

MINUTES OF THE REGULAR SCHEDULED MEETING OF THE DURANT CITY COUNCIL ON MAY 12, 2009 AT 4:00 P.M., ROSCOE J. HATFIELD COUNCIL CHAMBERS, DURANT CITY HALL

CALL TO ORDER

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

INVOCATION

Invocation was given by Police Chief Durward Cook.

ROLL CALL

Present: Mayor Jerry L. Tomlinson
Vice-Mayor Ron Cross
Council Member Leon Sherrer
Council Member Thomas Marcum
Council Member Bobby Story
Absent: None

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

ORDER OF BUSINESS

1. Election of Officers

a. Mayor

Motion made by Vice-Mayor Cross and seconded by Council Member Marcum to appoint Jerry L. Tomlinson for the office of Mayor.

Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Cross, Tomlinson

Nay: None

Abstain: None

b. Vice-Mayor

Motion made by Council Member Sherrer and seconded by Council Member Marcum to appoint Ron Cross for the office of Vice-Mayor.

Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Cross, Tomlinson

Nay: None

Abstain: None

2. Consent Items

a. Consideration Approval of Minutes for the City Council Regular Meeting of April 14, 2009 – *Approved*

b. Consideration Approval of Minutes for the City Council Special Meeting of April 21, 2009 – *Approved*

c. Consideration Approval of Claims – *Approved*

d. Consideration Resolution No. 2009-15 Establishing a Fee and Operation Schedule for the Carl Albert Swimming Pool – *Approved*

e. Consideration Carl Albert Swimming Pool Personnel Schedule for FY08/09 – *Approved*

f. Consideration Request for Authorization to Purchase/Bid Authorization for Hwy 69B Flyover Utility Relocation (Bid No. 2009-73) – *(see discussion in agenda item #3)*

g. Consideration Award of Bid for Police Department Detectives Facility (OHP) Roof – *Bid Awarded to J & D Metal Buildings in the amount of \$32,500.*

h. Consideration to Rescind Contract (C-2006-30) with Durant Independent School District for Use of Lloyd Plyler Park – *Approved*

i. Consideration Authorization for Demolition of Structures at Lloyd Plyler Park and Prepare for Future Use of Ball Fields – *Approved*

j. Consideration Approval for Modified Western Days Parade Request from the Chamber of Commerce – *Approved*

4. Information Items

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

Start up meeting will be this Thursday with the Architect-Leo A. Daly, Construction Manager-CMS Willowbrook and Owners Representative-Stonebridge. There will also be a public hearing on the vacating of streets and alleys on the property where the new Community Center/Library will be located.

No action; information only

5. Administration

- a. Consideration Sale of Fill Dirt from City Owned Property for the Bypass Overpass at Enterprise / 70 Bypass Interchange

The City has received several calls regarding the possibility of fill dirt for sale. In the vicinity of the landfill is approximately 100 acres of dirt that could take 3-4 feet of dirt off of the top. There is a potential hindrance, but with correct engineering there would be enough land remaining to expand the landfill. Any plan would require approval by the Council.

Motion made by Council Member Story and seconded by Council Member Sherrer to authorize the City Manager and Assistant City Manager further investigate the feasibility for the Sale of Fill Dirt from City Owned Property. Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Cross, Tomlinson

Nay: None Abstain: None

6. Community Development

- a. Consideration Ordinance No. 1615 Amending the Requirement for Maximum Height of Professional and Business Offices

Motion made by Council Member Marcum and seconded by Council Member Story to approve Ordinance No. 1615 Sections 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 No. 1615 Section 4. Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Cross, Tomlinson

Nay: None Abstain: None

- b. Consideration Ordinance No. 1613 Amending the 2003 Edition of the International Plumbing Code Section 715.1 and 715.5 Backwater Valve

Motion made by Council Member Marcum and seconded by Council Member Story to approve Ordinance No. 1613 Sections 1-4. 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 Sherrer to approve Ordinance No. 1613 Section 5. Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Cross, Tomlinson

Nay: None

Abstain: None

Presentations, Public Hearings and Citizen Requests

7. Presentations

Mayor Tomlinson along with the Council and on behalf of the citizens of Durant wanted to commend Emergency Management Director James Dalton along with the Oklahoma Health Department, Bryan County Health Department, County Commissioners, Emergency Medical Service, Police Department, Fire Department and Choctaw Nation for his proactive approach with the threat of the Swine Flu.

Mayor Tomlinson along with City Manager Dunegan and Assistant City Manager Houser presented Sarah Sherrer, Compliance Officer a token of appreciation for her work completed on the FY09/10 Budget.

8. Public Hearings

- a. Consideration Resolution No. 2009-16 for PC2009-05 Conditional Use Permit for Oil & Gas Well Site.

Imogene Smith addressed the council and stated she would be opposed to the drill site as it would be directly across from her front yard. Mayor Tomlinson thanked her for her concern and the Council would take it under advisement. There has been due diligence by all parties prior to the proposal coming to the Council.

Tom Spines, Mid-Continent Energy, stated that they have successfully drilled 5 sites in the Durant area and have not received any complaints for noise or odor. He will adhere to all City requirements.

Motion made by Vice-Mayor Cross and seconded by Council Member Story to approve Resolution No. 2009-16. Motion carried with the following vote:

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

- b. Consideration Public Hearing for Edward Byrne Memorial Justice Assistance Grant (JAG) Program: Local Solicitation

Lt. Carrie Wyrick gave an explanation of the grant and the use of funds. There would be no additional match by the City of Durant. There were no public comments.

- c. Consideration Authorization to Submit Application for Edward Byrne Memorial Justice Assistance Grant (JAG) Program: Local Solicitation

Motion made by Council Member Marcum and seconded by Council Member Sherrer to approve grant application. Motion carried with the following vote:

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

9. Executive Session

- a. Consideration Executive Session for Performance Evaluation of City Judge (This Executive Session Authorized by Title 25, Section 307 B(1) of the Oklahoma State Statutes)
- b. Consideration Action Pursuant to Item 9a Above

Mayor Tomlinson commended Judge Rainbolt and stated that he has represented the City and our citizens very well.

Motion made by Vice-Mayor Cross and seconded by Council Member Marcum to increase the salary of the City Judge by \$3,000 per year effective July 1, 2009. Motion carried with the following vote:

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

10. New Business

No New Business at this time.

ADJOURNMENT

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

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

Agenda posted on Durant City Hall Entry Door at 3:00 p.m. on the 7th day of May, 2009 by LaVona Staggs, Management Assistant.

MINUTES OF THE REGULAR SCHEDULED MEETING OF THE DURANT CITY UTILITIES AUTHORITY ON MAY 12, 2009 AT 4:00 P.M., ROSCOE J. HATFIELD COUNCIL CHAMBERS, DURANT CITY HALL

CALL TO ORDER

Meeting was called to order at 5:30 p.m. by Chairman Jerry L. Tomlinson.

ROLL CALL

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

Absent: None

ORDER OF BUSINESS

1. Consent Items
 - a. Consideration Approval of Minutes for the Durant City Utilities Authority Regular Meeting of April 14, 2009 – *Approved*
 - b. Consideration Approval of Claims – *Approved*
 - c. Consideration Approval of Agreement with Freese and Nichols, Inc. for Annual Inspection of Durant Lake Dam (C-2009-27) – *Approved*
 - d. Consideration Award of Bid for Hwy 70 Bypass Project East End of Phase I (Hwy 78) Utility Relocation Labor (Bid No. 2009-65) – *Bid Awarded to Dual Construction in the amount of \$67,270*
 - e. Consideration Authorization to Purchase Electrical Phase Protection for the Water Treatment Plant (Bid No. 2009-80) – *Approved*

Motion made by Trustee Sherrer and seconded by Trustee Marcum to approve the Consent Items a – e 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 April, 2009
- b. Utility Billing Summary for April, 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, Tomlinson
Nay: None Abstain: Cross

