

REGULAR MEETING  
DUNCAN CITY COUNCIL  
CITY COUNCIL CHAMBERS, DUNCAN, OKLAHOMA  
AUGUST 22, 2023  
5:15 P.M.

INVOCATION            Pastor Sandy Stewart, Stephens County Worship Center/Duncan

FLAG SALUTE            Councilman Nick Fischer

ROLL CALL            Mayor Robert Armstrong            City Manager Kimberly Meek  
                         Vice-Mayor Patty Winger            City Attorney Jeff Archer  
                         Councilman Nick Fischer            Deputy City Clerk Christina Johnson  
                         Councilman Jimmy Peters  
                         Councilman Gene Brown

**Presentation from Maddie's Fund**

This presentation was postponed.

ITEM #1:            Consider approval of consent agenda.  
                         a)            Minutes of August 8, 2023.  
                         b)            List of Claims.

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

AYE: Fischer, Brown, Peters, Winger, Armstrong

NAY: None

ITEM #2:            Consider relaxing the Alcoholic Beverage Code of the City of Duncan as it relates to Sections 3-109 (Condition of Sale), 3-110 (Consumption Prohibited), 3-111 (Compliance Required), 3-112 ((Compliance with Zoning), and 3-113 (Prohibited Location), which would be for the Wine'n on the Chisholm Trail Festival event located on Main Street, on Friday, September 8, and Saturday, September 9, 2023.

This item was presented by City Manager, Kimberly Meek, who advised that Main Street Duncan is once again hosting the Wine'n on the Chisholm Trail Festival in downtown Duncan. This event will run on Friday, September 8, and Saturday, September 9, 2023, and showcase local wineries from Oklahoma.

Mrs. Meek advised that the event will take place on Friday, September 8, and Saturday, September 9, 2023.

A motion was made by Councilman Peters, seconded by Councilman Fischer to approve relaxing the Alcoholic Beverage Code of the City of Duncan as it relates to Sections 3-109 (Condition of Sale), 3-110 (Consumption Prohibited), 3-111 (Compliance Required), 3-112 ((Compliance with Zoning), and 3-113 (Prohibited Location), which would be for the Wine'n on the Chisholm Trail Festival event located on Main Street, on Friday, September 8, and Saturday, September 9, 2023. Upon roll call:

AYE: Peters, Fischer, Brown, Winger, Armstrong

NAY: None

ITEM #3:            Consider relaxing the camping regulations within the City of Duncan to allow overnight camping to occur in conjunction with the United Way of Stephens County BBQ Showdown to be held in Fuqua Park September 15 through September 16, 2023.

This item was presented by City Manager, Kimberly Meek, who advised that the United Way of Stephens County will once again host a fundraising event that will benefit several organizations and programs in Stephens County through the United Way BBQ Showdown to be held September 15<sup>th</sup> and 16<sup>th</sup>, 2023.

Mrs. Meek advised that this fundraiser will consist of teams preparing BBQ over a two-day period – it takes time to prepare great tasting BBQ and many of the teams will be smoking meats for many hours, there is a need to allow the team members to camp in the park while they prepare their award-winning BBQ.

Mrs. Meek noted that to accommodate this and allow members to be on site near their setup, the City of Duncan needs to relax local rules and regulations regarding camping within the City of Duncan parks, more specifically for Fuqua Park on September 15<sup>th</sup> and 16<sup>th</sup> of 2023.

Mrs. Meek stated that all campers should be affiliated with a BBQ team to ensure that proper cleanup occurs at our parks following this event.

A motion was made by Vice-Mayor Wininger, seconded by Councilman Fischer to relax the camping regulations within the City of Duncan to allow overnight camping to occur in conjunction with the United Way of Stephens County BBQ Showdown to be held in Fuqua Park September 15 through September 16, 2023. Upon roll call:

AYE: Wininger, Fischer, Brown, Peters, Armstrong

NAY: None

**ITEM #4:** Consider relaxing the Alcoholic Beverage Code of the City of Duncan as it relates to Sections 3-109 (Condition of Sale), 3-110 (Consumption Prohibited), 3-111 (Compliance Required), 3-112 ((Compliance with Zoning), and 3-113 (Prohibited Location), which would be for the United Way BBQ Fest event located in Fuqua Park, on September 16<sup>th</sup>, 2023.

This item was presented by City Manager, Kimberly Meek, who advised that The United Way has hosted the BBQ Fest events in Fuqua Park for several years now and attracts many of our citizens to raise awareness and funds for the Stephens County United Way. This year, the event is scheduled for September 16, 2023, and would like to allow citizens and visitors over the age of 21 to enjoy tastings from our local Kochendorfer Brewery.

Mrs. Meek noted that approval from the City Council is contingent in that all alcohol purchases and sampling of alcoholic beverages must be monitored to ensure individuals under the age of 21 are not allowed to purchase and/or consume on the premises. In addition, patrons will not leave the designated areas with an open container. Security for the event must be provided by sponsors of the BBQ Fest.

Mrs. Meek advised that the event will take place on Saturday, September 16, 2023.

A motion was made by Councilman Fischer, seconded by Vice-Mayor Wininger to approve relaxing the Alcoholic Beverage Code of the City of Duncan as it relates to Sections 3-109 (Condition of Sale), 3-110 (Consumption Prohibited), 3-111 (Compliance Required), 3-112 ((Compliance with Zoning), and 3-113 (Prohibited Location), which would be for the United Way BBQ Fest event located in Fuqua Park, on September 16<sup>th</sup>, 2023. Upon roll call:

AYE: Fischer, Wininger, Brown, Peters, Armstrong

NAY: None

**ITEM #5:** Consider awarding the bid to Global Energy Solutions as the best bid and authorize the repair of the storm pump at the Wastewater Treatment Plant in the amount of \$21,956.00.

This item was presented by City Manager, Kimberly Meek, who advised that the WWTP operates one storm pump. At present, the pump is out of service and staff is using a smaller portable pump to operate, which will not be sufficient during any severe weather. It is critical that the pump be repaired as soon as possible. She advised the bids were received as follows:

Global Energy	\$21,956.00
Evans Enterprises	\$57,000.00
Kay Electric	\$35,957.57

Mrs. Meek noted that the delivery and repair is estimated to be between 4-6 weeks.

Vice-Mayor Wininger asked who would provide the installation.

Buddy Hokit, Public Works Director stated that City Staff would make the installation.

A motion was made by Councilman Fischer, seconded by Vice-Mayor Wininger to award the bid to Global Energy Solutions as the best bid and authorize the repair of the storm pump at the Wastewater Treatment Plant in the amount of \$21,956.00. Upon roll call:

AYE: Fischer, Wininger, Brown, Peters, Armstrong

NAY: None

**ITEM #6:** Consider and take action on a request to vacate a platted utility easement on a property located at 2407 Mallard Avenue, Duncan, Oklahoma, and described as: Blk 5 Lot 10 & 11 Wilkinson Park Addition Part Four.

This item was presented by City Manager, Kimberly Meek, who advised that The City of Duncan Plan Commission met on Tuesday, August 15, 2023, to hear a request to vacate a platted utility easement at 2407 Mallard Avenue, Duncan, Oklahoma.

Mrs. Meek noted that testimony was provided to the Planning Commission that existing structures on the property located at 2407 Mallard Avenue encroach into the existing platted utility easement but does not cover any existing utilities. To facilitate future sale of the property, this easement encroachment needs to be addressed.

Mrs. Meek advised that the applicant is aware that additional easement will need to be provided to the north of the subject property to accommodate adequate and safe access for utility providers to this easement area and has agreed to do so.

Mrs. Meek advised that hearing no other comments from the applicant or citizens, the Planning Commission made a motion to send a favorable recommendation to the City Council for this rezoning request. Motion passed with a 4-0 vote.

Jay Watkins addressed the Mayor and Council advising that the problem with the drainage and utility easement was recently found during the survey of the property. He advised that this allow the City to still have sufficient access.

City Attorney, David Hammond, stated that this issue was found during the sale of the property and this new easement will correct the issue.

Councilman Fischer asked Nate Schacht, Community Development Director, if he felt comfortable with this request.

Mr. Schacht advised that he was comfortable with this request as all information was brought before the Planning Commission and was passed with a 4-0 vote.

A motion was made by Councilman Fischer, seconded by Vice-Chairwoman Winger to approve an Ordinance to vacate a platted utility easement on a property located at 2407 Mallard Avenue, Duncan, Oklahoma, and described as: Blk 5 Lot 10 & 11 Wilkinson Park Addition Part Four. Upon roll call:

AYE: Fischer, Winger, Brown, Peters, Armstrong

NAY: None

ITEM #6A: Consider declaring an emergency in relation to the previous item.

A motion was made by vice-Mayor Winger, seconded by Councilman Peters to declare an emergency in relation to the previous item. Upon roll call:

AYE: Winger, Peters, Brown, Fischer, Armstrong

NAY: None

ITEM #7: Consider approving a request for rezoning of a property located at 3675 N Highway 81, Duncan, Oklahoma, from R-1 (residential) to C-4 (commercial).

This item was presented by City Manager, Kimberly Meek, who advised that on Tuesday, August 15, 2023, the City of Duncan Planning Commission met for a public hearing to discuss and application made by Endurance Credit Union seeking to rezone a portion of their property, as described in the ordinance, from R-1 to C-4.

Mrs. Meek noted that the portion to be considered for commercial classification is approximately the east 663.00 feet of the subject property. This includes a portion that is already zoned C-4.

Mrs. Meek advised that the members of the Planning Commission heard testimony from the applicant and several neighbors regarding the request. Citizens raised concerns about property values, drainage, and privacy that might occur on the subject property. Planning Commission members noted that commercial projects have to provide drainage impact analysis prepared by a licensed engineer.

Mrs. Meek noted that the Planning Commission voted 4-0 to send a favorable recommendation to the City Council for consideration.

Chris Bower, 2505 Copper Cove, addressed the Mayor and Council in favor of this rezoning. He stated this request was to add additional parking. He noted that the pond would be designed by an engineer for drainage issues that may occur.

Kara Sanders, 1706 Parkwood Dr., addressed the Mayor and Council in opposition to this rezoning request. She advised that she considered this to be spot zoning and she has not seen detailed site plans or an impact study. She stated the area has existing issues with flooding and the Environmental Protection Agency (EPA) stated there needs to be 5-10 acres to accommodate a retention pond. She noted there are concerns with the safety and pollution of a retention pond.

Ms. Sanders noted that the property has not been maintained in the past two (2) years and has been cited by the City of Duncan for non-maintenance.

Councilman Peters asked if this was the property located behind Chicken Express.

Nate Schacht, Code Enforcement Director, advised this was the south end of the property located behind Chicken Express.

Councilwoman Winger asked about the wooded area, how many parking spaces there would be and about the environmental study.

Mr. Schacht advised the wooded area is zoned commercial, he was unsure of how many parking spaces there would be and that an environmental study would be conducted by the engineer prior to the construction.

Vice-Mayor Wininger asked who would be held responsible for issues.

Mr. Schacht stated the engineer would be responsible.

Councilman Fischer asked who would maintain the pond and asked about the property owner being cited for not maintaining the property.

Mr. Bowers stated that they would keep the pond maintained and that he did receive a citation for a grass violation and that was immediately corrected, and the property was mowed.

Mayor Armstrong asked about the elevation and fencing to avoid seeing into neighboring yards.

Mr. Bowers advised that the fencing will not be up against the house and could be moved to the south. He advised that this did not come up with the engineer. He noted that office hours would be from 8am-5pm.

Mr. Schacht stated that the area would have to be properly screened.

Vice-Mayor Wininger asked about loitering.

Mr. Bowers noted that loitering would not be allowed.

Mayor Armstrong asked what should be done if there are issues with the fencing.

Mr. Schacht stated to contact Code Enforcement and a notice would be sent with the language addressing the issue.

Councilman Brown asked about the pond.

Mr. Schacht advised that he had a lot of faith in the contracted engineers as their licenses are on the line if the pond is not designed properly. He noted that the engineers have always met City Code standards regarding ponds.

Vice-Mayor Wininger asked about misquotes.

Mr. Schacht the engineer would determine which type of pond would be best for that area and most of these types of ponds do not hold water.

A motion was made by Councilman Peters, seconded by Councilman Fischer to approve an Ordinance for rezoning of a property located at 3675 N Highway 81, Duncan, Oklahoma, from R-1 (residential) to C-4 (commercial). Upon roll call:

AYE: Peters, Fischer, Brown, Wininger, Armstrong

NAY: None

ITEM #7A: Consider declaring an emergency in relation to the previous item.

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

AYE: Peters, Brown, Fischer, Wininger, Armstrong

NAY: None

ITEM #8: Consider executing a contract with the Oklahoma Department of Commerce/Community Development (ODOC/CD) accepting the FY 2023 Community Development Block GRANT (CDBG) Small Cities Program in the amount of \$228,335.00.

This item was presented by City Manager, Kimberly Meek, who advised that the Department of Community Development for the City of Duncan has been working on a CDBG Small Cities Grant application in conjunction with the Public Works Department to bring in additional funds that will help reconstruct existing city streets in a project area that is designated as being:

- East of Highway 81
- North of Martin Luther King
- West of the railroad tracks
- South of Highway 7

Mrs. Meek advised that on August 10, 2023, the Department of Community Development was made aware that the application that was submitted has been approved. This approval will see \$228,335.00 in matching funds being made available to purchase the necessary materials used in road reconstruction for the designated project area.

Vice-Mayor Wininger asked if this would start in 2024.

Nate Schacht, Community Development Director, stated that this could potentially begin in 2023.

Councilman Fischer asked Mr. Schacht if he applied for this Grant.

Mr. Schacht advised that he did apply for this Grant.

A motion was made by Councilman Fischer, seconded by Vice-Mayor Wininger to approve executing a contract with the Oklahoma Department of Commerce/ Community Development (ODOC/CD) accepting the FY 2023 Community Development Block GRANT (CDBG) Small Cities Program in the amount of \$228,335.00. Upon roll call:

AYE: Fischer, Wininger, Brown, Peters, Armstrong

NAY: None

**ITEM #9:** Consider and take action with respect to a resolution of the City of Duncan, Oklahoma (the "City") approving action taken by the Duncan Public Utilities Authority (the "Authority") authorizing issuance, sale and delivery of a promissory note of the Authority to the Oklahoma Water Resources Board; ratifying and confirming a lease by and between the City and the Authority pertaining to certain water, sanitary sewer, garbage and electric systems, and authorizing the execution and delivery of an amended lease agreement and operation and maintenance contract; ratifying and confirming a sales tax agreement by and between the City and the Authority pertaining to a year-to-year pledge of certain sales tax revenue; and containing other provisions related thereto. (Series 2023A CWSRF Note – Dam Improvements)

This item was presented by Nate Ellis, Public Finance Law Group, who advised that Chris Gander, BOK Financial Securities was present at the meeting as well.

Mr. Ellis briefly outlined the Series 2023A CWSRF Note – Dam Improvements and the Series 2023A CWSRF Note – Dam Improvements.

Mr. Ellis explained that there would be a significant amount of debt dropping off in 2024 and that with inflation they were looking at locking in rates of about 4.5% for both notes as interest rates were still at a historical low.

Following a brief discussion, a motion was made Councilman Peters, seconded by Councilman Fischer to approve a Resolution of the City of Duncan, Oklahoma (the "City") approving action taken by the Duncan Public Utilities Authority (the "Authority") authorizing issuance, sale and delivery of a promissory note of the Authority to the Oklahoma Water Resources Board; ratifying and confirming a lease by and between the City and the Authority pertaining to certain water, sanitary sewer, garbage and electric systems, and authorizing the execution and delivery of an amended lease agreement and operation and maintenance contract; ratifying and confirming a sales tax agreement by and between the City and the Authority pertaining to a year-to-year pledge of certain sales tax revenue; and containing other provisions related thereto. (Series 2023A CWSRF Note – Dam Improvements) Upon roll call:

AYE: Peters, Fischer, Brown, Wininger, Armstrong

NAY: None

**ITEM #10:** Consider and take action with respect to a resolution of the City of Duncan, Oklahoma (the "City") approving action taken by the Duncan Public Utilities Authority (the "Authority") authorizing issuance, sale and delivery of a promissory note of the authority to the Oklahoma Water Resources Board; ratifying and confirming a lease by and between the City and the Authority pertaining to certain water, sanitary sewer, garbage and electric systems, and authorizing the execution and delivery of an amended lease agreement and operation and maintenance contract; ratifying and confirming a sales tax agreement by and between the City and the Authority pertaining to a year-to-year pledge of certain sales tax revenue; and containing other provisions related thereto. (Series 2023B OWRB FAP Notes – Water Tower Project)

Vice-Mayor Wininger asked if this was for the El Rancho Water Tower Project.

City Manager, Kimberly Meek, advised that this was for the El Rancho Water Tower Project.

A motion was made by Councilman Peters, seconded by Vice-Mayor Wininger to approve a Resolution of the City of Duncan, Oklahoma (the "City") approving action taken by the Duncan Public Utilities Authority (the "Authority") authorizing issuance, sale and delivery of a promissory note of the authority to the Oklahoma Water Resources Board; ratifying and confirming a lease by and between the City and the Authority pertaining to certain water, sanitary sewer, garbage and electric systems, and authorizing the execution and delivery of an amended lease agreement and operation and maintenance contract; ratifying and confirming a sales tax agreement by and between the City and the Authority pertaining to a year-to-year pledge of certain sales tax revenue; and containing other provisions related thereto. (Series 2023B OWRB FAP Notes – Water Tower Project) Upon roll call:

AYE: Peters, Wininger, Brown, Fischer, Armstrong

NAY: None

ITEM #11: Consider approving a lease schedule for the Abe Raizen baseball and football facilities.

Vice-Mayor Wininger asked that this item be tabled for more research.

A motion was made by Vice-Mayor Wininger, seconded by Councilman Peters to table this item. Upon roll call:

AYE: Wininger, Peters, Brown, Fischer, Armstrong

NAY: None

ITEM #12: Consider approving an Ordinance of the City of Duncan, Oklahoma, amending Ordinance No. 1776 as amended by Ordinance 1812; City Code 7-106-Section A-10 which establishes the spending limit for the City Manager without Council approval and City Code 7-106-Section A-1 which establishes the competitive bidding exemption requirement.

This item was presented by City Attorney, David Hammond, who advised that currently the City Manager's amount of approval is \$20,000.00. He advised that with costs rising this action would eliminate the need to wait for a purchase as the costs associated with materials continue to rise while waiting for approval. He advised this would raise the spending limit without Council approval to \$75,000.00.

Mr. Hammond explained that this resolution would also raise the competitive bidding exemption requirement to \$100,000.00 to coincide with the current State Statute.

Mayor Armstrong noted that the Council would continue to monitor spending and review reports.

Vice-Mayor Wininger stated this would be helpful for emergency situations, grants, and infrastructure purchases to be addressed in a timely manner.

A motion was made by Councilman Fischer, seconded by Councilman Brown to approve an Ordinance of the City of Duncan, Oklahoma, amending Ordinance No. 1776 as amended by Ordinance 1812; City Code 7-106-Section A-10 which establishes the spending limit for the City Manager without Council approval and City Code 7-106-Section A-1 which establishes the competitive bidding exemption requirement. Upon roll call:

AYE: Fischer, Brown, Peters, Wininger, Armstrong

NAY: None

ITEM #12A: Consider declaring an emergency in relation to the previous item.

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

AYE: Brown, Fischer, Peters, Wininger, Armstrong

NAY: None

ITEM #13: 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.*

Randall Pitts, Foreman Prairie House representative, addressed the Mayor and Council with concerns of Duncan Public Schools using the old middle school as a bus barn. He advised that this complicates parking, ingress, and egress issues.

Mr. Pitts asked that this issue be revisited by the City Council as the Foreman Prairie House did not receive notification of this use and did not have representation.

b) By the Council-

Councilman Nick Fischer asked that a future discussion be held regarding parking on lawns.

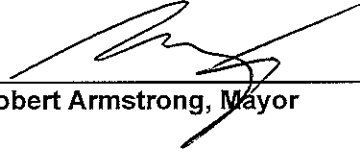
c) By the City Manager-There were none.

ITEM #14: Adjournment

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

AYE: Fischer, Brown, Peters, Winger, Armstrong

NAY: None



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Robert Armstrong, Mayor

REGULAR MEETING  
DUNCAN PUBLIC UTILITIES AUTHORITY  
CITY COUNCIL CHAMBERS, DUNCAN, OKLAHOMA  
AUGUST 22, 2023  
5:15 P.M.

ROLL CALL	Chairman Robert Armstrong Vice-Chairwoman Patty Wininger Trustee Nick Fischer Trustee Jimmy Peters Trustee Gene Brown	General Manager Kimberly Meek Authority Attorney Jeff Archer Deputy Secretary Christina Johnson
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ITEM #1: Consider approval of consent agenda.  
a) Minutes of August 8, 2023.

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

AYE: Fischer, Brown, Peters, Wininger, Armstrong

NAY: None

ITEM #2: Consider approving Freese and Nichols Pay Request No. 14 in the amount of \$37,860.05 for services rendered in conjunction with the Water Project FY 2022.

This item was presented by General Manager, Kimberly Meek, who advised that on June 14, 2022, Mayor and Council approved a contract with Freese and Nichols, Inc. to provide professional services for the FAP-22-2022-L Water Project FY 2022.

Mrs. Meek noted that this pay request is for professional services rendered through July 31, 2023.

A motion was made by Trustee Fischer, seconded by Trustee Wininger to approve Freese and Nichols Pay Request No. 14 in the amount of \$37,860.05 for services rendered in conjunction with the Water Project FY 2022. Upon roll call:

AYE: Fischer, Wininger, Brown, Peters, Armstrong

NAY: None

ITEM #3: Consider approving Ferguson Enterprises, LLC Pay Request No. 3 in the amount of \$987,791.40 for services rendered in conjunction with the Advanced Metering Infrastructure Replacement Project.

This item was presented by General Manager, Kimberly Meek, who advised that on February 28, 2023, Mayor and Council approved a contract with Ferguson Enterprises, LLC for replacement of the existing water meters to serve the City of Duncan.

Mrs. Meek noted that this pay request represents services through July 20, 2023.

Vice-Chairwoman Wininger asked if there were 300 water meters installed.

Mrs. Meek advised that there have been over 300 water meters installed this week.

A motion was made by Trustee Peters, seconded by Vice-Chairwoman Wininger to approve Ferguson Enterprises, LLC Pay Request No. 3 in the amount of \$987,791.40 for services rendered in conjunction with the Advanced Metering Infrastructure Replacement Project. Upon roll call:

AYE: Peters, Wininger, Brown, Fischer, Armstrong

NAY: None

ITEM #4: Consider approving Weeks Farms, LLC Pay Request No. 1 in the total amount of \$135,910.80 for services rendered in conjunction with the Settling Pond Improvements Project.

This item was presented by General Manager, Kimberly Meek, who advised that on June 13, 2023, Mayor and Council approved a contract with Weeks Farms, LLC to provide services for the Settling Pond Improvements Project.

Mrs. Meek noted that this pay request is for professional services rendered through July 15, 2023.



A motion was made by Trustee Fischer, seconded by Vice-Chairwoman Wininger to approve Weeks Farms, LLC Pay Request No. 1 in the total amount of \$135,910.80 for services rendered in conjunction with the Settling Pond Improvements Project. Upon roll call:

AYE: Fischer, Wininger, Brown, Peters, Armstong

NAY: None

ITEM #5: Consider approving Pay Request No. 7 in the amount of \$48,069.05 for services rendered in conjunction with the 28<sup>th</sup>/29<sup>th</sup> St. Water Line Replacement Project.

This item was presented by General Manager, Kimberly Meek, who advised that on January 24, 2023, Mayor and Council approved a contract with Sunrise Construction for replacement of the 28<sup>th</sup>/29<sup>th</sup> Street water line.

Mrs. Meek advised that this pay request represents services through August 9, 2023.

A motion was made by Trustee Fischer, seconded by Trustee Brown to approve Weeks Farms, LLC Pay Request No. 1 in the total amount of \$135,910.80 for services rendered in conjunction with the Settling Pond Improvements Project. Upon roll call:

AYE: Fischer, Brown, Peters, Wininger, Armstong

NAY: None

ITEM #6: Consider approving a rate increase for water main taps and setting water meters.

This item was presented by General Manager, Kimberly Meek, who advised that the Public Works Authority would like to propose raising the rates for water main taps and setting water meters. The current rates have been compared to surrounding municipalities' rates. Mrs. Meek noted that the proposed rates are included in the Council's packets for review.

Vice-Chairwoman Wininger asked if this was for new water main taps.

General Manager, Kimberly Meek, advised that this would be for new services that tap into City water mains. She advised this was being proposed to recoup costs associated with materials. She explained this was not associated with the water meter project.

A motion was made Trustee Fischer, seconded by Trustee Brown to approve a rate increase for water main taps and setting water meters. Upon roll call;

AYE: Fischer, Brown, Peters, Wininger, Armstrong

NAY: None

ITEM #7: Consider and take action with respect to a resolution of the Duncan Public Utilities Authority (the "borrower") approving and authorizing a Clean Water SRF loan from the Oklahoma Water Resources Board in the total aggregate principal amount of not-to-exceed \$4,200,000; approving the issuance of a promissory note in the total aggregate principal amount of not-to-exceed \$4,200,000, secured by a pledge of revenues and authorizing its execution; approving and authorizing the execution of a loan agreement for Clean Water SRF loan; designating a local trustee and approving and authorizing the execution of a trust agreement; approving and authorizing the execution of a security agreement; ratifying and confirming a lease by and between the City of Duncan, Oklahoma and the borrower pertaining to certain water, sanitary sewer, garbage and electric systems, and authorizing the execution and delivery of an amended lease agreement and operation and maintenance contract; ratifying and confirming a sales tax agreement by and between the City and the borrower pertaining to a year-to-year pledge of certain sales tax revenue; approving various covenants; approving and authorizing application to the Oklahoma Water Resources Board; approving and authorizing professional services agreements; approving and authorizing the establishment of a project costs disbursement account and the payment of fees and expenses; and containing other provisions relating thereto.. (*Series 2023a CWSRF note – Dam Improvements*)

This item was presented by General Manager, Kimberly Meek, who advised that this item as well as the following item was the same that was on the City Council agenda for consideration.

A motion was made by Councilman Peters, seconded by Vice-Chairwoman Wininger to approve a Resolution of the Duncan Public Utilities Authority (the "borrower") approving and authorizing a Clean Water SRF loan from the Oklahoma Water Resources Board in the total aggregate principal amount of not-to-exceed \$4,200,000; approving the issuance of a promissory note in the total aggregate principal amount of not-to-exceed \$4,200,000, secured by a pledge of revenues and authorizing its execution; approving and authorizing the execution of a loan agreement for Clean Water SRF loan; designating a local trustee and approving and authorizing the execution of a trust agreement; approving and authorizing the execution of a security agreement; ratifying and confirming a lease by and between the City of Duncan, Oklahoma and the borrower pertaining to certain water, sanitary sewer, garbage and electric

systems, and authorizing the execution and delivery of an amended lease agreement and operation and maintenance contract; ratifying and confirming a sales tax agreement by and between the City and the borrower pertaining to a year-to-year pledge of certain sales tax revenue; approving various covenants; approving and authorizing application to the Oklahoma Water Resources Board; approving and authorizing professional services agreements; approving and authorizing the establishment of a project costs disbursement account and the payment of fees and expenses; and containing other provisions relating thereto.. *(Series 2023a CWSRF note – Dam Improvements) Upon roll call:*

AYE: Peters, Wininger, Brown, Fischer, Armstong

NAY: None

ITEM #8: Consider and take action with respect to a resolution of the Duncan Public Utilities Authority (the “borrower”) authorizing a loan from the Oklahoma Water Resources Board in the total aggregate principal amount of not to exceed \$9,200,000; approving the issuance of a promissory note in the total aggregate principal amount of not to exceed \$9,200,000, secured by a pledge of revenues and authorizing its execution; designating a local trustee; approving and authorizing the execution of a trust agreement; approving and authorizing the execution of a loan agreement; approving and authorizing the execution of a security agreement; authorizing the execution and delivery of a lease agreement and operation and maintenance contract pertaining to the leasing of the City of Duncan utility systems to the borrower; ratifying and confirming a sales tax agreement by and between the City of Duncan, Oklahoma and the borrower pertaining to a year-to-year pledge of certain sales tax revenue; approving and authorizing a note purchase agreement; approving various covenants; approving and authorizing application to the Oklahoma Water Resources Board; approving and authorizing professional services agreements; approving and authorizing payment of fees and expenses; and containing other provisions relating thereto. *(Series 2023b OWRB FAP note – Water Tower Project)*

Vice-Chairwoman Wininger asked how many water towers were in Duncan.

General Manager, Kimberly Meek, advised that there were ten (10) water towers in Duncan. She advised that she would send the locations of the water towers to Vice-Chairwoman Wininger.

A motion was made by Trustee Peters, seconded by Trustee Fischer to approve a Resolution of the Duncan Public Utilities Authority (the “borrower”) authorizing a loan from the Oklahoma Water Resources Board in the total aggregate principal amount of not to exceed \$9,200,000; approving the issuance of a promissory note in the total aggregate principal amount of not to exceed \$9,200,000, secured by a pledge of revenues and authorizing its execution; designating a local trustee; approving and authorizing the execution of a trust agreement; approving and authorizing the execution of a loan agreement; approving and authorizing the execution of a security agreement; authorizing the execution and delivery of a lease agreement and operation and maintenance contract pertaining to the leasing of the City of Duncan utility systems to the borrower; ratifying and confirming a sales tax agreement by and between the City of Duncan, Oklahoma and the borrower pertaining to a year-to-year pledge of certain sales tax revenue; approving and authorizing a note purchase agreement; approving various covenants; approving and authorizing application to the Oklahoma Water Resources Board; approving and authorizing professional services agreements; approving and authorizing payment of fees and expenses; and containing other provisions relating thereto. *(Series 2023b OWRB FAP note – Water Tower Project) Upon roll call:*

AYE: Peters, Fischer, Brown, Wininger, Armstong

NAY: None

ITEM #9: Consider approving Pay Request No. 15 for services rendered in conjunction with 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 noted that this pay request is for professional services rendered through July 31, 2023.

A motion was made by Trustee Fischer, seconded by Trustee Brown to approve Pay Request No. 15 for services rendered in conjunction with the Clear Creek Lake Dam Phase II embankment evaluation. Upon roll call:

AYE: Fischer, Brown, Peters, Wininger, Armstrong

NAY: None

ITEM #10: Consider approving a Resolution to adjust and raise rates for water and sewer for residential and business customers during the Fiscal Years of 2023, 2024, and 2025 as set forth in the Resolution.

This item was presented by General Manager, Kimberly Meek, who advised that the Duncan Public Utility Authority has the authority to amend and raise rates for water and sewer for residential and business customers. The City has discovered that the previous rates for water and sewer were low in comparison with the increased cost of labor and materials. At the City Council's discretion, the City hired an engineering firm to conduct a study to determine if the City's rates were appropriate considering the rise in costs. The study concluded that the rates should be increased. The rates were reviewed by City Staff and is recommend that the rates set forth in the Resolution be approve by the Chairman and Trustees.

Trustee Fischer asked when the last time rates were raised.

Mrs. Meek advised that there is an annual CPI Increase in January 2023 and that the block rates were not raised since 2017.

Vice-Chairwoman Winger asked if this would give the customer service department enough time to prepare before the September 2023 billing.

Mrs. Meek advised that there would be sufficient time to implement this increase before the September 2023 billing.

A motion was made by Trustee Fischer, seconded by Trustee Peters to approve a Resolution to adjust and raise rates for water and sewer for residential and business customers during the Fiscal Years of 2023, 2024, and 2025 as set forth in the Resolution. Upon roll call:

AYE: Fischer, Peters, Brown, Winger, Armstong

NAY: None

ITEM #11: 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.

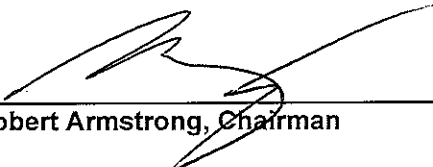
c) By the General Manager-There were none.

ITEM #12: Adjournment

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

AYE: Fischer, Brown, Peters, Winger, Armstrong

NAY: None

  
Robert Armstrong, Chairman

  
Christina Johnson, Deputy Secretary

