City Council Special Meeting of August 30, 2011 – *approved*
  - c. Consider Approval of Claims – *approved*
  - d. Consider Approval of Budget Amendment 2012-02 – *approved*
  - e. Consider Recommendation from Oklahoma Municipal Assurance Group (OMAG) Regarding Tort Claim of Dale and Diane Perrin – *approved to deny claim*
  - f. Consider Approval of Events and Temporary Street Closings for Durant Main Street Program's Downtown Events:
    - 1.f.(1) Annual Street Carnival – Saturday October 1<sup>st</sup> from 5:00pm – 8:00pm (rain date Sunday October 2<sup>nd</sup> from 2:00pm – 5:00pm) – *approved*
    - 1.f.(2) Colton's Main Street Run – Saturday October 22<sup>nd</sup> beginning at 9:00am – *approved*
    - 1.f.(3) Annual Trick or Treat Downtown Businesses – Monday October 31<sup>st</sup> from 5:30pm – 7:30pm – *approved*
    - 1.f.(4) Downtown Holiday Hosted on Market Square – Saturday December 3<sup>rd</sup> – *approved*
    - 1.f.(5) Annual Shopping Spree Giveaway – Tuesday December 13th from approximately 6:30pm – 7:30pm – *approved*
  - g. Consider Approval of Temporary Street Closing for Durant High School Homecoming Parade 2011 on Thursday, September 15<sup>th</sup> at 6:00pm – *approved*
  - h. Consider Approval of Routes, Necessary Street Closings and Runner/Walker Route Management for 5k Run and 1-Mile Walk Sponsored by the Medical Center of Southeastern Oklahoma (MCSO) to Benefit the American Cancer Society on Saturday, October 15<sup>th</sup> starting at 8:00am – *approved*
  - i. Consider Approval of Temporary Street Closing of Sunnyside Street on Wednesday, September 21<sup>st</sup> from 5:00pm to 8:00pm for Training Exercises at the Landfill Facility – *approved*
  - j. Consider Temporary Road Closure on Brookside Drive Between Carl Albert Drive and Briarwood Avenue From 12 Noon to 4:00 pm on Saturday, September 24<sup>th</sup> for Annual Cubmobile Cub Scout Event – *approved*
  - k. Consider Approval of Professional Service Agreements:
    - 1.k.(1) with Barker Engineering (C-2011-58) – *approved after discussion, see 2.k.(1) below*
    - 1.k.(2) with Reed Electrical Contracting (C-2011-63) – *No Action Taken after discussion, see 2.k.(2) below*
  - l. Consider Approval of City of Durant Personnel Changes and Organizational Chart – *approved*

Motion made by Vice Mayor Marcum and seconded by Council Member Sherrer to approve Consent Items 1.a – 1j. and 1l. 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: 1.k.(1) and 1.k.(2)

2.a. Consider Approval of Professional Service Agreements:

- 2.a.(1) with Barker Engineering (C-2011-58)  
[ formerly Item 1.k.(1) ]

Vice Mayor Marcum – What is the scope of the anticipated consulting to be approved here and how much might be expected to spend? Assistant City Manager Ralph Houser – These blanket agreements are not for a specific project and are without a dollar figure. If it is for a specific project, then it will be brought back to either the City Manager (if less than \$15,000) or back to Council (if over \$15,000) for approval. Contractors cannot do work unless/until they are registered with the Oklahoma Department of Central Services. Mayor Tomlinson – These professional service agreements are what was approved by Council in recent months. Vice Mayor Marcum – The blanket agreements don't list anything (no hourly rate, etc.) and seems unnecessary.

Motion made by Council Member Polson and seconded by Council Member Sherrer to approve C-2011-58 as presented. Motion carried with the following vote:

Aye: Polson, Sherrer, Tomlinson

Nay: Marcum Abstain: None

- 2.a.(2) with Reed Electrical Contracting (C-2011-63)  
[ formerly Item 1.k.(2) ]

*Take No Action.*

*Although the agreement itself does not reference any specific project, the attached memorandum does. The agreement can be resubmitted on future Council agenda with a corrected memo.*

3. Information Items (No Action; Information Only)

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

Motion at 4:30pm to recess out of Regular Council Session and into Durant Development Authority (DDA). Motion made by Council Member Sherrer and seconded by Vice Mayor Marcum.

Reconvened into Regular Council Session at 5:50 pm as declared by Mayor Tomlinson.

4. Administration

- a. 2012 Dodge Crew Cab Pickups at the Street Department:

- 4.a.(1) Consider Authorization to Purchase Three (3) Dodge Pickups (RFAP 2011-143)

Street Department Superintendent James Young – The Street Department has a total of 6 vehicles in their fleet; this request is to replace three pickups currently used by the department. All three vehicles to be replaced are in poor condition. Two of these vehicles are over 15 years old, and one is approximately 13 years old. This purchase will utilize State Contract #SW035 with Bob Howard Auto Group.

Motion made by Vice Mayor Marcum and seconded by Council Member Sherrer to approve RFAP 2011-143. Motion carried with the following vote:

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

4.a.(2) Consider Authorization to Bid for Financing of Three (3) Dodge Pickups (RFAP Bid 2011-145)

Requesting authorization to seek financing bid. The total amount is \$69,249.

Motion made by Vice Mayor Marcum and seconded by Council Member Polson to authorize RFAP Bid 2011-145 as presented. Motion carried with the following vote:

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

b. The 2012 USDA Rural Development Community Facilities Grant Program:

The City has an opportunity to submit a grant application to USDA Rural Development through the 2012 Community Facilities Program for funding assistance to purchase 51 necessary records management system software licenses for police officers and the new law enforcement communications center. The total estimate for these 51 software licenses is \$114,750. If this grant is awarded, it will pay approximately 35% (\$40,162) reducing the City's cost to 65% cost (\$74,588). The Match Commitment Resolution confirms the City's commitment to paying 65% of the cost should the grant be awarded.

Police Deputy Chief Houser – This is something the Police Department needs to purchase regardless of whether or a grant is received. The department currently has 20 software program licenses, but it is not adequate to meet the department's needs. An additional 51 software licenses will be a good asset. Police Deputy Chief Houser and Council discussed how many users per license, site license potential, and maintenance agreement for upgrades.

4.b.(1) Consider Approval to Submit Grant Application for Funding Assistance to Purchase Records Management System Software Licenses at the Law Enforcement Center

Motion made by Council Member Sherrer and seconded by Council Member Polson to approve submission of grant application as presented. Motion carried with the following vote:

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

4.b.(2) Consider Approval for Match Contribution (Resolution 2011-39)

Motion made by Vice Mayor Marcum and seconded by Council Member Polson to approve Resolution 2011-39. Motion carried with the following vote:

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

4.b.(3) Consider Approval for City Manager to Sign Letter of Commitment and Mayor to Sign Application Documents

Motion made by Vice Mayor Marcum and seconded by Council Member Sherrer for signature approval as presented. Motion carried with the following vote:

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

c. Consider Acceptance of Community Development Block Grant / Economic Development Infrastructure Finance Grant (#14722 CDBG-ED 11) to Rail Spur that Serves Eagle Suspensions (C-2011-64)

The City received award notification from the Oklahoma Department of Commerce (ODOC) on September 6 for this 2011 CDBG EDIF grant. The grant award in the amount of \$500,000 will provide funding for railway and drainage improvements benefitting the Eagle Suspensions expansion and new job creations. The grant budget provides funding for engineering, survey and

construction costs. The private investment provided by Eagle Suspensions will meet the required 2:1 match contribution. There is no match required by the City.

Discussion among Council regarding clarification of two separate sets of consequences for Eagle Suspensions pertaining to the grant requirements via the Department of Commerce (DOC) and the loan requirements via the Durant Industrial Authority. There will be no liability on the part of the City from DOC if Eagle Suspensions fails to create the 30 jobs. The DIA loan is a long-term agreement that spells out in the event of being not in compliance in any given year the interest will be added to the loan.

Motion made by Council Member Polson and seconded by Council Member Sherrer to accept CDBG-ED 11 grant (#14722; C-2011-64). Motion carried with the following vote:

Aye: Polson, Sherrer, Marcum, Tomlinson

Nay: None Abstain: None

d. **Consider Agreement with Arledge and Associates, PC for Independent Audit Services (C-2011-65)**

The fee for FY 2011 audit services is \$26,000. Terms have not changed from last year.

Motion made by Vice Mayor Marcum and seconded by Council Member Sherrer to approve C-2011-65. Motion carried with the following vote:

Aye: Polson, Sherrer, Marcum, Tomlinson

Nay: None Abstain: None

4.e./f. City of Durant Grants Coordinator Becca Parr – The budget provided to Council combines both firefighters assistance grants (*Agenda Items 4.e. and 4.f.*) to ensure the grant application is under the maximum amount allowable for this competitive grant through FEMA / Homeland Security Assistance. Council Member Sherrer – do we have the funds? Mayor Tomlinson – the City is looking to partner in some of the match commitment.

e. Assistance to Firefighters Vehicle Acquisition Grant:

Grants Coordinator Becca Parr – This is a nationally competitive grant through FEMA / Homeland Security Assistance. The Durant Fire Department is requesting the purchase of a 100 foot aerial ladder truck. The grant requires a 10% match by the City; however, to compete at a national level, a greater match contribution is needed.

4.e.(1) Consider Approval to Apply for Grant

Fire Chief Joines – This budget includes everything to operate the truck (includes equipment). The Department purchased a 2000 75 ft aerial, and since then Durant has added 8 structures that are over 4 stories high. For the safety of the city, including the learning institutions, and as Durant continues to grow, the Fire Department needs to show it can protect structures for those who are here and for those coming in to town.

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

Aye: Polson, Sherrer, Marcum, Tomlinson

Nay: None Abstain: None

4.e.(2) Consider Approval for Match Contribution (~~Resolution 2011-37~~)

Discussion among City Attorney, Mayor, Grants Coordinator, City Manager – There is no resolution in writing in Council packets. This grant does not require a Resolution, but does require some commitment that the City will provide the required match. Grants Coordinator Becca Parr will be electronically submitting this grant and will provide notation that City has approved a match contribution. The City is looking for additional partnering to share the costs of this match commitment and has a verbal commitment to assist with this commitment.

Motion made by Council Member Polson and seconded by Council Member Sherrer to approve Match Contribution as presented. Motion carried with the following vote:  
Aye: Polson, Sherrer, Marcum, Tomlinson  
Nay: None Abstain: None

f. Assistance to Firefighters Operational / Firefighter Safety Equipment Grant:

Grant funds through FEMA / Homeland Security Assistance to purchase operational and firefighter safety equipment. The grant requires a 10% match; however, to compete at a national level, a greater match contribution is needed.

4.f.(1) Consider Approval to Apply for Grant

Motion made by Council Member Polson and seconded by Vice Mayor Marcum to approve grant application submission. Motion carried with the following vote:  
Aye: Polson, Sherrer, Marcum, Tomlinson  
Nay: None Abstain: None

4.f.(2) Consider Approval for Match Contribution (~~Resolution 2011-38~~)

Motion made by Council Member Polson and seconded by Vice Mayor Marcum to approve Match Contribution 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.

5. Presentations

a. Recognition of Southeastern Oklahoma State University Homecoming on October 14<sup>th</sup> and 15<sup>th</sup> as a Community-Wide Event (Resolution of Support 2011-40)

This resolution supports the participation in Southeastern's Homecoming as a community-wide event. Motion made by Council Member Sherrer and seconded by Vice Mayor Marcum to approve Resolution 2011-40 as presented. Motion carried with the following vote:  
Aye: Polson, Sherrer, Marcum, Tomlinson  
Nay: None Abstain: None

Southeastern's President, Dr. Larry Minks, encouraged the City and the citizens of Durant to participate in as many Homecoming activities as possible in support of our community: Come out for the parade, campus tours, for this year's Football match between SE and Henderson State University (HSU), and other activities during the October 14-15<sup>th</sup> Homecoming event.

Assistant City Manager Ralph Houser introduced Jordan Clark who is the new Recreation Marketing Manager for the City of Durant. On behalf of City Council, Mayor Tomlinson welcomed Ms. Jordan.

6. Public Hearings

a. Consider Resolution 2011-35 for a Conditional Use Permit (CUP) in Section 24 at the Bruton Drill site (Ref: PC2011-10)

Community Development Director Joseph Marquardt – On August 23, 2011, XTO Energy Corp, Inc., filed an application to request a CUP for the construction of an Oil and Gas Well drill site located east of North 49<sup>th</sup> Street and south of Hamby Lane (Section 24 Township 6 South, Range 8 East of the Indian base meridian). Planning Commission reviewed and passed this case on September 12, 2011. Staff has not received any comments against this rezoning request. Based on this review, staff recommends the approval of this CUP request. J. Marquardt distributed Contingency Plan binders to Council.

Hearing no further discussion from Council or the audience, hearing closed.

Motion made by Vice Mayor Marcum and seconded by Council Member Sherrer to approve Resolution 2011-35 as presented. Motion carried with the following vote:

Aye: Polson, Sherrer, Marcum, Tomlinson

Nay: None Abstain: None

- b. Consider Resolution 2011-36 for a Conditional Use Permit (CUP) in Section 27 at the Durant Drill site (Ref: PC2011-11)

Community Development Director Joseph Marquardt – On August 23, 2011, XTO Energy Corp, Inc., filed an application to request a CUP for the construction of an Oil and Gas test well drill site located east of Cardinal Parkway and north of Highway 70 West. Planning Commission reviewed and passed this case on September 12, 2011. All paperwork is in order. Staff has not received any comments against this rezoning request. Based on this review, staff recommends the approval of this CUP request.

Hearing no further discussion from Council or the audience, hearing closed.

Motion made by Vice Mayor Marcum and seconded by Council Member Sherrer to approve Resolution 2011-36 as presented. 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 5:21 pm by Council Member Sherrer and seconded by Vice Mayor Marcum. Motion to adjourn as declared by Mayor Tomlinson.

**MINUTES OF THE REGULAR SCHEDULED MEETING OF  
THE DURANT CITY UTILITIES AUTHORITY (DCUA)  
ON SEPTEMBER 13, 2011 AT 4:00 PM  
ROSCOE J. HATFIELD COUNCIL CHAMBERS, DURANT CITY HALL**

**CALL TO ORDER**

Meeting was called to order at 5:21 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 Leon Sherrer                         Secretary Torri Johnston  
          Trustee Jerry Polson

Absent: Trustee Bobby Story (out of town)

Chair 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 August 9, 2011 – *Approved*
  - b. Consider Approval of Claims – *Approved*

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: Polson, Sherrer, Marcum, Tomlinson

Nay: None                      Abstain: None

2. Consideration of Items Removed from Consent

No Action Taken.

3. Information Items

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

No action; information only

4. New Business

No New Business at this time.

**ADJOURNMENT**

Motion made at 5:23 pm to adjourn by Vice Chair Marcum, seconded by Trustee Sherrer, and declared by Chair Tomlinson. Motion carried with the following vote:

Aye: Polson, Sherrer, Marcum, Tomlinson

Nay: None                      Abstain: None

**MINUTES OF THE REGULAR SCHEDULED MEETING OF THE  
DURANT AIRPORT AUTHORITY (DAA/Airport)  
ON SEPTEMBER 13, 2011 AT 4:00 PM  
ROSCOE J. HATFIELD COUNCIL CHAMBERS, DURANT CITY HALL**

**CALL TO ORDER**

Meeting was called to order at 5:23 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 Leon Sherrer                        Secretary Torri Johnston  
          Trustee Jerry Polson

Absent: Trustee Bobby Story (out of town)

Chair Tomlinson stated for the record we have a quorum.

**ORDER OF BUSINESS**

1. Consent Items

- a. Consider Approval of Minutes for the Durant Airport Authority Regular Meeting of August 9, 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: Polson, Sherrer, Marcum, Tomlinson  
Nay: None                      Abstain: None

2. Consideration of Items Removed from Consent Docket

No action required.

3. Information Items

- a. Department Reports for August 2011
- b. Airport Projects Update

Special Projects Director Jerry Yandell – At the new Terminal, everything is working well. On the Taxiway, work continues to progress. Once new construction is completed, we should see a great increase in air traffic. Chair Tomlinson – it is a good investment for the city.

No action; information only

4. New Business

No New Business at this time.

**ADJOURNMENT**

Motion made at 5:25pm to adjourn by Trustee Sherrer, seconded by Trustee Polson, and 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 SEPTEMBER 13, 2011 AT 4:00 PM  
ROSCOE J. HATFIELD COUNCIL CHAMBERS, DURANT CITY HALL**

**CALL TO ORDER**

Meeting was called to order at 4:30 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 Leon Sherrer Secretary Torri Johnston  
Trustee Jerry Polson  
Absent: Trustee Bobby Story (out of town)

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 August 9, 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. Update from Dr. Jason Simeroth Regarding New High School Construction Project

Materials provided to Council displayed a view of the main entrance of the high school, the main second floor corridor, the Media Center, second floor classroom wing corridor, classroom wing stair, auditorium, as well as a view of the competition gym, the commons/dining area, the main entrance, and an aerial photo (August 2011).

Dr. Simeroth – School was delayed a few times due to a variety of reasons; namely construction, the HVAC, and freezers that were affected by the mega heat. School was postponed once to August 17<sup>th</sup> and then to August 29<sup>th</sup>. It is a beautiful place and the kids are loving it. The Grand Opening will be scheduled the end of September/beginning of October [*update: may be early November*]. By October 1<sup>st</sup>, they hope to use the Ag barns. Dr. Simeroth is asking State Representative Roberts for a traffic signal at Gerlach. Dr. Simeroth will email the City Manager about school zone signs on Gerlach.

- 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 4:40pm pm to adjourn by Trustee Sherrer, seconded by Trustee Polson, and declared by Chair Tomlinson. Motion carried with the following vote:

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