

Notice of Public Hearing & Agenda City of Davis

August 14, 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.

- Meeting called to order by Mayor Brian Davis. Time: 6:00 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: Prayer

- Prayer led by Jones.

Agenda Item #4: Pledge of Allegiance

- Pledge led by Davis.

Agenda Item #5: Presentation of zoning classification change from R2 Two Family Residential to C2 Highway Commercial for Block 6 lots 3 & 4 located at 604 N 3rd Street, Davis, OK 73030.

- Presentation by Ralph Coppenbarger, City Planner, of request by property owners to rezoning their lots located at 604 N 3rd Street from R2 Two Family Residential to C2 Highway Commercial for the purpose of building a new business. Coppenbarger stated that the Planning Board was in favor and voted to recommend the zoning change to the City Council for approval. The notice of publication was published in The Davis News on July 19th and letters were mailed to property owners of surrounding properties with nothing returned to City Hall. Owner Amy Hunt was present at the meeting. Two citizens spoke up to get clarification that nothing was changing with the zoning of their own property as neighboring properties. It was confirmed that this change will include only the two lots listed owned by Mr. & Mrs. Hunt. Davis asked for additional comments or questions, there were none.

Agenda Item #6: Presentation of zoning classification change from R1 Single Family Residential to C2 Highway Commercial for Block 12 lots 1 & 2 in the 500 Block of N 3rd St and Block 5 lots 2 & 3 at 205 E Curtis Ave, Davis, OK 73030.

- Presentation by Coppenbarger of request made by the property owner to rezone the property from R1 Single Family Residential to C2 Highway Commercial. Coppenbarger stated that the Planning Board was in favor and voted to recommend the zoning change to the City Council for approval. The notice of publication was published in The Davis News on July 19th and letters were mailed to property owners of surrounding properties with nothing returned to City Hall. A citizen with neighboring property asked if his property taxes would go up because of this change. Property tax rates are the responsibility of the County Assessor, and the City of Davis cannot speak as to the rates or possible increases, but no one present was aware of this change having any impact on the tax rates of neighboring properties. Davis asked for additional comments or questions, there were none.

Agenda Item #5: Close Public Hearing.

- Public Hearing closed by Davis.

Agenda Item #6: Adjourn.

- Motion to adjourn made by Jones. Second by Grinstead. 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/Brian Davis
Brian Davis
Mayor

City of Davis

August 14, 2023, 6:00 PM
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Agenda Item #1: Call to Order Davis City Council.

- Meeting called to order by Mayor Brian Davis. Time: 6:10 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 meetings. Motion to approve made by Jones. Second by Davis. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – yes; Davis – yes.
- b. Claims. Motion to approve made by Jones. Second by Davis. 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 on zoning classification change from R2 Two Family Residential to C2 Highway Commercial for Block 6 lots 3 & 4 located at 604 N 3rd Street, Davis, OK 73030.

- Motion made by Davis to approve Resolution #660 Rezoning 604 N 3rd St from R2 to C2. Second by Jones. Vote: Bumgarner – yes; Grinstead – abstain; Oakley – yes; Jones – yes; Davis – yes.
- Davis stated that Resolution #660 had been prepared for this rezoning request.

Agenda Item #6: Consideration and possible action on zoning classification change from R1 Single Family Residential to C2 Highway Commercial for Block 12 lots 1 & 2 in the 500 Block of N 3rd St and Block 5 lots 2 & 3 at 205 E Curtis Ave, Davis, OK 73030.

- Motion made by Jones to approve Resolution #661 Rezoning Block 12, lots 1 & 2 in the 500 Block of N 3rd St and Block 5 lots 2 & 3 at 205 E Curtis from R1 to C2. Second by Davis. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – yes; Davis – yes.
- Davis stated that Resolution #661 had been prepared for this rezoning request.

Agenda Item #7: Consideration and possible action to approve Resolution #658 Authorizing Application for Financial Assistance from Oklahoma Tourism & Recreation Dept to Supply Funding for Restroom Facilities & Exercise Equipment at Fullerton Park.

- Motion made by Davis to approve Resolution #658. Second by Oakley. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – yes; Davis – yes.
- Ricky Harness, City Manager, presented this grant opportunity to obtain funding from the Oklahoma Tourism & Recreation Department for restroom facilities and exercise equipment that are in the budget for FY2023-2024. The projects will move forward with the budgeted funds if the grant is not approved.

Agenda Item #8: Consideration and possible action to approve Resolution #659 Authorizing Application for Financial Assistance from Oklahoma Forestry Services for the purpose of Firefighter Bunker Gear.

- Motion made by Jones to approve Resolution #659. Second by Oakley. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – yes; Davis – yes.
- Coppenbarger presented this grant opportunity to obtain funding with an 80/20 match, to provide five sets of bunker gear for our fire department. Davis asked if we had ever been awarded this grant before, Dusty Parsons, Fire Chief, stated he thought we were awarded this grant four – five years ago.

Agenda Item #9: Consideration and possible action on Contingency Fund Balance

- Motion to transfer \$130,000 from the Contingency Fund to the Capital Improvement Fund for the purpose of City Hall repairs or replacement made by Jones. Second by Oakley. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – yes; Davis – yes.
- Susan Suther, City Clerk/Treasurer, presented the balance in the Contingency Fund at the end of July and the transfer that would be deposited this month from Turner Falls Park allocation. When the fund was open it was restricted to a \$250,000 max balance and authorization for transactions only by the City Council. Davis asked if there was a specific place to use the funds. Harness stated that the condition of City Hall is to the point that decisions will have to be made on how much we want to spend to make the necessary repairs which we know includes replacing the roof, anticipated costs of \$95,000, repairing the water damage from the leaks, including the mold we can see and possibly more that we cannot see, as well as the electrical issues. Discussion of what it could cost to remove the building. We have received over \$60,000 in insurance money for the roof replacement which is currently in the General Fund. Discussion of holding funds in the Capital Improvement Fund until a complete building assessment can be completed to determine the most cost-effective course of action.

Agenda Item #10: Consideration and possible action to purchase a tractor for the Street Department.

- Table until September meeting.

Agenda Item #11: Consideration and possible action on Broadband Proposal from Chickasaw Telecommunications Services, Inc.

- Motion to approve made by Davis. Second by Bumgarner. Vote: Bumgarner – yes; Grinstead – abstain; Oakley – yes; Jones – yes; Davis – yes.
- Harness presented the request from Chickasaw Telecommunications Services, Inc (CTSI) to install fiber through Davis to connect to fiber out by I35. The route would travel down Highway 7, then over to Benton Ave until they rejoin at Highway 7 at the West end of Benton Ave. They are working with ODOT for the work along Highway 7 and requesting permission from us as they get to our streets. The phase two approach to this project would be to construct broadband connectivity and provide it to subscriber locations in the City of Davis. Currently five areas or neighborhoods have been identified for providing service initially. These would expand based on the market and profitability of providing the service. Davis asked if they provide broadband access to the municipalities in any of the other communities they service. Harness confirmed they are willing to service City Hall and locations along the route. Davis asked if they provide any of these services at a discounted rates based on us agreeing to allow their fiber to come through our city. Harness stated it may be possible to have some conversations but the opportunity to bring Broadband into our community is very desirable. Jones asked if Bert had weighed in on any of the areas that would be impacted by their route through Davis. Harness

confirmed that CTSI would work through any of those areas to provide road bores if needed to preserve our current infrastructure. Davis confirmed with City Attorney Mark Melton that he had reviewed and did not have any issues with the proposal.

Agenda Item #12: Consideration and possible action on Police K9 Officer Miclo.

- Motion made to declare K9 Officer Miclo surplus property and give the City Manager, Ricky Harness, the authority to negotiate a sale to Carter County with the funds received being restricted to the future purchase of a police K9. Second by Grinstead. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – yes; Davis – yes.
- Harness stated that our K9 handler has left the Davis PD and began working for Carter County as a K9 handler. This was Miclo's second handler in his short career. Carter County has expressed some interest in buying the K9. We do not have anyone on the Davis PD staff now qualified as a K9 handler or showing the desire to be a K9 handler. Harness would like the council to decide whether or not to surplus and sell the K9. We have concerns about placing the dog with a third handler, training would be required by both the new handler and the dog to pair with a new handler. If Carter County were to purchase the dog, he would remain with his handler and there would be less stress on the animal. A portion of the funds used to purchase this K9 were donated anonymously by a citizen with the expectation that we would have a K9 program and Harness wants to be sensitive to this expectation. Grinstead inquired as to how many drug busts or assists this K9 has provided to the police department in the past year or two. Harness stated that the majority of his "busts" have been in support of other agencies. Davis PD has not had any significant cases of their own with the K9. Davis inquired about Murray County, the Park Service, OHP, Lighthorse and surrounding agencies that have K9 units in our area. Harness stated that Carter County is in a similar situation to us as their K9 handler left for another agency and they chose to move the K9 with the handler. Our K9 is currently in Carter County on loan to be used with his handler in an attempt to keep his skills intact. Bumgarner stated that he spoke to the K9 Officer and he is having to work on the K9 training because the dog was not used for a couple of weeks. Harness stated there was a separation where the K9 was placed in the care of another officer before it was loaned to Carter County. Bumgarner asked if there had been conversations with Carter County. Harness confirmed that he has met with Carter County and they are interested but he cannot say what amount they would be willing to pay for the K9. There are negotiations that need to take place. There is also the possibility to go back to the organization that trains the dogs to see if there are other placement options, but that could create additional hardship or stress on the K9. Grinstead inquired about the original creation of the K9 unit within the department. Discussion was had about the various donations that have been made to fund the program since it began. The current K9 unit was funded by a donation from the Chickasaw Nation. Oakley inquired about recent upgrades to that unit, there is equipment waiting to be installed, the unit is currently in the auto body shop for repairs from recent accidents. Grinstead asked if we were under any obligation to the Chickasaw Nation based on their donation used to purchase the vehicle. Davis asked if any funds received from the sale of the K9 could be restricted for the use of purchasing a K9 in the future. Oakley asked if we should look at selling the K9 unit. Discussion of the equipment not yet installed. Discussion of how to excess and properly sell the K9, Melton stated that it is understood that there are conditions with this being a K9 and not an actual piece of equipment, there are important factors beyond any monies received.

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

- a. Annual performance review of the City Manager. Motion to enter executive session made by Oakley. Second by Bumgarner. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – yes; Davis – yes.
- b. Annual performance review of the City Treasurer. Motion to enter executive session made by Oakley. Second by Bumgarner. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – yes; Davis – yes. Time: 6:51 PM

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

- Motion made to return from executive session made by Jones. Second by Oakley. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – yes; Davis – yes. Time: 8:59 PM

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

- Executive session minutes along with evaluation forms from each council member on the City Manager and the City Clerk/Treasurer were presented to the City Clerk/Treasurer. The evaluation forms are to be placed in the employee files of the City Manager and the City Clerk/Treasurer.

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

- Motion by Grinstead to reinstate the 3% COLA for the City Manager effective 7/1/2023, to increase the City Manager salary by \$14,790 and award a \$20,000 bonus effective for the current pay period. Second by Davis. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – yes; Davis – yes.
- The City Manager should receive the 3% COLA that all other employees received on July 1 and this increase in pay will bring the annual salary to \$125,000.

Agenda Item #17: Consideration and possible action regarding the annual performance review of the City Treasurer.

- Motion by Grinstead reinstate the 3% COLA for the City Clerk/Treasurer effective 7/1/2023, to increase the City Clerk/Treasurer salary by \$16,031.20 and award a \$10,000 bonus effective the current pay period. Second by Bumgarner. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – yes; Davis – yes.
- The City Clerk/Treasurer should receive the 3% COLA that all other employees receive on July 1 and this increase in pay will bring the annual salary to \$85,000.

Agenda Item #18: Hanover Road Construction Project report.

- Harness reported that this project is complete, except for striping and cleaning up the shoulders. The invoice has been sent to the Chickasaw Nation and we are waiting for their payment of \$100,000.

Agenda Item #19: City Manager's Report

- Harness provided a 22-23 In Review, 23-24 What's Coming and Turner Falls Tavern Renderings to the Council. He discussed Financial Performance of the General Fund, DMA and Turner Falls, completion of projects, including 2nd St Waterline Relocation, ODOT Drainage on Main Street, Sandy Creek Drive Repair, Hanover Road Repair, 6th Street Design, WTP SCADA Improvements, WWTP Design, Loan and Project Award, TFP Bunkhouses, Tipis, Bathhouses, Main One Bathhouse completion, Mountain Bike Rider Center Phase 1 Design, Vendor Row removed and prep work for replacement. In 23-24 we can expect WWTP Construction Project to begin, a new Dog Pound to be completed, 6th St Bid with a Fall start date, WTP SCADA project completion, new restrooms at Fullerton Park, new Christmas Light displays at Fullerton Park, various street repair projects and lift station improvements. Turner Falls will host the Red Dirt Music Festival, Sycamore Campground waterline and shower house will be installed, Mountain Bike Trail construction, continuation of the "glamping zone" with Conestoga Wagon project, replace Vendor Row and complete the design on the Tavern. Renderings from the engineer on the progress of the Turner Falls Tavern, input was requested from the Council if they have any ideas, changes or feedback. An update was provided on the Water Plant and facility inspection that included five items requiring immediate corrective action. The retention ponds require clean out of the sediment, this is in progress. The water tower at A Street has an overflow valve at the top of the tower and it is required to be within 12" of the ground. Cut off valves are required every 500' on heavy flow lines and 1,000' on low flow lines. This will be a costly and long term project but all line replacements will have these requirements. Bumgarner inquired about the RR crossing/siding at Stillwater Milling. Harness stated it does belong to BNSF and he has had a conversation with his contact about it as well as the issue with the Main St crossing. Davis

inquired about the RR grant, we were not awarded but we the State and BNSF are looking to resubmit our project for the next round of considerations, hoping to find out more about the scoring system and how we can strengthen our application for a more favorable decision.

Agenda Item #20: City Treasurer Report

- Susan Suther, City Clerk/Treasurer announced that we have been notified that we were awarded the \$600,000 CDBG application we submitted as well as the OWRB Loan Forgiveness Application for the SSES project will be recommended to the OWRB for approval on their consent agenda tomorrow, August 15th. Tax revenues, transfers, account balances and DMA billing revenues were reviewed.

Agenda Item #21: Davis Chamber of Commerce Report

- Brandy Baldwin, Executive Director of the Davis Chamber of Commerce provided an update on new memberships to the Chamber, recent events, upcoming events and recognized three Main Street business, Arctic Processing, Farmers Insurance – CJ Snyder and Melton Law Firm for the recent upgrades to their buildings.

Agenda Item #22: New Business: Discussion concerning any matter not known which could not have been foreseen prior to the posting of this agenda.

- Resident Sammy Kiser asked to meet with the City Manager and the City Attorney about the questions he had last month when his attorney came to the meeting and his questions were not answered. Mr. Kiser was reminded that his attorney was instructed to contact City Attorney Mark Melton. Mr. Kiser stated that his attorney had called City Hall and the City Attorney and his calls were not returned. Melton stated that his office has received no contact from Mr. Kiser's attorney. Harness stated he has not received any calls from Mr. Kiser's attorney. Mr. Kiser was instructed to have his attorney call Melton's office.

Agenda Item #23: Adjourn

- Motion to adjourn made by Bumgarner. Second by Grinstead. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – yes; Davis – yes. Time: 9:41 PM

ATTEST:

/s/Susan Suther

Susan Suther
City Clerk/Treasurer

/s/Brian Davis

Brian Davis
Mayor

Davis Municipal Authority

August 14, 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: 9:41 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 Oakley. Second by Bumgarner. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – yes; Davis – yes.
- b. Claims. Motion to approve made by Oakley. Second by Bumgarner. 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 the purchase of an excavator for Turner Falls Park.

- Motion to approve purchase of the Kubota Excavator for \$135,264.28 made by Davis. Second by Jones. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – yes; Davis – yes.
- Ricky Harness, City Manager provided four quotes for comparable excavators with his preference being the Kubota even though the Case is a little less expensive. Discussion about the different machines, features and their warranties.

Agenda Item #6: Consideration and possible action to approve the purchase of two Side-by-Sides for Turner Falls Park.

- Motion to approve the purchase of two Side-by-Sides made by Davis. Second by Grinstead. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – yes; Davis – yes.
- Harness presented the quote for three Side-by-Sides, each unit is \$21,745.98 each. The agenda item was actually supposed to be for the purchase of three Side-by-Sides. Council discussion was that they would be in favor of purchasing all three, but they will vote on the purchase of the two listed on the agenda and the third can be purchased alone as it is below the City Manager's spending authority. City Attorney Mark Melton had no objection to this due to the agenda error.

Agenda Item #7: WWTP Construction Project Report.

- Harness announced a meeting with Garver and the contractor for the project is scheduled for next week. More information will be available after that meeting.

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

- Fire Chief Dusty Parsons asked to give his Fire Department report since he did not have the opportunity to give the report in the regular council meeting. July had 44 total calls, 11 were inside the city limits and 30 were outside city limits. There were 21 grass fires outside of city limits and 2 grass fires inside city limits. Two calls were made to Turner Falls and one call was made to Crossbar. In July three resignations were received, two from firefighters that are full time firefighters in OKC and one from Chief Parsons himself. One retirement, Bubba Bolding retired after serving 20 years. There are now two open positions for volunteer firefighters. A special meeting was held on August 8th and a Volunteer Fire Chief was elected; it is Dusty Parsons. The annual picnic was held on Sunday, August 13th with 50+ in attendance with members spouses, children and retirees. Dusty asked the council to vote on some policies and procedures before hiring a new Fire Chief, pertaining to the job requirements, i.e. living restrictions, miles away from fire station or fire district, vehicle restrictions whether or not the vehicle can be driven to and from their house, vehicle use across the board for all department heads, work schedule deviations due to after hour emergency calls, Dusty would like to see the council finalize policies and procedures for the new position before it is filled. Davis asked if this was just to get something set so whoever knows what is expected and not expected, Dusty confirmed. Grinstead asked about the work schedule and what was the other? Suther stated deviation to work schedule due to after hours emergency calls. Grinstead asked for clarification, overtime? Dusty stated, the ability to adjust the schedule, the 40 hour work week if you put in 20 hours on the weekend. Grinstead stated that as a salaried position that is over the minimum salary, whatever that amount is, the requirement is to do whatever that job mandates, correct?

Dusty used the example of Ricky adjusting his schedule if he was working a Turner Falls all weekend. Davis used the example of Bert if he is out on an emergency call. Grinstead asked if Dusty was asking to adjust the position for the Chief to be under a 40 hour work week and his hours be adjusted based on the after hour calls. Dusty confirmed that was what he was asking. Harness stated that the exempt position is outlined by the FLSA, Fair Labor Standards Act, other positions that are also exempt were mentioned. Under FLSA, a standard work week is set, the week can be various days or schedule, generally it is 40 hours. Any work outside of those hours that is required, all of this is part of the salary. What is done is recuperation time, this is offered for positions adjusted based on emergency calls. Grinstead asked Dusty to clarify what he is suggesting being in the policy. Harness stated that establishing a policy is not appropriate in this instance, we will continue to follow the FLSA. City Attorney Melton spoke to advise this is beyond the council's purview, this is clearly the day to day operations when you discuss who works what hours. Harness stated that whoever is hired and they work through the process, as long as we comply with the FLSA guidance he is open to discuss. Davis stated that if an employee is out all night long the following day could be recuperation time and not count as an absence. Suther gave the example of working four extra hours at the council meeting on Monday, not being able to leave at noon on Friday. Harness stated there are instances where when it is communicated from the employee to the City Manager, time is granted, communication is required. Grinstead told Dusty that he appreciated all he has done and he would always be the first paid fire chief for the Davis Fire Department. Davis mentioned that the Volunteer Fire Chief is supposed to be voted, but it is not on tonight's agenda. This will be on the next agenda unless a Fire Chief is hired by then. Harness stated he has a couple of applicants and those interviews will be set up with the hiring panel to conduct interviews.

Agenda Item #9: Adjourn.

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

ATTEST:

/s/Susan Suther

Susan Suther
City Clerk/Treasurer

/s/Brian Davis

Brian Davis
Chairman