

Notice of Public Hearing

Davis City Council

July 11, 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 Councilman Clint Grinstead. Time 6:00 PM

Agenda Item #2: Roll Call

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

Agenda Item #3: Prayer

- Prayer led by Ralph Coppenbarger, Jr.

Agenda Item #4: Pledge of Allegiance

- Pledge of Allegiance led by Clint Grinstead.

Agenda Item #5: Consideration of possible violation of Davis City Code 5-2-2: Public Nuisance (Stagnant Water Bodies, Dangerous Structure, Fire Hazard); and Section 5-3-2: Accumulation and Deposits of Weeds and Trash at 110 S 5th St, BLK 84 LOT 4 & W2 LOT 5 Davis.

- Presentation of property by Police Chief Danny Cooper, there is a title issue with the property, it was voluntarily mowed by Gary Dale Fullerton on Friday, July 8th, the swimming pool in the backyard is holding water, there are people entering the property without permission. Cooper requested summary abatement to secure the property, windows and all entryways, the pool needs to be pumped/treated to prevent mosquito infestation. Councilman Grinstead inquired about the family that appeared at the hearing for this property in 2021, it was stated that they did appear, but there has been no progress on maintaining the property. Grinstead asked if anyone in the audience was present for this property. No one was present.

Agenda Item #6: Close Public Hearing.

- Public Hearing closed by Grinstead.

Agenda Item #7: Adjourn.

- Motion to adjourn made by Oakley. Second by Bumgarner. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – absent. Davis – absent. Time: 6:05 PM

ATTEST:

/s/Susan Suther
Susan Suther
City Clerk/Treasurer

/s/Brian Davis
Brian Davis
Mayor

Davis City Council

July 11, 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 Meeting by Councilman Clint Grinstead. Time: 6:05 PM

Agenda Item #2: Roll Call

- Mayor Brian Davis – absent; Vice Mayor Stan Jones – absent; 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 Oakley. Second by Grinstead. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – absent; Davis – absent.
- b. Claims. Motion to approve made by Oakley. Second by Grinstead. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – absent; Davis – absent.

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

- No items removed from the consent agenda.

Agenda Item #5: Consideration and possible action to appoint a member of the Davis City Council to execute all documents approved in this meeting.

- Motion made by Oakley to appoint Clint Grinstead to execute all documents. Second by Bumgarner. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – absent; Davis –

absent. Susan Suther, City Clerk/Treasurer, stated there are items on the agenda that will need to be executed if they are approved and in the absence of the Mayor and Vice Mayor, another member of the council needs to be given that authority.

Agenda Item #6: Consideration and possible action on code violation 5-2-2: Public Nuisance (Stagnant Water Bodies, Dangerous Structure, Fire Hazard); and Section 5-3-2: Accumulation and Deposits of Weeds and Trash at 110 S 5th St, BLK 84 LOT 4 & W2 LOT 5 Davis.

- Motion made by Oakley to approve a six-month summary abatement at 110 S 5th St. Second by Bumgarner. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – absent; Davis – absent.

Agenda Item #7: Consideration and possible action 203 N 2nd St property.

- No action taken. Presentation by Cooper on the progress being made at 203 N 2nd St since the June meeting. The property owner was arrested and ordered to undergo an examination for competency. Only one person, a relative, is authorized to be on the property, all others are to be considered as trespassing. Activity has decreased around the property. The water was turned back on but had to be immediately be turned back off due to a water leak. They were given until July 15th to resolve water leak and restore service.

Agenda Item #8: Consideration and possible action to approve agreement between INCA Community Services, Inc. and the City of Davis for the property located at 701 E Benton Ave.

- Motion made by Josh Oakley to approve agreement. Second by Bumgarner. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – absent; Davis – absent. Suther presented agreement from INCA Community Services, Inc and City of Davis to continue the use of the property located at 701 E Benton Ave.

Agenda Item #9: Consideration and possible action to approve Resolution #606 Authorizing 2022-2023 Escrow Use Form for City of Davis.

- Motion made by Oakley to approve. Second by Bumgarner. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – absent; Davis – absent. Suther presented resolution authorizing the use of funds in our OMAG escrow account to be applied to our premiums due for worker's compensation insurance coverage.

Agenda Item #10: Consideration and possible action to approve Resolution #608 Approving SODA Board Appointment.

- Motion made by Oakley to approve. Second by Bumgarner. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – absent; Davis – absent. Suther presented resolution authorizing the appointment of Ricky Harness to serve as our voting member and representative on the SODA Board.

Agenda Item #11: Consideration and possible action to approve Resolution #609 Authorizing Application for Financial Assistance from SODA REAP Fund for Purchase of Standby Generator, Transfer Switch, Propane Tank, and Installation.

- Motion made by Oakley to approve. Second by Bumgarner. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – absent; Davis – absent. Ralph Coppenbarger, Jr. presented the resolution authorizing the application for a SODA REAP grant that would be used to fund back-up generators at the Senior Citizens Center as well as City Hall. These generators would be used in the event of an electrical outage and would be powered by propane. The funding match of 20% was discussed.

Agenda Item #12: Former employee G. Dale Fullerton requests to address the council regarding his employment with the City of Davis that ended on June 14, 2021.

- G Dale Fullerton addressed the council regarding his employment that ended on June 14, 2021. He provided documents to the council – Davis City Code 1-7-2 City clerk and city treasurer and 1-7-4 Number and classes of officers and employees; compensation. Fullerton stated that he and the City Clerk have adamantly disagreed about this topic because he told, former City Manager, Andy Holland that if he cussed him one more time that was it, that was his notice to Andy that he would not tolerate that behavior. He then asked the council to look in the “statutes” as he referred to the Davis City Code where he proceeded to outline the duties of the City Clerk/Treasurer as it pertains to employees and employment records. He disagreed that the City Manager decision was the end of the issue and requested that the council hear him out. He cited the employee handbook regarding the use of language to other employees. He then cited that the employee could bypass the City Manager and complaints could be made to the Mayor or the council. He stated that Andy told him he had the Mayor in his hip pocket. He later found that to be false along with the statements that the council hated him and his family. He states that the City has no Human Resources Manager. He cited section 105 of the employee handbook that states only Human Resources, or the City Manager can release any information on current or former employees. He stated that another section of the handbook addresses resignation. He then stated that he resigned his position because he had previously told Andy that he would not take his abuse and harassment and hostile work environment anymore. He then stated this is not about the money but about his name and clearing his name. He referred back to the handbook and read that he must give as much time as possible, must notify his immediate supervisor, which was Andy, and he clearly notified him, then an exit interview is required. He asked if anybody thought an exit interview

with Andy would have done anybody any good. He stated that would have likely ended with someone going to jail. He then stated his wife was with him, his mom, aunts, uncles, cousins all live here, his sons, he then shared that his family came to Davis in a covered wagon, and that he can drive all around and see homes built by his grandfather. He then stated that he retired from the State and Andy recruited him to be his Code Enforcement Officer. He was surprised that there was no executive session for the council to hear this appeal, but he has nothing to hide. He then discussed his job with the State where he retired with the rank of Chief, his two college degrees, his experience with mass casualty events, his training with DEA, OBN, CLEET, firearms and driving instructor. He stated he can prove everything on his resume with documents or certificates. Councilman Grinstead interjected and asked that Mr. Fullerton wrap up his presentation because his three minutes are almost up, and everyone needs to be shown the same respect. Fullerton stated that the employment relationship with Andy soured after about three months when Andy asked him to apply to tear down two structures for a city council member, or for the city council member to purchase the properties. He later found that to be untrue and when he told Andy no he could do it himself, that's when the relationship went nuts. Fullerton stated he cussed him on a daily basis, told him he was the stupidest MFer and that he would never be anything more than a dog catcher or code enforcement because no one liked his father or his uncle. Fullerton later found out that Andy tried to change the name of the park. He stated that Andy had him working three days a week at Turner Falls Park, he found out that Fullerton had purchased pizza for the three guys working for him at the park and he removed him from the park because Andy stated their pay was good enough. Grinstead interjected and told Fullerton to wrap it up, his time was up. Fullerton stated that he felt he did a very good job even under these circumstances. He stated that he is asking the council to remove his name from the do not hire list. He stated it is not about the money that he believes the city still owes him, but it is about the way he was treated, the way he was cussed. He stated he had people with him that would testify that they witnessed the way he was treated. He stated he went to the City Clerk/Treasurer multiple times and he believed she had recordings, but he was told by her that she is not Human Resources and she could not do anything. He asked that his name be restored because of this, still stating that he gave Andy notice. He has found that he was told a bunch of malarkey about every single council member. He asked that the council make a decision. Grinstead stated that he was not sure they could make a decision because this issue is day to day business. Oakley stated that it was not placed on the agenda as an action item. Fullerton stated he asked the City Clerk specifically to appeal the City Manager decision. Suther stated that the City Council has authority to make decisions regarding the City Manager and the City Treasurer. Fullerton stated that the code does not say that. Interim City Manager Ricky Harness stated that the City Manager is responsible for appointing and disciplining employees, the council has the authority to inquire into the operations, but the City Manager is responsible for the day to day operations and Human Resources. Fullerton stated that Danny Cooper had an appeal two meetings or some time ago. Harness stated that it was a formal complaint filed by an employee against a current City Manager and was heard in executive session. Fullerton asked Harness if his recommendation is for Fullerton to file a complaint. Harness deferred to the City Attorney since this complaint would be against a former City Manager. City Attorney Mark Melton addressed Fullerton telling him that filing a complaint was certainly his prerogative and we would not prevent him from taking that action, however the City Council lacks statutory authority to change any decision that was made with regards to a do not hire list, stating that is way deep into the day to day operations, that is a decision that is solely for the City Manager, who is the person that makes those decisions. Fullerton then asked Harness if he could make an appointment to come speak with him. Harness agreed to meet with Fullerton.

Agenda Item #13: Interim City Manager's Report

- Harness provided an overview of the 2021-2022 financial performance, detailing fund/department revenues and expenses. He also gave an update on the progress with the Cross Bar contract and expects a draft for the August meeting.

Agenda Item #14: City Treasurer Report

- Suther provided an update on Sales/Use Tax revenues, transfers, fund balances, DMA Billing activity and preparations for upcoming FY2021-2022 audit.

Agenda Item #15: Davis Chamber of Commerce Report

- Melissa Shaw, Executive Director Assistant, provided an update on upcoming meetings, the golf tournament scheduled for September 26th and the open Executive Director position.

Agenda Item #16: New Business: Discussion concerning any matter not known which could not have been foreseen prior to the posting of this agenda.

- Phyllis Myers, former employee, spoke up in support of Mr. Fullerton by sharing her experience with former City Manager Andy Holland, his treatment of staff, his demeanor, yelling at employees, office turnover, his statements that if "he goes down, someone is going down with him", stating he rode her back over the cemetery, she stated he cussed a couple of times, she told him he must treat the staff with respect, she told him his demeanor was hostile, repeatedly stating he yelled at staff over the "shooter door" when it was unlocked to allow for an elderly person with knee issues to enter and make their payment. Grinstead thanked Mrs. Myers for her comments.

Agenda Item #17: Adjourn.

- Motion to adjourn by Oakley. Second by Bumgarner. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – absent; Davis – absent. Time 6:52 PM

ATTEST:

/s/Susan Suther
Susan Suther
City Clerk/Treasurer

/s/Brian Davis
Brian Davis
Mayor

Davis Municipal Authority

July 11, 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 Trustee Clint Grinstead at 6:52 PM

Agenda Item #2: Roll Call

- Chairman Brian Davis – absent; Vice Chairman Stan Jones absent; 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 Oakley. Second by Bumgarner. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – absent; Davis – absent.
- b. Claims: Motion to approve made by Oakley. Second by Bumgarner. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – absent; Davis – absent.

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 appoint a member of the Davis Municipal Authority to execute all documents approved in this meeting.

- Motion made by Oakley to appoint Clint Grinstead to execute all documents. Second by Bumgarner. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – absent; Davis – absent. Susan Suther stated there are items on the agenda that will need to be executed if they are approved and in the absence of the Chairman and Vice Chairman, another member of the board needs to be given that authority

Agenda Item #6: Consideration and possible action to approve Resolution #605 Authorizing Business Officer(s) to Apply for Credit on Behalf of the Davis Municipal Authority.

- Motion to approve made by Oakley. Second by Bumgarner. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – absent; Davis – absent. Suther presented resolution authorizing the transfer of authority on the current Purchase Card account with Vision Bank, from former City Manager Andy Holland to current Interim City Manager Ricky Harness.

Agenda Item #7: Consideration and possible action to approve Resolution #607 Approving SORD Board Appointment.

- Motion to approve made by Oakley. Second by Bumgarner. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – absent; Davis – absent. Suther presented resolution authorizing the appointment of Ricky Harness to serve as our voting member and representative on the SORD Board.

Agenda Item #8: New Business: Discussion concerning any matter not known which could not have been foreseen prior to the posting of this agenda.

- The niece of Peggy White, deceased, was now present and inquired about the summary abatement order that was approved. Suther explained that the order would allow the City to take necessary actions to secure the property, abate nuisance problems and file a lien for any unpaid costs incurred by the City. There was also discussion of the property taxes being unpaid and the time it takes for properties with unpaid taxes to appear at the annual tax sale.

Agenda Item #9: Adjourn

- Motion to adjourn made by Oakley. Second by Grinstead. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – absent; Davis – absent. Time: 6:59 PM

ATTEST:

/s/Susan Suther
Susan Suther
City Clerk/Treasurer

/s/Brian Davis
Brian Davis
Chairman