

Public Hearing City of Davis

March 13, 2023, 6:00 PM
Davis City Council Chambers
308 S 3rd St
Davis, OK 73030

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

- Public Hearing called to order by Mayor Brian Davis. Time: 6:00 PM

Agenda Item #2: Roll Call

- Mayor Brian Davis - present; 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 Davis.

Agenda Item #5: Presentation of FY 2023 CDBG Grant, Proposed Wastewater Treatment Plant Improvements Project.

- Presentation by Millie Vance, Grants & Projects Manager - Parkhill Engineering of the CDBG grant program. Maximum available \$600,000, application is due at the end of April, grant is awarded on a points basis system. Construction project to include solids dewatering and polymer, site electrical and generator and site civil to include drives and fencing. Vance asked for questions from the council, or members of the public in attendance. No questions asked.

Agenda Item #6: Close Public Hearing.

- Public Hearing closed by Davis.

Agenda Item #7: Adjourn.

- Motion to adjourn made by Oakley. Second by Davis. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – absent; Davis – yes. Time: 6:06 PM

ATTEST:

/s/Susan Suther
Susan Suther
City Clerk/Treasurer

/s/Brian Davis
Brian Davis
Mayor

City of Davis

March 13, 2023, 6:00 PM
Davis City Council Chambers
308 S 3rd St
Davis, OK 73030

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

- Meeting called to order by Mayor Brian Davis. Time: 6:06 PM

Agenda Item #2: Roll Call

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

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

- None removed.

Agenda Item #5: Consideration and possible action on Adopting Citizen's Participation Plan for FY-2023 Proposed Wastewater Treatment Plant Improvements Project.

- Motion to adopt made by Davis. Second by Oakley. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – absent; Davis – yes. Presentation by Millie Vance, Grants & Projects Manager - Parkhill Engineering of the Citizen's Participation Plan. Plan is intended to encourage the city to include citizens in the planning and project execution, two public hearings are required, the first during the application process and one during the closeout process to make sure the public knows about the program and to encourage input.

Agenda Item #6: Consideration and possible action on Adopting Resolution #641 to Apply for FY-2023 CDBG Grant for Proposed Wastewater Treatment Plant Improvements Projects.

- Motion to adopt made by Davis. Second by Bumgarner. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones -absent; Davis – yes. Vance presented the resolution, which is a formal statement to make application, acknowledging that the funds are federal funds, subject to federal rules and regulations, and our agreement to abide by those rules and regulation.

Agenda Item #7: Consideration and possible action on Resolution #642 on Leveraged funds for the FY-2023 Proposed Wastewater Treatment Plant Improvements Project.

- Motion to approve made by Bumgarner. Second by Grinstead. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – absent; Davis – yes. Vance presented the resolution, which is our agreement to allocate the required funds to match the grant award and complete the project. Grinstead asked if the matching funds were already allocated to this project. Susan Suther, City Clerk/Treasurer stated that ARPA funds, in excess of \$500,000, have been set aside for this project as well as the reimbursement of \$52,000 from SODA REAP funding, remaining funds will come from the budget across multiple fiscal years.

Agenda Item #8: Consideration and possible action on adopting Residential Anti-Displacement Plan for Proposed Wastewater Treatment Plant Improvements Project.

- Motion to adopt made by Bumgarner. Second by Grinstead. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – absent; Davis – yes. Vance presented Residential Anti-Displacement Plan, which is specific to federal grant projects, we have no intention of relocating any persons

for the completion of this project, however if we did intend to relocate anyone we would be required to have a plan for that relocation.

Agenda Item #9: Consideration and possible action to approve and authorize the Mayor to read the 2023 Fair Housing Proclamation.

- Motion to authorize the Mayor to read the 2023 Fair Housing Proclamation made by Grinstead. Second by Oakley. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – absent; Davis – yes. Mayor Davis read the 2023 Fair Housing Proclamation aloud in its entirety.

Agenda Item #10: Consideration and possible action on Resolution #643 Section 3 Resolution and Plan for FY – 2023 CDBG Proposed Wastewater Treatment Plant Improvements Project.

- Motion to approve made by Oakley. Second by Davis. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – absent; Davis – yes. Vance presented Section 3 Resolution and Plan explaining that to the greatest extent feasible, we will make jobs available to low income individuals, contractors will be made aware of this requirement and will be encouraged to offer jobs to low income citizens if they are available. Both contractor and City will document efforts made to comply with Section 3 Resolution and Plan.

Agenda Item #11: Consideration and possible action on agreement with Parkhill Engineering to provide CDBG Administrative Services on the proposed CDBG Wastewater Treatment Plant Improvements Project, if funded.

- Motion to approve agreement with Parkhill Engineering to provide CDBG Administrative Services made by Grinstead. Second by Davis. Vote: Bumgarner – yes; Grinstead – Oakley – Jones – absent; Davis – yes. Vance presented the agreement to explain that if the grant is funded, 8% of the grant award will be paid to Parkhill Engineering for her administration, which includes everything from application to closeout. It will be paid on a schedule of four invoices at certain times during the projects projection with final being paid at closeout. If not awarded, no monies are due. Grinstead inquired about the rate on previous grant administration, Vance confirmed the 8% rate is the same.

Agenda Item #12: Consideration and possible action on Chickasaw Nation Cooperative Agreement for Hanover Rd Project.

- No action taken. Ricky Harness, City Manager, shared that the Chickasaw Nation has \$100,000 available to us for resurfacing Hanover Rd. Total project cost could be up to \$400,000 depending on the types of repairs. Moved down to item #14 to discuss the 6th Street Project and its impact on our Street Maintenance Fund availability. After 6th Street Project discussion returned to Hanover Rd and discussed different options to do some repairs/resurfacing, more info will be gathered and provided at a future meeting for action.

Agenda Item #13: Consideration and possible action to approve funding the Hanover Rd Project.

- No action taken.

Agenda Item #14: Engineer update on the 6th Street Project.

- Brett Cabbiness, Garver Engineering, presented the update at 90% design completion. Project is subject to an increase in materials and contractors pricing coming in at approximately \$2.8 million. Cabbiness confirmed that sidewalks are not included in this cost because they are part of a grant submission that we hope to be awarded. Additional costs for sidewalks is greater than \$200,000. Value engineering items were presented to reduce the overall cost of the project as well as some deduct alternates. Grinstead inquired about the engineering timeline since the project has been at 90% design completion for four months, Cabbiness' response was holidays. Grinstead inquired about water/sewer infrastructure being included in the project, confirmed by Garver with a cost of approximately \$200,000 because the street does not have main lines, only crossings. Grinstead inquired about the total cost of the 3rd Street project that was completed in 2019, no one could recall the total cost but thought it came in just over \$1 million. Discussed the alternative of asphalt vs. concrete materials but the cost savings was only about \$20,000. Grinstead inquired about the cost of the bridge replacement, which was reported at approximately

\$250,000, and calculated a rough per block price then discussed alternatives to shortening the number of blocks that are completed to meet our available funds which is approximately \$1.7 million. Garver was tasked with bringing back proposals that get us within our available cash budget, keeping as many of the current features in the project as possible.

Agenda Item #15: Consideration and possible action to approve Ordinance 04-2023 to Amend Title 2 Finance and Taxation, Chapter 6 Lodging Tax, Section 2 Definitions.

- Motion made by Davis to approve Ordinance 04-2023 as presented with the addition of the permanent resident definition change suggested by the city attorney. Second by Grinstead. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – absent; Davis – yes. Harness presented the lodging tax ordinance changes to clarify that all lodging units, regardless of number of rooms are subject to the lodging tax. Discussion of the permanent resident definition was included. There seems to be some confusing over the current definition of a permanent resident and if the lodging tax is calculated and collected during the 30 days prior to their establishing the permanent residency. Is it collected if someone books for 30 days or more? If they don't stay the full 30 days and the tax wasn't collected, how do we handle that. City Attorney, Mark Melton, suggested the Permanent Resident definition be changed to read...means any occupant who is in actual occupancy of any room...

Agenda Item #16: Consideration and possible action to approve Resolution #639 Authorizing Grant Application to Firehouse Subs Public Safety Foundation for a police vehicle.

- Motion to approve made by Bumgarner. Second by Oakley. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – absent; Davis – yes. Presentation of grant request made by Danny Cooper, Police Chief. Requesting the assistance in purchasing a police pickup. Grant award is up to \$50,000.

Agenda Item #17: Consideration and possible action to approve Resolution #640 Authorizing Grant Application to Aftermath Services to Update Police Department K9 Unit Equipment.

- Motion to approve made by Bumgarner. Second by Oakley. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – absent; Davis – yes. Presentation of grant request made by Cooper. Requesting funds to update the K9 unit equipment, including the safety equipment that notifies the officer if the K9 is getting too hot or cold, approximate total cost \$3,700, grant amount is \$2,500.

Agenda Item #18: Discussion of FY2023-2024 budget planning for General Fund, Contingency Fund, Street Maintenance Fund, Cemetery Care Fund, Grant Fund, Municipal Court Fund, and Lodging Tax Fund.

- Harness updated council that he is considering a six month mowing extension for the cemetery and discontinuing to mow the property that we do not own. Street budget thoroughly covered in previous discussions. Special meeting set for Thursday, March 23 @ 8 AM to discuss the FY2023-2024 budget in greater detail as well as any updates from 6th Street or Hanover Rd projects.

Agenda Item #19: Consideration and possible action to enter executive session pursuant to 25 O.S. Section 307 (B)(4) to discuss with the City Attorney a pending claim, action or litigation involving the former City Manager.

- Motion to enter executive session made by Bumgarner. Second by Oakley. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – absent; Davis – yes. Council entered executive session at 7:48 PM.

Agenda Item #20: 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 – absent; Davis – yes. Returned from executive session at 8:28 PM.

Agenda Item #21: 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 #22: Consideration and possible action regarding a pending claim, action, or litigation involving the former City Manager.

- No action taken.

Agenda Item #23: Lodging establishment owner/operator Sammy Kiser would like to discuss the Lodging Tax as it pertains to his cabins that are inside Davis City limits.

- Mr. Kiser stated that he owns two cabins inside Turner Falls Park which is inside the city limits of Davis. His tax number was issued in the 60s or 70s and lists his home address as the business address so he does not pay sales tax and therefore has not ever paid lodging tax. City Attorney clarified that City of Davis Lodging Tax has nothing to do with Sales Tax and it is due and payable for any lodging facilities located inside the city limits of Davis.

Agenda Item #24: City Manager's Report

- Police Department report by Cooper, details of calls and narrative provided in the packet, no other information to report. No questions from council.
- Assistant Chief Michael Deaton reported 29 calls, 6 of those inside city limits, most MVAs. Hose testing was completed and identified two fails, one of which is under warranty, both are being addressed. Engine pump certification also completed.
- Harness provided the financial recap for General Fund, DMA and Turner Falls Park. Budget update, working at department level now meeting with each department to address their portions of the budget, more to come in the next budget meeting. A Red Dirt Music Festival is being planned for October 2023 to be held at Turner Falls Park, currently working to book musical talent, more info will be shared when those performances are booked. Bumgarner asked about the agreement with DKA board, Harness stated that he needs to get back in touch with them to follow up.

Agenda Item #25: City Treasurer Report

- Report with sales/use tax revenues, transfers, reconciled checking account balances, investment and loan balances. DMA billing for February 2023 also provided.

Agenda Item #26: Davis Chamber of Commerce Report

- Executive Director Brandy Baldwin updated the chamber on new memberships, upcoming training opportunities, chamber meeting dates and events.

Agenda Item #27: 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 #28: Adjourn

- Motion to adjourn made by Oakley. Second by Bumgarner. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – absent; Davis – yes. Time: 8:53 PM

ATTEST:

/s/Susan Suther
Susan Suther
City Clerk/Treasurer

/s/Brian Davis
Brian Davis
Mayor

Davis Municipal Authority

March 13, 2023, 6:00 PM
Davis City Council Chambers
308 S 3rd St
Davis, OK 73030

Agenda Item #1: Call to Order Davis Municipal Authority.

- Meeting called to order by Chairman Brian Davis. Time: 8:53 PM

Agenda Item #2: Roll Call

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

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

- None removed.

Agenda Item #5: Consideration and possible action on Resolution #644 on Leveraged funds for the FY-2023 Proposed Wastewater Treatment Plant Improvements Project.

- Motion to approve made by Bumgarner. Second by Oakley. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – absent; Davis – yes. Suther presented resolution committing the matching funds required for the CDBG application, but allowing the funds to come from DMA funds if needed. Identical to the resolution presented and approved earlier in the City portion of the meeting.

Agenda Item #6: Consideration and possible action on Agreement with Parkhill Engineering to provide CDBG Administrative Services on the proposed CDBG Wastewater Treatment Plant Improvements Project, if funded.

- Motion to approve agreement with Parkhill Engineering to provide CDBG Administrative Services made by Grinstead. Second by Bumgarner. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – absent; Davis – yes. Suther stated that this agreement is identical to the agreement approved earlier in the City meeting and it is presented again here because the CDBG Wastewater Treatment Plant Improvements Project is for the benefit of the Davis Municipal Authority. Only one fee will be assessed for the services.

Agenda Item #7: Engineer update on Wastewater Treatment Plant Project.

- Cole Niblett, Garver Engineering, presented the update on the Wastewater Treatment Plant Project which is at 90% completion. Construction permit has been submitted to Oklahoma Department of Environmental Quality; prequalification of contractors will start this week. Grinstead inquired about the turnaround time for a permit from ODEQ, Niblett responded that usually 45 days, pushing for 30 on this project to have it ready in time for the CDBG application. Discussion of inflation and statistics provided by the Associated General Contractors of America. Grinstead inquired about the original project total being approximately \$16.2 million, Niblett stated that at 90% total project cost is \$15.06 million and provided a comparison by construction element. Suther inquired about additional fees from Garver, Niblett stated the construction administration will add another \$1.6 million to \$1.8 million to the total project cost. Suther provided that the loan application has been submitted to OWRB for the April 18th meeting agenda.

Agenda Item #8: Consideration and possible action on Resolution #645 Establishing Water, Sanitary Sewer and Garbage Collection Rates.

- Motion to approve made by Grinstead. Second by Davis. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – absent; Davis – yes. Harness presented the resolution of the proposed rate increase for October 2023 billing and October 2024 billing, which is required to show the desired debt service coverage by the OWRB for loan application approval. These rates were provided by Chris Wolff of Municipal Finance Services, Inc and are very similar to the increases approved in 2022 - \$5 per base on water, with the exception of commercial outside which has a \$10 increase on water base, and approximately 5% on volumetrics or usage. Projected revenues, expenses, and debt service coverage through 2026 were provided for review. Grinstead inquired about the timing of the increase, why now and not when the debt service happens. Harness explained that the loan application is based on audited financials through 2022 and those only have the benefit of two months of increased rate revenue. After FY2023 audit is complete, we may be able to present a different rate to OWRB, possibly even forego the 2024 increase if we can sufficiently cover the debt with a full year of increased rate revenues. Proposed rate increases are required for loan approval at this time.

Agenda Item #9: Discussion of FY2023-2024 budget planning for Davis Municipal Authority Fund, Water Sales Tax Fund and Turner Falls Park Fund.

- Will discuss in Special Meeting on Thursday, March 23, 8:00 AM

Agenda Item #10: Lodging establishment owner/operator, Sammy Kiser, would like to discuss his guests access to Turner Falls Park.

- Mr. Kiser expressed concerns over his long term guests at the cabins located inside Turner Falls Park being required to pay park admission. Many scenarios were discussed. Harness provided some history and his previous discussions with Mr. Kiser which included a discounted park admission rate for his guests, which he declined to accept. Cathi Neal, Interim Park Manager, explained the situations she and park staff are dealing with when Mr. Kiser's guests become disgruntled and angry, yelling at park staff. Davis explained that regardless of how things have been done in the past, everyone should follow the rules and the park staff have the authority to enforce those rules. Neal stated that she had made multiple attempts to contact Mr. Kiser via phone and text message with no response, she eventually sent a letter, which prompted him to be on this agenda. Mr. Kiser stated that he does not read his text messages until 11 PM at night and that is why he has not responded. Davis recommended he check his messages earlier in the day and respond to Ms. Neal. Grinstead asked that Mr. Kiser clarify statements regarding entering through the exit when the lines are backed up with six or seven cars. Mr. Kiser stated that he and his guests always enter through the exit to avoid adding to the gate congestion. Discussion of late arrivals to the park. Discussion of other privately own cabins in the park and the challenges with those guests as well. The Powell Cabin is the only privately owned cabin used as a vacation rental that follows the rules of the park. Result of the lengthy discussion was that Mr. Kiser meet with Cathi Neal on Tuesday, March 14th at 2 PM to work out a resolution.

Agenda Item #11: 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 #12: Adjourn.

- Motion to adjourn made by Grinstead. Second by Oakley. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – absent; Davis – yes. Time: 10:05 PM

ATTEST:

/s/Susan Suther
Susan Suther
City Clerk/Treasurer

/s/Brian Davis
Brian Davis
Chairman