

**MINUTES OF THE REGULAR SCHEDULED MEETING OF THE  
DURANT CITY COUNCIL  
ON SEPTEMBER 14, 2010 AT 4:00 PM  
ROSCOE J HATFIELD COUNCIL CHAMBERS, DURANT CITY HALL**

**CALL TO ORDER**

Meeting was called to order at 4:09 pm by Mayor Jerry L. Tomlinson.

**INVOCATION**

Invocation was given by Tommy Kramer, Economic Development Director.

**ROLL CALL**

Present: Mayor Jerry L. Tomlinson  
Vice-Mayor Thomas Marcum  
Council Member Bobby Story  
Council Member Leon Sherrer  
Council Member Jerry Polson

City Manager James H. Dunegan  
City Attorney Pat Phelps  
City Clerk Leta McNatt

Absent: None

Mayor Tomlinson welcomed two members of Leadership Durant who attended this evening: Phillip Perkins of the Chickasaw Nation, and Angie Stephens of the Choctaw Nation.

**ORDER OF BUSINESS**

1. Consent Items
  - a. Consider Approval of Minutes for the City Council Regular Meeting of August 10, 2010 – *approved*
  - b. Consider Approval of Minutes for the City Council Special Meeting of August 25, 2010 – *approved*
  - c. Consider Approval of Claims – *approved*
  - d. Consider Request for Authorization to Purchase One Vehicle for Use by Narcotics Enforcement (RFAP 2010-091) – *approved*
  - e. Consider Acceptance of Resignation of Bob Maples from the Park and Recreation Advisory Board (PAB) – *approved*
  - f. Consider Approval of Agreement with Southeastern Oklahoma State University (SE) Regarding Use of the Durant Multi-Sports Complex (DMSC) for Softball Tournament - Feb 18-20, 2011 (Contract C-2010-21) – *approved*
  - g. Consider Approval of Events and Temporary Street Closings for Durant Main Street Program's Downtown Events: — **1.g. pulled from Consent Docket for Discussion (see below)**
    - i. Annual Street Carnival – Saturday October 2<sup>nd</sup> from 5:00pm–8:00pm (rain date Sunday October 3<sup>rd</sup> from 2:00pm–5:00pm)
    - ii. Colton's Main Street Run – Saturday October 23<sup>rd</sup> beginning at 9:00am
    - iii. Annual Trick or Treat Downtown Businesses – Saturday October 30<sup>th</sup> from 5:30pm-7:30pm
    - iv. Downtown Holiday Hosted on Market Square – Saturday December 4<sup>th</sup>
    - v. Annual Shopping Spree Giveaway – Thursday December 16<sup>th</sup> from approx 6:30pm-7:30pm
  - h. Consider Approval of Temporary Street Closing for Durant High School Homecoming Parade 2010 on Thursday, September 23<sup>rd</sup> at 6:00pm (rain date Friday, September 24<sup>th</sup> with lineup at 2:45pm) – *approved*
  - i. Consider Request to Place a Four-Way Stop Sign at the Intersection of Hillcrest and S. McLean Streets – *approved*
  - j. Consider Request to Place a Truck Traffic Directional Sign on S. 22<sup>nd</sup> Avenue – *approved*

- k. Consider Acceptance of Oklahoma Highway Safety Office Grant for Traffic Enforcement (OP-11-03-02-08) (City Contract C-2010-51) – *approved*
- l. Consider Approval of Budget Amendment 2010-10 – *approved*
- m. Consider Approval of Resolution No. 2010-21 Approving Utility Relocation Agreement with ODOT to Relocate Existing Utilities Near Mineral Bayou Creek and US-69B (C-2010-50) – *approved*

Motion made by Vice Mayor Marcum seconded by Council Member Sherrer to approve Consent Items 1.a. – 1.f. and 1.h – 1.m. 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

1.g. –

Discussion:

1.g.i. Rain Date for the Annual Street Carnival – The Street Carnival is scheduled Saturday, October 2<sup>nd</sup> from 5:00pm – 8:00pm, with the Rain Date scheduled Sunday afternoon. There are no streets to be closed. Concerns were raised that most downtown businesses are closed Sunday afternoon. Donna Dow clarified that the Promotion Committee is made up of merchants who chose Sunday as the backup plan. If the Rain Date is not immediately following the Street Carnival date, this will also mean perishable items (e.g., cupcakes, baked goods) will not be at its best if served one week later. Although not in favor of the backup date being Sunday, Council's conclusion was to leave the backup date as is, since the Promotion Committee agreed upon it.

1.g.ii. Colton's Main Street Run – Council members asked clarification from Main Street Program Manager Donna Dow regarding street closings. D. Dow stated that the route has been discussed with the Police Department. The Run will start at Market Square where there will be a temporary street closing on W. Evergreen. Police Chief Durward Cook stated there will be police officers to assist runners to safely cross two intersections at Washington and University.

Motion made by Vice-Mayor Marcum and seconded by Council Member Sherrer to approve Consent Docket Items 1.g.i – 1.g.v. as presented. Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

3. Information Items

a. Department Reports for August 2010

Mayor Tomlinson stated that Department Reports are valuable in keeping Council reminded and informed of the monthly activities of all the departments (e.g., Police, Fire, Emergency Management, Animal Control, Street Department, etc.).

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

c. Reynolds Foundation Grant Report

No action; information only

4. Administration

a. Consider Creation of Position of Deputy Fire Chief

Durant Fire Chief Steve Dow reported that over the past several years, the Durant Fire Department has added firemen because the Call Volume has increased, including EMS and Rescue requirements. The job description for Deputy Fire Chief was a result of reviewing other fire departments' deputy fire chief positions.

Motion made by Vice-Mayor Marcum and seconded by Council Member Polson to approve the creation of a Deputy Fire Chief position. Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

- b. Consider Approval to Apply for the 2010 FEMA Assistance to Firefighters - SAFER (*Staffing for Adequate Fire and Emergency Services*) Grant Application for Two Years of Funding for Additional Fire Department Personnel

City of Durant Grants Coordinator Becca Parr stated this grant will cover benefits and salary for an additional three (3) firefighters to the Durant Fire Department for two (2) years. If awarded this grant, the City would be obligated to continue employment for one fiscal year beyond the grant period, paying the benefits and salary of these three firefighters (during the third (3<sup>rd</sup>) year of their employment). The grant is due September 17<sup>th</sup>. Homeland Security has up to one year to make award notices.

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

Aye: Polson, Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

- c. Consider Approval of RFAP 2010-095 for the Oklahoma Tourism and Recreation Department's Land & Water Conservation Fund Program Grant (Project No. 40-01187) for Durant Pool and Billy Miller Park Improvements Project (Contract C-2010-47)

Grants Coordinator Becca Parr stated City Council accepted the \$100,000 grant at the August 10<sup>th</sup> Regular Council meeting. Today's request is for Council to approve the RFAP (Request for Authorization to Purchase). An engineer is working on the pool and we are awaiting his recommendation. Anything more than \$15,000 will follow the bidding requirements.

Motion made by Council Member Sherrer and seconded by Vice Mayor Marcum to approve RFAP 2010-095. Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

- d. Consider Acceptance of Award of Bid for Highway and Lot Mowing (Bid/RFAP 2010-046)

Assistant City Manager Ralph Houser stated there were three separate bids. The first of these bids was for highway and lot mowing. There is approximately 21 miles of highway area to mow. Out of the two bidders, it is recommended that the City accept the bid of the current contractor. The second bidder was disqualified due to having inadequate equipment to complete the work.

Motion made by Vice Mayor Marcum and seconded by Council Member Polson to accept award of bid to Glover Mowing (Bid/RFAP 2010-046). Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: No

- e. Consider Acceptance of Award of Bid for Park Mowing (Bid/RFAP 2010-046)

Assistant City Manager Ralph Houser stated this is the second of three separate bids and has the same two bidders. It is recommended to award the bid to Glover Mowing who is the current contractor and has the lowest bid.

Motion made by Council Member Polson and seconded by Vice Mayor Marcum to accept award of bid to Glover Mowing (Bid/RFAP 2010-046). Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

- f. Consider Rejection of Award of Bid for Spraying of Highways, Lots, and Parks

Assistant City Manager Ralph Houser stated there was only one bidder; however, he is unlicensed and is disqualified from this process. R. Houser recommended to the bidder that he contact ODOT to get an herbicide applicators' license. Having no qualified bids, it is recommended to Council that the current bid be rejected.

Motion made by Council Member Marcum and seconded by Council Member Story to reject award of bid for spraying of highways, lots, and parks. Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

- g. Consider Approval of Agreement with Tyler Technologies for Incode Online Billing Component Set Up for Utility, Municipal Court, Accounts Receivable, and Building Projects (Contract C-2010-52; RFAP 2010-96)

City Clerk Leta McNatt stated that she and Assistant City Manager Ralph Houser have worked on this project over the past 2 years, but has involved bringing in a third party. However, with this system, there are real-time account information and online payments via the internet and no third party billing which means no auditing confusion as well. It is fully integrated with the Incode system used by the City of Durant which means the system will give full auditing capabilities. The City of Shawnee OK has had great success with this system. The current start up cost is \$10,000 with an annual savings of approx. \$4,000.

Motion made by Vice-Mayor Marcum and seconded by Council Member Sherrer to approve Contract C-2010-52. Motion carried with the following vote:

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

- h. Consider Approval of Agreement with ETS Credit Card Processor for Incode Online Billing Component Set Up for Utility, Municipal Court, Accounts Receivable, and Building Projects (Contract C-2010-53; RFAP 2010-096)

Motion made by Vice-Mayor Marcum and seconded by Council Member Sherrer to approve Contract C-2010-53. Motion carried with the following vote:

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

Motion made at 4:45pm by Vice-Mayor Marcum and seconded by Council Member Polson to recess out of regular Session and into the Durant Development Authority (DDA) Regular Meeting. Motion carried with the following vote:

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

Motion made at 5:05pm by Council Member Sherrer and seconded by Vice-Mayor Marcum to return to regular session. Motion carried with the following vote:

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

## 5. Presentations

- a. Approval of Acceptance of Gift From Citizen Ann Porter for Durant Fire Department's New Fire Station

Mayor Tomlinson stated that most are familiar with our worthy men from the Durant Fire Department who are here this evening. They are so proud of their new facility and the City is too. Fire Chief Steve Dow introduced those of his crew who were present at Council meeting. Mayor Tomlinson introduced local talented artist, Ann Porter, who is a strong advocate of keeping Durant Beautiful, and takes pride in her community. Ms. Porter presented her award-winning painting of a Durant fire engine to the Durant Fire Department.

Motion made by Vice-Mayor Marcum and seconded by Council Member Sherrer to approve acceptance of this gift of a painting from Ann Porter to the City. Motion carried with the following vote:

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

- b. Presentation to City Council by County Commissioner Board Chairman Monty Montgomery

Monty Montgomery and Bryan County Sheriff Bill Sturch addressed City Council about the proposition of an upgraded county facility which will be on the November 2<sup>nd</sup> ballot. This ballot is not about raising or lowering county sales tax; it is about reallocating the current sales tax towards an upgraded jail facility (consolidating both facilities into one).

6. Public Hearings

a. Public Hearing for Community Development Block Grant / CDBG 13325 Closeout

Grants Coordinator Becca Parr addressed City Council and the audience. Having a public hearing for this block grant closeout is a requirement of the Oklahoma Department of Commerce (ODOC) CDBG Program. In 2008 the City received \$73,629 from ODOC through the Community Development Block Grant (CDBG) Century Community Program to make parking lot improvements which also had an in-kind labor and equipment match commitment in the amount of \$85,274. The improvements to the Lost Street parking lot fit within Grant requirements. This Project is closed and completed.

b. Consider Acceptance of CDBG 13325 Project for the Lost Street Parking Lot Improvements as Complete

Motion made by Vice-Mayor Marcum and seconded by Council Member Sherrer to accept the Project as Complete. Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

c. Consider Approval to Closeout Documents for CDBG 13325

City of Durant Grants Coordinator Becca Parr stated the completion of these closeout documents is contingent upon her finishing the collection of data for the in-kind match. Closeout documents are due to Oklahoma Department of Commerce (ODOC) by the end of the month.

Motion made by Council Member Polson and seconded by Council Member Story to approve closeout documents for CDBG 13325 as presented, contingent upon final collection of in-kind data. Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

7. New Business

No New Business at this time.

**ADJOURNMENT**

Motion made at 5:42pm by Council Member Polson and seconded by Council Member Sherrer to adjourn. Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None



- b. Consider Approval of Agreement with Esbenshade Inc. for Waste Water Treatment Plant Sludge Hauling (Contract C-2010-54)

Assistant City Manager Ralph Houser stated this is a formalization of the process that has been used since the main waste water treatment plant opened.

Motion made by Vice-Chairman Marcum and seconded by Trustee Sherrer to approve Contract 2010-54. 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 5:46 pm by Vice Chairman Marcum and seconded by Trustee Sherrer to adjourn.

Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None



**MINUTES OF THE REGULAR MEETING OF THE  
DURANT DEVELOPMENT AUTHORITY (DDA)  
ON SEPTEMBER 14, 2010 AT 4:00 PM  
ROSCOE J. HATFIELD COUNCIL CHAMBERS, DURANT CITY HALL**

**CALL TO ORDER**

Meeting was called to order at 4:45pm 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  
Vice-Chairman Thomas Marcum

**ORDER OF BUSINESS**

1. Consent Item
  - a. Consider Approval of Minutes for the Durant Development Authority Regular Meeting of August 10, 2010 – *Approved*

Motion made by Vice Chairman Marcum and seconded by Trustee Story to approve Consent Item 1.a. 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. Durant School District Sales Tax Revenue Disbursements – current month
- b. Update from Dr. Jason Simeroth Regarding New High School Construction Project

Dr. Jason Simeroth addressed City Council. In spite of the rain, the construction project is still progressing well. Most of the structural steel is up, and most of the paving for the parking lots has been completed. The brickwork has been laid nearly 8-to-10 feet high on the west wall (near the highway). They still anticipate classes starting at the new high school building next year. He encouraged Council and the audience to refer to their website for the aerial drawing of the high school at [www.durantisd.org](http://www.durantisd.org)

4. New Business

No New Business at this time.

**ADJOURNMENT**

Motion made at 4:55pm by Trustee Sherrer and seconded by Trustee Story to adjourn. Motion carried with the following vote:

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