DAVIS CITY COUNCIL AND DAVIS MUNICIPAL AUTHORITY
MONDAY, AUGUST 14, 2017 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 Stan Jones, here, Councilman Darryl McCurtain, here, Councilman Brett Knight, absent.

3. **Prayer** led by Stan Jones.

4. **Pledge of Allegiance** led by Ed Parks.

5. **Consideration and possible action to approve Consent Agenda including minutes of prior meetings, Special Meetings, and claims.** McCurtain made motion to approve. Second by Oakley. Vote: Jones, yes, McCurtain, yes, Oakley, yes, Parks, yes.

6. No items removed from Consent Agenda.

7. **Review of City Ordinances residency requirements to sit on the City Council.** Stan stated that he had a lot of citizens address him about it and talk about this concern. Some told him that they would be here tonight but then one said he wouldn't come because of retaliation from our government and City Employees. He stated we needed to discuss that as well. If our citizens are afraid with our City government and they can't show their peace about something that is going on in our government, then we need to reanalyze or reprint that. The issue is that the community knows what our requirements are for our City Councilmen and it has been brought to his attention that those policies are not being lived up to. So we need to address those and see if changes need to be made to be in compliance or need to address those procedures. Tom stated that first off he doesn't know of anybody that we have retaliated against whatsoever. Stan said that if some citizens said something about the Councilmen, they would be retaliated against. Those concerns really disturb him. They did not show because of it. For example are the grass policy going on and the street and the mowing and the animals. They didn't think there was fairness all the way around along with favoritism with some of the policies. He did ask the gentleman to come address them but he didn't think he could do that without retaliation. Tom stated that the state law protesting someone's qualifications states that it can be challenged. This challenge can happen anytime that a candidate files. But the final day to challenge is the Friday following the final day of the filing period. Essentially all candidates and challenges must be filed within the same week. Attorney Melton stated that 1-6-2 lays out the qualifications of the Council members. It states "Council members shall be residents and registered voters of the city. Council members from wards shall be actual residents of their respective wards at the time of their candidacy and elections, but removal of a council member from one ward to another within the city after his election, or a change in ward boundaries, shall not disqualify him from completing the term for which he was elected." Stan stated that the concern was that a City Council Member was not living in the City limits so we should be able to answer to that. Tom asks attorney what happens if a council member was living outside city limits. Mark stated that the councilmen couldn't make that decision. Stan asked if the citizens could make that decision. Mark stated, yes they could. They could do a recall by petition and it will be by the citizens of that ward. Stan asked if there was a time limit on that. Mark said he would have to look into that. Mark stated that if a council member moved outside of city limits, then it would be encumbering that that person resigns. Code says that you could move from place to place within the city. Mayor Parks said that he would like to be clarified that the councilman does live in the city. Stan said that he felt it was a question that should be address and answered, councilmen should have to answer that not just when they are elected. McCurtain stated that he lived in city limits, Mayor stated that he lived inside city limits, Stan stated he lived inside city limits, Oakley stated that he lived inside city limits.

8. **Discussion and possible action regarding grass Ordinance**. No action taken. Tom stated that he put it back on there because he was asked by some council members whether we were treating everybody fairly. He has code enforcement here to tell everyone how we go around checking grass, people that throw grass in the streets. He has talked to some of the councilmen about this and we do a verbal warning, asking them to clean it up within a 24 hour period, if that is not done, we issue a citation. He was asked that we possible couldn't approve a verbal warning; it should be a written one instead of a verbal. We can change that policy if the council so chooses. We've only had, of everybody that we had talked to; we've only had one property that did not pick up in the time frame that we had asked. They was written a citation, and presented in front of the judge. The guy showed up to court and the judge found him guilty. He was given so long to pay it. The citation was $180.00. Chief Cooper said that at this time we only have one ticket, the other complied within the time frame and we have 8 citations for grass height out at this time. He also stated that he while he is out he sees citizens mowing their grass and if they mow it in the roads, he will drive back by later and they have it all cleaned up. Verbal warnings seem to work on that. We're having more issues on the ones we have written the tickets on. The city council request during periods that we have a lot of rain, we are not enforcing that as much as if it was dry because we have standing water in our yards. Cooper stated that the problem we are having issuing tickets are that we go by tax records for property owners. We have one that is in the nursing home. He isn't even living there and he signed it over to his child to take care of the property. He doesn't want to go into the nursing home and issue him a citation. Chipper stated that he had issued 8 citations for tall grass. He has received 4 of them back and did go to court with them and the judge did fine them guilty. The other 4 are still out and their court date he believes is next week. They are over 6 inches and way out of control. Tom stated it is hard on some lots that are owned by people living out of state. We don't have a policy that stated what we do at that point when we can't reach them. Our city crew is still short-handed; we are still trying to hire people. We have our hands full trying to keep ours mowed to the extent that he has a contracted labor with a local company to help us out because we just couldn't keep up. So to add other people's properties to this, it's just going to make it worse. He doesn't know what to do if we can't get in touch with them. Jeremy Fullerton asked that if you contract it out to a company and the city pays them, why we couldn't change the policy to file a lien against that property. Tom stated that there is a state law that states anything you do on private property we can do this but we have to give them 6 months to pay us before we get a lien. That just means we have a lot of money out for a long period of time and until lien can be settled and eventually, we would run out of money. Darryl stated there's some in the 90's that we still haven't got our money from that a lien was put on. Junior asked if some of these citations be listed in the paper. Mark stated that it is public records. Stan thinks we should give a written warning to be fair and consistent. It looks like we are showing favoritism instead of fairness. Jeremy Fullerton asked how many verbal warnings are out there. Chipper stated that he has a list of about 31 that was issued the previous two weeks. A lot of the tall grass problems that we are having are the people that don't live here and we can't get in touch with them because the letters are coming back. Darryl asked out of the 8 citations that he has issued, do any of them live in Davis. No, they do not. He thinks what we are doing is working. Stan asked about the grass clippings. The leaves in the fall and the sticks. What does that do to our system? Tom stated that all of that causes drainage problems. The leaves fall naturally from your trees and grass in the street is done by a human by mowing, the other is an act of God. Stan said we have said that we were going to clean our drainage out. He doesn't see that our grass clippings are affecting something that we should have fixed about 12 years ago. The major cause of our drain problems. Darryl said that the grass clippings that is caused by humans, we can control that. It doesn't eliminate the drainage problem, it's just the small piece of the pie that helps with the problem. Tom stated that we have started cleaning out some of the drainage. Stan stated that he has a hard time by saying that the grass is the contributing factor of this. Tom said the grass is just one of the factors in this. The grass is something that we can immediately prevent by talking to the public. We need to address what the public can help us with. I

9. **Consideration and possible action to approve Planning Boards recommendation of denying the request from Tyler McGee, with McGee Woodwork, to have a conditional use permit for a private sawmill business located at 308 S. 7th, Davis, OK.** Tony McGee spoke on behalf on his son, Tyler McGee. No action taken at Tony McGee's request. They are already set up at another location. Tony asked to cancel his request on behalf of his son. Tom said Planning Board listen to proposal, 8 against, three was for and one did not say agree or disagree.

10. **Consideration and possible action to approve Resolution for Reap Grant to apply for Rescue Equipment for the Fire Department in the amount of $48,000.00.** McCurtain made motion to approve. Second by Jones. Vote: Jones, yes, McCurtain, yes, Oakley, yes, Parks, yes. Tom stated that this is a Grant that is available every year needed for additional rescue equipment. $8,000.00 will come out of city funds and $40,000.00 will come out of the REAP Grant and they need your approval to file for it.

11. **Discussion and possible action with Tommy Hayes on his parking and rocks.** No action was taken. Attorney Melton stated that this was a civil matter that needed legal action and would have to go back to court; the Council could only address the alleyway. Mr. Hayes spoke in regards to going to court and the judge ruling to not block the drive (alley) between him and P & M. He presented Council with pictures to show proof. He stated that Paul is still keeping it blocked with his trucks. He did ask an officer to come and check it out and it was blocking it. He put some rocks up there so he could get in and out. His wrecker is four and a half foot off the edge of the roadway. Chief Cooper said that it was his understanding that if there were any more issues; they would have to return back to court. Stan asked if the police can come over there when the alley is blocked and write a report. Cooper stated yes they could and that Paul was fined at court and had to pay $180.00 and was told if there were any more problems, they would have to come back to court. Stand told Mr. Hayes that anytime they block it, he needed to call Police to have them do a report for evidence.

12. **Consideration and possible action to approve Soonerette located at 602 E. Main, Davis, Oklahoma to be torn down by the City of Davis.** Oakley made motion to tear down the building at the city's expense and put a lien against it if that's what we have to do. Second by McCurtain. Vote: Jones, yes, McCurtain, yes, Oakley, yes, Parks, yes. Sid brought documents in to show what his attorney sent to the insurance company to finalize the case. He talked to bank on trying to get loan, which will take about 30 days. Before the next meeting, he hopes to start working on it. If he doesn't get approved, he will let city decide if they want to demolish it. He had to stop the trusses from coming because he didn't have the funds for it. He said council asked him to apply for loan in previous meeting and he did but did not get the answer yet whether he is approved or disapproved. Oakley stated in previous minutes it says he would have to have a loan secured by this meeting. Darryl stated that he did ask for him to bring documentation on a secured loan tonight and this letter wasn't generated until yesterday, he doesn't know how many attorneys work on a Sunday and it wasn't dated until yesterday. He had thirty days to take care of this but the letter wasn't generated until yesterday. Mayor asked how long the store has been closed down. Oakley stated March 21, 2016. Sid asked to give him another thirty days but Oakley stated that we have been giving him thirty days here and there. Tom stated that we will rent a track hoe hopefully tomorrow or the next day and tear it down. After motion, Sid asked to have a Special Meeting in two or three weeks from now. Council told him he could speak under new business.

13. **Public Safety Report** by Danny Cooper. He stated that his report was in the packet along with the letter that council has been asking about.

14. **No Chamber Report.**

15. **MCIA Report** by Melissa. She stated that there wasn't much going on since she just had hip surgery but they have been working on a new website for the Murray County Industrial and that they are about 75% complete.

16. **City Manager Report** by Tom Graham. Next Monday they are having a meeting with ODOT. He will be out of town during this time but Bert Curtis, Mike Hellack, and Rick Warren will be able to attend. They need to get that started so that is why they will continue even though he won't be here. The auditors do have the 2015-16 audit done and will present next council meeting.

17. **Appearances and petitions from the audience.** (Limit of three (3) minutes for each.) Junior talked in regards to the two dilapidated houses. Has the definition been established on that yet? Tom stated that was something that was supposed to be done by inspector and attorney. We are waiting on additional information from another city to help. It has not been done at this time, hopefully next month. Attorney stated that he has spoken with Sulphur Attorney and that they will get together and sees what standards they have. News spokes person from Ardmore newspaper asked if they thought we would get any legal notification against us since we are declaring them dilapidated before we have a set and stone code. Attorney stated that there is currently a definition of dilapidated buildings within our code. Tom stated that the procedures are to set to see if the houses are actually safe to live in and the minimum standards it requires to be safe living in them. That's what we are doing now to see if anyone else has those regulations.

18. **New Business:** Discussion and possible action concerning any matter not known which could not have been foreseen prior to the posting of this agenda. Chief, Danny Cooper stated that they just received notice today for JAG Grant today in the mail. They want to apply for $10,000.00 to upgrade body armors. He asked for approval tonight because they start process August 21st. McCurtain made motion to approve. Second by Jones. Vote: Jones, yes, McCurtain, yes, Oakley, yes, Parks, yes.

Sid returned and Jones told him that they was trying to fair and that they want to be fair but they asked him in previous council to move those containers and the fence was torn down in places and he said that he would take care of that and it has been thirty days and nothing was done that they asked him to do. Sid stated that he tried to fix the fence. Stan stated that it has not been touched. Tom said Stan called him around ten days after previous meeting to call Sid to address these issues, he did and Sid said he would have someone there the next day. Darryl asked if he had plans drawn up for the new building and if he had a contractor lined up yet. He said yes but money is his only problem right now. Oakley asked him between the previous meeting and this one, how many times have you come to check on this property? Only once. Oakley stated that he would think if he was really concerned about it, he would be over seeing it a lot more and would be doing everything that the council asked. Nothing has been done at all. Citizens are still complaining and have been very patient. He stands behind his motion and vote. Darryl asked him if he had a loan secured, he said not yet. Darryl stated that he will stand with his vote.

19. **Adjourn.** Jones made motion to adjourn. Second by McCurtain. Vote: Jones, yes, McCurtain, yes, Oakley, yes, Parks, yes.

ATTEST:

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Cheryl Merrell, City Clerk Ed Parks, Mayor

DAVIS MUNICIPAL AUTHORITY MEETING
MONDAY, AUGUST 14, 2017 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 Stan Jones, here, Trustee Darryl McCurtain, here, Trustee Brett Knight, absent.

3. **Consideration and possible action to approve Consent Agenda including minutes of prior meetings, Special Meeting, and claims.** McCurtain made motion to approve. Second by Jones. Vote: Jones, yes, McCurtain, yes, Oakley, yes, Parks, yes.

4. **No items removed from Consent Agenda.**

5. **Discussion and possible action regarding protection of water meters to prevent theft of water.** McCurtain made motion that 24 hours after shut off's, we lock the meter for nonpayment effective immediately since it is policy. Second by Oakley. Vote: Jones, yes, McCurtain, yes, Oakley, yes, Parks, yes. Tom stated that he was asked to put on their given the city's procedures has always given the city manager the authority to work with people on their water bills. When somebody becomes delinquent, we turn the water off and we check it periodically to see if they turned it back on, if so, we will lock it or pull the meter. If a meter sits for a long period of time inactive and nothing happens, we check them later and it starts doing it, we start the procedure of collecting the water. Since he has been city manager, he has never filed charges for someone stealing water and everybody to his knowledge has been treated the same. Stan said he was the one that asked to put on agenda because he had concerns from citizens about being fair again. He wasn't aware until he spoke with Bert that we had the ability of locking the meters. Some do have locks on them but when do we do that? What is the procedure on that? He thinks we need to address that so that we can be fair and equal. He thinks we may need to get new technology meters that actually give a read out. Tom gave him a particular case where a homeowner used 30,300 gallons stolen since December are used and it wasn't locked nor checked, except by employees that it was still turned off. When do we pull the meter or put the locks on them. The problems sound like some get favoritism and some get to go six months before getting locked.

Tom stated that it would be helpful if there was a policy in the event that if bill comes delinquent, we lock it immediately. It's not in the Ordinance that way. Bert stated that we have about thirty to forty locks. Some of these old ones we will have to pull the meters cause the types of locks we have the locks won't fit them. There is a few we would have to pull the meters. He said it would help him in black and white saying that if you have not paid your bill, it will be locked and the meter will be pulled. Then he has some backing and support to take care of this. Ed stated that he felt that when we turn someone off, we lock it and when we turn it back on, we unlock it. Darryl asked how many disconnections on non payments we have in a month. Brandy stated that on an average of 335. This time last year was only about 75 cutoffs. We do between 40 and 60 cutoffs right now each month. It just varies. Some people call and Tom will work with them. Tom said to keep in mind; we are doing this after a one month bill. When he came back to the city, there was people that owed 3-6 months or more. We are shutting them off after one month. Of the 30 or 40 they are talking about, there is about 13-15 regulars we do not turn back on. It's almost the same people every single month. Darryl asked what day of the week do we turn the water off. Brandy said it depends on when the 15th falls. They send out the letters on the 15th to remind them and give them 10 days to pay it. We don't cut off on Fridays or Monday mornings. Tom stated it's a state law to cut off on a Friday. Darryl asked Bert how much trouble it would be to put locks on meters the next day after being shut off. It wouldn't be that much. Darryl said the day of cut off's, wait 24 hours before locking. Tom stated that he doesn't work with the people that wait till the day of turn off's. If they call a few days before, he will because they had basically 25 days before to pay it. Bert and his guys will keep turning them back on after they pay, up till 5 o'clock the day of shut off's. Darryl stated to amend his motion and add $25.00 fee. Tom said that there was no way to change the bills that are fixing to come out, he ask that they would leave it like it is until we change the Ordinance.

6. **Consideration and possible action to accept that you have received and acknowledged DEQ's permit for water line extension for the school, Permit No. WL000050170147.** McCurtain made motion to approve. Second by Jones. Vote: Jones, yes, McCurtain, yes, Oakley, yes, Parks, yes. Tom stated that they have to have in their paperwork that you have acknowledged this in the council.

7. **Consideration and possible action to accept that you have received and acknowledged DEQ's permit for water line extension for Villas of Hanover, Permit No. WL000050160562.** McCurtain made motion to approve. Second by Jones. Vote: Jones, yes, McCurtain, yes, Oakley, yes, Parks, yes.

8. **Turner Falls Report** by Billy Standifer. Billy stated that we had another good month but we are starting to drop off since school is about to start. Last weekend was the first weekend that we didn't close due to capacity but came very close. Stan asked how much faster we are getting the customers in off of I-35. Billy stated that if they had bought their tickets online, it does improve it some. We have made some changes with the police. We put cones and signs up. We have our officers inside the park, off the highway. Officer Gregory stated that the longest they had customers backed up to interstate after closing was only 45 minutes this year. It is really working for us. The online ticket system still has some bugs in it along with accounting problems. They are supposed to have a new report on it today to fix all this. The gate entrance and admission fee was also brought up but was tabled until the Turner Falls Workshop.5254

9. **Public Works Director Report** by Bert Curtis. Bert stated that we already talked about the waterlines. Once we're at current code, we are also going to start doing some of the drainage west of sewer plant. There will be more stop signs on 3rd street, A Street, 5th street and 6th street. Tom stated that we are trying to do this because of the school traffic. We are cutting grass as much as we can with the rain.

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

11. **No New Business.**

12. **Adjourn.** Jones made motion to adjourn. Second by McCurtain. Vote: Jones, yes, McCurtain, yes, Oakley, yes, Parks, yes.

ATTEST:

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Cheryl Merrell, City Clerk Ed Parks, Chairman