

**MINUTES OF THE REGULAR SCHEDULED MEETING OF THE
DURANT CITY COUNCIL
ON JUNE 8, 2010 AT 4:00 PM
ROSCOE J HATFIELD COUNCIL CHAMBERS, DURANT CITY HALL**

CALL TO ORDER

Meeting was called to order at 4:10 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	City Clerk Leta McNatt
	Council Member Leon Sherrer	
	Council Member Jerry Polson	

Absent: None

Mayor Tomlinson welcomed all visitors, including Trent Castleberry and Timothy Sneed who are currently members of Leadership Durant. The Leadership Durant program is a good experience to have and the City of Durant appreciates what they are doing in the community.

Mayor Tomlinson stated that call center PRC has a special event open to the public, scheduled on Thursday morning, June 10th. Economic Development Director Tommy Kramer invited everyone, stating there will be state dignitaries in attendance, as well as presentations by community leaders. PRC is celebrating their 4th year anniversary at the Durant location and will be hiring an additional 150 employees in the next few months. This facility will grow from 650 to 800 employees which will place PRC into the top 5 of Durant's largest employers. This is a significant event as not many employers in Oklahoma are adding new jobs.

ORDER OF BUSINESS

1. Consent Items
 - a. Consider Approval of Minutes for the City Council Regular Meeting of May 11, 2010 – *Approved*
 - b. Consider Approval of Claims – *Approved*
 - c. Consider Approval to Authorize Addition of Street Lights on W. University Boulevard Between N. Washington and Larkspur Lane – *Approved*
 - d. Consider Approval to Authorize the Addition of 4 Seasonal Workers within the Parks Department, and to Approve the Update of the Personnel Schedule – *Approved*
 - e. Consider Approval to Authorize the Rebuilding and Installation of the Stand-By Diesel Powered Water Pump at the Water Treatment Plant (RFAP # 2010-059) – *Approved*
 - f. Consider Renewal of Annual Contracts with Non-Profit Organizations
 - 1) Durant Literacy Council (C-2010-26) – *Approved*
 - 2) Durant Area Chamber of Commerce (C-2010-27) – *Approved*
 - 3) Durant Main Street (C-2010-29) – *Approved*
 - 4) Big Five Community Services (C-2010-30) – *Approved*
 - 5) Durant Historical Society (C-2010-31) – *Approved*
 - g. Consider Funding Agreement with District Attorney Drug Task Force (C-2010-28) – *Approved*
 - h. Consider Resolution No. 2010-13 Supporting Continued Participation in the Main Street Program (Resolution No. 2010-13) – *Approved*
 - i. Consider Approval of Resolution No. 2010-15 Renaming Eaker Field Airport to Durant Regional Airport – Eaker Field – *Approved*
 - j. Consider Request to Replace the No Parking Signs with Loading Zone Signs in Front of the 200 Block of N. 6th Avenue on the Westside – *Approved*
 - k. Consider Budget Amendment No BA-2010-09 – *Approved*

Motion made by Vice-Mayor Marcum seconded by Council Member Sherrer to approve Consent Items 1.a. – 1.k. as presented. Motion carried with the following vote:

Aye: Polson, 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 2010

Mayor Tomlinson stated that in one of the department reports a resident paid a building permit fee and also an installer paid a building permit fee at the same address. *File Note: Community Director Joseph Marquardt checked into this and it was a typographical error.*

b. City Boards, Committees, and Commissions Minutes for May 2010

c. Reynolds Foundation Grant Report

Assistant City Manager Ralph Houser stated that everyone should see the current progress on the DW Reynolds Community Center and Library. The slab is down, the red iron is up, and now crews are starting on the roof. Landscaping contractors will build the retaining wall this week, and the drainage structures are installed at the parking lot. Due to weather (rain), this project is approximately 3 weeks behind schedule, so the project should be completed the latter part of January. The budget is in good shape. Mayor Tomlinson thanked R. Houser for his input.

d. Remodel/Rental Proposal with GSA

No action; information only

4. Administration

a. Consider Resolution No. 2010-14 Adopting an Industrial Pretreatment Fee Schedule

This Industrial Pretreatment Fee Schedule was organized by Community Development staff Marty Cook, Assistant City Manager Ralph Houser, and Compliance Administrator Sarah Sherrer. Inspector M. Cook stated that Resolution 2010-14 goes with Ordinance #1590 which was passed by Council last year.

Mayor Tomlinson stated that this fee schedule will bring us into compliance with schedules, permits, etc. Vice Mayor Marcum stated he recognizes the value of having a starting point to break even for the City. Mayor Tomlinson recommended that the City moves forward incrementally to address this cost and to break even. Hearing no further discussion, the vote was recorded.

Motion Made by Vice-Mayor Marcum and seconded by Council Member Polson to approve Resolution No. 2010-14. Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

b. Consider Approval of the Transportation Enhancement Project Supplemental and Modification Agreement No. 1 Between ODOT and the City of Durant (C-2010-38)

Technical Projects Director Jerry Yandell stated it is time for Phase 4. The project agreement is financed by a \$400,000 Oklahoma Dept of Transportation/ODOT grant, with a 25% match (\$100,000) from the City. This project covers the north side of Evergreen at 2nd and 3rd Avenues, and a section of Main Street. This project will be ready to go out for bids once ODOT also gives approval. The plan is to get construction started by August 1, 2010. J. Yandell confirmed this project will have the same sort of enhancement and design, and it will have brick pavers.

Hearing no further questions, Motion Made by Council Member Polson and seconded by Council Member Story to approve Contract No. C-2010-38. Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

c. Consider Acceptance of Easement from Durant DC, LLC

Technical Projects Director Jerry Yandell stated there has been trouble with the rainy weather, parking and the truck turn-around area in the front of the Big Lots Distribution Center. They need additional footage to make this turn-around work. With this easement agreement, a concrete area for trucks to park and turn around will be completed.

Motion Made by Councilman Story and seconded by Vice Mayor Marcum to accept this easement. Motion carried with the following vote:

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

d. Consider Agreement for Engineering Services for Southbound 69/75 Off-Ramp at University Boulevard (C-2010-36)

Technical Projects Director Jerry Yandell stated that the expenditure for the exit ramp was approved at last month's City Council meeting, but there was no contract for engineering services at that time. Today we have this contract. Attorney Pat Phelps stated they have stricken the first 2 paragraphs on page 3 of this contract. It is now in final form minus those first 2 paragraphs because it is linked to insurance issues that the City is unable to comply with. The City's insurance carrier Hoefer does not approve additional insurance on our policy. Attorney Phelps stated that Engineer Mr. Wall has agreed to these changes, and this contract is currently appropriate. Attorney Phelps does not anticipate a problem.

Motion Made by Vice-Mayor Marcum and seconded by Council Member Story to approve Contract No. C-2010-36 with changes noted. Motion carried with the following vote:

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

e. Consider and Approve Submission of the Grant Application to the FY10 ODOT / OK Forestry Department Tree Grant

Grants Coordinator Becca Parr stated the City of Durant has another opportunity for a \$25,000 grant via Oklahoma Dept of Transportation/ODOT to purchase and install trees for the new community center and library. The City will follow the landscape plan already identified for the library to determine specific trees for the grant request. Submission deadline is July 9th and if awarded, the City will anticipate notification in September 2010.

Motion Made by Council Member Story and seconded by Vice-Mayor Marcum to approve submission of the grant application to the FY ODOT/OK Forestry Department Tree Grant. Motion carried with the following vote:

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

f. Consider and Approve Resolution No. 2010-17 for the Required 25% In-kind Match By the City for the FY10 ODOT / OK Forestry Department Tree Grant

Grants Coordinator Becca Parr stated that the 25% in-kind match is equivalent to \$8,334 value for in-kind maintenance and labor over a three year performance period. The City has recently benefited from an ODOT tree grant along Main Street and the Multi-Sport Complex. Mayor Tomlinson stated that this is a great value for our City.

Motion Made by Vice-Mayor Marcum and seconded by Council Member Sherrer to approve Resolution No. 2010-17. Motion carried with the following vote:

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

g. Consider and Approve the City-Wide 2010 Low to Moderately-Low Income Survey results

Grants Coordinator Becca Parr presented the Low to Moderately Low Income (LMI) Survey results completed in May 2010. To be eligible for certain grants, the survey was required. The OK Dept of Commerce (ODOC) and Housing and Urban Development (HUD) guidelines were utilized to randomly survey 440 households. According to the HUD Income Guidelines, the survey reflected 54.32% of responders at low to moderately-low income level. These results provide eligibility for Durant to apply for CDBG (Community Development Block Grant) city-wide projects for the next 5 years.

No resolution to adopt was needed. Motion Made by Council Member Story and seconded by Vice-Mayor Marcum to approve the 2010 City-Wide LMI Survey results. Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

- h. Consider Acceptance of the Annual Financial Statements and Independent Auditor's Report for the Fiscal Year Ended June 30, 2009

Andy Cromer with Arledge & Associates presented the Statements and Reports for the fiscal year ended June 30, 2009, as prepared by the firm: (1) Annual Financial Statements and Independent Auditor's Reports; (2) Single Audit Reports and Supplementary Schedules; and (3) Audit Communication Letter.

Motion Made by Council Member Story and seconded by Vice-Mayor Marcum to accept the annual financial statements and independent auditor's report for FY ended June 30, 2009. Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

- i. Consider Engineering Agreement for Safe Routes to School (SRTS) Project (C-2010-34)

Grants Coordinator Becca Parr stated that the City has been working on the Safe Routes to School (SRTS) project since 2007. Oklahoma Dept of Transportation/ODOT awarded a SRTS grant in the amount of \$200,000 to benefit Washington Irving Elementary School vicinity.

The intent is to initially purchase non-engineer items awarded in this grant, such as school zone lights, speed feedback monitor and software. The remaining project funds will determine how many sidewalk blocks will be installed, utilizing the rate per blocks cost. The engineer negotiated amount is cost per block.

Grants Coordinator B. Parr stated that this contract has been submitted to and is contingent upon ODOT approval. Attorney Pat Phelps recommended page 3, 2nd paragraph be stricken from the agreement, and then initialed and dated by both B. Parr and Wall Engineering. Brandon Wall with Wall Engineering was in attendance and confirmed the paragraph has been stricken from the contract.

Brandon Wall stated he anticipates about 14 blocks of sidewalks will be completed. The awarded grant provides funds for the materials, and City employees provide the in-kind labor and equipment.

Motion Made by Vice-Mayor Marcum and seconded by Council Member Story to approve Contract No. C-2010-34. Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

- j. Consider Ordinance 1642 Repealing Sections 96.026, 96.027 and 96.028 of the City Code Relating to Registration of Dogs and Other Requirements Relating Thereto

Assistant City Manager Ralph Houser stated that he was not here few years ago when the fees were repealed, but the intent was to repeal the ordinance as well. Currently, a citizen is required to go to the City Clerk's office to pay tax and register their dog, yet the fees were repealed in 2003. Mayor Tomlinson clarified that Ordinance 1642 takes it off the books.

Motion Made by Vice-Mayor Marcum and seconded by Council Member Sherrer to approve Ordinance No. 1642, Section 1. 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 No. 1642, Section 2. Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

Motion made by Council Member Sherrer and seconded by Vice-Mayor Marcum to recess out of regular session. Motion carried with the following vote:
Aye: Polson, Sherrer, Story, Marcum, Tomlinson
Nay: None Abstain: None

Meeting Reconvened at 5:35 pm

Mayor Tomlinson stated that this is the portion of our agenda whereby any request being made that citizens are able to comment and give their thoughts in favor of or in opposition to a request or hearing.

5. Public Hearings

a. FY10 CDBG Small Cities Grant Program – Application Phase Public Hearing

Becca Parr stated that the Department of Commerce requires within the application phase a public hearing. Due to its size, the City of Durant can participate in this Small Cities Program. The main focus of this grant is targeted to low- to moderately-low income households. Results of the city-wide survey were approved by Council.

The proposed application to the Dept of Commerce is to apply for and purchase police communication equipment for the new police station. The budget for that project by the Department of Commerce allocates \$95,265 (dollar for dollar cash match) for a total project cost of \$190,530. The application is due July 19th. The City is also applying for a USDA community facilities grant because the cost of equipment is more than the proposed CDBG budget amount.

Mayor Tomlinson stated that if the City is successful in this, it will reduce the City of Durant costs to bring the equipment up to 911 standards. If awarded, CDBG funds are earmarked for equipment such as radio consoles and dispatch equipment; and USDA grant funds are earmarked for laptop computers and software for the police vehicles.

Public Hearing Only. There were no comments from the audience.

b. Consider Public Hearing for Budget FY 2010-2011

City Manager Jim Dunegan and Compliance Administrator Sarah Sherrer summarized the budgeting process regarding the City's Fiscal Year 2010-2011 Budget. FY 2010-2011 Budget totals were published in the Durant Democrat newspaper.

J. Dunegan thanked all staff, particularly City Council, and stated it has been a privilege to serve City Council and the City of Durant. There are a lot of things going on, and without everyone working together and working in the same direction, it would not be possible. He referred to the Associated Press Economic Stress Index report that ranks every county in the nation according to a combination of stressors. Bryan County ranks in the top 20 least economically stressed counties in the United States. J. Dunegan recommended the City still remain conservative in budgeting. Overall, we are expecting a small growth over this next year.

Mayor Tomlinson stated that Sarah Sherrer is responsible in helping department heads keep their budgets within compliance. S. Sherrer extended gratitude to department heads and stated she has had a lot of success in working with them, and they are doing everything to meet the City's shared objectives. A good department head would prefer to have all the "bells and whistles," but needs to make certain there is funding available within their budget. This is hard when budgets have been cut by 10%. However, at the end of day, it is important to have a budget that the City can work with to provide services and utilities to the citizens of Durant.

On behalf of City Council, Mayor Tomlinson stated that everyone mentioned should be commended for their time, dedication, and patience working through some of these frustrations: Sarah, the City Manager, Assistant City Manager, and all department heads literally spend from the first part of the calendar year to just about week and half ago arriving at a budget. The Mayor also thanked Council Members Polson and Story who were appointed on the Budget Committee to represent City Council.

Public Hearing Only. For the record, Mayor Tomlinson asked if there were any citizens in the audience wishing to speak on this matter? Hearing none, Council moved to Item 5.c.

- c. Consider Resolution No. 2010-16 Approving Adoption of Budget for FY 2010-2011

Motion made by Vice-Mayor Marcum and seconded by Council Member Polson to approve Resolution No. 2010-16. Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

- d. Consider Request to Rezone Property Located at 1102 Oak Ridge from Existing Conditional Use Permit (CUP) to "C-O" Business and Professional Offices District (Ordinance 1637)

Mayor Tomlinson stated that in posting the agenda, this item was not on the original agenda. It was posted on the amended agenda on Monday within the time frame for consideration, but because Council did not have it in a timely manner to ensure they are in order to consider this, and in fairness to both sides, Council may want to move it to next month for consideration. Vice Mayor Marcum echoed the Mayor's statement. Because this item did not make the newspaper as an effort to ensure that those who may be affected by this ordinance change are notified, Vice Mayor Marcum agreed to recommend this item be tabled for the next meeting. The Mayor extended his apologies and stated that Council wants to do things in the appropriate order to make the appropriate decisions. He asked the audience for their patience and understanding, and thanked them for this zoning request.

Motion Made by Vice Mayor Marcum and seconded by Council Member Story to table this hearing. No Action Taken; Tabled for next Council meeting (~~July 13th~~).

File Note: This hearing has been rescheduled to the August 10th Council meeting; the public hearing portion of the agenda is scheduled at 5:00 PM.

6. New Business

No New Business at this time.

ADJOURNMENT

Motion made at 5:55 pm by Mayor Tomlinson and seconded by Vice Mayor Marcum to adjourn. Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

**MINUTES OF THE REGULAR SCHEDULED MEETING OF THE
DURANT CITY UTILITIES AUTHORITY
ON JUNE 8, 2010 AT 4:00 PM
ROSCOE J. HATFIELD COUNCIL CHAMBERS, DURANT CITY HALL**

CALL TO ORDER

Meeting was called to order at 5:57 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 Bobby Story Secretary Leta McNatt
Trustee Leon Sherrer
Trustee Jerry Polson

Absent: None

ORDER OF BUSINESS

1. Consent Items
 - a. Consider Approval of Minutes for the Durant City Utilities Authority Regular Meeting of May 11, 2010 – *Approved*
 - b. Consider Approval of Claims – *Approved*

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

Aye: Polson, Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

2. Consideration of Items Removed from Consent
No Action.

3. Information Items:

- a. Department Reports for May 2010
- b. Utility Billing Summary for May 2010

No action; information only

4. Administration:

- a. Reconsider Agreement for Recycling Waste Through Going Green (GG) Located in Colbert, Oklahoma (C-2010-37)

Assistant City Manager Ralph Houser stated it is a modification to clarify how recycling is to be done. These are not substantial changes, only minor editing within the contract. City Attorney Pat Phelps clarified that the two items edited were (1) glass removal; this has been taken out of the contract (added in error – GG does not handle glass removal). (2) charges on paper products; the City and GG will split proceeds rather than a set price/per poundage. The contract has been modified to reflect these changes.

Motion made by Vice-Chairman Marcum and seconded by Trustee Story to approve Contract C-2010-37 with these modifications. Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

5. New Business

No New Business at this time.

ADJOURNMENT

Motion made at 6:05 pm by Trustee Polson and seconded by Trustee Story to adjourn.

Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

**MINUTES OF THE REGULAR SCHEDULED MEETING
OF THE DURANT AIRPORT AUTHORITY
ON JUNE 8, 2010 AT 4:00 PM
ROSCOE J. HATFIELD COUNCIL CHAMBERS, DURANT CITY HALL**

CALL TO ORDER

Meeting was called to order at 6:10 pm by Chairman Jerry L. Tomlinson.

ROLL CALL

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

Chairman 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 11, 2010
– *Approved*
- b. Consider Approval of Claims – *Approved*

Motion made by Trustee Polson and seconded by Trustee Story to approve Consent Items 1.a. and 1.b. as presented. Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Tomlinson

Nay: None Abstain: None

2. Consideration of Items Removed from Consent Docket

No action required.

3. Information Items:

- a. Department Reports for May 2010
- b. Airport Terminal Update

Technical Projects Director Jerry Yandell stated that by viewing the red iron, you can see what the airport terminal will look like. Framing is scheduled either this week or next week. The Airport Terminal Committee meeting has been scheduled this week to make decisions regarding additional design elements.

4. New Business

No New Business at this time.

ADJOURNMENT

Motion at 6:12 pm made by Trustee Polson and seconded by Trustee Story to adjourn. Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Tomlinson

Nay: None Abstain: None

