

DAVIS CITY COUNCIL AND DAVIS MUNICIPAL AUTHORITY
MONDAY, AUGUST 13, 2018 7:00 P.M.
DAVIS CITY HALL
227 EAST MAIN

1. Call to order Davis City Council by Ed Parks.
2. Roll Call: Mayor Ed Parks, here, Vice-Mayor Josh Oakley, here, Councilman Brain Davis, here, Councilman Darryl McCurtain, here, Councilman Stan Jones, here.
3. Prayer led by Stan Jones.
4. Pledge of Allegiance led by Ed Parks.
5. McCurtain made motion to approve Consent Agenda including minutes of prior meetings and claims. Second by Jones. Vote: Davis, yes, McCurtain, yes, Jones, yes, Oakley, yes, Parks, yes.
6. No items removed from Consent Agenda.
7. Jones made motion to approve change order on 3rd Street Project. Second by Oakley. Vote: Davis, abstain, McCurtain, yes, Jones, yes, Oakley, yes, Parks, abstain. Tom said they noticed when mark for cutting in the first block on third street, they are only going half way up so it will look like concrete draining and the rest will be asphalt. To make it look better, I think we should go with concrete all the way up to the sidewalks. On the maps you have there this shows how much more concrete you will need to do this to make it look better for the businesses. The rest of this is that the curves and gutters weren't coming out with the plans that were done. Shane King, the local surveyor is here to explain all of this. Shane said from end to end they came up with 2630 feet of total roadway length and if you do curve on both sides you will end up with 5360 total length. The plans were just for 4545. Tom asked him to run the numbers for the curves and item 8 total straight runs on curves including the drives and street returns, he came up with 5588 roughly, with is well over. Brian Davis asked if this was Myer's mess up. Tom said when he did the plans, he had a surveyor with him to do this, why it's different, we don't know. That's why this is going to create a change order. Shane said item G is the curve and gutter through intersection combined is 6461, the good quantity is 4545 so we're almost 2000 feet over. Ron gave him the unit price on that so that's what we are over. Josh asked if they could give him a reason on how this mistake could be made. Shane said the only thing he noticed was that Myer's been leaving a lot of curve and gutters in place. Tom said this includes this change order in the amount of \$69,764.27. According to state statues the City can do change orders up to 10%, which would be a little over \$120,000. So if there is anything else, he asked Shane to recheck these plans completely and this appears to be the only problem we have. Shane said he did the addition and reductions on page 3. Tom said the waterline extension was a result in the one block he left a 4 inch line. We had a 6 and he went down to a 4 inch and didn't take the 4 out of the plans, he went down to another block and picked the 4 inch up and started replacing it there. It didn't make sense to leave 4 inch there so he told them to go ahead and change it out to a 6 inch so it would all be uniformed. Myer's was told by Bert that we needed to take the 4 inch out and change it to 6 inch but why it wasn't in his plans, I don't know. Josh asked if there was going to be anything else additional to these plans. Tom stated that had the plans been drawn out right in the first place, we wouldn't need this addition plans but the bids would have been higher. Councilmen Davis said it is very disappointing on how much we had to pay Myer's for this. Tom said that we still owe them \$11,960.00. He thinks us hiring our own surveyor instead of theirs, we found the mistake now instead of at the end and we've already ran out of money. Tom said change orders are very common with this. Normally we would have a bid and have Contingency amount of money to cover it. According to the state, your chief executive officer, City Manager, can make changes to this up to \$40,000.00. Anything over, has to be approved by Council up to 10 %. If for any reason additional change orders would take over 10% then whatever is left of the job, you would have to bid it out. He has talked to Ron and Shane it doesn't appear that we will run into anything else unless a major emergency. Darryl asked if we could hold that payment until this issue is resolved. Tom said your Attorney is sitting right here and if Councilmen wanted him to hold the payment, he would. Josh asked Shane if he had any additional fees. He said no.
8. McCurtain made motion to change City Ordinance concerning new alcohol law. Second by Davis. Vote: Davis, yes, McCurtain, yes, Jones, yes, Oakley, yes, Parks, yes.

Tom said Mark gave Councilmen paperwork concerning the new alcohol laws in which will go into effect October 1st and some of our Ordinances refer to low point beer in which will no longer be effective as October 1st.

9. McCurtain made motion to repeal this Ordinance 484-10-13-15 (tobacco free City owned-operated property.) Second by Oakley. Vote: Davis, yes, McCurtain, yes, Jones, yes, Oakley, yes, Parks, yes. Tom said he was asked to put this on. Oakley said he thought it may have been miscommunications in this. This Ordinance he thinks is too difficult. If we have someone come to Turner Falls, the Ranch or any City owned property, any tobacco use at all falls under this. He doesn't think it's a law we should have in effect. Especially at Turner Falls. Are you going to ask them to leave the park to go smoke? Also asking the police officers to enforce it. We are going to lose some safety from them. We would be too busy writing tickets all day long. This was enforced for \$20,000.00 but did not receive the grant. Tom asked if he wanted to do away with the whole Ordinance on this or the part that just says recreational parks. Josh said to eliminate the whole Ordinance on smoking on City owned property. Josh said are you breaking the law just driving down the road on city streets? Tom said how about rewriting this Ordinance because we still need to enforce about no smoking in our buildings and certain distances away from our buildings. Why don't you Mark and I a chance to rewrite it. Brain Davis asked if we sold cigarettes out at Turner Falls. Tom said yes we do. Brian said but we have an Ordinance against smoking? Tom said he was not here when this Ordinance went into effect. There is a state statue that says you cannot smoke 25 within 25 feet of a government building. Tom asked Mark if we would have to rewrite this. Mark said we would be covered under the state statues.
10. Oakley made motion to increase City Manager's spending limit to \$50,000.00. Second by Davis. Vote: Davis, yes, McCurtain, yes, Jones, yes, Oakley, yes, Parks, yes. This would help things to go a little faster rather than waiting on Council's approval. We are fixing to start on the playground and splash pad projects out at the park and these are going to exceed the spending limits that he has right now. This also the limit the City Council has so nothing can be spent over this amount without competitive bidding. Darryl thought we had already raised it to this. Tom said we raised it for last City Manager to \$25,000.00 for one time only for a vehicle. It's not been a permanent change. Two Councilmen asked for this change because we are getting involved in splash pad and play ground equipment. All the money that will be spent has already been approved in the budget.
11. McCurtain made motion to approve Jeremy Bumgarner to withdraw his contribution from OMRF. Second by Jones. Vote: Davis, yes, McCurtain, yes, Jones, yes, Oakley, yes, Parks, yes. Tom said Jeremy took a job with the school and he wasn't vested, it would only be what he paid in. He knew this when he left.
12. McCurtain made motion to approve Ed McCormick to withdraw his contribution from OMRF. Second by Jones. Vote: Davis, yes, McCurtain, yes, Jones, yes, Oakley, yes, Parks, yes. Tom said Ed no longer works at Turner Falls and he was not vested either.
13. Public Safety Report by Danny Cooper. Tom stated that Danny was out helping Turner Falls get all the day visitors situated since it flooded out there and that his report is in the packet.
14. Chamber Report. Brandy said that the Chamber Report will start being in the packets from now on. The scholarship Fundraiser will be August 15, the Joint Chamber INFO Golf Tournament will be October 1 and the Hills of Oklahoma Bike Tour will be September 15th. The speaker of the House, Charles McCall will speak at the Chamber Meeting held September 27th. Other projects they are working on are Stuff the Bus until August 15th, Davis Splash Pad at Fullerton Park and Keep It Local with Paver's being the Business of the Month.
15. MCIA Report by Tom. The report is in the packet. Retailer, Rickey Hayes said they have a few places they are looking at in the Davis and Sulphur area.
16. City Treasurer Report by Brandy Claxton. Presented Council with a copy of the new 2018-19 Budget and she also sent it in to the State. Also is the account balances in that packet. Next month and so on there will be account balance in your packet along with balance sheets.
17. City Manager Report by Tom Graham. They are still working with ODOT on Main Street Project. Jay Earp with ODOT contacted him and said they have decided that they will not reroute truck traffic down Primrose and will be able to handle all traffic on Main Street. Still bidding on the project in November for possible start after the first of the year. The blanket zoning change that the Council approved in 2015 was not legal (according to County Clerk's Office) and he was informed by them that we have to submit each property individually (after written request to property owners have been sent and returned with their comments.) Need to know if Council still wants all of Main Street zoned Commercial.

Council decided not to have it done. We are also going in partners with the school on having a police officer back on duty up there. It will be 2-3 different reserves on different days on an 8 hour shift daily while school is in session. It will cost around \$18,000.00 before taxes and the City will cover the first part of pay until the school can work it out on going in with us.

18. No Appearances and petitions from the audience. (Limit of three (3) minutes for each.)

19. No New Business.

20. Adjourn. Motion made by Jones to adjourn. Second by Oakley. Vote: Davis, yes, McCurtain, yes, Jones, yes, Oakley, yes, Parks, yes.

ATTEST:

Cheryl Dodds, City Clerk

Ed Parks, Mayor

DAVIS MUNICIPAL AUTHORITY MEETING
MONDAY, AUGUST 13, 2018 7:00 P.M.
DAVIS CITY HALL
227 EAST MAIN

1. Call to order Davis Municipal Authority by Ed Parks.
2. Roll Call: Chairman Ed Parks, here, Vice-Chairman Josh Oakley, here, Trustee Brian Davis, here, Trustee Darryl McCurtain, here, Trustee Stan Jones, here .
3. McCurtain made motion to approve Consent Agenda including minutes of prior meetings and claims. Second by Jones. Vote: Davis, yes, McCurtain, yes, Jones, yes, Oakley, yes, Parks, yes.
4. No items removed from Consent Agenda.
5. Turner Falls Report by Tom Graham. Billy is out at the park dealing with about 40 visitors that got stuck in the flood. They are housing them in the cabins and shelters for the night and also providing food from Retail since they didn't get them out of the park in time. It took about 20 minutes for it to flood the bridge out so they didn't have time to get them across it.
6. Public Works Director Report by Bert Curtis. They have been dealing with drainage today.
7. No Appearances and petitions from the audience. (Limit of three (3) minutes for each.)
8. No New Business.
9. Jones made motion to adjourn. Second by Davis. Vote: Davis, yes, McCurtain, yes, Jones, yes, Oakley, yes, Parks, yes.

ATTEST:

Cheryl Dodds, City Clerk

Ed Parks, Chairman