

**AMENDED NOTICE OF MEETING**

**SPECIAL MEETING  
DUNCAN CITY COUNCIL**

DATE

May 16, 2023

TIME

5:15p.m.

PLACE

City Council Chambers  
Police Department Complex  
18 South 7<sup>th</sup> St.  
Duncan, OK 73533

Amendment filed in the office of the Municipal Clerk at 4:30 p.m. on the 15<sup>th</sup> day of May, 2023



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Rebecca Contreras, City Clerk

The City of Duncan encourages participation from all its citizens. If participation is not possible due to a disability, notification to the City Clerk at least 48 hours prior to the scheduled meeting is encouraged to make necessary accommodations. The City may waive the 48-hour rule if signing is not the necessary accommodation.

**SPECIAL MEETING**  
DUNCAN CITY COUNCIL  
CITY COUNCIL CHAMBERS,  
POLICE DEPARTMENT COMPLEX  
18 SOUTH 7<sup>TH</sup>  
DUNCAN, OKLAHOMA  
MAY 16, 2023  
5:15 P.M.

INVOCATION  
FLAG SALUTE  
ROLL CALL

- ITEM #1: Consider approval of the May 9, 2023, City Council Minutes.
- Council Comments/ Questions
  - Motion \_\_\_\_\_
  - Second \_\_\_\_\_
- ITEM #2: Consider appointing a Councilmember to fill the vacancy of Ward Four for a term to expire in May, 2025.
- Council Comments/ Questions
  - Motion \_\_\_\_\_
  - Second \_\_\_\_\_
  - Roll Call
- ITEM #3: Consider ratifying the actions of the General Manager in the purchase of Utility Meter Data Sync & Meter Reader Interface through Tyler Tech in the amount of \$21,900.00.
- Council Comments/ Questions
  - Motion \_\_\_\_\_
  - Second \_\_\_\_\_
  - Roll Call
- ITEM #4: Consider adjourning into executive session to discuss confidential communications between the city attorney, and retained counsel, concerning a potential cause of action between the Duncan Area Economic Development Foundation and the Duncan Economic Development Trust Authority in which the City of Duncan is the beneficiary as authorized as an exception to the Open Meeting Act pursuant to 25 O.S. Sec. 307 B(4).
- ITEM #5: Consider reconvening the regular meeting of the City of Duncan, City Council Special Meeting.
- Motion \_\_\_\_\_
  - Second \_\_\_\_\_
  - Roll Call
- ITEM #6: Other Comments:  
*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.*
- a) By the Public
  - b) By the Council
  - c) By the City Manager
- ITEM #7: Adjournment
- Council Comments/ Questions
  - Motion \_\_\_\_\_
  - Second \_\_\_\_\_
  - Roll Call

**REGULAR MEETING  
DUNCAN CITY COUNCIL  
CITY COUNCIL CHAMBERS, DUNCAN, OKLAHOMA  
MINUTES OF MAY 9, 2023  
5:15 P.M.**

**INVOCATION**                    Given by Senior Pastor Bryan Pain

**FLAG SALUTE**                Led by Councilman Nick Fischer

**ROLL CALL**                    Mayor Robert Armstrong                    Personnel Director, Kenzie Wheeler  
   Vice-Mayor Patty Wininger                City Attorney David Hammond  
   Councilman Nick Fischer                    City Clerk Rebecca Contreras  
   Councilman Jimmy Peters

- ITEM #1:            CONSIDER APPROVAL OF CONSENT AGENDA.**
- a)    Minutes of April 25, 2023.
  - b)    Minutes of May 1, 2023 (Special Meeting)
  - c)    List of Claims.
  - d)    Ground Maintenance Agreement between the City of Duncan and the Simmons Center to use a portion of Abe Raizen Park from March 28, 2023, through December 31, 2023, and authorize the Mayor to execute the agreement.
  - e)    Agreement between the City of Duncan and the Simmons Center for operations of the municipal swimming pool for the 2023 pool season running from May 26, 2023, to August 13, 2023, and authorize the Mayor to execute the Agreement.
  - f)    Approval of the 2023 South Central Oklahoma Consortium and authorize signature by the Mayor.
  - g)    Extend the closing date until May 24, 2023, for the purchase of real property located at Highway 81 and Camelback consisting of approximately 3.67 acres.

A motion was made by Vice-Mayor Wininger, seconded by Councilman Fischer to approve the Table Item D. Upon roll call. Unanimous in Favor.

A motion was made by Councilman Peters, seconded by Councilman Fischer to approve the Consent Agenda with Item D Tabled. Upon roll call.

**AYE: Unanimous in Favor.**

**NAY: None**

**ITEM #2:            Consider awarding the traffic control bid to Custom Products Corporation as the best bid in the amount of \$25,612.96 for the Street Department.**

This item was presented by Personnel Director, Kenzie Wheeler, who advised that Duncan Power administers the Good Cents Program which is designed to reduce energy costs and add value to residential and commercial Customer's structures. A major part of the Good Cents program is to encourage and reward the installation of high efficiency heat pump systems.

Mrs. Wheeler noted that the need for changes now comes from advances in residential electrical appliances for the modern home and the U S Department of Energy has raised the minimum efficiency Standards on condensers and compressors for electrical appliances. The Department of Energy program is called Energy Star and it has found its way into most products for the home. The more efficient systems have a greater capability for controlling the rise of Duncan Power's summer peak demand.

A motion was made by Councilman Fischer, seconded by Vice-Mayor Wininger to award the traffic control bid to Custom Products Corporation as the best bid in the amount of \$25,612.96 for the Street Department. Upon roll call:

**AYE: Unanimous in Favor.**

**NAY: None**

**ITEM #3: Consider authorizing the purchase of Circuit Switcher Vacuum Interrupters from S&C Electric Company for Plato Substation in the total price increase amount of \$55,470.00.**

This item was presented by Personnel Director, Kenzie Wheeler, who advised that on April 12, 2022, Mayor, and Council approved purchase of three Circuit Switchers for Plato Substation from S & C Electric Co. Staff contacted S & C late last fall and was informed that the Switches were on backorder. When Staff contacted S and C again in April 2023 to ask about a delivery date S & C had claimed they had never received a purchase order and would not honor last year's price. Duncan Power is still in need of the switches. The new total for these Circuit Switches is \$55,470.00.

Vice-Mayor Wininger asked for the expected time of arrival and would the sub-station operate until the parts were received? David Yeager, DPUA Director, replied the expected arrival is 18 weeks and the substation should be okay until the parts arrive.

A motion was made by Councilman Peters, seconded by Councilman Fischer to authorize the purchase of Circuit Switcher Vacuum Interrupters from S&C Electric Company for Plato Substation in the total price increase amount of \$55,470.00. Upon roll call:

**AYE: Unanimous in Favor.**

**NAY: None**

**ITEM #4: Consider awarding the bid for Electrical Distribution System Improvements in the Duncan Power electric distribution system by underground cable injection treatment to Novinium Inc. in an amount not to exceed \$357,690.00.**

This item was presented by Personnel Director, Kenzie Wheeler, who advised that This project consists of furnishing all required material, supplies, equipment, tools, and plant to perform all necessary installation and labor for the restoration of Underground Distribution Electric Lines located in the Westgate Addition, located in West Duncan, OK. The Project Specifications are by unit and turn-key with the Contractor providing all work involved with the injection of a dielectric enhancement fluid. Duncan Power crews switch power off and on as required by the repair Crews.

Mrs. Wheeler noted that unit pricing was requested by Staff so that as each section is tested, the appropriate treatment can be applied resulting in the longest-lasting cable injection remedy being applied. Due to the unknowable types of cable installed in the Addition over 40 years and as the project has now commenced, there have been discovered short sections of cable encountered that limit the ability to effectively rejuvenate all cable runs.

Mrs. Wheeler noted that the new assembly item list will include the part number 3M 5411R, the cost estimate for the work has not changed.

Vice-Mayor Wininger confirmed that this was the process to rejuvenate older cables which would lessen outages and power blinks – has it been successful. David Yeager, DPUA Director, confirmed that there has been improvement where the process has been completed.

A motion was made by Councilman Fischer, seconded by Vice-Mayor Wininger to award the bid for Electrical Distribution System Improvements in the Duncan Power electric distribution system by underground cable injection treatment to Novinium Inc. in an amount not to exceed \$357,690.00. Upon roll call:

**AYE: Unanimous in Favor.**

**NAY: None**

**ITEM #5:** Consider authorizing the Mayor of the City of Duncan to sign the "Section 102 Disclosure Report" as required as part of the 2023 Community Development Block Grant (CDBG) Small Cities Program application.

This item was presented by Personnel Director, Kenzie Wheeler, who advised that The Department of Community Development been gathering required information that is necessary to complete the 2023 CDBG Small Cities Program grant application. As part of this process, it is necessary to have the Mayor of Duncan, being the chief elected official, to sign documents that are part of the grant application.

Mrs. Wheeler noted that the "Section 102 Disclosure Report" is a form that provides applicant/grantee information as well as threshold determinations of the community back to the Oklahoma Department of Commerce.

Vice-Mayor Winger inquired as to whether or not enough surveys had been received in order to proceed. 51%? Nate Schacht, Community Development Director, replied that they were very close, three more favorable surveys would wrap the process up. He stated that there had been outstanding participation with the survey responses.

A motion was made by Councilman Fischer, seconded by Councilman Peters to authorize the Mayor of the City of Duncan to sign the "Section 102 Disclosure Report" as required as part of the 2023 Community Development Block Grant (CDBG) Small Cities Program application. Upon roll call:

**AYE: Unanimous in Favor.**

**NAY: None**

**ITEM #6:** Consider authorizing the completion, signing, and submitting of the Leverage Verification Form for the Community Development Block Grant (CDBG)-Small Cities Set-Aside Program for FY 2023.

This item was presented by Personnel Director, Kenzie Wheeler, who advised that The Department of Community Development has been working closely with the Oklahoma Department of Commerce on the procedural items associated with the Community Development Block Grant (CDBG) – Small Cities Set-Aside Program for the FY 2023.

Mrs. Wheeler noted that this program, if approved, will allow funds to be granted to the City of Duncan to make repairs and improvements to the City of Duncan road network and infrastructure in an area of our community that falls below "Low to Moderate Income Standards."

A motion was made by Councilman Peters, seconded by Councilman Fischer to authorize the completion, signing, and submitting of the Leverage Verification Form for the Community Development Block Grant (CDBG)-Small Cities Set-Aside Program for FY 2023. Upon roll call:

**AYE: Unanimous in Favor.**

**NAY: None**

**ITEM #7: 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.*

There were no comments from the Public.

b) By the Council-

Vice-Mayor Winger acknowledged First Baptist Church as they held a service project called: SERVE DUNCAN. First Baptist Church visited 21 homes assisting the residents with clean-up/yard needs. The Mayor inquired how

many roll-offs of materials were produced from their efforts? Vice-Mayor Wininger replied: three (3).

Councilman Fischer commented that he appreciated the efforts made by Code Enforcement on compliance issues that had been previously raised. He presented a new issue to consider: mud erosion into the streets.

c) By the City Manager-There were none.

**ITEM #8: Adjournment**

A motion was made by Councilman Fischer, seconded by Vice-Mayor Wininger to adjourn the meeting. Upon roll call:

**AYE: Unanimous in Favor.**

**NAY: None**

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**Robert Armstrong, Mayor**

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**Rebecca Contreras, City Clerk**



**TO: CITY MANAGER, MAYOR, AND COUNCIL**

**FROM: KIMBERLY MEEK, CITY MANAGER**

**DATE: MAY 9, 2023**

**PURPOSE:**

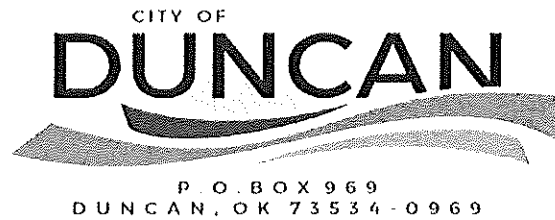
To consider appointing a Councilmember to fill the vacancy of Ward Four for a term to expire in May 2025.

**BACKGROUND:**

The Ward Four seat became open upon the resignation of Lindsay Hayes effective March 27, 2023. Per city charter, article 2 section 10 the council body is allowed to fill the position for the unexpired term.

**RECOMMENDATION:**

Recommend Mayor and Council consider appointing a new councilmember to fill the vacancy of Ward Four in a term to expire in May 2025.



**TO: CITY MANAGER, MAYOR, AND COUNCIL**

**FROM: KIMBERLY MEEK, CITY MANAGER**

**DATE: MAY 9, 2023**

**PURPOSE:**

To ratify the actions of the City Manager in the purchase of Utility Meter Data Sync & Meter Reader Interface software through Tyler Tech in the amount of \$21,900.00.

**BACKGROUND:**

The Utility Meter Data Sync & Meter Reader Interface software through Tyler Tech are the critical elements for installing the new AMI Meters for the backend user in utility billing. This is a 2023 budgeted project.

**RECOMMENDATION:**

Recommend Mayor and Council ratify the actions of the City Manager and approve the purchase of the Utility Meter Data Sync & Meter Reader Interface software through Tyler Tech in the amount of \$21,900.00.





**Sales Quotation For:**

City of Duncan  
 1600 Hwy 81  
 Duncan OK 73534-0969

Quoted By: Lukas DeBolt  
 Quote Expiration: 11/05/23  
 Meter Reading Interface-  
 Ferguson/Kamstrup and  
 Quote Name: AriesPro AMI Meters

**Tyler Software**

Description	License Total	Annual Maintenance
ERP Pro 9 Customer Relationship Management Suite		
Utility Meter Data Sync w/Scheduler	\$ 9,000	\$ 2,250
Additional Utility Meter-Reader Interface [2]	\$ 6,000	\$ 1,500
<b>TOTAL:</b>	<b>\$ 15,000</b>	<b>\$ 3,750</b>

**Services**

Description	Hours/Units	Extended Price	Maintenance
<b>ERP Pro 9 Customer Relationship Management Suite</b>			
Professional Services	20	\$ 2,900	\$ 0
<b>Other Services</b>			
Project Management	1	\$ 250	\$ 0
<b>TOTAL:</b>		<b>\$ 3,150</b>	<b>\$ 0</b>

Summary	One Time Fees	Recurring Fees
Total Tyler Software	\$ 15,000	\$ 3,750
Total Tyler Services	\$ 3,150	
<b>Summary Total</b>	<b>\$ 18,150</b>	<b>\$ 3,750 = 1875 per dept.</b>
<b>Contract Total</b>	<b>\$ 21,900</b>	

**Detailed Breakdown of Professional Services (Included in Summary Total)**

Description	Hours	Extended Price	Maintenance
<b>ERP Pro powered by Incepta</b>			
<b>ERP Pro 9 Customer Relationship Management Suite</b>			
Additional Utility Meter-Reader Interface	16	\$ 2,320	\$ 0
Utility Meter Data Sync w/Scheduler	4	\$ 580	\$ 0
<b>Sub-Total</b>	<b>20</b>	<b>\$ 2,900</b>	<b>\$ 0</b>

<b>TOTAL:</b>	<b>20</b>	<b>\$ 2,900</b>	<b>\$ 0</b>
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**Comments**

- Work will be delivered remotely unless otherwise noted in this agreement.
- Expenses associated with onsite services are invoiced as incurred according to Tyler's standard business travel policy.

SaaS is considered a term of one year unless otherwise indicated.

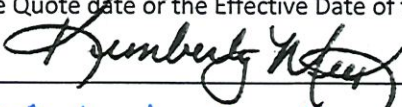
Client agrees that items in this sales quotation are, upon Client's signature or approval of same, hereby added to the existing agreement ("Agreement") between the parties and subject to its terms. Additionally, payment for said items, as applicable but subject to any listed assumptions herein, shall conform to the following terms, subject to payment terms in an agreement, amendment, or similar document in which this sales quotation is included:

- License fees for Tyler and third-party software are invoiced upon the earlier of (i) delivery of the license key or (ii) when Tyler makes such software available accessible.
- Fees for hardware are invoiced upon delivery.
- Fees for year one of hardware maintenance are invoiced upon delivery of the hardware.
- Annual Maintenance and Support fees, SaaS fees, Hosting fees, and Subscription fees are first payable when Tyler makes the software accessible to the Client (for Maintenance) or on the first day of the month following the date this quotation was signed (for SaaS, Hosting, and Subscription), and any such fees are prorated to align with the applicable term under the agreement, with renewals invoiced annually thereafter in accord with the Agreement.
- Fees for services included in this sales quotation shall be invoiced as indicated below.

- o Implementation and other professional services fees shall be invoiced as delivered.
- o Fixed-fee Business Process Consulting services shall be invoiced 50% upon delivery of the Best Practice Recommendations, by module, and 50% upon delivery of custom desktop procedures, by module.
- o Fixed-fee conversions are invoiced 50% upon initial delivery of the converted data, by conversion option, and 50% upon Client acceptance to load the converted data into Live/Production environment, by conversion option. Where conversions are quoted as estimated, Tyler will invoice Client the actual services delivered on a time and materials basis.
- o Except as otherwise provided, other fixed price services are invoiced upon complete delivery of the service. For the avoidance of doubt, where "Project Planning Services" are provided, payment shall be invoiced upon delivery of the Implementation Planning document. Dedicated Project Management services, if any, will be invoiced monthly in arrears, beginning on the first day of the month immediately following initiation of project planning.
- o If Client has purchased any change management services, those services will be invoiced in accordance with the Agreement.
- o Notwithstanding anything to the contrary stated above, the following payment terms shall apply to fees specifically for migrations: Tyler will invoice Client 50% of any Migration Services Fees listed above upon Client approval of the product suite migration schedule. The remaining 50%, by line item, will be billed upon the go-live of the applicable product suite. Tyler will invoice Client for any Project Management Fees listed above upon the go-live of the first product suite. Annual SaaS Fees will be invoiced upon availability of the hosted environment.

Any SaaS or hosted solutions added to an agreement containing Client-hosted Tyler solutions are subject to Tyler's SaaS Services terms found here: <https://www.tylertech.com/terms/tyler-saas-services>.

Unless otherwise indicated in the contract or amendment thereto, pricing for optional items will be held For six (6) months from the Quote date or the Effective Date of the Contract, whichever is later.

Customer Approval:  Date: 05-11-2023

Print Name: Kimberly Meek P.O.#: 23-1613