

**MINUTES OF THE REGULAR SCHEDULED MEETING OF THE DURANT CITY COUNCIL ON AUGUST 11, 2009 AT 4:00 P.M., ROSCOE J. HATFIELD COUNCIL CHAMBERS, DURANT CITY HALL**

**CALL TO ORDER**

Meeting was called to order at 4:08 p.m. 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 Ron Cross City Attorney Pat Phelps  
Council Member Leon Sherrer City Clerk Leta McNatt  
Council Member Thomas Marcum  
Council Member Bobby Story

Absent: None

**ORDER OF BUSINESS**

1. Consent Items
  - a. Consideration Approval of Minutes for the City Council Regular Meeting of July 14, 2009 – *Approved*
  - b. Consideration Approval of Claims – *Approved*
  - c. Consideration Award of Natural Gas Contract C-2009-47 to Seminole Gas – *Approved*
  - d. Consideration Authorization to Advertise for Bids for Hay Lease at Durant Multi-Sports Complex (Bid No. 2009-111) – *Approved*
  - e. Consideration Acceptance Resignation of Tommy Fagan from Durant Board of Adjustment – *Accepted*
  - f. Consideration Appointment of Shane Knight to Durant Board of Adjustment to Fulfill Unexpired Term of Tommy Fagan – *Approved*
  - g. Consideration Authorization for Placement of Signage by Oklahoma Department of Transportation for “No Through Trucks” on Gerlach Drive – *Approved*
  - h. Consideration OK Department of Libraries FY09 Automation Selection /Upgrade Program Grant – *Approved*
  - i. Consideration Authorization to Advertise for Bids for Body Armor Vests for Police Department (Bid No. 2009-114) – *Approved*
  - j. Consideration Acceptance of Funds from the Oklahoma District Attorneys Council for Violence Against Women (VAWA) Grant – *Accepted*
  - k. Consideration Authorization to Hire an Additional Officer through VAWA Grant Funds – *Approved*
  - l. Consideration Change of Title from Librarian to Library Director – *Approved*
  - m. Consideration Approval of Temporary Street Closure for SE Oklahoma State University Homecoming 2009 – *Approved*
  - n. Consideration Authorization Payment of Oklahoma Municipal League Annual Membership Dues (Bid No. 2009-115) – *Approved*
  - o. Consideration Resolution No. 2009-27 Supporting Trustee-at-Large Nomination for the Oklahoma Municipal Retirement Fund (OMRF) – *Approved*
  - p. Consideration Acceptance 13 Lots Located within the Floodplain (Lots 1, 2, 3, 6, 7 and 8 of block 317 and Lots 1, 2, 3, 5, 6, 7 and 8 of block 316 in the City of Durant) – *Approved*
  - q. Consideration Authorization to Demolish a Dilapidated Structure in Exchange for 13 Lots Located within the Floodplain – *Approved*

Motion made by Council Member Sherrer and seconded by Council Member Marcum to approve Consent Items with the following item removed for discussion a, b, e, g, l, p, q.

Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Cross, Tomlinson

Nay: None Abstain: None

2. Consideration of Items Removed from Consent Docket

**1.a, b, e.** – Items removed in error

Motion made by Council Member Marcum and seconded by Council Member Story to approve Items

1.a, b, & e. Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Cross, Tomlinson

Nay: None Abstain: None

**1.g.** – Council Member Marcum asked for the origin of the request. Public Works Director Jerry Yandell stated this has been used as a short-cut from Washington Ave and 1<sup>st</sup> Street and the desire is to alleviate the excessive use and resulting deterioration of the road.

Motion made by Council Member Marcum and seconded by Council Member Sherrer to approve item 1.g. Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Cross, Tomlinson

Nay: None Abstain: None

**1.l.** – Mayor Tomlinson asked if this would require a new job description. City Clerk Leta McNatt stated there would be an updated job description.

Motion made by Council Member Sherrer and seconded by Council Member Marcum to approve item 1.l. Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Cross, Tomlinson

Nay: None Abstain: None

**1.p.** – Council Member Sherrer asked if these lots were vacant. Community Development Director Joseph Marquardt stated they are vacant.

Motion made by Council Member Sherrer and seconded by Council Member Marcum to approve item 1.p. Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Cross, Tomlinson

Nay: None Abstain: None

**1.q.** – Community Development Director Joseph Marquardt stated the easements have already been obtained.

Motion made by Council Member Marcum and seconded by Council Member Sherrer to approve item 1.q. Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Cross, Tomlinson

Nay: None Abstain: None

3. Information Items

- a. Department Reports for July, 2009
- b. City Boards, Committees, and Commissions Minutes for July, 2009
- c. Reynolds Foundation Grant Report

Assistant City Manager Ralph Houser stated there will be a teleconference tomorrow to discuss the recent cost projections. Bidding should commence in October or November.

- d. Durant School District Sales Tax Revenue Disbursements

No action; information only

4. Administration

- a. Consideration Ordinance No. 1621 Amending Ordinance 1479 Providing for Rectification of Emergency Public Health Hazards and Severability

Vice-Mayor Cross asked regarding the cost reimbursements in Section 1. If it is not the owners fault, why would they be responsible? City Manager Dunegan stated this request is a result of a recent incident and due to the fact that the owners were out of town for an extended period of time and several businesses were not able to be in operation. This was also a private lift station on private property, not City property.

Motion made by Council Member Marcum and seconded by Council Member Story to approve Ordinance 1621 Section 1-3. Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Cross, Tomlinson

Nay: None Abstain: None

Motion made by Council Member Marcum and seconded by Council Member Story to approve Ordinance 1621 Section 4. Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Cross, Tomlinson

Nay: None Abstain: None

- b. Consideration Ordinance No. 1622 Amending and Adopting Regulations Designed to Minimize Flood Losses and Flood Damage Prevention

Community Development Director Joseph Marquardt stated the changes are required for the City to stay in compliance and eligible for additional funding. City Attorney Pat Phelps stated this assists homeowners and buyers, as well as protection of the public.

Motion made by Council Member Marcum and seconded by Council Member Sherrer to approve Ordinance 1622 Section 1-6. Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Cross, Tomlinson

Nay: None Abstain: None

Motion made by Council Member Story and seconded by Council Member Sherrer to approve Ordinance 1622 Section 7. Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Cross, Tomlinson

Nay: None Abstain: None

- c. Consideration Ordinance No. 1623 Amending Ordinance 157.007(A) by Increasing Amount of Purchase Authority and Striking Requirement of Competitive Quotations

City Attorney Pat Phelps stated that City Manager approval would still be required for expenditures \$2,000 - \$15,000.

Motion made by Council Member Sherrer and seconded by Council Member Story to approve Ordinance 1623 Section 1-3. Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Cross, Tomlinson

Nay: None Abstain: None

Motion made by Council Member Sherrer and seconded by Council Member Marcum to approve Ordinance 1623 Section 4. Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Cross, Tomlinson

Nay: None Abstain: None

- d. General Discussion Regarding Financing (Advance Funding) of Various City Projects Including but not Limited to; Public Safety Building Improvements, Streets and sidewalks, water, sewer, solid waste and Airport Facility Improvements and Possible Action Directing City Manager to Authorize Municipal Finance Services Inc. to Solicit Debt Financing Proposals from Financial Institutions that would be Due on or before September 8, 2010

**Correction** – ...on or before September 8, **2009**. Jon Wolff with Municipal Finance Services Inc. presented information for discussion identifying various projects. Monitoring the City's finances as well as the economy, the City is at a point to move forward with the ability to finance a 20-year note. Revenues are holding steady and the City is in a stable position to repay a loan.

The Airport projects are slightly more complex. These projects are not typically managed by private entities. The lowest cost would be to consider the debt as tax-exempt. No revenue generated by private entities would be allowed to repay these funds. The same securities would be used as for the indebtedness generated in 2007.

Motion made by Council Member Story and seconded by Council Member Marcum to Direct the City Manager to Authorize Municipal Finance Services Inc. to Solicit Debt Financing Proposals from Financial Institutions that would be due on or before September 8, 2009. Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Cross, Tomlinson

Nay: None Abstain: None

e. **Consideration Authorization to Proceed with Streetscape Phase IV (Bid No. 2009-116)**

Assistant City Manager Ralph Houser stated that the Oklahoma Department of Transportation has awarded and authorized funds to proceed with Streetscape Phase IV. Vice-Mayor Cross asked how many more phases are anticipated. Main Street Director Donna Dow stated that there could be the possibility of two additional phases along 4<sup>th</sup>, 3<sup>rd</sup> and 2<sup>nd</sup> Streets.

Motion made by Vice-Mayor Cross and seconded by Council Member Story to proceed with bids for Streetscape Phase IV. Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Cross, Tomlinson

Nay: None Abstain: None

f. **Consideration Acceptance of Utility Easement at Highway 78S & Country Club Road (a portion of N1/2; NW1/4; S-9, T-7-S, R-9-E) from the Durant Industrial Authority**

No Action.

### **Presentations, Public Hearings and Citizen Requests**

#### 5. Presentations

a. Presentation by Joe Hill on Behalf of Dan Boren

Field Representative Joe Hill, District Representative Ben "Bulldog" Robinson and case worker Scott Smith on behalf of Congressman Dan Boren simply wanted to thank the City of Durant for the overwhelming local support during the opening of the local office. A plaque was presented to the Mayor and to the City Manager.

Mayor Tomlinson expressed appreciation to the delegation for the recognition and blessings to the Congressman.

Motion made by Council Member Sherrer and seconded by Council Member Story to recess out of regular session. Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Cross, Tomlinson

Nay: None Abstain: None

Motion made by Trustee Sherrer and seconded by Council Member Marcum to go back into regular session. Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Cross, Tomlinson

Nay: None Abstain: None

Motion made by Council Member Sherrer and seconded by Council Member Marcum to enter into Executive Session. Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Cross, Tomlinson

Nay: None Abstain: None

Motion made by Council Member Marcum and seconded by Council Member Story to go back into regular session. Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Cross, Tomlinson

Nay: None Abstain: None

#### 6. Executive Session

a. Consideration Executive Session for Purposes of Confidential Communication between the City of Durant and Its Attorney Concerning a Pending Claim (Executive Session Authorized by Title 25, Section 307 B(4) of the Oklahoma State Statutes)

b. Consideration Action Pursuant to Item 6a Above

No Action

#### 7. New Business

Assistant City Manager Ralph Houser requested emergency authorization for Resolution No. 2009-28 to purchase materials for the utility relocation for Highway 70 Bypass in the Vicinity of Big Lots Parkway and South 9th St. Mr. Houser was informed this morning during a discussion with the Oklahoma Department of Transportation that this project must be completed prior to November 1, 2009. This timeline does not allow for completion of the competitive bid process. Authorization to Bid had been approved at the July 14, 2009 City Council Meeting.

Motion made by Council Member Marcum and seconded by Council Member Story to approve Resolution No. 2009-28. Motion carried with the following vote:  
Aye: Marcum, Sherrer, Story, Cross, Tomlinson  
Nay: None Abstain: None

**ADJOURNMENT**

Motion made by Council Member Story and seconded by Council Member Sherrer to adjourn. Motion carried with the following vote:  
Aye: Marcum, Sherrer, Story, Cross, Tomlinson  
Nay: None Abstain: None

Amended Agenda posted on Durant City Hall Entry Door at 3:00 p.m. on the 6<sup>th</sup> day of August, 2009 by LaVona Staggs, Management Assistant.

**MINUTES OF THE REGULAR SCHEDULED MEETING OF THE DURANT CITY UTILITIES AUTHORITY ON AUGUST 11, 2009 AT 4:00 P.M., ROSCOE J. HATFIELD COUNCIL CHAMBERS, DURANT CITY HALL**

**CALL TO ORDER**

Meeting was called to order at 5:11 p.m. by Chairman Jerry L. Tomlinson.

**ROLL CALL**

Present: Chairman Jerry L. Tomlinson  
Vice-Chairman Ron Cross  
Trustee Leon Sherrer  
Trustee Thomas Marcum  
Trustee Bobby Story

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

Absent: None

**ORDER OF BUSINESS**

1. Consent Items
  - a. Consideration Approval of Minutes for the Durant City Utilities Authority Regular Meeting of July 14, 2009 – *Approved*
  - b. Consideration Approval of Claims – *Approved*
  - c. Consideration Authorization to Purchase (7) 40-yard Hooklift Compatible Rolloff Open Tops for Solid Waste Department (Bid No. 2009-110) – *Approved*

Motion made by Trustee Sherrer and seconded by Trustee Story to approve the Consent Items a - c as presented. Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Cross, Tomlinson

Nay: None Abstain: None

2. Consideration of Items Removed from Consent

No Action.

3. Information Items:

- a. Department Reports for July, 2009
- b. Utility Billing Summary for July, 2009

No action; information only

4. New Business

No New Business at this time.

**ADJOURNMENT**

Motion made by Trustee Marcum and seconded by Trustee Sherrer to adjourn. Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Cross, Tomlinson

Nay: None Abstain: None

