

City of Davis

November 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 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 of Allegiance led by Davis.

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

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

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

- No items removed from the agenda.

Agenda Item #7: Consideration and possible action to approve Ordinance 08-2023 Amending Title 13 Flood Control.

- Motion to approve Ordinance 08-2023 made by Jones. Second by Grinstead. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – yes; Davis – yes.
- Presentation by Ralph Coppenbarger, Jr., City Planner, of the updated Flood Insurance Study for Murray County and Incorporated Areas dated January 11, 2024 with updated Flood Insurance Rate Maps (FIRM) dated January 11, 2024. Updates were provided by FEMA Region 6. Davis does have a small portion of Zone A on Marvin Drive per the current maps that were updated in 1985. Davis inquired about the maps and communications that have been received over the last several months, those communications are part of this project update. Coppenbarger also added that OWRB assists with identifying flood prone areas when working on a building permit that requires the identification of the floodplain elevation.

Agenda Item #8: Consideration and possible action to approve the surplus and sale or trade of the cage in the Police K9 Unit.

- Motion made by Jones to approve the surplus of the Police K9 Unit cage for sale or trade. Second by Grinstead. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – yes; Davis – yes.
- Presentation by Danny Cooper, Police Chief, of the need of a back seat for the K9 Unit. When it was set up, the back seat was not included because the K9 cage was in it's place. The OBN has the same make/model Durango with a back seat that they need to convert to a K9 unit, the desire is to swap.

Agenda Item #9: Consideration and possible action to approve Resolution #664 Authorizing the Distribution of Escrow Funds to Policy Premiums.

- Motion to approve Resolution #664 made by Jones. Second by Grinstead. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – yes; Davis – yes.
- Presentation by Susan Suther, City Clerk/Treasurer, of OMAG escrow balance and our option to use the funds to satisfy current policy premiums.

Agenda Item #10: Consideration and possible action to approve the award of the 6th Street Roadway Improvements Project.

- Motion made by Jones to approve the award of the base bid, add alt 1 and add alt 2 to Pavers, Inc. Second by Bumgarner. Vote: Bumgarner – yes; Grinstead – yes; Oakley – yes; Jones – yes; Davis – yes.
- Presentation by John Strahorn, Garver, recommending the selection of Pavers Inc for the Base Bid (Davis Ave to Bird Ave), \$2,148,376.90, Add Alt 1 (Davis Ave to Main St including alley between 5th St & 6th St) \$297,042.75 and Add Alt 2 (sidewalk from Bird Ave to Main St) \$204,060.00. Discussion of what was included in the base bid, add alt 1 and add alt 2. Grinstead inquired about the width of 6th Street and the width of 3rd Street. Davis inquired about the balance in the Street Maintenance Fund, which is \$2,002,414.55 as of Oct 31, 2023. The total of

the base bid, add alt 1 and add alt 2 is just over \$2,600,000. There was discussion about the total cost vs. the balance in the fund, the timeline for the project which is expected to be February 2024 to early August 2024, and the anticipated transfers from Turner Falls Park attendance in 2024. Suther provided the transfer amounts for the peak season of 2023, as well as other sources of funding, the Contingency Fund has \$195,000 currently that has not been allocated for any specific project, as well as CD investments that will be maturing in January 2024 and April 2024 that total \$1.3 million. All bids were for asphalt, discussion of the lifespan of asphalt and the anticipated use/traffic of 6th Street. City maintenance of the asphalt street was discussed and Ricky Harness, City Manager provided some information regarding current and future maintenance plans for City streets. Grinstead inquired about the water/sewer infrastructure along 6th Street and if the costs for replacing it are also included, where it crosses 6th Street it is included, but a total replacement of the water/sewer infrastructure is not included. ONG has already begun their work along this construction project. The Pay App schedule was also discussed.

Agenda Item #11: City Manager's Report.

- Cooper provided a report in the packet and gave an update on recent arrests made in the storage building burglaries, two suspects were arrested this week. The equipment for the new Chevrolet police vehicle did arrive, however it was damaged and had to be returned.
- Harness introduced Danny Cox as the new Fire Chief. Cox thanked the City and the firefighters for being so supportive and inviting to him. He gave a report of one structure fire, four grass fires, six medicals, set up 6 landing zones, seven vehicle accident calls.
- Harness updated that the new dog pound is scheduled for spray foam insulation this week. At this time, the dog pound is not infringing upon the progress being made by the WWTP contractors. An adoption event will be held soon to attempt to find homes for some of the dogs we have. There is also a rescue that is willing to take a number of the dogs if the old facility needs to be removed before the new facility is completed. The railroad tracks at Atlanta Ave and Main Street both have repairs that need to be made. Harness was working with BNSF until about three weeks ago when they stopped responding. Contact has now been made to a contact with the Oklahoma Corporation Commission who assisted with getting BNSF cooperation to mow the ROW along the railroad tracks. We have been tentatively awarded a \$300,000 grant to construct the mountain bike trails at Turner Falls Park. We have some notices to send to some tribes, International Mountain Bike Association (IMBA) will also be sending a package to prepare our bid requests. A SODA grant application was submitted for a portable sewer pump with an 80/20 match, this is in the final process, the local SODA board has approved and submitted to the State for finalization. At this point in the life of a SODA grant it usually moves on through for approval. We have also executed the SODA generator grant we were awarded last year.
- Davis inquired about Crossbar improvements, restroom facilities, etc. Grinstead commented on the condition of the road and the work that had been done. Harness confirmed that Crossbar improvements are still on the radar and shared those recent conversations revealed the need for some evaluation of "capital improvement" definitions and identifying what needs to fall into that category and be funded.

Agenda Item #12: City Treasurer Report

- Provided an update on the software conversions, online options and features for utility billing.

**Jeremy Bumgarner exited the meeting. Time: 6:56 PM

Agenda Item #13: Davis Chamber of Commerce Report

- Brandy Baldwin, Executive Director, provided a report in the council packet and gave updates on her recent economic OU Economic Development Institute, Credit Analysis and Managing Economic Development Organizations training held in Austin, TX. New contacts were made to network with other communities and industries that she intends to leverage to grow the economic development efforts of the Chamber in partnership with the City. In other Chamber news Chamber Board Member elections were recently held and on November 16th a luncheon sponsored by C & C Contracting will be held to introduce District 22 Candidate Ryan Eaves to our community. Nominations for Large Business of the Year, Small Business of the Year, Helen Webber Citizen of the Year, Murray County Civic Group of the Year are currently open. A Very Davis Christmas Registration for events as well as the 2023 Annual Survey are open and available.

Agenda Item #14: 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 #15: Adjourn

- Motion to adjourn made by Jones. Second by Grinstead. Vote: Bumgarner – absent; Grinstead – yes; Oakley – yes; Jones – yes; Davis – yes. Time: 7:01 PM

ATTEST:

/s/Susan Suther
Susan Suther
City Clerk/Treasurer

/s/Brian Davis
Brian Davis
Mayor

Davis Municipal Authority

November 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: 7:01 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 – absent.

Agenda Item #3: Consideration and possible action to approve Consent Agenda.

- a. Minutes of prior meetings. Motion to approve made by Oakley. Second by Jones. Vote: Bumgarner - absent; Grinstead – yes; Oakley – yes; Jones – yes; Davis – yes.
- b. Claims. Motion to approve made by Oakley. Second by Jones. Vote: Bumgarner - absent; 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 anticipated EPA regulations and the potential to defray costs of compliance by participating in the Multidistrict Litigation proposed settlement or through individual litigation.

- Motion made by Davis to participate in the Multidistrict Litigation. Second by Jones. Vote: Bumgarner – absent; Grinstead – yes; Oakley – yes; Jones – yes; Davis – yes.
- Mark Melton, City Attorney, introduced Krystina Phillips, Attorney, Indian and Environmental Law Group, PLLC. Phillips shared information regarding PFAS, which is a forever chemical used in firefighting foam which over time contaminates the soil, water, groundwater, fish to name a few impacts. The EPA is to implement new drinking water standards that will require testing for PFAS levels and treatment if they exceed acceptable levels. The testing itself is very expensive but the treatment would impose an even greater expense to the City. Final ruling from the EPA is expected in the 2nd Quarter of 2024. The primary manufacturers of PFAS are 3M and Dupont. The MDL proposed settlement is 12.5 billion, it is an opt out settlement, meaning you will be included unless you opt out and the settlement will be paid over seven years. Routine testing will be required, and reporting documents will be required to be submitted to receive settlement payments. Edelson PC and Indian and Environmental Law Group, PLLC will oversee all testing and submit reporting on behalf of the City over the course of the seven year settlement with a 25% Contingency Fee. No costs to the City if we do not receive settlements. Levels and treatment options were discussed. Deadlines were discussed.

Agenda Item #6: Consideration and possible action on Retention Agreement with Edelson PC and Indian and Environmental Law Group, PLLC.

- Motion made by Davis to execute the Retention Agreement Second by Grinstead. Vote: Bumgarner – absent; Grinstead – yes; Oakley – yes; Jones – yes; Davis – yes.
- Melton stated he has no objection to executing this agreement as it is written.

Agenda Item #7: Consideration and discussion regarding possible contract with Gary Fielding for the management of the 777 Zip Line.

- Harness stated that he and Mr. Gary Fielding have discussed the 777 Zipline contract that is set to expire in March 2024. Mr. Fielding is interested in managing the 777 Zipline on behalf of the City. Davis inquired about OMAG coverage, costs, etc. These have not been explored. Grinstead inquired about any proposed terms of the agreement; Harness confirmed none have been discussed at this time. Fielding stated that he would like to lease the 777 Zipline from the City for 7 years, revenues have reduced but it provides jobs for his family members. The council members agreed that they would like to see some proposed options on the December meeting agenda for consideration. Harness stated that he and Fielding would get together to work out some options to bring back in December.

Agenda Item #8: WWTP Construction Project Report.

- Harness stated that good progress is being made on the site, bi-weekly update meetings are held, some demo has begun, removed digestors and drying beds, removal of some trees. Discussion of a pending adoption event for the remaining dogs in the dog pound.

Agenda Item #9: 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 #10: Adjourn.

- Motion to adjourn made by Davis. Second by Jones. Vote: Bumgarner – absent; Grinstead – yes; Oakley – yes; Jones – yes; Davis – yes. Time: 7:46 PM

ATTEST:

/s/Susan Suther

Susan Suther
City Clerk/Treasurer

/s/Brian Davis

Brian Davis
Chairman