

**MINUTES OF THE REGULAR SCHEDULED MEETING OF THE DURANT CITY COUNCIL
ON MARCH 10, 2009 AT 4:00 P.M., ROSCOE J. HATFIELD COUNCIL CHAMBERS,
DURANT CITY HALL**

CALL TO ORDER

Meeting was called to order at 4:12 p.m. by Mayor Jerry L. Tomlinson.

INVOCATION

Invocation was given by Tommy Kramer, Economic Development Executive Director.

ROLL CALL

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

Absent: Vice-Mayor Ron Cross

ORDER OF BUSINESS

1. Consent Docket
 - a. Consideration Approval of Minutes for the City Council Regular Meeting of February 10, 2009 – *Approved*
 - b. Consideration Approval of Minutes for the City Council Special Meeting of February 27, 2009 – *Approved*
 - c. Consideration Approval of Claims – *Approved*
 - d. Acknowledgement Receipt of ODEQ Permit No. WL000007090059 – Choctaw Durant Community Center Water Line Extension – *Acknowledged*
 - e. Acknowledgement Receipt of ODEQ Permit No. SL000007090060 – Choctaw Durant Community Center Sewer Line – *Acknowledged*
 - f. Acknowledgement Receipt of ODEQ Permit No. WL000007090066 – Child Development Center Sanitary Water Line Extension – *Acknowledged*
 - g. Acknowledgement Receipt of ODEQ Permit No. SL000007090067 – Child Development Center Sanitary Sewer Line Extension – *Acknowledged*
 - h. Acknowledgement Receipt of ODEQ Permit No. SL000007090013 – Sports City Café Sanitary Sewer Line Extension – *Acknowledged*
 - i. Acknowledgement Receipt of ODEQ Permit No. SL000007080977 – South 15th Avenue Sanitary Sewer Line Extension – *Acknowledged*
 - j. Consideration Approval of Financing for Four (4) Police Vehicles – *Approved – Bid awarded to Landmark Bank @ 3.59%*
 - k. Consideration Modification of Stop Sign Placement on University Blvd. At 3rd Street – *No Action Taken (see discussion in item #2)*
 - l. Consideration Authorization Changes for Library Staffing – *Approved*

- m. Consideration Accepting Reynolds Grant / Construction Management Selection Authorization / Funding Requirements – *Accepted/Approved*
- n. Consideration Award of Bid for Storm Siren System – *Bid Awarded to American Signal Corporation in the amount of \$282,870 – (see discussion in item #2)*
- o. Consideration Approval of Budget Amendment 2009-10 – *Approved*
- p. Consideration Acceptance of Emergency Management Performance Grant in the Amount of \$25, 688 (C-2009-07) – *Accepted*
- q. Consideration Nomination of Leta McNatt as a Candidate to Serve on the Oklahoma Municipal Assurance Group Board of Trustees – *Approved*
- r. Consideration Amendment No. 7 for C-2007-28 with LBR, Inc. – *Approved*
- s. Consideration Authorization to Advertise for Bids for Roof Replacement on Building Housing Police Criminal Investigation Division (Old O.H.P. Building) – *Approved*
- t. Consideration Award of Bid for Uniform Services – *Bid Awarded to Rus Uniform Co. (see discussion in item #2)*
- u. Consideration Contract for Highway Mowing Contract C-2009-08 – *Approved – (see discussion in item #2)*
- v. Consideration Contract for “Will-Call” Mowing of City Property C-2009-03 – *Approved – (see discussion in item #2)*
- w. Consideration Authorization for Additional Position in Animal Control – *Approved*
- x. Consideration Recommendation of Oklahoma Municipal Assurance Group Regarding Tort Claim of Cynthia Bates No. 27009-MP for Alleged Damage to Vehicle – *Denied*
- y. Consideration Approval of Resolution No. 2009-09 Authorizing Mayor to Execute Oklahoma Department of Transportation (ODOT) Right of Way, Public Utility and Encroachment Agreement C-2009-09 US-70 Over Union Pacific Railroad, East Side of Durant – *Approved*
- z. Consideration Appointment of Amy Tubbs to the Organized Sports Committee Representing Soccer League – *Approved*
- aa. Consideration Appointment of Duane Meredith to the Organized Sports Committee Representing Durant Independent School District – *Approved*
- bb. Consideration Appointment of Keith Baxter to the Organized Sports Committee Representing Southeastern OK St. University – *Approved*
- cc. Consideration Appointment of Mark Webb to the Durant Community Facilities Authority Position Four/Sports – *Approved*

Motion made by Council Member Marcum and seconded by Council Member Sherrer to approve the Consent Docket with the following items removed for discussion k, n, t, u, v.

Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Tomlinson

Nay: None

Abstain: None

2. Consideration of Items Removed from Consent Docket

1.k – Council Member Marcum asked what the plans were to indicate this as a crosswalk without stop signs, etc. Jerry Yandell stated the stop signs would be replaced with a *Stop for Pedestrians in Crosswalk* and the street would be striped. Mayor Tomlinson stated he still desired to have actual stop signs, Council Member Marcum concurred. No action would keep the stop signs in place.

No Action Taken – the stop signs will remain in place

1.n. – City Manager Dunegan spoke on behalf of Emg Mgmt Director James Dalton. The lowest bid was for only 12 sirens. His recommendation he believes would best serve the citizens of the community.

Motion made by Council Member Story and seconded by Council Member Sherrer to award the bid to American Signal Corporation of Milwaukee, WI in the amount of \$282,870.

Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Tomlinson

Nay: None

Abstain: None

1.t. – Jerry Yandell stated the bid would be for Cintas (Rus Uniform Co) – the same company as recommended. Various additional exceptions/additions were taken into consideration and in an overall picture, Cintas provides the best price.

Motion made by Council Member Story and seconded by Council Member Sherrer to award the bid to Rus Uniform Co. (Cintas) for appr. \$500 per week.

Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Tomlinson

Nay: None

Abstain: None

1.u. – Mayor Tomlinson asked regarding the contract mowing as to the rollover clause. Keach Ballard stated that each party may still cancel the contract at any time. Council Member Story asked about his attention to detail. This was addressed last year and will be watched.

Motion made by Council Member Story and seconded by Council Member Sherrer to award the bid to Glover Mowing and Landscaping C-2009-08.

Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Tomlinson

Nay: None

Abstain: None

1.v. – Motion made by Council Member Story and seconded by Council Member Marcum to award the bid to Glover Mowing and Landscaping C-2009-03.

Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Tomlinson

Nay: None

Abstain: None

3. Information Items

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

Ralph Houser reported that the Reynolds Foundation was here about two weeks ago to release the City to hire a Construction Manager. Interviews are scheduled for this week. Groundwork will begin September/October.

No action; information only

4. Administration

- a. Consideration Authorization for Red River Arts Council and Durant Main Street Program to Place Life-Sized Fiberglass “Painted Ponies” on City Property

Janie Umstead stated the request by the Red River Arts Council to place the “Painted

Ponies”, painted by local artists, on City Property. Market Square would be one of the first locations requested, Rustin Plaza, Museum, Corner of 9th & Main with approximately 20 being eventually placed. These would not be permanent placements, but eventually auctioned off and proceeds used to purchase bronze statues for permanent placement.

Motion made by Council Member Story and seconded by Council Member Sherrer to approve request from Red River Arts Council. Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Tomlinson

Nay: None

Abstain: None

- b. Consideration Ordinance No. 1611 Amending Chapter 133 of the Durant Municipal Code To Add New Section 133.13, Permitting, Or Allowing Gatherings Where Minors Are Consuming Alcoholic Beverages; Providing For Repealer, Severability And Emergency

Mayor Tomlinson welcomed Delinda Knox, and representatives from the Turning Point Coalition. Sgt. Joe Clark, Durant Police Department, addressed the council on behalf of this Ordinance request. This ordinance would allow the police department to take action on the host party to ensure that participants at the party are over 21 years of age. Council Member Marcum stated he fully supports what is being proposed but asked if this is duplicitous with State Law? Sgt. Clark stated that the State Law specifies providing alcohol to persons under 21 years of age. This ordinance would hold the host liable if another person furnishes alcohol to a participant under 21 years of age. City Attorney Pat Phelps has reviewed and edited this Ordinance and stated that several other Cities have passed a similar ordinance. Council Member Story stated this is bringing awareness to the situation.

Motion made by Council Member Story and seconded by Council Member Marcum to Approved Ordinance No. 1611 Sections 1-3. Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Tomlinson

Nay: None

Abstain: None

Motion made by Council Member Story and seconded by Council Member Marcum to Approved Ordinance No. 1611 Section 4. Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Tomlinson

Nay: None

Abstain: None

- c. Consideration Ordinance No. 1612 Amending the Employee Retirement Defined Benefit Plan and Defined Contribution Plan and Defined Contribution Plan for the City Manager or Assistant City Manager for the City of Durant

This Ordinance will place the City in compliance with the IRS.

Motion made by Council Member Marcum and seconded by Council Member Sherrer to approve Ordinance No. 1612 Sections 1-3. Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Tomlinson

Nay: None

Abstain: None

Motion made by Council Member Marcum and seconded by Council Member Story to Approved Ordinance No. 1612 Section 4. Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Tomlinson

Nay: None

Abstain: None

- d. Consideration Appointment to the Park and Recreation Advisory Board Term Expiring June 2010

Mayor Tomlinson highly recommended Jason Campbell to this position.

Motion made by Council Member Marcum and seconded by Council Member Story to Appoint Jason Campbell. Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Tomlinson

Nay: None

Abstain: None

- e. Consideration Appointment to the Durant Community Facilities Authority Position Five/Sports

Mayor Tomlinson recommended Shon Aguero to this position.

Motion made by Council Member Marcum and seconded by Council Member Sherrer to Appoint Shon Aguero. Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Tomlinson

Nay: None

Presentations, Public Hearings and Citizen Requests

5. Public Hearings

- a. Consideration Ordinance No. 1610 – PC2008-19 – Request to Rezone the Property Located at 3400 Block of N. 1st Ave from the Agriculture “A-1” District to the General Commercial “C-3” District and the General Residential “R-3” District.

Mayor Tomlinson instructed the City Manager to place this item on the April 14, 2009 City Council Agenda. No Action Taken.

- b. Consideration Resolution No. 2009-04 – PC2009-02 Requesting a Conditional Use Permit (CUP) for the Construction of an Oil and Gas Well Test Drill-Site Located South of Hwy 70, West of 49th Ave and East of Western Meadows Rd.

There were no comments from the public.

Motion made by Council Member Marcum and seconded by Council Member Sherrer to approve Resolution No. 2009-04. Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Tomlinson

Nay: None

Abstain: None

- c. Consideration Resolution No. 2009-05 – PC2009-04 Requesting a Conditional Use Permit (CUP) for a Liquor Store at 729 N 1st Ave.

There were no comments from the public in opposition to this request.

Motion made by Council Member Marcum and seconded by Council Member Sherrer to approve Resolution No. 2009-05 Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Tomlinson

Nay: None

Abstain: None

- d. Consideration Public Hearing for Application for FY 09 Community Development Block Grant with the Economic Development Infrastructure Financing Program (CDBG-EDIF) for Infrastructure Improvements Benefitting the Spring Air Mattress Factory

There were no comments from the public. Public Hearing only; no action required.

- e. Consideration Approval of Resolution No. 2009-08 Authorizing Application for CDBG-EDIF Grant Benefitting Spring Air

Motion made by Council Member Marcum and seconded by Council Member Story to approve Resolution No. 2009-08 with the provision for a possible name change to/including Lavender, LLC. Motion carried with the following vote:

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

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, Tomlinson
Nay: None
Abstain: None

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

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

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

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

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

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

6. Executive Session

- a. Consideration Executive Session for Consideration for Purposes of Confidential Communication between the City of Durant and Its Attorney Concerning a Pending Claim (This Executive Session Authorized by Title 25, Section 307 B(4) of the Oklahoma State Statutes)
- b. Consideration Action Pursuant to Item 6a Above

Motion made by Council Member Story and seconded by Council Member Sherrer to authorize the City Attorney and City Manager to continue negotiations. Motion carried with the following vote:

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

7. New Business

ADJOURNMENT

Motion made by Council Member Marcum and seconded by Council Member Story to adjourn. Motion carried with the following vote:

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

MINUTES OF THE REGULAR SCHEDULED MEETING OF THE DURANT CITY UTILITIES AUTHORITY ON MARCH 10, 2009 AT 4:00 P.M., ROSCOE J. HATFIELD COUNCIL CHAMBERS, DURANT CITY HALL

CALL TO ORDER

Meeting was called to order at 5:40 p.m. by Chairman Jerry L. Tomlinson.

ROLL CALL

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

Absent: Vice-Chairman Ron Cross

ORDER OF BUSINESS

1. Consent Docket
 - a. Consideration Approval of Minutes for the Durant City Utilities Authority Regular Meeting of February 10, 2009 – *Approved*
 - b. Consideration Approval of Claims – *Approved*
 - c. Consideration Accepting Reynolds Grant / Construction Management Selection Authorization / Funding Requirements – *Approved*
Motion made by Trustee Sherrer and seconded by Trustee Marcum to approve the Consent Docket items a – c as presented. Motion carried with the following vote:
Aye: Marcum, Sherrer, Story, Tomlinson
Nay: None
Abstain: None
2. Consideration of Items Removed from Consent Docket
No Action.
3. Information Items:
 - a. Department Reports for February, 2009
 - b. Utility Billing Summary for February, 2009
No action; information only
4. New Business
No New Business at this time.

ADJOURNMENT

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

MINUTES OF THE REGULAR SCHEDULED MEETING OF THE DURANT AIRPORT AUTHORITY ON MARCH 10, 2009 AT 4:00 P.M., ROSCOE J. HATFIELD COUNCIL CHAMBERS, DURANT CITY HALL

CALL TO ORDER

Meeting was called to order at 5:41 p.m. by Chairman Jerry L. Tomlinson.

ROLL CALL

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

Absent: Vice-Chairman Ron Cross

ORDER OF BUSINESS

1. Consent Docket
 - a. Consideration Approval of Minutes for the Durant Airport Authority Regular Meeting of February 10, 2009 – *Approved*
 - b. Consideration Approval of Claims – *Approved*
 - c. Consideration Amendment No. 7 for C-2007-28 with LBR, Inc. – *Approved*
Motion made by Trustee Marcum and seconded by Trustee Sherrer to approve the Consent Docket items a – c as presented. Motion carried with the following vote:
Aye: Marcum, Sherrer, Story, Tomlinson
Nay: None
Abstain: None
2. Consideration of Items Removed from Consent Docket
No Action.
3. Information Items:
 - a. Department Reports for February, 2009
 - b. Committee Reports & Minutes for February, 2009
 - c. Airport Progress Report
 - d. Update on Eaker Field Terminal Building Design
4. New Business
No New Business at this time.

ADJOURNMENT

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