

Davis City Council

August 8, 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. Time: 6:02 PM

Agenda Item #2: Roll Call

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

Agenda Item #3: Prayer

- Vice Mayor Jones led prayer.

Agenda Item #4: Pledge of Allegiance

- Mayor Davis led the Pledge of Allegiance.

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

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

Agenda Item #6: Consideration and possible action to approve items removed from the Consent Agenda.

- No items removed from the consent agenda.

Agenda Item #7: Consideration and possible action to approve Resolution #610 Authorizing Application for Financial Assistance from Oklahoma Forestry Services to Purchase 25 Sets of Wildland Fire Gear.

- Grinstead made a motion to approve Resolution #610 with the match funding provided by Contingency Fund if the Fire Department did not have the funds in their budget. Second by Jones. Vote: Bumgarner – yes; Grinstead – yes; Oakley – absent; Jones – yes; Davis – yes. Presentation of grant by City Planner, Ralph Coppenbarger, Jr., would require a 20% match, approximately \$4,000 from City of Davis. City Clerk/Treasurer Susan Suther stated that the match is not budgeted in the FY 2022-2023 Fire Department budget and asked that the source of the funds be identified. Discussion was had about the ability to source the funds and the need for Wildland Fire Gear. Interim City Manager Ricky Harness agreed that the funds could be found somewhere within the budget.

Agenda Item #8: Consideration and possible action to approve Resolution #611 Authorizing Application for Financial Assistance from Leary Firefighters Foundation to Purchase 7 Sets of Fire Bunker Gear.

- Grinstead made a motion to approve Resolution #611. Second by Jones. Vote: Bumgarner – yes; Grinstead – yes; Oakley – absent; Jones – yes; Davis – yes. Presentation of the grant by Coppenbarger, maximum \$25,000 with no match required.

Agenda Item #9: Consideration and possible action to approve Resolution #612 Casting a Vote for Trustee of the OkMRF to Fill the Expiring Term of Trustee Representing District 3.

- Davis made a motion made to approve Resolution #612 casting a vote for Donna Doolen. Second by Bumgarner. Vote: Bumgarner – yes; Grinstead – yes; Oakley – absent; Jones – yes; Davis – yes. Presentation of ballot by Suther, expressing support/recommendation of Donna Doolen based on her financial experience, CPA qualifications and board experience.

Agenda Item #10: Consideration and possible action to approve Resolution #613 Authorizing the Application for the Railroad Crossing Elimination Grant through the U.S. Department of Transportation.

- Davis made a motion to approve Resolution #613 to apply for the grant, but not the proposal presented by ODOT. Second by Grinstead. Vote: Bumgarner – yes; Grinstead – yes; Oakley – absent; Jones – yes; Davis – yes. Presentation by Harness of the option provided by ODOT to move operations that cause the Main St crossing to be blocked, South of Hanover Crossing and North of Primrose. This plan would permanently close the Atlanta Crossing and the Hanover Crossing. There was significant discussion regarding the impact of those closures. Davis stated his concerns regarding the school traffic moving between campuses, sports fields and bus barn. Grinstead inquired if the closures are required and if the extension to the West would impact the road that goes down past the football field, baseball field, dog pound and WWTP.

Agenda Item #11: Consideration and possible action to approve the purchase of new armor vests for police and police K9 in the amount of \$28,396.25 with funds donated by Chickasaw Nation.

- Motion to approve by Davis. Second by Bumgarner. Vote: Bumgarner – yes; Grinstead – yes; Oakley – absent; Jones – yes; Davis – yes. Police Chief Danny Cooper requested the approval of this purchase with funds that were donated by the Chickasaw Nation for the purpose of replacing bullet proof vests for all officers. The request for funding was made by Police Division Captain – Park, Dee Gregory.

Agenda Item #12: Consideration and possible action to approve Ordinance 07-2022 Amending Title 11 Zoning Regulations, Chapter 8A R-1 Single Family Residential District, Section 4 Site and Structure Requirements as recommended by Planning Board.

- Motion to approve made by Davis. Second by Jones. Vote: Bumgarner – yes; Grinstead – yes; Oakley – absent; Jones – yes; Davis – yes. Presentation of recommendation from Planning Board by Copenbarger. This item appeared on their agenda as a request from a property owner. Discussion of requirements by surrounding cities. The only change is reducing the minimum lot width from 60' to 50'. Lot size requirements remain at not less than 7,000 square feet.

Agenda Item #13: Consideration and possible action to enter executive session pursuant to 25 O.S. § 307 (B)(1) to discuss:

- a. Annual performance review of City Treasurer. Motion made by Grinstead to enter executive session. Second by Bumgarner. Vote: Bumgarner – yes; Grinstead – yes; Oakley – absent; Jones – yes; Davis – yes.
- b. Discuss hiring a City Manager. Motion made by Grinstead to enter executive session. Second by Bumgarner. Vote: Bumgarner – yes; Grinstead – yes; Oakley – absent; Jones – yes; Davis – yes.
Time 6:30 PM
Suther exited executive session 6:43 PM.
Harness entered executive session @ 6:57 PM and exited executive session @ 7:41 PM.

Agenda Item #14: Consideration and possible action to return from executive session.

- Motion to return from executive session made by Grinstead. Second by Bumgarner. Vote: Bumgarner – yes; Grinstead – yes; Oakley – absent; Jones – yes; Davis – yes. Time 8:05 PM

Agenda Item #15: Presentation of executive session minutes by City Attorney to City Clerk/Treasurer.

- Executive session minutes presented to City Clerk/Treasurer by City Attorney.

Agenda Item #16: Consideration and possible action regarding the annual performance review of the City Treasurer.

- No action taken on the performance of the City Treasurer. Details of the review will be placed in the personnel file.

Agenda Item #17: Consideration and possible action regarding the hiring of a City Manager.

- Motion made by Davis to extend an offer to Interim City Manager Harness with a salary of \$107,000 and modified benefits. Second by Jones. Vote: Bumgarner – yes; Grinstead – yes; Oakley – absent; Jones – yes; Davis – yes.

Agenda Item #18: Interim City Manager's Report

- Harness presented an overview of Turner Falls Park revenues and expenditures for July 2022. Revenues are down a little from 2021 but they are comparable to 2020. Harness provide the Fire Department report which had 49 calls, mostly grass fires, higher than average. Murray County Commissioners issued a 7 day burn ban today, August 8, 2022. Chief Cooper provided a report of Police Department activity in the council packets and asked if anyone had any questions. Grinstead commented that it appeared good progress had been made on the 2nd St property that was addressed in previous meetings and expressed gratitude for it.

Agenda Item #19: City Treasurer Report

- Suther presented the Treasurer Report with slightly lower tax revenue than July 2021, all funds maintaining good balances. This is the first month there has been a balance in excess of the \$500,000 threshold placed on the DMA Operating Fund to sweep over into the DMA Water/Wastewater Fund. Utility Billing for July 2022 was reviewed. Suther stated the August billing will be the first billing to the rural water districts with the increased water rates.

Agenda Item #20: Davis Chamber of Commerce Report

- Melissa Shaw, Executive Director Assistant, provided an updated on upcoming chamber meetings, the golf tournament and the hiring of an Executive Director that will take office in the next couple of weeks.

Agenda Item #21: 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 #22: Adjourn.

- Motion made to adjourn by Bumgarner. Second by Jones. Vote: Bumgarner – yes; Grinstead – yes; Oakley – absent; Jones – yes; Davis – yes. Time: 8:18 PM

ATTEST:

/s/Susan Suther
Susan Suther
City Clerk/Treasurer

/s/Stan Jones
Stan Jones
Vice Mayor

Davis Municipal Authority

August 8, 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 Davis Municipal Authority by Chairman Brian Davis. Time: 8:18

Agenda Item #2: Roll Call

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

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

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

- No items received from the consent agenda.

Agenda Item #5: Presentation of 60% design completion by Garver for WWTP.

- Presentation by Cole Niblett, engineer with Garver abbreviated overview of the review completed earlier in the day with city staff. Discussion about cost estimates and the impact of inflation and the anticipated increased cost at the 60% design completion point.

Agenda Item #6: Consideration and possible action regarding the management agreement with Midground Creators, LLC.

- Motion made by Jones to approve option 1 with the flow chart implementing the changes discussed. Second by Davis. Vote: Bumgarner – yes; Grinstead – no; Oakley – absent; Jones – yes; Davis – yes. Option 1 details gross revenues less the cost of certain defined expenses, net revenues are then split between Manager (Midground Creators, LLC) and Davis (DMA) with half of Davis revenues being restricted to capital outlay for Cross Bar Ranch. The Manager's portion will be used to pay all costs related to employees, and the remaining expenses to operate Cross Bar Ranch. Option 2 provides a split by percentage of gross revenues including 20% to City of Davis, 20% of Operating and the remaining 60% definitively split between the cost of insurance, payroll/labor, security, utilities, and sales tax. Davis inquired about bond insurance being required for Manager, Suther and Melton both commented that it would not be required in a contractor/independent contractor relationship. Davis inquired about what position within the City would be responsible for overseeing or managing the contract, insurance validity, growth, financials, et cetera. Harness spoke up to say that would be the responsibility of the City Manager. Jones asked Justin Ramsey about the estimated costs for the insurance and recent changes in the insurance industry and how they may have impacted his ability to get insurance and the cost of insurance. Ramsey has an insurance estimate in the proposal, and they are awaiting pricing from a couple more providers, they hope to have those very soon. Jones asked if he had projections on what the cost of insurance will be next year. Ramsey did not have a good indicator on the insurance market and where rates will be. Grinstead inquired about workers compensation insurance coverage and where it fits in each option. Ramsey stated it is in addition to the general liability policy. Suther inquired about the term remaining the same as the original agreement made in 2017, Ramsey stated it was his understanding it would be the same, correction needed to the term date in this agreement; she asked that workers compensation be included in the section that details the responsibility of the Manager in regard to employees; asked for clarification regarding the rates being complimentary to Turner Falls, should read comparable; asked that the insurance section state DMA is to be named as an additional insured on the general liability policy; asked that a penalty for late payment be added to monthly revenue collection; asked that the grant revenue be limited to what is allowed under the specific grant; asked if the \$25,000 base payment that was due in April will be payable within 7 days of contract execution as it is stated the insurance will be obtained, Ramsey responded that we have not decided what we need to do with that yet and needs to be pinned down on this contract; and Suther identified that the address for City of Davis/DMA needs to be corrected. Suther inquired about the ownership of the operating account in the second proposal, Ramsey responded that the idea was that it would go into one account with the City having access, but he understood that there could be some issues with ownership of the account, Suther expressed concerns with a joint account, Melton stated that after further discussion about a joint account, they all agree that it is a "no go". Further discussion of granting City or DMA account access, Suther asked that any access granted to a POS or internet banking account be read only, no transaction or edit functionality. Grinstead inquired if the merchandise sales are only at the "Ranch", if there are any online sales. Ramsey stated that at this time there are no online sales. Grinstead asked about the item in the agreement that addresses the sale of merchandise "on the Ranch" that includes the trade name Cross Bar. Ramsey replied that Cross Bar branded merchandise, would be included in the revenue split but other products, general merchandise, groceries etc, would not require a revenue split. Grinstead

asked about these reported revenues being from 2021, which Ramsey confirmed, he would like to know how much of the gross revenue reported is special event revenue and how much of the gate fee includes special events. Ramsey stated that this was discussed in-depth with both Harness and Melton, when an outside sponsor comes in, they operate off a split gate, so the gate fee will be increased, and the additional gate fee will be for the sponsor and the regular gate fee would be maintained for Manger and DMA. Grinstead stated he wanted to understand if this total included special event revenue that would fall into this category to pay out different than the proposed revenue split. Davis asked that workers compensation insurance be included in the insurance section to be certain that we receive it as well. Suther asked for a copy of the Operating Agreement for Midground Creators, LLC that details who the members are and what their roles/powers are within the LLC. Ramsey stated he did not have one with him, Davis stated that he has a copy, Suther asked for a copy for clarification and consistency with other entities we do business with. Jones asked Melton if, in his legal opinion, both of these contracts give DMA the final word in continuing the agreement or terminating the agreement. Melton directed everyone to renewal section, 60-day notice can be executed for a nonrenewal by either party. Davis asked if this agreement is in addition to the original contract, Melton directed to the section where it specifies this agreement supersedes the original agreement. Jones inquired of Melton if one proposal was preferred from a legal standpoint. Melton responded that they are legally, almost identical, the difference is from a financial aspect. Jones inquired of the Treasurer if there is a preference. Suther stated option 1 with the flow chart is more clearly defined and cleaner. Suther asked Harness if he agreed, he stated option 1 is simpler and a little more transparent. Suther stated the part we haven't discussed is the verification process and what that would look like each month. She asked Ramsey if cash and card sales were both accepted, if a point-of-sale system is used, if the financials provided monthly will be reconciled or a month end "snapshot". Ramsey will confirm but he believes by the 10th of the month reconciled financials are available. Discussion of how the verification process should look like. Grinstead stated that he agreed with everyone that the proposals are basically the same, his biggest battle is that we are setting a precedence that we would have to do this with every lessee that comes to us with a proposal because they don't want to lose their lease, stating he is real big on treating everyone the same and that is his only concern. Suther stated that they have to consider the payment of \$25,000 that is past due and make that decision as a council. Grinstead used the example of a vendor in Turner Falls with a lease that wants to propose something different, he understands they are on different scales, but he likes to be consistent and for everyone to be treated the same. Grinstead asked Melton if he was missing something or was clear on his point that everyone can come forward and ask to renegotiate, Melton confirmed that there is nothing to stop others from asking. Grinstead acknowledged that both proposals are attractive for the City and Midground Creators, LLC, he just wants to be clear in expressing his concerns with treating everyone the same. Davis stated he like either one of the proposals and he agrees with the changes we've discussed and he doesn't have any hold up with wanting to do this even with not being able to or getting questioned on the smaller vendor contracts, he believes Ramsey has brought in a lot of growth to Cross Bar and a lot of other avenues of revenue that would not have been brought in otherwise or from vendors at Turner Falls, he understands the concern for consistency and these have to be looked at on somewhat of a case by case basis. Davis agrees and recognizes the transparency that is needed and feels this going forward will provide just that. Harness stated that he feels the bulk of these agreements address the issues that we are facing and provides us a little better footing if the council decides on either option. Discussion and clarification of the motion ensued. Bumgarner inquired about the benchmarks, Suther identified that those become the capital outlay that is now our responsibility. Grinstead asked bout who makes the decision on the capital outlay, it was stated that the City Manager would make those decisions.

Agenda Item #7: Consideration and possible action regarding the City Manager spending limit regarding contracted services at Turner Falls Park.

- Motion made by Davis to approve the increase of the City Manager spending limit for contracted services at Turner Falls Park to \$50,000. Second by Bumgarner. Vote: Bumgarner – yes; Grinstead – yes; Oakley – absent; Jones – yes; Davis – yes. Discussion of the contracts for porta

potty service and temporary employment services exceeding the current limit of \$25,000 during the summer months.

Agenda Item #8: 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 #9: Adjourn

- Motion to adjourn by Bumgarner. Second by Jones. Vote: Bumgarner – yes; Grinstead – yes; Oakley – absent; Jones – yes; Davis – yes. Time: 9:13 PM

ATTEST:

/s/Susan Suther
Susan Suther
City Clerk/Treasurer

/s/Stan Jones
Stan Jones
Vice Chairman