

Notice of Public Hearing

Davis City Council & Davis Municipal Authority

June 13, 2022, 6:00 PM
Davis City Council Chambers
308 S 3rd St
Davis, OK 73030

Agenda Item #1: Call to order Davis City Council and Davis Municipal Authority.

- Call to order Davis City Council & Davis Municipal Authority by Mayor/Chairman Brian Davis at 6:01 PM.

Agenda Item #2: Roll Call

- Mayor/Chairman Brian Davis – present; Vice Mayor/Vice Chairman Stan Jones – present; Councilman/Trustee Josh Oakley – present; Councilman/Trustee Clint Grinstead - present; Councilman/Trustee Jeremy Bumgarner - present.

Agenda Item #3: Prayer

- Prayer led by Jones.

Agenda Item #4: Pledge of Allegiance

- Pledge led by Davis

Agenda Item #5: Presentation of FY 2022-2023 Budget for City of Davis and Davis Municipal Authority, all funds.

- Presentation and summary of the FY 2022-2023 Budget for City of Davis and Davis Municipal Authority, all funds by Andy Holland, City Manager. Davis asked for questions, concerns, or comments from the council/board as well as attendees, none were made.

Agenda Item #6: Close Public Hearing.

- Public Hearing closed by Davis.

Agenda Item #7: Adjourn.

- Motion to adjourn made by Oakley. Second by Bumgarner. Vote: Bumgarner – yes, Grinstead – yes, Oakley – yes, Jones – yes, Davis – yes. Time: 6:10 PM

ATTEST:

/s/Susan Suther
Susan Suther
City Clerk/Treasurer

/s/Clint Grinstead
Clint Grinstead
Councilman/Trustee

Davis City Council

June 13, 2022, 6:00 PM
Davis City Council Chambers
308 S 3rd St
Davis, OK 73030

Agenda Item #1: Call to order Davis City Council.

- Call to order Davis City Council by Mayor Brian Davis. Time: 6:06 PM

Agenda Item #2: Roll Call

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

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

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

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

- No items were removed from the consent agenda.

Agenda Item #5: Consideration and possible action to approve Resolution 601 Approving FY 2022-2023 Budget for City of Davis, Davis Municipal Authority and All Funds.

- Motion to approve made by Bumgarner. Second by Oakley. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – yes; Davis – yes. Presentation by Susan Suther, City Clerk/Treasurer of Resolution 601 to approve the budget for FY 2022-2023 Budget for City of Davis and all funds.

Agenda Item #6: Consideration and possible action to approve award of 2nd Street Water Line Relocation Project up to the ODOT approved reimbursement amount.

- Motion to approve award of 2nd Street Water Line Relocation Project up to the ODOT approved reimbursement amount made by Grinstead. Second by Oakley. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – yes; Davis – yes. Presentation by Andy Holland, City Manager explaining the urgency of the project due to the short time line requested by ODOT. Initial pre-bid conference only resulted in one contractor, second pre-bid conference set, award must be completed by end of June.

Agenda Item #7: 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 to enter into executive session made by Oakley. Second by Bumgarner. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – yes; Davis – yes. Time: 6:19 PM

Agenda Item #8: Consideration and possible action to return from executive session.

- Motion to return from executive session made by Oakley. Second by Bumgarner. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – yes; Davis – yes. Time: 8:09 PM

Agenda Item #9: Presentation of the executive session minutes by City Attorney to the City Clerk/Treasurer.

- Executive session minutes received by the City Clerk/Treasurer from the City Attorney.

Agenda Item #10: Consideration and possible action to terminate the City Manager.

- Motion to terminate the City Manager made by Grinstead. Second by Bumgarner. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – no; Davis – no. Suther asked for details to be clarified, termination effective immediately per policy with keys and phone turned over to City Attorney on Tuesday, June 14, 2022. Holland took the opportunity to thank the council for the opportunity to serve then exited the meeting.

Agenda Item #11: Consideration and possible action to delegate authority and duties of the City Manager on an interim basis.

- Motion to appoint Ricky Harness as interim City Manager made by Grinstead. Second by Oakley. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – yes; Davis – yes.

Agenda Item #12: Consideration and possible action regarding the authority for the City Manager to negotiate and/or approve contractual agreements.

- Motion that the City Manager would include the City Attorney in negotiations of all contractual agreements made by Grinstead. Second by Bumgarner. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – yes; Davis – yes. Grinstead stated that he asked for this agenda item to discuss that when we are negotiating contracts, that our City Attorney be more involved with

the negotiations that are over the spending limit of the City Manager. Suther clarified that this decision will be in place for the Interim City Manager.

Agenda Item #13: Consideration and possible action to approve the Rahhal, Henderson Willis, CPAs, PLLC engagement letter for the FY 2022-2023.

- Motion to approve the engagement letter for Rahhal, Henderson, Willis CPAs, PLLC for the fiscal year 2022-2023 made by Davis. Second by Grinstead. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – yes; Davis – yes. Suther requested Rahhal, Henderson, Willis CPAs, PLLC be retained to prepare our financial reports for the fiscal year 2021-2022.

Agenda Item #14: Consideration and possible action to approve the Cemetery Board Meeting Dates for remainder of 2022.

- Motion to approve the Cemetery Board meeting dates for the remainder of 2022 made by Jones. Second by Oakley. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – yes; Davis – yes. Cemetery Board held their first meeting on June 6, 2022 and requested the meeting dates of the first Monday of each month, with the exception of those days that are holidays and those meetings would be held on the following Tuesday.

Agenda Item #15: Consideration and possible action to approve Resolution #598 for Financial Assistance from Oklahoma Forestry Service O.F.S. to Develop a Community Wildfire Protection Plan (CWPP).

- Motion to approve Resolution #598 for Financial Assistance from Oklahoma Forestry Service O.F.S. To Develop a Community Wildfire Protection Plan (CWPP) made by Grinstead. Second by Bumgarner. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – yes; Davis – yes. Presentation of grant request by Ralph Coppenbarger, Jr. City Planner and Dusty Parsons, Fire Chief.

Agenda Item #16: Consideration and possible action to approve Resolution #599 for Financial Assistance from Firehouse Subs Safety Foundation for the Purchase of Lifesaving Equipment.

- Motion to approve Resolution #599 for Financial Assistance from Firehouse Subs Safety Foundation for the Purchase of Lifesaving Equipment made by Oakley. Second by Bumgarner. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – yes; Davis – yes. Presentation of grant request by Coppenbarger and Parsons.

Agenda Item #17: Consideration and possible action to approve Resolution #600 for Financial Assistance From US Department of Justice COPS Hiring Program to Provide Funding for a Police Salary for 36 Months.

- Motion to approve Resolution #600 for Financial Assistance From US Department of Justice COPS Hiring Program to Provide Funding for a Police Salary for 36 Months made by Grinstead. Second by Oakley. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – yes; Davis – yes. Presentation of grant request by Coppenbarger and Danny Cooper, Police Chief.

Agenda Item #18: Consideration and possible action to approve Resolution #602 Establishing an Investment Policy for the City of Davis for FY 2022-2023.

- Motion to approve Resolution #602 Establishing an Investment Policy for the City of Davis FY 2022-2023 made by Grinstead. Second by Jones. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – yes; Davis – yes. Presentation of resolution by Suther, allows for the more efficient investment of funds by City Clerk/Treasurer, renewed each fiscal year.

Agenda Item #19: Consideration and possible action to approve Ordinance 06-2022 Amending Title 6 Public Safety, Chapter 4C Offenses Against Health, Welfare and Morals, Section 6-4C-8 Loitering Near Public Buildings.

- Motion to approve Ordinance 06-2022 Amending Title 6 Public Safety, Chapter 4C Offenses Against Health Welfare and Morals, Section 6-4C-8 Loitering Near Public Buildings made by Davis. Second by Jones. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – yes; Davis – yes. Presentation of ordinance by Cooper.

Agenda Item #20: Consideration and possible action to approve a 3% COLA increase for the City Clerk/Treasurer, to be awarded at the same time as all other city employees.

- Motion to approve a 3% COLA increase for the City Clerk/Treasurer on an indefinite basis as long as it falls in line with other employee COLA to be awarded at the same time as all other city employees receive a COLA increase made by Davis. Second by Grinstead. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – yes; Davis – yes. Davis inquired about this being approved on an indefinite basis as long as COLA increases are awarded to other city employees, City Attorney Mark Melton had no objection to the indefinite approval.

Agenda Item #21: Presentation of concerns from Mickey Miles, property owner at 201 N 2nd St, Davis, OK.

- Property owner Mickey Miles brought concerns regarding his property located at 201 N 2nd St, Davis, OK and the neighbors living next door at 203 N 2nd St. The police are at the property constantly, they do not have running water, use the bathroom outside, in view of anyone, including children, individuals living in a shed on the property and other suspected illegal activity taking place. He has had to install a security system, replace his fence because they have torn it up, his property value has dropped, he has been to the Police Department, Sheriff's Department, Adult Protective Services, Department of Human Services, City of Davis, and nothing has been done. Mr. Miles has video footage that he offered to share. Bumgarner asked what Adult Protective Services said when he contacted them. Mr. Miles said they are doing nothing. Chief Cooper addressed what actions have been taken by both police and code enforcement including arrest, release from custody, pending court appearance. Davis inquired if the individual currently has an active arrest warrant. Cooper confirmed he did, but they have to work with the Sheriff's office. Mr. Miles stated that if it was just the property owner, it would not be as much of a problem because he gets drunk and passes out in the front yard, but the others that hang around the home are the real issue. Cooper stated that Mr. Miles has offered video footage, officers have been to the property many times. Discussion of a thumb drive being delivered to the Davis PD. City Attorney Mark Melton stated that when he was in District Court this last week, he did ask the court about Mr. Lewis and there are so many medical and mental issues that the Sheriff's Department does not want him, but Judge Duck did order APS to take some kind of action. Davis asked if there is an ordinance about living in the shed. Officers have not found anyone in the shed on the property. Davis asked about an ordinance requiring houses be required to have water/electric. Cooper responded that he has not found one. Davis asked if the Sheriff's Department has the right to not keep him. Cooper responded that they do have the right to OR them. Cooper stated that Mental Health states that his mental health issues are due to a possible brain injury so he does not meet their criteria, APS says that it is not against the law to live like that, relatives will not take guardianship. Davis PD is accepting civil complaints and they have been to court three times another court date is pending, waiting for bench warrants to be issued. Davis acknowledged the frustration of Mr. Miles. Davis asked about code violations. Cooper has done a preliminary inspection and sent notice regarding the violations, and they have been doing just enough to prevent us from taking abatement action. Suther shared an ordinance in Davis City Code that addresses the requirement of a sanitary sewer. Davis stated that this is another ordinance that can be ticketed. Cooper stated that Ordinance 06-2022 can also be used in some of the situations being addressed with these individuals.

Agenda Item #22: Presentation of concerns from Cassandra Deaton-Muntz regarding the care of the cemetery.

- Citizen Cassandra Deaton-Muntz addressed the council regarding the care of the cemetery, items, specifically metal flowers, being removed from her father's grave and discarded under the directions of former City Manager Holland as well as his statement to her that she needed to find another way to honor her father when she contacted him to inquire about the matter. She was also offered a self-care contract that would allow her to take the responsibility of caring for her father's grave. Ms. Deaton-Muntz stated that the items removed from her father's grave as well as other graves without public notice. If she and other family members had received public notice, they could have removed items themselves, but there are other graves that were left untouched without removing their items. She did not understand the random manner with which it was done

and stated that what was done for one grave should be done for all graves. The metal flowers were returned to her after they fell from a city vehicle when they were being hauled to be discarded. They are broken and cannot be repaired. She is unhappy about how this was handled and feels many others in the community are unhappy about it as well. She thanked the council for listening to her concerns.

**Josh Oakley exited the meeting after the Agenda Item was called by Mayor Davis and before Cassandra Deaton-Muntz began speaking.

Agenda Item #23: City Treasurer Report

- City Treasurer Report presented by Suther, sales tax revenues down from previous year, fund balances holding, review of DMA billing and update regarding supplemental budget amendments that have been made for FY 2021-2022 in preparation to close out the current fiscal year.

Agenda Item #24: Davis Chamber of Commerce Report

- Presentation of the Davis Chamber of Commerce Report made by Executive Director Monica Popkess including the success of the Twisted Wolf Vet Run, with at least 120 bikes, and the upcoming training on Promoting your Business and Community with Kelly Bland scheduled for June 16th.

**Josh Oakley returned to the meeting during the Davis Chamber of Commerce report.

** Davis told Oakley that he could add something for a previous discussion item if he needed to do so. Oakley said he was assuring the gentleman that the property concerns will be added to the agenda in July, he also apologized to Ms. Deaton for stepping out during her discussion.

Agenda Item #25: New Business: Discussion concerning any matter not known which could not have been foreseen prior to the posting of this agenda.

- No new business.

Agenda Item #26: Adjourn.

- Motion to adjourn made by Jones. Second by Grinstead. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – yes; Davis – yes. Time 8:45 PM

ATTEST:

/s/Susan Suther
Susan Suther
City Clerk/Treasurer

/s/Clint Grinstead
Clint Grinstead
Councilman

Davis Municipal Authority

June 13, 2022, 6:00 PM
Davis City Council Chambers
308 S 3rd St
Davis, OK 73030

Agenda Item #1: Call to Order Davis Municipal Authority

- Call to order the Davis Municipal Authority by Chairman Davis at 8:46 PM

Agenda Item #2: Roll Call

- Chairman Brian Davis – present; Vice Chairman Stan Jones – present; Trustee Josh Oakley – present; 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 to approve made by Jones. Second by Oakley. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – yes; Davis – yes.
- b. Claims: Motion to approve made by Jones. Second by Oakley. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – yes; 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: Consideration and possible action to approve Resolution #601 Approving FY 2022-2023 Budget for City of Davis, Davis Municipal Authority and All Funds.

- Motion to approve Resolution #601 Approving FY 2022-2023 Budget for City of Davis, Davis Municipal Authority and All Funds made by Jones. Second by Grinstead. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – yes; Davis – yes.

Agenda Item #6: Consideration and possible action to approve Resolution #603 Establishing an Investment Policy for Davis Municipal Authority for FY 2022-2023.

- Motion to approve Resolution #603 Establishing an Investment Policy for Davis Municipal Authority for FY 2022-2023 made by Jones. Second by Grinstead. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – yes; Davis – yes.

Agenda Item #7: Consideration and possible action to approve additional expenditure of \$5,300 to complete the installation of toilet vaults at Turner Falls Park.

- Motion to approve additional expenditure of \$5,300 to complete the installation of toilet vaults at Turner Falls Park made by Davis. Second by Oakley. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – yes; Davis – yes. Presentation by Ricky Harness, Parks and Recreation Manager, regarding this previously approved expenditure, original holes were not dug correctly, to obtain the manufacturer's warranty, this additional expense is required to complete the installation per their requirements.

Agenda Item #8: Consideration and possible action to approve lease agreement between Midground Creators, LLC and DMA for the lease of Cross Bar Ranch.

- No action taken, to be included on July 11 agenda. Justin Ramsey addressed the board, six years in, done a lot at the property, has fallen short, had some challenges with contracts and partnerships, has invested all of his funds into the park, has no insurance coverage. He stated that he thought Mark knows and based on conversations "the state insurance" does cover the park and he did not put the City at undue risk. He has put his self at risk, as well as his guys. Has invested \$20,000 registration office, \$10,000 in security office, \$5,000 for electrical service at low water crossing, about \$200,000 at the main road, another \$5,000 in electric at main camp, and \$20,000 in RV spots at Ranch House. Added a 1.5-mile racetrack, hosted national championship events two years in a row, built trails to tie Turner Falls to the ranch, it still makes sense for us to continue working together. He continued on about the online reservation system, six or seven employees at the ranch working hard. He has about \$25,000 in his checking account, he owes \$35,000 to United Rentals, a \$20,000 payroll lona, \$10,000 on a side-x-side, and owes \$25,000 to the City for rent. When they took over the business it was making \$90,000, this year it made \$713,000 (2021). He asked the board to tell him what he is not doing is right. He feels every time he comes before them he is facing a firing squad. He has requested a business plan to work with the City. He feels they have taken the Ranch to another level and it is now known nationally. He discussed the controlled burns that his team participates in with our Fire Department to improve the property. There is a rancher interested in leasing a portion of it to increase revenues for the City. He stated he can only make money so fast and he apologized but stated he is tapped. He stated he will not let the lease go, the City will have to take it from him. Chairman Davis inquired about the new contract, the response was that Midground Creators, LLC

attorney, Justin Landgraf drafted the contract. Davis inquired about the adjustments in red. Landgraf stated they put together a contract with former City Manager Holland to continue the term in more of a joint venture than a lease relationship to allow the City more control and oversight. He stated he and a paralegal, Ramsey, Holland, and Ricky Harness met to discuss the rearrangement. They had received some changes and sent the version in the packet at the end of last week. It was stated that insurance is not available for this type of business. The market is depleted, it was gone overnight. They desire to correct this, but they cannot correct it with something that doesn't exist. Coverage would require a bond, so basically \$1 million cash would be required to obtain coverage. Ramsey stated that projected cost if they could find a provider would be 13% to 15% of gross revenues. Discussion was had about whether or not OMAG would provide coverage with Midground Creators, LLC operating, Suther agreed to inquire as to what options we have with OMAG. Melton stated that he just received the agreement for review and is being brought in a little late on the agreement. He does have several questions, changes, and general discussion regarding the draft agreement. Discussion regarding grant opportunities and a mutual agreement to share insurance coverage costs equally. Landgraf clarified that the City's contribution would come solely from gate revenues. Davis inquired about 30 yd dumpsters at Turner Falls Park. Ramsey stated that the decision would be made based on what is cost effective a third-party vendor or the City's current vendor. Ramsey stated that the payroll for the Ranch runs 30-35%, they are keeping a ton of money for payroll. Ramsey reiterated that he's still trying to figure it all out. Davis asked if Melton's changes are easy to go through, Melton, speaking to Landgraf identified a couple of "non-starters", the first being upon sale of the park, the client would receive 5%. Landgraf responded that was if the park was sold during the contract term, that was encouraged by Landgraf not a requirement by Ramsey to protect him from losing his investment of time and money. Davis mentioned payment from grant revenue, discussion of the allowance of grant writers to receive payment for writing the grant. It was identified that further clarification is needed on the grant writing fee. Melton recommended he be given the opportunity to get with Interim City Manager Harness to determine what the City wants and make sure that is what is accomplished. To date, Melton has not been able to meet with Holland on this agreement and he does not know what his thoughts were on the drafted agreement. Davis stated he has a few notes and that everyone can get their notes in to Melton, including any changes and concerns from the board/council. Davis proposed those changes be presented at the July 11th meeting. Grinstead stated that Ramsey having stuck it out and continuing to pour his heart and soul into the business with the adversity he has faced is commendable. Grinstead acknowledged that benchmarks have not been met, but he does see a lot of improvements that have been made to the park.

Agenda Item #9: New Business: Discussion concerning any matter not known which could not have been foreseen prior to the posting of this agenda.

- No new business.

Agenda Item #10: Adjourn

- Motion to adjourn made by Jones. Second by Davis. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – yes; Davis – yes. Time: 9:15 PM

ATTEST:

/s/Susan Suther
Susan Suther
City Clerk/Treasurer

/s/Clint Grinstead
Trustee