

Davis City Council

March 14, 2022 6:00 PM
Davis City Council Chambers
308 S 3rd St
Davis, OK 73030

Agenda Item #1: Call to order Davis City Council

- Mayor Brian Davis called the meeting to order at 6:01 PM.

Agenda Item #2: Roll Call

- Mayor Brian Davis – present, Vice Mayor Stan Jones – absent, Councilman Josh Oakley – absent, Councilman Clint Grinstead – present, Councilman Jeremy Bumgarner – present.

Agenda Item #3: Prayer

- Prayer led by Ralph J Coppenbarger, Jr.

Agenda Item #4: Pledge of Allegiance

- Pledge of Allegiance led by Davis.

Agenda Item #5: Consideration and possible action to approve Consent Agenda:

- a. Minutes of prior meeting. Motion by Grinstead to approve. Second by Bumgarner. Vote: Bumgarner – yes, Grinstead – yes, Oakley – absent, Jones – absent, Davis – yes.
- b. Claims. Motion by Grinstead to approve. Second by Bumgarner. Vote: Bumgarner – yes, Grinstead – yes, Oakley – absent, Jones absent, Davis – yes.

Agenda Item #6: Presentation of FY 2020-2021 audit by Chris Angel of Angel, Johnston and Blasingame, P.C.

- Presentation of the FY 2020-2021 audit and financial report by Chris Angel of Angel Johnston and Blasingame, P.C. No significant or material findings to report. Recommendations to management were as follows: continue reconciliation of water meter/service deposit, making progress and appears to have excess funds above what would be required, so not a real concern; due to and due from has old transactions outstanding that were likely made in error in the past and need to be cleared; Cares Act funds received were made to match the expenditures with transactions between the General Fund and the Grant Fund; outstanding payroll items of approximately \$8,000 remained at the end of the fiscal year, but a little over \$6,000 of those were cleared at the beginning of the current fiscal year, continue to keep these cleared. For financial review, Angel commented on the overall Net Change in Fund Balances for Governmental Funds as well as the Proprietary Funds remained to be a positive increase to each fund in spite of the Capital Outlay Expenditures. Councilman Grinstead inquired about the number of years Angel had been performing the audit and he stated that he cannot recall but at least six years, and this is the first year he can recall an audit without findings to report and that he sees significant improvements in the financial controls.

Agenda Item #7: Consideration and possible action on the FY 2020-2021 audit as presented.

- Motion by Grinstead to accept audit as presented. Second by Bumgarner. Vote: Bumgarner – yes, Grinstead – yes, Oakley – absent, Jones – absent, Davis – yes.

Agenda Item #8: Consideration and possible action to approve the lease agreement for the property located on the North East corner of N 4th Street & East Benton Ave.

- Motion by Grinstead to approve. Second by Bumgarner. Vote: Bumgarner – yes, Grinstead – yes, Oakley – absent, Jones – absent, Davis – yes. Andy Holland, City Manager presented the lease agreement to lease this property to TH Rogers. Mayor Davis inquired if this required a public offering, Mark Melton, City Attorney, stated it did not require a public offering.

Councilman Grinstead inquired as to the value of the lease and if it was competitive with other lot leases. Holland obtained info from area property owners on the fair market value and also stated that an added value is the donations they have made to the City as well as the increased sales tax revenue that is produced by their business.

Agenda Item #9: Consideration and possible action to approve ODOT reimbursement of City of Davis funding the 2nd Street Water Line Relocation design and construction in support of the US77/SH 7 drainage project.

- Motion by Davis to approve. Second by Grinstead. Vote: Bumgarner – yes, Grinstead – yes, Oakley – absent, Jones – absent, Davis – yes. ODOT project, with cost up to \$300,000, to repair US77/SH7 between railroad tracks and 3rd Street intersection including adding a protected left turn lane for eastbound turning North on US77. Grinstead asked about the timing of the project and how long it would take for reimbursement. ODOT deadline is the July/August period, which would make some expenditures in current FY 2021-2022 with final expenditures and reimbursement in FY 2022-2023. Recommendation to fund and reimburse from the Street Maintenance Fund by Susan Suther, City Clerk/Treasurer.

Agenda Item #10: Consideration and possible action to approve Certification of Library Board Appointment to renew the three year term of Heath Foster on the Board of Trustees for the Southern Oklahoma Library System.

- Motion by Davis to approve. Second by Grinstead. Vote: Bumgarner – yes, Grinstead – yes, Oakley – absent, Jones – absent, Davis – yes. Heath Foster has served several terms and agreed to continue his service as a board member.

Agenda Item #11: Consideration and possible action to approve Ordinance 01-2022 Amendment to the OkMRF Defined Contribution Master Plan and Joinder Agreement.

- Motion by Grinstead to approve. Second by Davis. Vote: Bumgarner – yes, Grinstead – yes, Oakley – absent, Jones – absent, Davis – yes. The OkMRF Defined Contribution Master Plan and Joinder Agreement were recently amended and restated and approved by the IRS. OkMRF, as our plan provider, must follow a six-year filing cycle for preapproved plans in order to retain plan qualification and obtain a determination letter from the IRS. Upon approval by the IRS, it requires the OkMRF Board and each participating member to formally adopt these new documents containing the updated plan language. The OkMRF Board of Trustees approved the Amended and Restated Defined Contribution Master Plan and Joinder Agreement at the December Board meeting. Now it is requested that our governing body approve and adopt the documents for our plan.

Agenda Item #12: Consideration and possible action to approve the Special Event Permit.

- Motion by Davis to approve. Second by Grinstead. Vote: Bumgarner – yes, Grinstead – yes, Oakley – absent, Jones – absent, Davis – yes. The need for a Special Event Permit has become more of a priority as we continue our application requirements to be a Film Friendly Community. This permit can be used for a wide variety of events and not specifically for film/video production and allows us the opportunity to pass on costs to the event promoter if it is a burden on our city resources.

Agenda Item #13: City Council Update

- Public Works update by Holland, Police Department Incident Report by Danny Cooper, Chief of Police, Outstanding Warrant List update by Holland, Animal Control/Pound update by Cooper, currently full with six dogs, four are available, two are being held for a pending animal cruelty case, Code Enforcement Update by Cooper, working with Code Enforcement Officer Lance Chronister, who recently completed his certification training and is gearing up for mowing season on former abatement properties as well as dilapidated properties, Fire Department Report by Holland, Turner Falls Sales Report by Ricky Harness, Parks and Recreation Manager, attendance has been volatile based on the weather, expecting a decent attendance for Spring Break week. Councilman Grinstead inquired about the shade structure installation, Harness reported that the structure they felt would be the most difficult to install was finished today.

Agenda Item #14: City Manager Report

- Keep Oklahoma Beautiful update, Environmental Excellence Celebration where Davis was awarded the Mr. Cox's Choice Award for the Paint Oklahoma Beautiful Project, also the Great American Cleanup event is fast approaching on Saturday, April 9th. Looking to have three teams, #1 for the section of Hwy 7 from Hanover Rd to Hwy 110 intersection, #2 for the Hwy 7/77 split South to McKee Industrial Rd and #3 for Main Street from Hwy 7/77 split all the way through to Hanover Rd, this team would be a great opportunity for those businesses to adopt the sections in front of their locations to clean/spruce up the store fronts – windows, sidewalks, flower beds, shrubs, and painting, etc.
- Green Hill Cemetery we contracted with a local contractor to clean up and remove some trees in the cemetery and the contractor also donated some additional labor to the clean up project. When it was finished, it revealed the terrible condition of the fences around the cemetery. Currently a survey is being completed to identify the property lines to construct new fences, some rail across the front, some chain link fencing as well as some privacy fencing. The routes for road improvements through the cemetery, including some chip/seal and some gravel, were provided. A review of the current existing City Code: 8-3-1 – Charges for plots and excavations; 8-3-2 – Cremated remains; 8-3-3 – Flower arrangements; 8-3-4 Liability for damage to tombstones. The maintenance of the cemetery is very difficult when there are many decorative items surrounding the grave sites. It creates a place for leaves to blow and pile as well as difficulty getting between the items for mowing or weeding. Photos of many examples were provided. The current ordinances which would allow the removal of flower arrangements and other decorative items after seven days for natural cut flowers or 90 days for artificial arrangements, including other decorative items, are not being and have not been enforced for some time and most of the maintenance burden continues to fall to the city staff. Councilman Grinstead asked about the graves that are maintained by the families because he is aware of some families who visit regularly to conduct their own maintenance. He asked if waivers to the number of days for arrangements and decorative items could be granted to those performing their own regular maintenance. Holland acknowledged that those graves were not posing additional maintenance burden upon the staff and they would be allowed to continue to place their arrangements and items for as long as they are performing the maintenance themselves. He also shared information regarding vendors, such as those placing headstones, now being required to have a city representative be present when they are performing their work due to some headstones recently being placed improperly. To wrap up the cemetery discussion, Holland presented an overview of cemetery services and the charges assessed by other municipalities as well as our current charges and possible charges that could be presented for a decision at a future date. Councilman Grinstead asked that notification be given in the newspaper prior to the enforcement of the current City Code since it has not been enforced in the past, to which, Holland agreed he would work with The Davis News to get the information out to the residents.
- Holland provided an overview of the existing job opportunities available at this time including the new position of Park Ranger for Turner Falls Park which would provide customer service and park information as well as enforcing park rules and City Ordinances. The position of Animal Control Officer/Assistant Code Enforcement Officer will add support to our current Code Enforcement Officer as well as fill the need for a dedicated animal welfare employee. Other maintenance positions across various departments, Court Clerk and seasonal opportunities are currently available and more information can be found on our website www.davisokla.org

Agenda Item #15: City Treasurer Report

- Suther provided an overview of sales/use tax receipts, transfers, fund balances, OWRB loan balance and Feb 2022 utility billing totals.

Agenda Item #16: Davis Chamber of Commerce Report

- Monica Popkess, Executive Director, provided an update on upcoming events including the Boots & Bowties Banquet scheduled for March 31, 2022 and the Twisted Wolf Poker Run scheduled for June 4, 2022. Currently time is being spent preparing for the chamber banquet, acquiring décor that can be used for future events and provide a nice professional presentation for our members to

enjoy. Last year was the first Twisted Wolf Poker Run event and there were 119 in attendance, they are planning for 150 to 200 this year. At the recent Chamber Board Retreat the decision was made to only work events that provided a benefit to our chamber members. Some events will continue, and efforts are being made to increase the benefits to members with new events. There will be training events offered to members including but not limited to QuickBooks, Microsoft Office Suite, and Social Media Marketing. A legislative breakfast is also in the works.

Agenda Item #17: Consideration and possible action to enter executive session pursuant to 25 O.S. § 307 (B)(1) to discuss the performance of the City Manager.

- Motion by Grinstead to approve going to executive session. Second by Davis. Vote: Bumgarner – yes, Grinstead – yes, Oakley – absent, Jones – absent, Davis – yes. Time: 7:22 PM

Agenda Item #18: Consideration and possible action to return from executive session

- Motion by Grinstead to return from executive session. Second by Bumgarner. Vote: Bumgarner – yes, Grinstead – yes, Oakley – absent, Jones – absent, Davis – yes. Time: 8:20 PM

Agenda Item #19: Presentation of the executive session minutes by City Attorney to the City Clerk/Treasurer.

- Executive session minutes presented to Suther by Mark Melton, City Attorney.

Agenda Item #20: Consideration and possible action regarding the performance of the City Manager.

- No action taken. Mayor Davis made the statement that an employee disagreed with a disciplinary action that was delivered by Holland. The disciplinary action and the employee's response is to be placed in the employee's personnel file.

Agenda Item #21: New Business: Discussion concerning any matter not known which could not have been foreseen prior to the posting of this agenda.

- Councilman Bumgarner presented his concern regarding the current use of analog radios and the communication struggles that create a public safety issue. Nathan Roady, Emergency Management Director, has worked with Fire and Police as well as our communications vendor to upgrade our communications to digital. There was discussion about the current budget and making the purchase in the current fiscal year, budgeting for next fiscal year or funding from the Contingency Fund. All Contingency Fund purchases must be approved by the council and the Contingency Fund balance cannot exceed \$250,000 per previous council decision when the Fund was established. If the balance does not exceed the limit at the end of this fiscal year, it will shortly thereafter. It was requested that the vendor be contacted to request the proposal date be extended to allow this to be placed on the April 11, 2022 agenda for action.
- Stacey Harness, Community Services Director, announced that they recently installed a new sign and that the Senior Citizens Center will be opening the dining area on Monday, March 21st. Volunteers are needed, stop by the center and speak with Stacey. Carry out orders can be called in between 8 AM and 10 AM with pickup from 10:30 AM to 11 AM, in-person dining will be held from 11:30 AM – 12:15 PM and late carry outs will be provided from Noon to 12:30 PM.

Agenda Item #22: Adjourn.

- Motion by Grinstead to adjourn the meeting. Second by Bumgarner. Vote: Bumgarner – yes, Grinstead – yes, Oakley – absent, Jones – absent, Davis – yes. Time: 8:45 PM

ATTEST:

/s/Susan Suther

Susan Suther

City Clerk/Treasurer

/s/Stan Jones

Stan Jones

Vice Mayor

Davis Municipal Authority

March 14, 2022 6:00 PM
Davis City Council Chambers
308 S 3rd St
Davis, OK 73030

Agenda Item #1: Call to Order Davis Municipal Authority

- Chairman Brian Davis called the meeting to order at 8:45 PM

Agenda Item #2: Roll Call

- Chairman Brian Davis – present, Vice Chairman Stan Jones – absent, Trustee Josh Oakley – absent, Trustee Clint Grinstead – present, Trustee Jeremy Bumgarner – present.

Agenda Item #3: Consideration and possible action to approve Consent Agenda

- a. Minutes of prior meetings
- Motion by Bumgarner to approve. Second by Davis. Vote: Bumgarner – yes, Grinstead – yes, Oakley – absent, Jones – absent, Davis – yes.
- b. Claims
- Motion by Bumgarner to approve. Second by Davis. Vote: Bumgarner – yes, Grinstead – yes, Oakley – absent, Jones – absent, Davis – yes.

Agenda Item #4: Consideration and possible action to approve items removed from Consent Agenda.

- No items removed from the consent agenda.

Agenda Item #5: Presentation of proposed Rural Water Rate adjustments and response, if any, from Rural Water District representatives in attendance.

- Andy Holland presented his proposed adjustment to rural water. He has met with them to discuss and attempt to establish a minimum consumption to reduce the rate, but at this time, they have not agreed upon a minimum. No representatives from either rural water district were present.

Agenda Item #6: Consideration and possible action on the proposed Rural Water Rate adjustments.

- Motion by Davis to approve the rate adjustment as presented 2022 = \$4.82 per 1,000; 2023 \$5.25 per 1,000; 2024 \$5.80 per 1,000. Second by Grinstead. Vote: Bumgarner – yes, Grinstead – yes, Oakley – absent, Jones – absent, Davis – yes.

Agenda Item #7: Consideration and possible action on the Curio Shop contract.

- No action taken, resolved prior to meeting time.

Agenda Item #8: Consideration and possible action on Hilltop Grill facility.

- Motion by Grinstead to uphold the board decision made at the February 22, 2022 special meeting to terminate the Hill Top Grill contract, proceed with the Food Truck Court in that location and allow Ricky Harness to work with Mr. Sbeity to reach an agreement to work out of the Turner Falls owned food truck in the Food Truck Court for the 2022 season. Second by Bumgarner. Vote: Bumgarner – yes, Grinstead – yes, Oakley – absent, Jones – absent, Davis – abstain. Mr. Alix Sbeity, owner of the Hilltop Grill Facility, was present to request that the council reconsider the decision made at the February 22, 2022 special meeting to terminate the Hilltop Grill contract. He provided an update on his meeting with the health inspector and his intentions to make the necessary corrections to obtain a permit and operate in that facility for the remainder of his contract, which ends in December 2022, in spite of the fact that the intention is to not renew that contract for another term. As approved in the same February 22, 2022 meeting, Harness intends to have a Food Truck Court in this location once the Hilltop Grill Facility is removed. Grinstead asked Mr. Sbeity if he would be willing to operate out of the Turner Falls Food Truck in the new Food Truck Court and Mr. Sbeity was agreeable to do that, but storage of his frozen food supply

was his concern. The Hilltop Grill is equipped with walk-in freezers that he utilizes for his frozen food supply and he would not have another way to obtain his supply in bulk and keep it readily accessible for the food truck operation. It was presented to Mr. Sbeity that by us allowing him to use our food truck for this season, he would have the opportunity to test his business in a food truck without having to make the investment of the actual food truck. Mr. Sbeity also shared with the council that the reason for the expiration of his food handling/service permit for a portion of the 2021 season was due to a change of address and him not receiving the notification from the state health department that his license had expired. Other discussion included past health inspections, corrections previously made, a statement by Mr. Sbeity that he was not made aware of the February 22, 2022 special meeting and a response from Harness that he had met with Sbeity in January to attempt to reach a resolution on his various businesses in the park and since then his attempts to reach Mr. Sbeity had been unsuccessful.

Agenda Item #9: Consideration and possible action on the laundry facility at Turner Falls Park.

- Motion by Grinstead to approve the laundry facility at a cost of \$65,150. Second by Davis. Vote: Bumgarner – yes, Grinstead – yes, Oakley – absent, Jones – absent, Davis – yes. Presentation by Harness of the construction of a laundry facility to be used by the Turner Falls staff for linens and supplies required by the park accommodations. The facility would be 14' x 60' with 8' walls, 26 gauge sheet metal, welded metal frame, 3500 psi concrete, pier foundation, with 2" blown closed cell insulation and a five year warranty. Grinstead stated that 1" blown closed cell insulation would be sufficient and might reduce the cost, Harness agreed to discuss this with the contractor.

Agenda Item #10: New Business: Discussion concerning any matter not known which could not have been foreseen prior to the posting of this agenda.

- Garver USA was present to present a 30% design review of the Wastewater Treatment Plant project as well as the 6th Street design project.

Agenda Item #11: Adjourn

- Motion by Bumgarner to adjourn the meeting. Second by Davis. Vote: Bumgarner – yes, Grinstead – yes, Oakley – absent, Jones – absent, Davis – yes.

ATTEST:

/s/Susan Suther

Susan Suther
City Clerk/Treasurer

/s/Stan Jones

Stan Jones
Vice Chairman