

Notice of Public Hearing & Agenda City of Davis & Davis Municipal Authority

May 8, 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 and Davis Municipal Authority

- Meeting called to order by Mayor & Chairman Brian Davis. Time: 6:01 PM

Agenda Item #2: Roll Call

- Mayor & Chairman Brian Davis – present; Vice Mayor & Vice Chairman Stan Jones – present; Councilman & Trustee Josh Oakley – absent; 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 of Allegiance led by Davis

Agenda Item #5: Presentation of FY 2023-2024 Budget – All Funds.

- Presentation of Fiscal Year 2023-2024 Budget – All Funds by City Manager Ricky Harness. No changes since the budget was provided in April. Mayor/Chairman Davis asked Council/Board if there were any questions or comments regarding the budget, there were none. Mayor/Chairman Davis asked the audience if there were any questions or comments regarding the budget, there were none.

Agenda Item #6: Close Public Hearing.

- Public Hearing closed by Davis.

Agenda Item #7: Adjourn.

- Motion to adjourn made by Jones. Second by Grinstead. Vote: Bumgarner – yes; Grinstead – yes; Oakley – absent; Jones – yes; Davis – yes. Time: 6:04 PM

ATTEST:

/s/Susan Suther

Susan Suther
City Clerk/Treasurer

/s/Stan Jones

Stan Jones
Vice Mayor/Vice Chairman

City of Davis
May 8, 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: 6:04 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: Consideration and possible action to approve Consent Agenda.

- a. Minutes of prior meetings. Motion to approve made by Jones. Second by Bumgarner. Vote: Bumgarner – yes; Grinstead – yes; Oakley – absent; Jones – yes; Davis – yes.
- b. Claims. Motion to approve made by Jones. Second by Bumgarner. Vote: Bumgarner – yes; Grinstead – yes; Oakley – absent; 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 on Adopting Resolution #648 FY-2023-2024 Budget – All Funds.

- Motion to approve Resolution #648 FY2023-2024 Budget – All Funds made by Jones. Second by Davis. Vote: Bumgarner – yes; Grinstead – yes; Oakley – absent; Jones – yes; Davis – yes.

Agenda Item #6: Consideration and possible action on Resolution #649 Hanover Road Construction Project Authorizing Limits and Authorities.

- Motion to approve Resolution #649 Hanover Road Construction Project Authorizing Limits and Authorities made by Grinstead. Second by Bumgarner. Vote: Bumgarner – yes; Grinstead – yes; Oakley – absent; Jones – yes; Davis – yes.
- Presentation of resolution by City Clerk/Treasurer Susan Suther. This project has a short timeline to meet the requirements of the Chickasaw Nation Cooperative Agreement. The purpose of this resolution is to authorize City Manager Ricky Harness to manage the project and approve change orders up to the previously approved project limit of \$275,000 with monthly project reports due to the council.

Agenda Item #7: Consideration and possible action to approve the nomination of Gwen Williams to the Cemetery Board.

- Motion to approve the nomination of Gwen Williams to the Cemetery Board made by Davis. Second by Bumgarner. Vote: Bumgarner – yes; Grinstead – yes; Oakley – absent; Jones – yes; Davis – yes.
- Harness reported that Sharon Bays had resigned as Secretary of the Cemetery Board and Gwen Williams has been selected as her replacement if approved by council.

Agenda Item #8: Consideration and possible action to approve the Greenhill Cemetery Rules & Regulations.

- Motion made by Davis to approve the Greenhill Cemetery Rules & Regulations with changes to firearms in cemetery, no open carry, approved by City Attorney. Second by Jones. Vote: Bumgarner- yes; Grinstead – yes; Oakley – absent; Jones – yes; Davis – yes.
- City Manager made the presentation of Greenhill Cemetery Rules and Regulations as drafted by the Cemetery Board. Mayor Davis inquired about the firearms section being broad and had concerns about the enforceability of the rule. City Attorney confirmed we can enforce the rule. Discussion of changes to state no open carry.

Agenda Item #9: Consideration and possible action to approve the FY2023 Audit Engagement Letter with Arledge & Associates, P.C.

- Motion to approve the FY2023 Audit Engagement Letter with Arledge & Associates, PC. was made by Jones. Second by Grinstead. Vote: Bumgarner – yes; Grinstead – yes; Oakley – absent; Jones – yes; Davis – yes.
- City Clerk/Treasurer presented audit engagement letter to hire a new auditor for the FY2023 audit with a goal of completing the audit by calendar year end. Cost of the audit will be \$30,000. This is an increase from the firm that performed the audit for FY2022 by approximately \$9,000. FY2022 auditor did not complete the audit in a timely manner and they did not seem to be as thorough as our previous auditor who is now retired.

Agenda Item #10: Consideration and possible action to set a Special Meeting Date to approve and award the 6th Street Construction Project.

- Motion to set Special Meeting for Wednesday, May 24th @ 6 PM made by Bumgarner. Second by Davis. Vote: Bumgarner – yes; Grinstead – yes; Oakley – absent; Jones – yes; Davis – yes.
- Harness reported that a special meeting is needed between May 22nd and May 26th to review and award the contract for the 6th Street Project. Discussion of concerns over drainage and completing only part of the street due to the increased cost. Further discussions will be had when we receive the bids, base and alternates, and see what actual costs are compared to the engineer's estimated costs.

Agenda Item #11: Consideration and possible action with respect to Resolution #650 of the City Council of the City of Davis, Oklahoma (The "City") approving action taken by the Davis Municipal Authority (The "Authority") authorizing issuance, sale, and delivery of its Clean Water SRF Promissory Note to the Oklahoma Water Resources Board; ratifying and confirming a Sales Tax Agreement by and between the Authority and the City; ratifying and confirming a Lease Agreement whereby the City leases certain utility systems to the Authority; and containing other provisions related thereto.

- Motion to approve Resolution #650 as presented was made by Davis. Second by Grinstead. Vote: Bumgarner – yes; Grinstead – yes; Oakley – absent; Jones – yes; Davis – yes.
- Presentation of Davis Municipal Authority \$17,250,000.00 CWSRF Promissory Note to OWRB Final Financing Analysis & Summary for the construction of the WWTP was made by Chris Wolff of Municipal Finance. Loan rate locked in at 2.32% plus 0.50% OWRB Admin Fee for total of 2.82% for a term of 30 years. The loan is a construction loan and will be advanced in "draws" as needed to fund the WWTP construction project. At the end of the project, the final loan amount will be the actual amount drawn down on the loan with a maximum amount of \$17,250,000.00. The loan is secured by water, sewer and sanitation revenues and 1% sales tax revenue. Amortization is set for level debt service. Analysis shows recent rate increases along with the 2023 and 2024 rate increases already approved, have DMA on track to meet the OWRB required 1.25 debt coverage ratio by 2026. This resolution by the City, authorizes the Authority to borrow the funds. Loan closing is set for May 10, 2023.

Agenda Item #12: Consideration and possible action with respect to Resolution #651 of the City Council of the City of Davis, Oklahoma (The "City") approving action taken by the Davis Municipal Authority (The "Authority") authorizing issuance, sale and delivery of its Clean Water SRF Promissory Note to the Oklahoma Water Resources Board; ratifying and confirming lease(s) pertaining to the leasing of the utility systems of the City to the Authority and/or authorizing the execution of an Amended Lease(s)

between the City and the Authority pertaining to said utility systems and containing other provisions related thereto.

- Motion to approve Resolution #651 as presented was made by Davis. Second Bumgarner. Vote: Bumgarner – yes; Grinstead – yes; Oakley – absent; Jones – yes; Davis – yes.
- Presentation by Nathan Ellis of Public Finance Law Group of this resolution by the City authorizing the Davis Municipal Authority to seek a loan and complete loan forgiveness for \$750,000 for the Sanitary Sewer Evaluation Study project.

Agenda Item #13: City Manager's Report

- Danny Cooper, Police Chief reported that they are gearing up for Summer season, other details provided in written report.
- Dusty Parsons, Fire Chief reported that April brought 37 calls, primarily MVAs in the county, especially I-35, a little fire activity with burning not reported or permitted properly, only one or two calls to Turner Falls Park or Crossbar Ranch.
- Ricky Harness provided the following report:
 - Financial report of the General Fund, DMA Fund and Turner Falls Park Fund.
 - Splash Bash event was held on May 6 at Fullerton Park, well attended and he gave credit to Cathi Neal, Interim Park Manager, and her staff for a successful event.
 - Reported on the development of a Murray County Tourism Committee through the Murray County Economic Development Authority. Focus on tourism county wide and possibly pursuing a County Lodging Tax to help fund tourism growth efforts. This committee applied for, and was selected to attend, Balancing Nature and Commerce Training to be held at the end of the month in West Virginia. Murray County Economic Development will fund the airfare and cost of the training, attendees will be responsible for lodging/meals and other expenses. Harness will be attending this training.
 - Discussion of Oklahoma §11-21-101 Authority to change municipal limits was discussed and the need to “clean up or square up” our “choppy” limits.
 - Code Enforcement update was provided, 12 active properties, six notices given, six citations given, focus has been on junk, trash, and debris, however grass season is taking off and we will be focusing on vegetation and weeds. Discussion of actions required for a Summary Abatement.

Agenda Item #14: City Treasurer Report

- Sales tax receipts of \$111,965.61 and Use tax receipts of \$18,595.49 were reported as they were not received until today. Turner Falls Investment CDs earned approximately \$25,000 in interest income this period, account balances and utility billing totals for April were provided.

Agenda Item #15: Davis Chamber of Commerce Report

- Executive Director, Brandy Baldwin, provided a recap of recent activities highlighting the Lt. Governor's recent visit. New and upcoming events were mentioned with emphasis on Third Thursdays which will bring live music and drinks to El Agave outdoor patio on June 22nd. The MOA between City of Davis and Davis Chamber is being presented to the Chamber Board for approval. City Manager Ricky Harness stated the same MOA will come to the Council in June.

Agenda Item #16: 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 #17: Adjourn

- Motion to adjourn made by Bumgarner. Second by Jones. Vote: Bumgarner – yes; Grinstead – yes; Oakley – absent; Jones – yes; Davis – yes. Time: 7:06 PM

ATTEST:

/s/Susan Suther
Susan Suther
City Clerk/Treasurer

/s/Stan Jones
Stan Jones
Vice Mayor

Davis Municipal Authority

May 8, 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: 7:06 PM

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 to approve made by Bumgarner. Second by Jones. Vote: Bumgarner - yes; Grinstead – yes; Oakley – absent; Jones – yes; Davis – yes.
- b. Claims. Motion to approve made by Bumgarner. Second by Jones. Vote: Bumgarner – yes; Grinstead - yes; Oakley – absent; 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 on Resolution #648 FY2023-24 Budget – All Funds.

- Motion to approve Resolution #648 FY2023-24 Budget – All Funds made by Jones. Second by Bumgarner. Vote: Bumgarner – yes; Grinstead – yes; Oakley – absent; Jones – yes; Davis – yes.
- DMA Resolution to approve FY2023-2024 Budget – All Funds.

Agenda Item #6: Consideration and possible action on Resolution #652 of the Davis Municipal Authority (The “Borrower”) approving and authorizing a Clean Water SRF Loan from the Oklahoma Water Resources Board in the total aggregate principal amount of \$17,250,000.00; approving the issuance of a Promissory Note in the total aggregate principal amount of \$17,250,000.00, secured by a pledge of revenues and authorizing its execution; approving and authorizing the execution of a loan agreement for Clean Water SRF Loan; designating a local Trustee and approving and authorizing the execution of a Trust Agreement; approving and authorizing the execution of a Mortgage with Power of Sale and Security Agreement; ratifying and confirming a Sales Tax Agreement by and between the Borrower and the City of Davis, Oklahoma (The “City”); ratifying and confirming a Lease Agreement whereby the City leases certain utility systems to the borrower; approving various covenants; approving and authorizing payment of fees and expenses; and containing other provisions relating thereto.

- Motion to approve Resolution #652 as presented made by Davis. Second by Grinstead. Vote: Bumgarner – yes; Grinstead – yes; Oakley – absent; Jones – yes; Davis – yes.
- No additional presentation. Loan request and requirements were covered in City Agenda item #11 for Resolution #650.

Agenda Item #7: Consideration and possible action on Resolution #653 of the Davis Municipal Authority (The “Borrower”) agreeing to file application with the Oklahoma Water Resources Board (The “OWRB”) for financial assistance through the Clean Water State Revolving Fund Program; approving and authorizing Clean Water SRF funding from the Oklahoma Water Resources Board in the total aggregate principal amount of not to exceed \$750,000.00; approving the issuance of a Promissory Note in the total aggregate principal amount of not to exceed \$750,000.00, and authorizing its execution; approving and authorizing the execution of a Funding Agreement; approving various covenants; approving and authorizing the establishment of a Project Costs Disbursement Account and approving and authorizing payment of fees and expenses; ratifying and confirming lease(s) pertaining to the leasing of the City’s utility systems of the City to the Borrower and/or authorizing the execution of an amended lease(s) between the City and the Borrower pertaining to said utility systems; approving Professional Services Agreements; and containing other provisions relating thereto.

- Motion made by Davis to approve Resolution #653 with a correction to they typo in the second “Whereas” statement, reference to “water” should be “wastewater”. Second by Jones. Vote: Bumgarner – yes; Grinstead – yes; Oakley – absent; Jones – yes; Davis – yes.
- Presentation by Nathan Ellis, The Public Finance Law Group, this resolution authorizes the loan request and Profession Service Agreements for the \$750,000 principal forgiveness loan through the OWRB CWSRF loan program for the Sanitary Sewer Evaluation Study. Ellis pointed out the typo to the second “Whereas” paragraph of the resolution, “water” should be “wastewater”.

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 made by Jones. Second by Grinstead. Vote: Bumgarner – yes; Grinstead – yes; Oakley – absent; Jones – yes; Davis – yes. Time: 7:13 PM

ATTEST:

/s/Susan Suther
Susan Suther
City Clerk/Treasurer

/s/Stan Jones
Stan Jones
Vice Chairman