

#1a

REGULAR MEETING
DUNCAN CITY COUNCIL
CITY COUNCIL CHAMBERS, DUNCAN, OKLAHOMA
JUNE 28, 2022
5:15 P.M.

- INVOCATION Pastor Ron Stough, Eastside Church of Christ
- FLAG SALUTE Councilman Nick Fischer
- ROLL CALL Vice-Mayor Jimmy Peters City Manager, Kimberly Meek
 Councilwoman Patty Wininger City Attorney David Hammond
 Councilman Nick Fischer Deputy City Clerk Christina Johnson
 Councilman Nick Fischer
- ABSENT Mayor Robert Armstrong
 Councilwoman Lindsay Hayes

MAYORAL PROCLAMATION RECOGNIZING DR. ROBERT WEEDN AS KING OF THE 39TH ANNUAL FOUNDER'S DAY CELEBRATION.

This item was pulled.

MAYORAL PROCLAMATION RECOGNIZING MRS. VICKI JOY MALONE AS QUEEN OF THE 39TH ANNUAL FOUNDER'S DAY CELEBRATION.

This item was pulled.

- ITEM #1: CONSIDER APPROVAL OF CONSENT AGENDA.
 - a) Minutes of June 14, 2022.
 - b) List of Claims
 - c) Acknowledge the appointment of Douglas Kellogg to fill a vacant board position on the Lakes Commission expiring May 5, 2025.
 - d) Acknowledge the appointment of Brad Ramsey to fill a vacant board position on the Lakes Commission expiring May 5, 2026.
 - e) Budget Amendments

Councilman Fischer advised he was glad to see strong individuals being appointed to the Lakes Commission as there has previously not been a quorum.

A motion was made by Councilwoman Wininger, seconded by Councilman Fischer to approve the Consent Agenda as presented. Upon roll call:

AYE: Wininger, Fischer, Peters

NAY: None

- ITEM #2: Consider accepting a matching grant of \$108,700.00 from the McCasland Foundation.

This item was presented by City Manager, Kimberly Meek, who advised that the City of Duncan applied for a matching grant from the McCasland Foundation and was awarded \$108,700.00 on June 1, 2022 for the purchase and installation of spectator shades for the Abe Raizen Park.

Councilwoman Wininger thanked the McCasland Foundation for their partnership in this project.

A motion was made by Councilwoman Wininger, seconded by Councilman Fischer to accept a matching grant of \$108,700.00 from the McCasland Foundation. Upon roll call:

AYE: Wininger, Fischer, Peters

NAY: None

- ITEM #3: Consider awarding the bid for the Abe Raizen Spector Shade Improvements Project to Noah's Park and Playground in the amount of \$236,077.00. (Tabled from July 14, 2022)

This item was presented by City Manager, Kimberly Meek, who advised that bids were opened on May 18, 2022. Staff received two responsive bids as follows:

Noah's Park 7 Playground	\$217,405.00
Play by Design, Inc.	\$354,000.00

Mrs. Meek advised that this project was budgeted in the Parks Department 2022 Fiscal Year. The additional amount will be covered by a grant of \$108,700.00 that was awarded to the Parks Department by the McCasland Foundation.

Mrs. Meek noted that Staff recommends awarding the bid, plus two (2) additional 15'x20'x12' (Alternate Bid 2) shades with modifications to Noah's Park and Playground.

A motion was made by Councilwoman Wininger, seconded by Councilman Fischer to award the bid for the Abe Raizen Spector Shade Improvements Project to Noah's Park and Playground in the amount of \$236,077.00. (Tabled from June 14, 2022) Upon roll call:

AYE: Wininger, Fischer, Peters

NAY: None

ITEM #4: Consider authorizing the purchase of two (2) zero turn mowers for the Parks Department from Great Plains Kubota in the amount of \$ 32,919.44.

This item was presented by City Manager, Kimberly Meek, who advised that the FY 2022 Budget includes funds to purchase mowing equipment.

Mrs. Meek noted that these units will be used by the City Parks for outlined mowing and are available now from the local Great Plains Kubota.

Mrs. Meek stated that each unit will include a canopy, a down draft, accessories, and will be purchased on Sourcewell Government Contract #031121.

A motion was made by Councilman Fischer, seconded by Councilwoman Wininger to authorize the purchase of two (2) zero turn mowers for the Parks Department from Great Plains Kubota in the amount of \$ 32,919.44. Upon roll call:

AYE: Fischer, Wininger, Peters

NAY: None

ITEM #5: Consider approving a Use on Review application to allow a Sober Living Group Home to occur at a property located at 220 N. F Street, Duncan Oklahoma.

This item was presented by City Manager, Kimberly Meek, who advised that the City of Duncan Planning Commission reviewed an application by Agape Freedom Ministries to permit a Sober Living Group Home as a Use on Review for a property located at 220 N. F Street, Duncan, Oklahoma.

Mrs. Meek noted that the subject property was formally a Church that will be converted into a living space for men seeking to improve their lives from addiction. The facility will be staffed to provide supervision and support to those going through the program.

Mrs. Meek advised that members of the Planning Commission heard from several Citizens regarding the request, a few against but several supportive of the proposal

Mrs. Meek noted that the Planning Commission sends a favorable recommendation to the City Council.

Phillip Wright, Program Manager, addressed the Mayor and Council stating that the current facility has been outgrown.

Vice-Mayor Peters asked if they have required insurance for this type of facility.

Mr. Wright stated that they do have adequate insurance.

Councilwoman Wininger asked what kept individuals from wandering around.

Mr. Wright stated that they have strict guidelines and that there are cameras in place as well as a staff member present.

Councilman Fischer asked if Mr. Williams would come back to the City Council and provide an update.

Vice-Mayor Peters stated that he lives in this area and is in favor of this facility.

A motion was made by Councilman Fischer, seconded by Councilwoman Wininger to approve a Use on Review application to allow a Sober Living Group Home to occur at a property located at 220 N. F Street, Duncan Oklahoma. Upon roll call:

AYE: Fischer, Wininger, Peters

NAY: None

ITEM #6: Consider approving a Use on Review application to allow a Daycare Facility to occur at a property located at 1702 W. Hickory, Duncan, Oklahoma.

This item was presented by City Manager, Kimberly Meek, who advised that the City of Duncan Planning Commission reviewed an application filed by Mr. and Mrs. Shelton to permit a Daycare Facility as a Use on Review for a property located at 1702 W. Hickory, Duncan, Oklahoma.

Mrs. Meek noted that the subject property was formally a Church that will be converted into a daycare facility.

Mrs. Meek noted that members of the Planning Commission heard from a few Citizens that expressed their support for the request and felt that the proposed use would be a good reuse of the Church property.

Mrs. Meek advised that the Planning Commission sends a favorable recommendation to the City Council.

Councilwoman Winger asked how many kids would be in this facility as well as parking issues.

Mrs. Shelton advised that there would be approximately sixty (60) children in the facility. She advised that they would be licensed through DHS and that there is adequate parking. She explained that the children will be dropped off and picked up different times of the day.

Councilwoman Winger asked what the hours of operation would be.

Mrs. Shelton stated that the hours would be from 6:00 am to 5:30 pm.

A motion was made by Councilwoman Winger, seconded by Councilman Fischer to approve a Use on Review application to allow a Daycare Facility to occur at a property located at 1702 W. Hickory, Duncan, Oklahoma. Upon roll call:

AYE: Winger, Fischer, Peters NAY: None

ITEM #7: Consider approving the restatement adoption agreement for the Oklahoma Municipal Retirement Fund defined contribution plan as required by the IRS.

This item was presented by City Manager, Kimberly Meek, who advised that the City of Duncan has a retirement plan with Oklahoma Municipal Retirement Fund. Oklahoma Municipal Retirement Fund Board and the City of Duncan as a participating member, are required by the IRS to have a restatement adoption agreement signed every six (6) years to retain plan qualification. This Master Joinder Agreement defines the employee class and parameters of the plan. This is the plan adopted for civilian employees of the City of Duncan.

A motion was made by Councilman Fischer, seconded by Councilwoman Winger to approve the restatement adoption agreement for the Oklahoma Municipal Retirement Fund defined contribution plan as required by the IRS. Upon roll call:

AYE: Fischer, Winger, Peters

NAY: None

ITEM #8: Consider declaring an emergency in relation to the previous item.

A motion was made by Councilwoman Winger, seconded by Councilman Fischer to declare an emergency in relation to the previous item. Upon roll call:

AYE: Winger, Fischer, Peters

NAY: None

ITEM #9: Consider approving the restatement adoption agreement for the Oklahoma Municipal Retirement Fund defined contribution city management plan as required by the IRS.

This item was presented by City Manager, Kimberly Meek, who advised that the City of Duncan has a retirement plan with Oklahoma Municipal Retirement Fund. Oklahoma Municipal Retirement Fund Board and the City of Duncan as a participating member, are required by the IRS to have a restatement adoption agreement signed every six (6) years to retain plan qualification. This Master Joinder Agreement defines the employee class and parameters of the plan. Class members in this plan has historically included the City Manager and has been expanded to include Department Heads who are not participating members of another retirement plan adopted by the State of Oklahoma or the City of Duncan.

A motion was made by Councilman Fischer, seconded by Councilwoman Winger to approve the restatement adoption agreement for the Oklahoma Municipal Retirement Fund defined contribution city management plan as required by the IRS. Upon roll call:

AYE: Fischer, Winger, Peters

NAY: None

ITEM #10: Consider declaring an emergency in relation to the previous item.

A motion was made by Councilwoman Winger, seconded by Councilman Fischer to declare an emergency in relation to the previous item. Upon roll call:

AYE: Winger, Fischer, Peters

NAY: None

ITEM #11: Consider and approve the 5% cost of living adjustment (COLA) for non-union employees.

This item was presented by City Manager, Kimberly Meek, who advised that the City of Duncan sought confirmation throughout the FY2022 Budget process regarding the continued cost of living constraints that were being forecasted. After having managed six (6) months of the 2022 calendar year and experiencing only rising costs of all categories of living, a Cost-of-Living Adjustment (COLA) increase is needed to offset employees burden and ensure that the City of Duncan can maintain its' daily staff requirements. The total payroll budget was approved in the original FY2022 budget.

A motion was made by Councilwoman Winger, seconded by Councilman Fischer to approve, and allocate the 5% Cost of Living Adjustment (COLA) for non-union employees. Upon roll call:

AYE: Winger, Fischer, Peters

NAY: None

ITEM #12: OTHER COMMENTS:

a) By the Public

Per State Statute the Mayor and Council will not be able to respond to any issues brought forward during this part of the agenda. The City Manager or the Staff will take your information and address the situation then reconnect with you. The Council Members are available before and after the meeting to address concerns on an individual basis.

Jan Gaddis, local attorney, addressed the Mayor and Council stating that she had been contacted by an elderly individual who had received a letter from the City of Duncan regarding 911 addressing. Ms. Gaddis stated that this was an unfunded mandate that was placing a burden on citizens. She advised that mandate would cost her over \$2,500.00 to reprint new cards, letter, checks, etc. with the new 911 address.

Ms. Gaddis asked that the letters be stopped temporarily until a citizen impact analysis is complete.

Vice-Mayor Peters asked that Ms. Gaddis leave her contact information with the City Attorney.

David Hammond, City Attorney, stated he would visit with Ms. Gaddis after the Council Meeting.

a) By the Council-There were none.

b) By the City Manager-There were none.

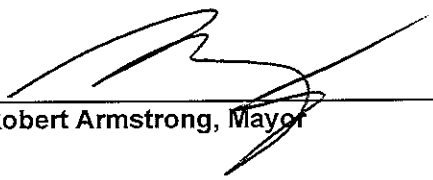
ITEM #13: Adjournment

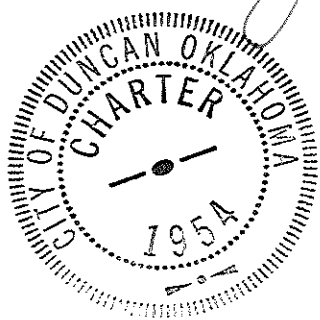
A motion was made by Councilman Fischer, seconded by Councilwoman Winger to adjourn the meeting. Upon roll call:

AYE: Fischer, Winger, Peters

NAY: None


Christina Johnson, Deputy City Clerk


Robert Armstrong, Mayor



#1a

REGULAR MEETING
DUNCAN PUBLIC UTILITIES AUTHORITY
CITY COUNCIL CHAMBERS, DUNCAN, OKLAHOMA
JUNE 28, 2022
5:15 P.M.

ROLL CALL Vice-Chairman Jimmy Peters General Manager Kimberly Meek
 Trustee Patty Wininger Authority Attorney David Hammond
 Trustee Nick Fischer Deputy Secretary Christina Johnson

ABSENT Chairman Robert Armstrong
 Trustee Lindsay Hayes

ITEM #1: CONSIDER APPROVAL OF CONSENT AGENDA
 a) Minutes of June 14, 2022.

A motion was made by Trustee Wininger, seconded by Trustee Fischer to approve the Consent Agenda as presented. Upon roll call:

AYE: Wininger, Fischer, Peters

NAY: None

ITEM #2: Consider approving a Pole Attachment Agreement between the Duncan Public Utilities Authority and Clairty Telecom LLC. (Tabled from June 14, 2022)

This item was presented by General Manager, Kimberly Meek, who advised that enclosed in the Council Packet for review and approval is a Pole Attachment Agreement to allow Clarity Telecom to use the City's power poles in the operation of a cable system. This item was tabled at a previous meeting based on a discrepancy or misunderstanding on the pole attachment rental fee. The Chairman and Trustees previously passed an Ordinance granting Clarity a Non-Exclusive Permit to construct and operate a cable system. Pursuant to the agreement Clarity will be allowed to place equipment or attachments to our pole in order to operate their cabler system. The agreement sets for the parties' obligations and responsibilities. This agreement is for a ten (10) year term with the option to renew. Clarity has agreed to pay an annual pole attachment fee of \$14.99 per pole.

Trustee Wininger asked if Clarity Telecom would be using all the poles or only the ones needed.

Mrs. Meek advised that Clarity Telecom would only be attaching to the poles that they need.

A motion was made by Councilman Fischer, seconded by Councilwoman Wininger to approve a Pole Attachment Agreement between the Duncan Public Utilities Authority and Clairty Telecom LLC. Upon roll call:

AYE: Fischer, Wininger, Peters

NAY: None

ITEM #3: Consider approving Horseshoe Construction Pay Request No. 3 in the total amount \$125,561.50 for services rendered in connection with the Sanitary Sewer Rehabilitation Project.

This item was presented by General Manager, Kimberly Meek, who advised that on March 23, 2021 Mayor and Council approved a contract with Horseshoe Construction to provide services for the Sanitary Sewer Rehabilitation Project (Phase 1C)

Mrs. Meek noted that this pay request is for services rendered through May 31, 2022.

A motion was made by Trustee Fischer, seconded by Trustee Wininger to approve Horseshoe Construction Pay Request No. 3 in the total amount \$125,561.50 for services rendered in connection with the Sanitary Sewer Rehabilitation Project. Upon roll call:

AYE: Fischer, Wininger, Peters

NAY: None

ITEM #4: Consider approving Portland Utilities Construction Co. LLC Pay Request No. 10 in the total amount of \$36,337.50 for services rendered in conjunction with the Sanitary Sewer Rehabilitation Project.

This item was presented by General Manager, Kimberly Meek, who advised that on March 23, 2021 Mayor and Council approved a contract with Portland Utilities Construction Co. LLC to provide construction services for the Sanitary Sewer Rehabilitation Project (Phase 1A)

Mrs. Meek advised that this pay request is for services rendered through May 27, 2022 and represents 77% of the total contract.

A motion was made by Trustee Fischer, seconded by Trustee Winger to approve Portland Utilities Construction Co. LLC Pay Request No. 10 in the total amount of \$36,337.50 for services rendered in conjunction with the Sanitary Sewer Rehabilitation Project. Upon roll call:

AYE: Fischer, Winger, Peters,

NAY: None

ITEM #5 Consider approving Freese and Nichols Pay Request No. 4 in the amount of \$26,074.04 on the Clear Creek Lake Dam Phase II Embankment Evaluation.

This item was presented by General Manager, Kimberly Meek, who advised that on January 11, 2022 Mayor and Council approved a contract with Freese and Nichols Inc. to provide professional services for the Clear Creek Lake Dam Phase II Embankment Evaluation Project.

Mrs. Meek advised that this pay request is for professional services rendered through May 31, 2022.

A motion was made by Trustee Fischer, seconded by Trustee Winger to approve Freese and Nichols Pay Request No. 4 in the amount of \$26,074.04 on the Clear Creek Lake Dam Phase II Embankment Evaluation. Upon roll call:

AYE: Fischer, Winger, Peters

NAY: None

ITEM #6 Consider approving Freese and Nichols Pay Request No. 37 in the total amount of \$1,039.03 on the Clear Creek Lake Spillway Project.

This item was presented by General Manager, Kimberly Meek, who advised that on March 26, 2019 Mayor and Council approve a contract with Freese and Nichols, Inc. to provide design services for the Clear Creek Lake Spillway.

Mrs. Meek noted that this is for Project Management and Construction Services rendered through May 31, 2022.

A motion was made by Trustee Fischer, seconded by Trustee Winger to approve Freese and Nichols Pay Request No. 37 in the total amount of \$1,039.03 on the Clear Creek Lake Spillway Project. Upon roll call:

AYE: Fischer, Winger, Peters

NAY: None

ITEM #7: Consider Tetra Tech Inc Pay Request No. 22 in the amount of \$97,841.81 for services rendered in connection with the Sewer Rehabilitation Design Phase I Project.

This item was presented by General Manager, Kimberly Meek, who advised that on February 25, 2020 Mayor and Council approved a contract with Tetra Tech, Inc. to provide Sewer Rehabilitation Design and preparation of construction plans.

Mrs. Meek noted that this pay request is for construction and inspection services for sewer rehabilitation through May 27, 2022.

A motion was made by Trustee Fischer, seconded by Trustee Winger to approve Tetra Tech Inc Pay Request No. 22 in the amount of \$97,841.81 for services rendered in connection with the Sewer Rehabilitation Design Phase I Project. Upon roll call:

AYE: Fischer, Winger, Peters

NAY: None

ITEM #8: Consider authorizing the removal and replacement of the Bio Unit Hydro Gates and awarding the bid to Jacobs in the amount of \$32,790.16.

This item was presented by General Manager, Kimberly Meek, who advised that the Wastewater Treatment Plant's (WWTP) current discharge gates for the Oxidation Ditch Bio Unit are from the 2000 upgrade and are inoperable. City Council approved the purchase of a new bio unit hydro gates. The removal of the current gates and installation of the new gates were bid out. Bids were received as follows:

Jacobs	\$32,790.16
MDH Construction	\$36,500.00
Ei2	No response
Newman Regency Group	No response

Mrs. Meek noted that completion is estimated at sixty (60) days after the notice to proceed.

A motion was made by Trustee Fischer, seconded by Trustee Winger to authorize the removal and replacement of the Bio Unit Hydro Gates, and awarding the bid to Jacobs in the amount of \$32,790.16. Upon roll call:

AYE: Fischer, Winger, Peters

NAY: None

ITEM #9: OTHER COMMENTS:

a) By the Public

Per State Statute the Chairman and Trustees will not be able to respond to any issues brought forward during this part of the agenda. The General Manager or the Staff will take your information and address the situation then reconnect with you. The Chairman and Trustees are available before and after the meeting to address concerns on an individual basis.

There were no comments from the Public.

b) By the Chairman and Trustees-There were none.

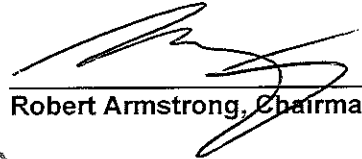
c) By the General Manager-There were none.

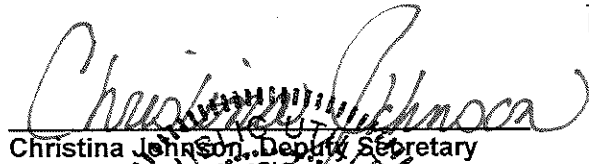
ITEM #10: Adjournment

A motion was made by Trustee Winger, seconded by Trustee Fischer to adjourn the meeting. Upon roll call:

AYE: Winger, Fischer, Hayes, Peters

NAY: None


Robert Armstrong, Chairman


Christina Johnson, Deputy Secretary



REGULAR MEETING
DUNCAN ECONOMIC DEVELOPMENT TRUST AUTHORITY
CITY COUNCIL CHAMBERS, DUNCAN, OKLAHOMA
JUNE 28, 2022
5:15 P.M.

ROLL CALL Vice-Chairman Jimmy Peters General Manager Kimberly Meek
 Trustee Patty Wininger Authority Attorney David Hammond
 Trustee Nick Fischer Deputy Secretary Christina Johnson

ABSENT Chairman Robert Armstrong
 Trustee Lindsay Hayes

ITEM #1: CONSIDER APPROVAL OF CONSENT AGENDA
 a) Minutes of May 24, 2022.

A motion was made by Trustee Wininger, seconded by Trustee Fischer to approve the Consent Agenda as presented. Upon roll call:

AYE: Wininger, Fischer, Peters

NAY: None

ITEM #2: Consider approving a withdrawal of sales tax dollars in the amount of \$202,965.13 for payment to Hope Equipment and Construction Inc. for services rendered with the PGM Processing Expansion Project.

This item was presented by General Manager, Kimberly Meek, who advised that the Duncan Area Economic Development Foundation (DAEDF) Board of Directors met to discuss and approve the PGM Processing expansion project. This project was approved by the Duncan Economic Development Trust Authority on May 25, 2021. The request letter from DAEDF and invoice are included in the Council packet for review. This is the ninth (9th) and final payment request for the project to Hope Construction.

A motion was made by Trustee Fischer, seconded by Trustee Wininger to approve a withdrawal of sales tax dollars in the amount of \$202,965.13 for payment to Hope Equipment and Construction Inc. for services rendered with the PGM Processing Expansion Project. Upon roll call:

AYE: Fischer, Wininger, Peters

NAY: None

ITEM #3: Consider approving a withdrawal of sales tax dollars in the amount of \$62,232.32 for payment to WW Builders for services rendered with the two (2) Commercial Lab Buildings Construction Project.

This item was presented by General Manager, Kimberly Meek, who advised that the Duncan Area Economic Development Foundation (DAEDF) Board of Directors met to discuss and approve the Two Commercial Lab Buildings Construction Project. This project was approved by the Duncan Economic Development Trust Authority on October 26, 2021. The request letter from DAEDF and invoice are included in the Council packet for review. This is the second (2nd) pay request for the project to WW Builders.

Trustee Wininger asked if they were waiting for the buildings to be delivered.

Randy Wilson, WW Builders, advised that the buildings were to be delivered on Thursday.

A motion was made by Trustee Fischer, seconded by Trustee Wininger to approve a withdrawal of sales tax dollars in the amount of \$62,232.32 for payment to WW Builders for services rendered with the two (2) Commercial Lab Buildings Construction Project. Upon roll call:

AYE: Fischer, Wininger, Peters

NAY: None

ITEM #4: OTHER COMMENTS:
 a) By the Public

Per State Statute the Chairman and Trustees will not be able to respond to any issues brought forward during this part of the agenda. The General Manager or the Staff will take your information and address the situation then reconnect with you. The Chairman and Trustees are available before and after the meeting to address concerns on an individual basis.

There were no comments from the Public.

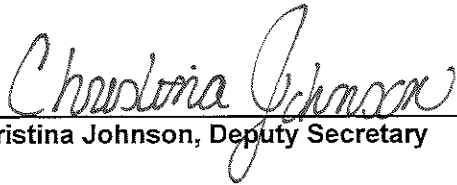
b) By the Chairman and Trustees-There were none.
c) By the General Manager-There were none.

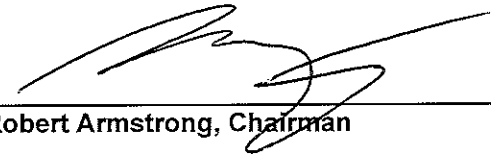
ITEM #5: Adjournment

A motion was made by Trustee Winger, seconded by Trustee Fischer to adjourn the meeting. Upon roll call:

AYE: Winger, Fischer, Hayes, Peters

NAY: None


Christina Johnson, Deputy Secretary


Robert Armstrong, Chairman