
On Thursday, May 11, 2023, at or before 4:59 p.m., agenda was posted at the front doors of City Hall, on the bulletin board in the lobby of City Hall, and on the City of Bethany website: cityofbethany.org. The City of Bethany encourages participation from all its citizens. If participation at any public meeting is not possible due to a disability, notification to the City Clerk at least 48 hours prior to the scheduled meeting is encouraged to make the necessary accommodations. The City may waive the 48-hour rule if signing is not the necessary accommodation.

AGENDA

BETHANY CITY COUNCIL

TUESDAY, MAY 16, 2023
6:30 P.M.

BETHANY CITY HALL
6700 NW 36TH ST
BETHANY, OKLAHOMA



With the exception of new business, official action can only occur on items which appear on the agenda. The Council may adopt, approve, ratify, deny, defer, recommend, amend, strike, or continue any agenda item. When more information is needed to act on an item, Council may refer the matter to the City Manager or the Municipal Counselor. The Council may also refer items to standing committees of the Council or to a board or commission for additional study. Under certain circumstances, items may be deferred to a specific later date or stricken from the agenda entirely.

1. Call to Order
2. Invocation and Flag Salute
3. Consent Docket:
 - A. Approval of Minutes from the May 2, 2023, Regular Meeting.
 - B. Approval of Claims: These claims have been found to be in order by staff and proper as to form and procedure and are recommended for payment. A copy of the Claims List is included in the agenda packet.
4. Mayoral Proclamation recognizing the week of May 21-27, 2023, as National Public Works Week.
5. **PUBLIC HEARING ITEM:** Consideration and possible action regarding a special use permit request by Bruce Saunkeah, applicant, that will allow a dwelling unit within a commercial business at 3200 N Rockwell Avenue.
 - A. Presentation by staff and/or interested party.
 - B. Public comment.
 - C. Possible action.

6. Public Comment - Any person wishing to address the Council during Public Comment shall give their name, address, and city of residence to the City Clerk for the records PRIOR to the start of the meeting. *(Per Chapter 30 of the Bethany Code of Ordinances, there is a five-minute limit, and no action or discussion shall take place. All remarks shall be addressed to the Council as a body, and not to any member thereof.)*
7. Consideration and possible approval of award of contract for CDBG Waterline Replacement Project on Holloway Avenue from NW 36th Street to NW 32nd Street to Southwest Water Works, LLC for the base bid amount of \$255,640.00 and authorize the mayor to sign the document. *(Elizabeth Gray, City Manager)*
8. Consideration and possible adoption of Resolution No. 1676, a resolution approving process for approval of invoices relating to CDBG projects. *(Elizabeth Gray, City Manager)*
9. Consideration and possible approval of Ordinance No. 2047, an ordinance adding Section 40.03 to the Bethany Code of Ordinances providing for the creation of a Streets Sidewalks and Drainage Fund for the purpose of receiving, holding, accounting and of accumulating funds to make capital improvements to or creating new streets, sidewalks and drainage. *(Ray Jones, City Attorney)*
 - A. Presentation by staff and/or interested party.
 - B. Consideration and possible approval of Ordinance No. 2047 on reading by title only.
 - C. Consideration and possible approval of Sections 1-2 of Ordinance No. 2047.
 - D. Consideration and possible approval of Section 3 of Ordinance No. 2047, the emergency section.
10. Consideration and possible approval of Ordinance No. 2048, an ordinance amending Section 110.01 to the Bethany Code of Ordinances adding Subpart (D) providing for the form of a business license application. *(Ray Jones, City Attorney)*
 - A. Presentation by staff and/or interested party.
 - B. Consideration and possible approval of Ordinance No. 2048 on reading by title only.
 - C. Consideration and possible approval of Sections 1-2 of Ordinance No. 2048.
 - D. Consideration and possible approval of Section 3 of Ordinance No. 2048, the emergency section.
11. Discuss and consider changing the comprehensive plan regarding the sale of open display commercial businesses. Open display businesses include, but are not limited to equipment rental, car dealerships, farm implement sales, outbuildings, pools, lawn equipment sales, boat sales and the like. *(Marilyn McPhail, Council Member)*
12. PROPOSED EXECUTIVE SESSION pursuant to 25 O.S. § 307 (B) (1) for the purpose of discussing the employment conditions of the office of the City Attorney. *(Marilyn McPhail, Council Member)*

- A. Enter Executive Session
 - B. Exit Executive Session
13. New Business *(As defined by the Oklahoma Open Meeting Act § 311 (A) (9) as “matters not known about or which could not have reasonably been foreseen prior to the time of posting the agenda”).*
 14. City Attorney’s Report.
 15. City Manager’s Report.
 - A. Financial Report.
 16. Mayor and Council Members Comments and Suggestions.
 17. Adjourn until June 6, 2023.

BETHANY PUBLIC WORKS AUTHORITY

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1. Consent Docket:
 - A. Approval of Minutes from the May 2, 2023, Regular Meeting.
 - B. Approval of Claims: These claims have been found to be in order by staff and proper as to form and procedure and are recommended for payment. A copy of the Claims List is included in the agenda packet.
 - C. Approval of Budget Amendment 23-14.
 - D. Approval of Budget Amendment 23-15.
2. Consideration and possible approval of award of contract for CDBG Waterline Replacement Project on Holloway Avenue from NW 36th Street to NW 32nd Street to Southwest Water Works, LLC for the base bid amount of \$255,640.00 and authorize the mayor to sign the document. *(Elizabeth Gray, City Manager)*
3. Consideration and possible adoption of Resolution No. 1676, a resolution approving process for approval of invoices relating to CDBG projects. *(Elizabeth Gray, City Manager)*
4. New Business *(As defined by the Oklahoma Open Meeting Act § 311 (A) (9) as “matters not known about or which could not have reasonably been foreseen prior to the time of posting the agenda”).*

5. Adjourn until June 6, 2023.

BETHANY HOSPITAL TRUST

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BETHANY DEVELOPMENT AUTHORITY

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3. Adjourn until June 6, 2023.

Public Participation Note: The City Council and Staff of the City of Bethany strongly encourages the input and involvement of the citizens to help ensure that the city government provides the highest level of services to meet the public needs and desires. If you have any concerns or comments about an agenda item, or any other issue, please contact the Mayor, your Ward Council Members or City Hall Staff. You may also contact the City Manager's office if you would like to have an item placed on a future agenda to address the Council as a whole. (Guidelines are available in the Council Chambers and in City Hall Lobby.)

NOTICE: On Thursday, April 27, 2023, at or before 4:59 p.m., agenda was posted at the front doors of City Hall, on the bulletin board in the lobby of City Hall, and on the City of Bethany website: cityofbethany.org. The City of Bethany encourages participation from all its citizens. If participation at any public meeting is not possible due to a disability, notification to the City Clerk at least 48 hours prior to the scheduled meeting is encouraged to make the necessary accommodations. The City may waive the 48-hour rule if signing is not the necessary accommodation.

BETHANY CITY COUNCIL MEETING

BETHANY CITY HALL

TUESDAY, MAY 2, 2023

6:30 P.M.

MEMBERS PRESENT:	Nikki Lloyd	Mayor
	Brian Magirowsky	Vice-Mayor
	Steve Palmer	Council Member
	Chris Powell	Council Member
	Marilyn McPhail	Council Member
	Kathy Larsen	Council Member
	Ken Smart	Council Member
	Peter Plank	Council Member
	Jeff Knapp	Council Member

MEMBERS ABSENT: None

OTHERS PRESENT:	Elizabeth Gray	City Manager
	Ray Jones	City Attorney
	Michael Vaughn	City Clerk/Treasurer
	Lesa LaMar	Deputy City Clerk
	(See Roster)	

ITEM NO. 1 on the agenda Mayor **CALL TO ORDER.**

Mayor Lloyd called the Bethany City Council meeting to order at 6:30 P.M.

ITEM NO. 2 on the agenda was **INVOCATION AND FLAG SALUTE.**

The Invocation was given by Council Member Plank.

The Flag Salute was conducted by Council Member Powell.

ITEM NO. 3 on the agenda was **CONSENT DOCKET:**

A. APPROVAL OF MINUTES FROM THE APRIL 4, 2023, REGULAR

MEETING.

- B. APPROVAL OF CLAIMS: THESE CLAIMS HAVE BEEN FOUND TO BE IN ORDER BY STAFF AND PROPER AS TO FORM AND PROCEDURE AND ARE RECOMMENDED FOR PAYMENT. A COPY OF THE CLAIMS.**
- C. PUBLIC IMPROVEMENT-ROUTINE ITEM: ACCEPT ODOT ACTIVE LIVING PROJECT AS A PUBLIC IMPROVEMENT AND PLACE MAINTENANCE BOND INTO EFFECT. (ELIZABETH GRAY, CITY MANAGER)**

Motion was made by Vice-Mayor Magirowsky, seconded by Council Member McPhail to approve the consent docket. Yes votes: Plank, Palmer, Larsen, Smart, Lloyd, Magirowsky, Powell, McPhail, Knapp. No votes: None. Motion approved.

ITEM NO. 4 on the agenda was **PUBLIC COMMENT - ANY PERSON WISHING TO ADDRESS THE COUNCIL DURING PUBLIC COMMENT SHALL GIVE THEIR NAME, ADDRESS, AND CITY OF RESIDENCE TO THE CITY CLERK FOR THE RECORDS PRIOR TO THE START OF THE MEETING. (PER CHAPTER 30 OF THE BETHANY CODE OF ORDINANCES, THERE IS A FIVE-MINUTE LIMIT, AND NO ACTION OR DISCUSSION SHALL TAKE PLACE. ALL REMARKS SHALL BE ADDRESSED TO THE COUNCIL AS A BODY, AND NOT TO ANY MEMBER THEREOF.)**

None

ITEM NO. 5 on the agenda was **CONSIDERATION AND POSSIBLE ADOPTION OF RESOLUTION NO. 1674, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BETHANY, OKLAHOMA, ADOPTING THE FISCAL YEAR 2024 BUDGET FOR THE GENERAL FUND, MISCELLANEOUS FUNDS, AND VARIOUS PUBLIC TRUSTS; AFFIRMING THE AUTHORITY OF THE CITY MANAGER TO MAKE TRANSFERS WITHIN THE GENERAL FUND; AND APPROPRIATING FUNDS FROM THE CAPITAL IMPROVEMENTS FUND FOR SPECIFIED EQUIPMENT AND PROJECTS. (ELIZABETH GRAY, CITY MANAGER)**

Finance Director Vaughn informed the council that there were a couple of minor adjustments to the budget since the April 18th hearing.

A motion was made by Vice-Mayor Magirowsky, seconded by Council Member Larsen to approve the 2024 budget. Yes votes: Plank, Palmer, Larsen, Smart, Lloyd, Magirowsky, Powell, McPhail, Knapp. No votes: None. Motion approved.

ITEM NO. 6 on the agenda was a **CONSIDERATION AND POSSIBLE ADOPTION OF RESOLUTION NO. 1673, A RESOLUTION ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES OF THE CITY OF BETHANY, OKLAHOMA;**

NOTIFYING THE PUBLIC OF PUBLICATIONS OF THE SUPPLEMENT. (MICHAEL VAUGHN, FINANCE DIRECTOR)

A motion was made by Vice-Mayor Magirowsky, seconded by Council Member Larsen to approve Resolution No. 1673. Yes votes: Magirowsky, Lloyd, Plank, Larsen, Smart, Palmer McPhail, Powell, Knapp. No votes: None. Motion approved.

ITEM NO. 7 on the agenda was CONSIDERATION AND POSSIBLE APPROVAL OF \$62,987.28 PAYMENT OF THE SALES TAX REBATE TO 7-ELEVEN STORES. (MICHAEL VAUGHN, FINANCE DIRECTOR)

City Manager Gray informed council that the City of Bethany entered into an Economic Development Agreement with 7-Eleven Stores to Rebate a portion of the city sales tax collected by the new store at 23rd and Council. The agreement specifies that the first two years rebate amount is 62% of the sales tax collected, and 52% thereafter. This is the third year of the agreement.

A motion was made by Council Member Larsen, seconded by Vice-Mayor Magirowsky to approve the \$62,987.28 payment of the sales tax rebate to 7-Eleven stores. Yes votes: Smart, Palmer, McPhail, Powell, Plank, Larsen, Lloyd, Magirowsky, Knapp. No votes: None. Motion approved.

ITEM NO. 8 on the agenda was CONSIDERATION AND POSSIBLE ACTION VOTING FOR THREE TRUSTEES TO THE OKLAHOMA MUNICIPAL ASSURANCE GROUP. (ELIZABETH GRAY, CITY MANAGER)

A motion was made by Council Member Palmer, seconded by Council Member Plank to nominate Tim Lyon, Justin Battles and Pam Polk. Yes votes: Smart, Palmer, McPhail, Powell, Plank, Larsen, Lloyd, Magirowsky, Knapp. No votes: None. Motion approved.

ITEM NO. 9 on the agenda was PROPOSED EXECUTIVE SESSION PURSUANT TO 25 O.S. § 307 (B) (4) REGARDING CONFIDENTIAL COMMUNICATIONS BETWEEN THE COUNCIL AND ITS ATTORNEY CONCERNING A PENDING INVESTIGATION OF CITIZEN NON-COMPLIANCE WITH TITLE XI: BUSINESS REGULATIONS, § 110 AND TITLE XV: ZONING, § 158.044 WITH THE ADVICE OF ITS ATTORNEY, THAT DISCLOSURE WILL SERIOUSLY IMPAIR THE ABILITY OF THE PUBLIC BODY TO CONDUCT A PENDING INVESTIGATION.

A. ENTER EXECUTIVE SESSION

A motion was made by Council Member Palmer, seconded by Council Member Plank to enter executive session at 6:38 p.m. Yes votes: Larsen, McPhail, Lloyd, Magirowsky, Plank, Powell, Smart, Palmer, Knapp. No votes: None. Motion approved.

B. EXIT EXECUTIVE SESSION

A motion was made by Vice-Mayor Magirowsky, seconded by Council Member Powell to exit executive session at 7:45 p.m. Yes votes: Larsen, McPhail, Lloyd, Magirowsky, Plank, Powell, Smart, Palmer, Knapp. No votes: None. Motion approved.

ITEM NO. 11 on the agenda was **NEW BUSINESS (AS DEFINED BY THE OKLAHOMA OPEN MEETING ACT § 311 (A) (9) AS “MATTERS NOT KNOWN ABOUT OR WHICH COULD NOT HAVE REASONABLY BEEN FORESEEN PRIOR TO THE TIME OF POSTING THE AGENDA”)**.

ITEM NO. 12 on the agenda was **CITY ATTORNEY’S REPORT.**

None

ITEM NO. 13 on the agenda was **CITY MANAGER’S REPORT.**

City Manager Gray reported the following:

City offices will be closed Monday, May 29th. The trash makeup day is Wednesday, May 31st.

October 2nd is the next Bulk Trash pickup. Pick up will begin on the south side of town.

November 11th is free landfill day from 7:00 a.m. until noon at 7600 SW 15th Street, OKC.

City offices will be closed Tuesday, July 4th. The trash makeup day is Wednesday, July 5th.

ITEM NO. 14 on the agenda was **COUNCIL MEMBERS ANNOUNCEMENTS, COMMENTS, AND PROPOSALS.**

Each Council Member was given the opportunity to comment.

ITEM NO. 15 on the agenda was **ADJOURN UNTIL MAY 16, 2023.**

Mayor Lloyd adjourned the Bethany City Council meeting at 7:53 P.M.

MAYOR

CITY CLERK

BETHANY CITY COUNCIL

From: Michael Vaughn, Finance Director
Date: May 11, 2023
Subject: Claims List for the 05/16/2023 City Council Meeting

GENERAL OPERATIONS FUND

FUND	AMOUNT
General Operation Fund	\$170,771.03
Public Safety	\$2,356.97
Capital Improvement Fund	\$10,283.76
Federal Grant Fund	\$1,103.00
2022A GO Bond	\$19,525.00
Municipal Court Fund	\$10,331.98
TOTAL	\$214,371.74

ENTERPRISE-WIDE SUMMARY OF ALL CLAIMS:

FUND	AMOUNT
General Operations Fund	\$214,371.74
Bethany Public Works Authority	\$269,271.18
Bethany Hospital Trust	\$0.00
Bethany Development Authority	\$0.00
TOTAL	\$483,642.92

RECOMMENDATION

1. Approve the claims as presented.



P.O.#	VENDOR #	NAME	SUMMARY DESCRIPTION	DATE	INVOICE	AMOUNT
DEPARTMENT: N/A		NON-DEPARTMENTAL				
23-47527	10-005216	PERDUE BRANDON FIELDER COLL	MAY 2023 COLLECTION RPT	5/2023	MAY 2023	6,619.60
DEPARTMENT TOTAL:						6,619.60
DEPARTMENT: 01.0		MANAGEMENT				
23-45036	10-004660	MOTHER NATURE'S INC.	PEST CONTROL	5/2023	1375144	45.00
23-45189	10-004660	MOTHER NATURE'S INC.	INSIDE PEST CONTROL	5/2023	1375138	75.00
23-45341	10-005156	COX COMMUNICATIONS INC.	MONTHLY SERVICE	5/2023	20230430	1,441.47
23-45620	10-005373	CARD SERVICES/PI	BUSINESS ADV. LICENSE	5/2023	E0300N9N3W	391.50
23-46937	10-005373	CARD SERVICES/PI	AZURE MICROSOFT	5/2023	E0300N9BLS	42.00
23-47041	10-005373	CARD SERVICES/PI	INDEED ADS	5/2023	78104131,76954548	287.92
23-47544	10-005373	CARD SERVICES/PI	TONERS	5/2023	6568220	426.10
23-47378	10-005703	FLOOR-TECH JANITORIAL	PAPERTOWELS&TOILETPAPER	5/2023	4460	132.50
23-45060	10-005851	LYTLE, SOULE' & FELTY, P.C.	ATTORNEY SVS	5/2023	200227	6,917.30
23-47496	10-005867	ELIZABETH GRAY	MILEAGE	5/2023	23-47496	228.11
23-45040	10-1063	OG&E	MONTHLY SVS	5/2023	20230502	851.43
23-47260	10-1068	ONG	MONTHLY SVC	5/2023	20230418	476.29
23-47470	10-1261	RED ROCK PETRO	4500-UNLEAD&3500-DIESEL	5/2023	1429086	126.60
23-45506	10-2274	OZARKA WATER COMPANY	MONTHLY RENTAL & WATER	5/2023	952854,8568,3568	50.34
23-45039	10-2448	MARGARET MCMORROW-LOVE	ATTORNEY SVS	5/2023	20230502	1,035.80
23-45646	10-3196	IMAGENET CONSULTING, LLC	MANAGED IT	5/2023	INV555525	5,957.50
23-47539	10-3348	COUNTY CLERK OKLA COUNTY	CODIFICATION FILING	5/2023	23-47539	20.00
23-47370	10-4310	AMERIFLEX	MONTHLY INV.	5/2023	INV621841	185.50
DEPARTMENT TOTAL:						18,690.36
DEPARTMENT: 02.0		FINANCE				
23-45046	10-005227	WELLS FARGO VENDOR	SHARP COPIER	5/2023	5024852560	39.27
23-47507	10-005373	CARD SERVICES/PI	TONER/CALCULATOR	5/2023	3349834	44.96
23-47590	10-005647	LESA A. LAMAR	MCALESTER TRAINING	5/2023	20230509	183.40
23-47488	10-005687	SUNDANCE OFFICE SUPPLY, INC	BUSINESS CARDS-LAMAR	5/2023	511471	45.00
23-45062	10-0596	FUZZELL'S BUSINESS	SHARP USAGE	5/2023	mm93460	11.93
23-47449	10-2580	JOURNAL RECORD PUBLISHING	RFP AUDIT	5/2023	745604568	14.10
23-47533	10-4352	MCBRIDE CLINIC	DRUG SCREENS	5/2023	20230501	64.00
DEPARTMENT TOTAL:						402.66

P.O.#	VENDOR #	NAME	SUMMARY DESCRIPTION	DATE	INVOICE	AMOUNT
DEPARTMENT: 03.0		COURT				
23-47561	10-004660	MOTHER NATURE'S INC.	TERMITE TREATMENT	5/2023	1385531	1,620.00
23-47447	10-004767	OKLAHOMA STATE UNIVERSITY	CLERK TRAINING REGISTRATI	5/2023	V0006633	500.00
23-45341	10-005156	COX COMMUNICATIONS INC.	MONTHLY SERVICE	5/2023	20230430	438.89
23-47324	10-005373	CARD SERVICES/P1	OFFICE SUPPLIES	5/2023	6320250	80.65
23-46772	10-006024	DOORTEC, INC.	FRONT DOOR REPAIR	5/2023	38473340	308.00
23-47484	10-0225	GENUINE PARTS	MARSHAL VEHICLE	5/2023	7092-03265?	5.15
23-45030	10-0596	FUZZELL'S BUSINESS	APR 2023 COPIER MAINT	5/2023	MM93461	41.98
23-45040	10-1063	OG&E	MONTHLY SVS	5/2023	20230502	462.57
23-47260	10-1068	ONG	MONTHLY SVC	5/2023	20230418	97.85
23-47589	10-1715	TYLER TECHNOLOGIES	ANNUAL WEB AND MAINTENANC	5/2023	025-422471	600.00
23-45005	10-2274	OZARKA WATER COMPANY	APR 2023 WATER	5/2023	0954270,83567,8567	32.89
23-47381	10-3098	TS HEAT AND AIR INC	BLOWER MOTOR	5/2023	20357069	2,913.00
23-45851	10-3307	FAST STITCH	MARSHAL SHIRTS	5/2023	11289	92.00
23-44994	10-3342	JANI-KING OF OKLAHOMA, INC.	MAY 2023 JANITORIAL	5/2023	OKC05230124	640.66
DEPARTMENT TOTAL:						7,833.64
DEPARTMENT: 04.0		ENGINEERING				
23-46375	10-005900	TEIM DESIGN GROUP, PLLC	CONTRACT HOURLY WORK	5/2023	12019	13,126.75
DEPARTMENT TOTAL:						13,126.75
DEPARTMENT: 05.0		POLICE				
23-45086	10-004660	MOTHER NATURE'S INC.	Yearly Treatment	5/2023	1375364	60.00
23-47561	10-004660	MOTHER NATURE'S INC.	TERMITE TREATMENT	5/2023	1385531	1,620.00
23-45318	10-004789	TRADS, INC	Monthly Usage	5/2023	234929-202304-1	75.00
23-45341	10-005156	COX COMMUNICATIONS INC.	MONTHLY SERVICE	5/2023	20230430	1,335.78
23-47540	10-005265	ITOUCH BIOMETRICS	Yearly Maintenance	5/2023	6014	2,480.00
23-47566	10-005373	CARD SERVICES/P1	5 Pairs of Pants	5/2023	1422641	198.95
23-47581	10-005373	CARD SERVICES/P1	Hard Drive, Cable, Sacks	5/2023	9367450	150.12
23-47582	10-005373	CARD SERVICES/P1	Assembly Parts from Xerox	5/2023	XIS-1606	104.97
23-45119	10-005634	INNOVATIVE SECURITY OF OKLA	Monitoring Fee	5/2023	632413	19.95
23-46668	10-005802	FIRETROL PROTECTION SYSTEMS	Fire Inspections	5/2023	100849970	934.00
23-47126	10-0610	GALLS LLC	Partitions & Window Bars	5/2023	02457636	1,689.00
23-47591	10-1	JAMES IRBY	Cell Phone Reimb	5/2023	219	750.00
23-45040	10-1063	OG&E	MONTHLY SVS	5/2023	20230502	1,257.14
23-47260	10-1068	ONG	MONTHLY SVC	5/2023	20230418	1,380.22
23-47470	10-1261	RED ROCK PETRO	4500-UNLEAD&3500-DIESEL	5/2023	1429086	7,096.37
23-45102	10-2274	OZARKA WATER COMPANY	Rental and Water	5/2023	0952881,33417364	27.44
23-45103	10-2274	OZARKA WATER COMPANY	Rental and Water	5/2023	0952294,SC76873	13.99
23-47473	10-2329	KETCH-ALL COMPANY	6 Catch Poles	5/2023	59411	546.98
23-45192	10-2442	SUMNERONE, INC.	Kyocera	5/2023	3565533	205.55
23-45090	10-3084	UTILITY DATA SERVICES, INC.	Yearly Fee's	5/2023	103510	12.50
23-47565	10-3307	FAST STITCH	6 Training Shirts	5/2023	122991	144.00
23-45087	10-3342	JANI-KING OF OKLAHOMA, INC.	Yearly Cleaning	5/2023	OKC05230123	1,774.66
23-46701	10-3415	SPECIAL-OPS UNIFORMS, INC.	Miller Uniforms & Equip	5/2023	338555	355.96
23-47556	10-3415	SPECIAL-OPS UNIFORMS, INC.	Replacement Boots	5/2023	339278	131.20
23-47501	10-3926	BOB MOORE DODGE-CHRYSLER-JE	Unit 20-003 Repair	5/2023	157884	2,875.96

P.O.#	VENDOR #	NAME	SUMMARY DESCRIPTION	DATE	INVOICE	AMOUNT
DEPARTMENT: 05.0		POLICE				
23-46698	10-4061	OGIA	Mohr Training	5/2023	20230509	100.00
23-47533	10-4352	MCBRIDE CLINIC	DRUG SCREENS	5/2023	20230501	32.00
23-45115	10-4388	ISG TECHNOLOGY, LLC	Security Yearly	5/2023	MSP344929	1,204.00
DEPARTMENT TOTAL:						26,575.74
DEPARTMENT: 06.0		FIRE				
23-47453	10-004408	BOUND TREE MEDICAL	NITRILE EXAM GLOVES	5/2023	84933627	349.50
23-46416	10-005122	RDJ SPECIAL TIES, INC	FIRE PREVENTION HANDOUTS	5/2023	115868	582.30
23-45341	10-005156	COX COMMUNICATIONS INC.	MONTHLY SERVICE	5/2023	20230430	684.96
23-45035	10-005510	SAMARITAN EMS	AMBULANCE SVS	5/2023	6423	17,989.75
23-47519	10-005992	AEG PETROLEUM	200 GALLONS FOR DEF	5/2023	806611	195.44
23-47260	10-1068	ONG	MONTHLY SVC	5/2023	20230418	511.72
23-47510	10-1094	O'REILLY AUTOMOTIVE STORES	REPAIR PARTS FOR B-1	5/2023	0215-322833	252.38
23-47470	10-1261	RED ROCK PETRO	4500-UNLEAD&3500-DIESEL	5/2023	1429086	1,722.51
23-46483	10-3415	SPECIAL-OPS UNIFORMS, INC.	UNIFORM ITEMS	5/2023	3369568	845.40
23-46678	10-3415	SPECIAL-OPS UNIFORMS, INC.	BADGES	5/2023	339107	599.62
23-47458	10-4251	SAM'S CLUB DIRECT FD	JANITORIAL SUPPLIES	5/2023	20230427	340.55
DEPARTMENT TOTAL:						24,074.13
DEPARTMENT: 07.0		COMMUNITY DEV				
23-45046	10-005227	WELLS FARGO VENDOR	SHARP COPIER	5/2023	5024852560	39.27
23-47504	10-005373	CARD SERVICES/P1	YARD STAKES	5/2023	88879	42.80
23-47505	10-005899	7-ELEVEN, INC	SALES TAX REBATE	5/2023	2023	62,987.28
23-45062	10-0596	FUZZELL'S BUSINESS	SHARP USAGE	5/2023	mm93460	11.93
23-47470	10-1261	RED ROCK PETRO	4500-UNLEAD&3500-DIESEL	5/2023	1429086	633.60
23-46145	10-1530	THE TRIBUNE	ZONING 399/2904 REDMOND	5/2023	20230428	21.50
23-47522	10-1530	THE TRIBUNE	PUBLICATION	5/2023	20230505	83.90
23-47559	10-3348	COUNTY CLERK OKLA COUNTY	LIEN RELEASE	5/2023	23-47559	20.00
DEPARTMENT TOTAL:						63,840.28
DEPARTMENT: 08.1		PUBLIC WORKS - ADMIN				
23-45341	10-005156	COX COMMUNICATIONS INC.	MONTHLY SERVICE	5/2023	20230430	451.45
23-47260	10-1068	ONG	MONTHLY SVC	5/2023	20230418	398.21
DEPARTMENT TOTAL:						849.66

FUND: 010- GENERAL FUND

SUMMARY REPORT

P.O.#	VENDOR #	NAME	SUMMARY DESCRIPTION	DATE	INVOICE	AMOUNT
DEPARTMENT: 08.2 PUBLIC WORKS - STREETS						
23-45341	10-005156	COX COMMUNICATIONS INC.	MONTHLY SERVICE	5/2023	20230430	449.69
23-45040	10-1063	OG&E	MONTHLY SVS	5/2023	20230502	119.91
23-47470	10-1261	RED ROCK PETRO	4500-UNLEAD&3500-DIESEL	5/2023	1429086	2,736.26
DEPARTMENT TOTAL:						3,305.86
DEPARTMENT: 08.4 PUBLIC WORKS - MAINT						
23-47378	10-005703	FLOOR-TECH JANITORIAL	PAPERTOWELS&TOILETPAPER	5/2023	4460	33.12
23-47470	10-1261	RED ROCK PETRO	4500-UNLEAD&3500-DIESEL	5/2023	1429086	432.10
DEPARTMENT TOTAL:						465.22
DEPARTMENT: 08.5 PUBLIC WORKS - PARKS						
23-45069	10-0006	A WELDORS SUPPLY	MONTHLY FEES WELDING TANK	5/2023	262002	24.00
23-45341	10-005156	COX COMMUNICATIONS INC.	MONTHLY SERVICE	5/2023	20230430	28.68
23-47187	10-005350	FORCE PERSONNEL	TEMP HELP	5/2023	73998,73997	1,932.00
23-47378	10-005703	FLOOR-TECH JANITORIAL	PAPERTOWELS&TOILETPAPER	5/2023	4460	98.75
23-47487	10-0289	CENTRAL NEW HOLLAND, INC.	SAFTEYPANS/FLAILMOWER	5/2023	176817	65.44
23-45040	10-1063	OG&E	MONTHLY SVS	5/2023	20230502	326.95
23-47260	10-1068	ONG	MONTHLY SVC	5/2023	20230418	42.91
23-47470	10-1261	RED ROCK PETRO	4500-UNLEAD&3500-DIESEL	5/2023	1429086	1,589.79
23-47168	10-1622	WESTLAKE ACE HARDWARE	SUPPLIES/REPAIR PARK BATH	5/2023	503473,474,476,477	171.87
23-47543	10-2123	HOME DEPOT CREDIT SVCS	HARDWARE/PARKDOORREPAIR	5/2023	003451/9020097	23.64
23-47472	10-2651	RECREATION SUPPLY CO	4 UMBRELLAS FOR POOL	5/2023	495586	528.00
23-47224	10-4010	HARD HAT SAFETY & GLOVE	25 SAFETY VEST	5/2023	IN-0061838	84.00
23-47379	10-4010	HARD HAT SAFETY & GLOVE	6 WHITE HARD HATS	5/2023	IN-0061839	71.10
DEPARTMENT TOTAL:						4,987.13
FUND TOTAL:						170,771.03

FUND: 021- PUBLIC SAFETY FUND

SUMMARY REPORT

P.O.#	VENDOR #	NAME	SUMMARY DESCRIPTION	DATE	INVOICE	AMOUNT
DEPARTMENT: 99.0		NON-DEPARTMENTAL				
23-46543	10-004789	TRADS, INC	MAY 2023 TLO BILL	5/2023	6386912-202304-1	170.00
23-47325	10-005373	CARD SERVICES/P1	TECHNOLOGY SUPPLIES	5/2023	3801031	224.34
23-47485	10-005373	CARD SERVICES/P1	STAND UP MONITOR	5/2023	7565838	197.99
23-47486	10-005373	CARD SERVICES/P1	Supressor Covers	5/2023	7086649	555.20
23-47511	10-005373	CARD SERVICES/P1	OFFICE SUPPLIES	5/2023	5211466	499.44
23-47411	10-1771	ADVENTURE OUT	Radar and Flash Pack	5/2023	555271	710.00
DEPARTMENT TOTAL:						2,356.97
FUND TOTAL:						2,356.97

FUND: 031- CAPITAL IMPROVE PROJECTS

SUMMARY REPORT

P.O.#	VENDOR #	NAME	SUMMARY DESCRIPTION	DATE	INVOICE	AMOUNT
DEPARTMENT: 40.0		PROJECTS >\$25,000				
23-46372	10-005900	TEIM DESIGN GROUP, PLLC	AMNDMNT #2 CDBG HOLLOWAY	5/2023	12016	2,028.76
23-46950	10-3686	WASTEQUIP	15 - 2YRDREARLOADDUMPSTER	5/2023	2INV000334296	8,255.00
DEPARTMENT TOTAL:						10,283.76
FUND TOTAL:						10,283.76

FUND: 035- FEDERAL GRANT FUND

SUMMARY REPORT

P.O.#	VENDOR #	NAME	SUMMARY DESCRIPTION	DATE	INVOICE	AMOUNT
DEPARTMENT: 40.0		** INVALID DEPARTMENT **				
23-46994	10-005900	TEIM DESIGN GROUP, PLLC	ARPA PENIEL WASTEWATER	5/2023	12003	1,103.00
DEPARTMENT TOTAL:						1,103.00
FUND TOTAL:						1,103.00

P.O.#	VENDOR #	NAME	SUMMARY DESCRIPTION	DATE	INVOICE	AMOUNT
DEPARTMENT: 40.0		Projects				
23-47254	10-005900	TEIM DESIGN GROUP, PLLC	NW 30 ROCKWELL TO PENIEL	5/2023	12005	2,831.00
23-47255	10-005900	TEIM DESIGN GROUP, PLLC	MUELLER-NW 44 TO NW 50	5/2023	12004	4,277.00
23-47256	10-005900	TEIM DESIGN GROUP, PLLC	DIVIS-NW 36 TO NW 39TH	5/2023	12007	1,011.00
23-47257	10-005900	TEIM DESIGN GROUP, PLLC	PENIEL-NW 25 TO NW 30TH	5/2023	12006	5,111.00
23-47385	10-005900	TEIM DESIGN GROUP, PLLC	PROP 3 C ANIMAL WELFARE	5/2023	12018	2,445.00
23-47386	10-005900	TEIM DESIGN GROUP, PLLC	PROP 3B POLICE DEPT	5/2023	12002	3,850.00
DEPARTMENT TOTAL:						19,525.00
FUND TOTAL:						19,525.00

FUND: 072- MUNICIPAL COURT FUND

SUMMARY REPORT

P.O.#	VENDOR #	NAME	SUMMARY DESCRIPTION	DATE	INVOICE	AMOUNT
DEPARTMENT: N/A		NON-DEPARTMENTAL				
23-47524	10-1869	CLEET	APRL 2023 CLEET REPORT	5/2023	APRL 2023	3,585.58
23-47525	10-1970	OSBI	APR 2023 AFIS REPORT	5/2023	APR 2023	3,437.84
23-47526	10-1970	OSBI	APR 2023 FORENSIC RPT	5/2023	APR 2023	3,293.56
23-47528	10-4235	OKLA BUREAU OF NARCOTICS	APRL 2023 OBN REPORT	5/2023	APRL 2023	15.00
DEPARTMENT TOTAL:						10,331.98
FUND TOTAL:						10,331.98
GRAND TOTAL:						483,642.92

BETHANY CITY COUNCIL

From: Robert Ray Jones, Jr.
Date: May 11, 2023
Subject: Permit request by Bruce Saunkeah for the purposes of allowing a dwelling unit at the commercial business located at 3200 N. Rockwell Avenue

BACKGROUND

The applicant Bruce Saunkeah represents that he is one of the owners of the Rink Gallery Vintage Mall that is located at 3200 N. Rockwell. However, he is not the owner of the property. The owner of the real property is I.C.E., LLC. according to the County Assessor's office, James A Graves is an apparent member of the LLC. Rink Gallery LLC, apparently is the entity that owns the business that is operating under the trade name Rink Gallery Vintage Mall. This LLC is registered with the Secretary of State's office. James A Graves is the registered member of this LLC.

The property at issue is zoned commercial and its primary function is retail sales. During a routine inspection by the fire department, it was discovered by Deputy Chief Biswell that part of the property was being utilized as a dwelling unit that was not in compliance with the necessary fire safety code.

Mr. Saunkeah represented that the dwelling unit had been utilized since the business opened in 2006 and has requested that the commercial business continue to utilize the dwelling as caretaker housing.

Section 158.002 of our ordinances allows for caretaker or employee housing at commercial, industrial, or institutional zoned districts. Specifically, the ordinance allows "a detached secondary housing unit that is used for person's employed in the premise, where the principal commercial, industrial or institutional use of the site involves operations, equipment or other resources that require 24-hour oversight. Such housing shall be occupied exclusively by the caretaker and/or employee and not for rent or use as a separate housing unit by persons other than those employed on the premise." The ordinance further provides "the Planning Commission must find that the principal use on the site requires the continual supervision of a caretaker, superintendent, or watchman."

Bethany has had an ordinance regarding caretaker, superintendent, or watchman housing since 1965, ordinance 0556. The first iteration only permitted such dwelling units at industrial zoned locations. In 1973, the ordinances were changes and the dwelling unit provisions for caretakers were specifically restricted from being utilized as a permanent residence.

Historically the use of watchman housing was restricted to industrial zoned properties. It was expanded to apply to some commercial and institutional zoned areas when Title XV was first enacted.

Issues facing this requested use:

There are two issues with the request to utilize the room contained within the commercial property as a caretaker residence.

BETHANY CITY COUNCIL

1. The ordinance requires a detached secondary housing unit. When the ordinance was amended in 2019, this provision was added with the changes expanding the zones from industrial to also include commercial and institutional. Since the previous ordinances only permitted such housing in industrial-zoned districts, the expansion into other zones came with the requirement that the housing be separate from the structures that were conducting industry and commerce. This would ensure that any such dwelling units permitted at such property would be compliant with Oklahoma Uniform Building Code, which was adopted in 2010, as well as the City's own building, fire, and safety codes. **The dwelling unit** is not in a detached building.
2. The second issue facing this requested use is that the Planning and Zoning Commission did not make a finding that the use of the property for retail sales required continual supervision by a caretaker.

Options available to Council:

The Planning Commission is a recommending body regarding the application of the special permit use. The Commission denied the request because of the ordinance required a separate and detached dwelling unit. Courses of recommended action:

- A. The Council could lawfully issue a special use permit to allow the applicant to construct and build a detached structure on the property for use as employee housing. This would also require a finding by the City Council that principal use of the property requires continual supervision by a caretaker. The issuance of the special use permit, however, would not permit Mr. Saunkeah to reside in the dwelling space inside of the commercially zoned property. However, after a certificate of occupancy is issued once the detached building is constructed, he could reside within.
- B. The Council could lawfully deny a special use permit if it finds the property does not require continual supervision by a caretaker.
- C. The Council could lawfully deny a special use permit if the applicant will not construct a detached building for caretaker purposes.
- D. This is not a mixed-use zoned property. Rezoning the property to mixed-use would not resolve the issue. Mixed-Use District is a type of urban zoning classification that blends multiple uses, such as residential, commercial, cultural, institutional, or entertainment, into one space, where those functions are to some degree physically and functionally integrated, and that provides pedestrian connections. If the property were to be converted to a mixed use other than to accommodate a single occupant, then a reclassification would be appropriate to permit the construction and development of said property for those purposes. The Council does not have the authority to convert the property to mixed-use without an application for a zoning change and the submission of the necessary materials to community development and presentation to the Planning and Zoning Commission.

BETHANY CITY COUNCIL

RECOMMENDATION

- 1. Selection of option A, B or C as the council deems appropriate.

ADDITIONAL COMMENTS



BETHANY CITY COUNCIL

From: Amanda McCellon, Comm. Dev. Director
Date: May 9, 2023
Subject: Consider a request by Bruce Saunkeah, applicant and property owner, for a special use permit that will allow a dwelling unit within a commercial business at 3200 N. Rockwell Ave.

BACKGROUND

Attached are the minutes and staff report from the Planning and Zoning Commission meeting of May 4, 2023. Motion was made by Steve Marx, seconded by Kent Lynn to recommend denying the special use request as written, and provide documentation that the true property owner approves applicant going forward. The votes are as follows: AYE- Charles Snyder, Kent Lynn, Steve Marx. NAY- James Clemmer, Justin Peck. ABSTAIN- Robert Helton. The motion passed 3-2-1.

RECOMMENDATION

1. Recommend denying the special use request as written, and provide documentation that the true property owner approves applicant going forward.

ADDITIONAL COMMENTS

A circular stamp containing the handwritten initials "dg" in blue ink.



Department of Planning & Community Development

Please find below a timeline of events and correspondence for the zoning case for The Rink Gallery:

- On January 24, 2023, at 9:00 a.m. Deputy Chief Matthew Biswell conducted the annual fire inspection of The Rink Gallery at 3200 N Rockwell. The business failed eleven inspection types during this inspection.
- During Deputy Chief Biswell's inspection, it was discovered that there has been an unpermitted change of occupancy. An individual has been using the business as a place of residence as well, which is not permitted in this zoning category.
- On January 24, the business owner received a copy of the fire inspection from Deputy Chief Biswell.
- Deputy Chief Biswell made contact with Planning & Community Development Director Amanda McCellon about the owner's options moving forward based on zoning, variance, or special uses.
- Director McCellon spoke with City Attorney Ray Jones to best obtain a path moving forward on the zoning. Mr. Jones advised Director McCellon that this item could be heard by special use under the caretaker/employee housing definition found in Chapter 158: Zoning definitions in the City of Bethany Code of Ordinances.
- On February 10, Director McCellon updated Deputy Chief Biswell on the attorney's suggestion.
- On February 13, a letter was sent to the property owner on from Deputy Chief Biswell (included in packet) outlining the next steps for both obtaining a special use and safety and structural changes that would be required if the zoning change was approved, to bring the business up to fire and building code as a residence.
- Community Development staff spoke with the owner and sent all required documents for a special use request to be heard on April 6.
- The applicant failed to provide the necessary documentation to proceed with the April 6 meeting.
- The applicant turned in all required information to meet the deadline for the May 4 Planning & Zoning Commission meeting.
- The Planning & Zoning Commission heard the case on May 4 and denied the special use application.



Bethany Fire Department

Occupancy: **Rink Gallery**
Occupancy ID: **344**
Address: **3200 Rockwell AVE**
Bethany OK 73008

Inspection Type: **Annual**

Inspection Date: **1/24/2023**

Time In: **09:00**

Authorized Date: **01/24/2023**

By: **Biswell, Matthew L**

Time Out: **10:00**

By: **Biswell, Matthew L**

Form: Inspection form 2

Inspection Description:

New and existing construction shall comply with all City of Bethany and Ordinances, the 2015 International Fire Code (IFC), the 2015 International Building Code (IBC), and the National Fire Codes. Items not addressed in the following inspection are still enforceable by the above mentioned Codes and Ordinances.
General Authority and Responsibilities - Section 104.1 IFC (2015)

Inspection Topics:

Inspection Type

Annual
Annual Inspection

Status:
Notes:

Certificate of Occupancy
Certificate of Occupancy Inspection

Status:
Notes:

Complaint
Complaint Inspection

Status:
Notes:

Construction Inspection
Inspection Notes:

Status:
Notes:

Consultation
Consultation Inspection

Status:
Notes:

Building Services/Housekeeping

Address Identification - Section 505.1 IFC (2015)

All building shall have a posted address. Each character shall be not less than 4 inches high with a minimum stroke width of 1/2 inch. These numbers shall be posted high enough so as not to be obstructed in a position that is visible from the street or road fronting the property.

Status: FAIL

Notes: Address will need to be posted on the west side of the building facing Rockwell Ave. Address will need to be placed high enough as to not be blocked by parked vehicles.

Knox Box (If present)

Occupancy keys present in Knox Box

Status:

Notes:

Fire Protection and Utility Equipment Signage - Section 509 IFC (2015)

Exterior suppression rooms to be labeled with buildings numerical address and "Fire Sprinkler Riser" or "Sprinkler Riser Room". Buildings Numerical address to be centered at the top of the door. Numerical lettering to be a minimum of 4". "Fire Sprinkler Riser" or "Sprinkler Riser Room" to be a minimum of 7" x 10" engineered grade reflective aluminum, white lettering on a red background with a white stripe around the edge. Utility spaces and FACP locations also required to have similar signage. Riser locations that do not have direct access to the exterior are required to have signage on nearest exterior door.

Status: FAIL

Notes: Ice room on North side of building needs signage indicating location of breaker panels.

Fire Apparatus Access Roads (Lanes) - Section 503.2.1 IFC (2015)

Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches. Fire lanes shall extend to within 150 of all portions of the facility and shall be posted or marked FIRE LANE-NO PARKING every 30'. This shall be maintained clean and legible.

Status:

Notes:

Premises: Waste accumulation prohibited - Section 304.1 IFC (2015)

Combustible waste material creating a fire hazard shall not be allowed to accumulate in buildings or structures or upon premises.

Status:

Notes:

General Storage: Storage in buildings - Section 315.3 IFC (2015)

Storage of materials in buildings shall be orderly and stacks shall be stable. Storage of combustible materials shall be separated from heaters or heating devices by distance or shielding so that ignition cannot occur.

Status: FAIL

Notes: Storage in back rooms needs organization.

General Storage: Ceiling clearance - Section 315.3.1 IFC (2015)

Storage shall be maintained 2 feet or more below the ceiling in nonsprinklered areas of buildings or not less than 18 inches below sprinkler head deflectors in sprinklered areas of buildings.

Status: FAIL

Notes: Storage too close to ceiling in various places.

Electrical Equipment, Wiring and Hazards - Section 605 IFC (2015)

(1) Electrical wiring, devices, appliances and other equipment that is modified or damaged and constitutes an electrical shock or fire hazard shall not be used. Section 605.1 IFC (2015) (2) A working space of not less than 30 inches in width, 36 inches in depth and 78 inches in height shall be provided in front of electrical service equipment. Section 605.3 IFC (2015) (3) Multiple adapters, such as cube adapters, unfused plug strips or any other device not complying with NFPA 70 shall be prohibited. Section 605.4 IFC (2015) (4) Extension cords and flexible cords shall not be a substitute for permanent wiring. Section 605.5 IFC (2015) (5) Open junction boxes and open-wiring splices shall be prohibited. Approved covers shall be provided for all switch and electrical outlet boxes. Section 605.6 IFC (2015)

Status: FAIL

Notes: Extension cords throughout need to be removed.
Plates on switches and receptacles need to be installed where missing.
Covers need to be placed on open junction boxes.
Storage in front of breaker panels in ice machine room.

Occupant Load Designator

Occupant load designator posted for all assembly occupancies.

Status:

Notes:

Maintenance of Exitways

Maintenance of the Means of Egress: Reliability - Section 1031 IFC (2015)

1031.2 Required exit accesses, exits, and exit discharges shall be continuously maintained free from obstructions or impediments to full instant use in the case of fire or other emergency where the building area served by the means of egress is occupied. An exit or exit passageway shall not be used for any purpose that interferes with a means of egress. 1031.3 A means of egress shall be free from obstructions that would prevent its use, including the accumulation of snow and ice.

Status: FAIL

Notes: 1031.4 IFC (2018) "guitar shop" sign needs to be removed from exit door.

Means of Egress Illumination - Section 1008 IFC (2015)

Where required by code exit and emergency light shall function properly.

Status: FAIL

Notes: Inadequate emergency lighting throughout facility.

Means of Egress (Stairway) - 315.3.2 IFC (2015)

Combustible materials shall not be stored in exits or enclosures for stairways and ramps.

Status:

Notes:

Emergency escape and rescue openings - Sections 1031.7 & 1010.1.9 IFC (2015)

Door hardware shall not be locked in a manner that prevents function of the exit. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. (No chains, bolts, bars, etc. impeding egress)

Status: FAIL

Notes: Slide bolt locks on exit doors need to be removed.

Front door needs sign posted: THIS DOOR TO REMAIN UNLOCKED WHEN THIS SPACE IS OCCUPIED

Enclosures under interior and exterior stairways - Sections 1011.7.3 & 1011.7.4 IFC (2015)

The walls and soffits within enclosed usable spaces under enclosed and unenclosed stairways shall be protected by 1-Hour fire-resistance - rated construction or the fire-resistance rating of the stairway enclosure, whichever is greater. Access to the enclosed space shall not be directly from within the stairway enclosure. No penetrations through stairwells other than systems that serve that associated space.

Status:

Notes:

Exit Doors/Self Closing Devices: Functioning properly

All doors shall open and close (where required) properly

Status:

Notes:

Fire Doors and smoke barrier doors - Sections 703.2-703.2.3 IFC (2015)

Fire doors and smoke barrier doors shall not be blocked or obstructed, or otherwise made inoperable. Doors to be closed unless held open by approved hold-open devices.

Status:

Notes:

Hazardous Materials

Compressed Gas: Properly stored and handled - Section 5304 IFC (2015)

All compressed gasses shall be secured to prevent falling. Incompatible gasses shall be stored separately.

Status:

Notes:

Flammable Liquids: Properly stored and handled - Section 5704 IFC (2015)

Storage of gasoline (IA) shall be limited to 30 gal. Increased 100% with an approved storage cabinet. Increased 100% with a sprinkler system. IB/IC is limited to 120 gal. Combination of the IA,IB, IC is 120 gal.

Status:

Notes:

Hazardous Materials: Properly stored and handled - Chapter 50 IFC (2015)

Is proper containment, storage, separation, grounding, ventilation, etc. provided?

Status:

Notes:

Site Properly Placarded in accordance with NFPA 704

Where a significant quantity of hazard exists 704 placarding shall be provided.

Status:

Notes:

Sprinkler System

Sprinkler System - Section 5.1.1.2 (NFPA 25, 2014)

Sprinkler systems are required to be tested annually in accordance with NFPA 13 and NFPA 25.

Status:

Notes:

Sprinkler Valves: Accessible and Open - Chapter 13 (NFPA 25, 2014)

Sprinkler valves are required to be accessible and open when the system is in service.

Status:

Notes:

Sprinklers - Section 5.2.1 (NFPA 25, 2014)

(1) Sprinkler shall be inspected from the floor level annually. - 5.2.1.1 (NFPA 25) (2) Sprinklers shall not show signs of leakage; shall be free of corrosion, foreign materials, paint, and physical damage; and shall be installed in the correct orientation. - 5.2.1.1.1 (NFPA 25)

Status:

Notes:

Fire Sprinkler Riser Clearance - Section 901.4.6

Fire pump rooms and automatic sprinkler system riser rooms shall be designed with adequate space for all equipment. Rooms shall be provided with a door and an unobstructed passageway large enough to allow removal of the largest piece of equipment.

Status:

Notes:

Escutcheons - Section 5.2.1.1.6 (NFPA 25, 2014)

Escutcheons and cover plates for recessed, flush, and concealed sprinklers shall be replaced if found missing during the inspection.

Status:

Notes:

Fire Department Connections - Section 13.7 (NFPA 25, 2014)

Required to maintain a 5' radius from the center of the Fire Department Connection. Obstructing and or blocking the Fire Department Connection is in violation of Sec. 15-20 of the adopted Midwest City Ordinances. Knox caps or closed caps required on all FDCs.

Status: FAIL

Notes: Parking space in front of FDC needs marked as FIRE LANE NO PARKING and striped with red striping.

Fire Alarm and Detection System

Inspection, testing and maintenance - Section 907.8.5 (IFC)

(1) The building owner shall be responsible to maintain the fire and life safety systems in an operable condition at all times. (2) Fire alarm system to be tested and serviced annually in accordance with Chapter 14 (NFPA 10, (2013))

Status:

Notes:

Cooking Suppression and Hood Systems

Extinguishing System Service - Section 904.12.6.2 (IFC)

Automatic fire-extinguishing systems shall be serviced at least every six months and after activation of the system. Inspection shall be by qualified individuals, and a certificate of inspection shall be forwarded to the fire code official upon completion - 904.12.6.2 (IFC)

Status:

Notes:

Commercial Kitchen Hoods - Section 609 (IFC)

(1) High-volume cooking operations, such as 24-hour cooking, charbroiling or wok cooking shall be inspected every 3 months. (2) Low-volume cooking operations such as places of religious worship, seasonal businesses and senior centers shall be inspected every 12 months. (3) Cooking operations utilizing solid fuel-burning cooking appliances shall be inspected every month. (4) All other cooking operations shall be inspected every 6 months. - Table 609.3.3.1 (5) Grease accumulation - If during the inspection it is found that hoods, grease removal devices, fans, ducts, or other appurtenances have an accumulation of grease, such components shall be cleaned in accordance with ANSI/IFCA C 10.

Status:

Notes:

Commercial cooking system - Section 904.12 (IFC)

The automatic fire-extinguishing system for commercial cooking systems shall be of a type recognized for protection of commercial cooking equipment and exhaust systems of the type and arrangement protected. These systems shall be tested in accordance with UL 300.

Status: FAIL

Notes: No extinguishing system for range top in back room.

Fire Extinguishers

Portable Fire Extinguishers: General Requirements - Section 906 (IFC) Minimum 2 A 10 2 BC

(1) Where required: New and Existing A, B, E, F, H, I, M, R-1, R-2, R-4, and S occupancies. - 906.1 (1) (2) Within 30 feet of cooking of commercial cooking equipment. - 906.1 (2) (3) In areas where flammable or combustible liquids are stored, used, dispensed. - 906.1 (3) (4) Portable fire extinguishers shall be selected, installed, and maintained in accordance with this section and NFPA 10. - 906.2 (5) 75 feet total travel distance - Table 906.3(1)

Status:

Notes:

Unobstructed and unobscured - Section 906.6 (IFC)

(1) Portable fire extinguishers shall not be obstructed or obscured from view. In rooms or areas in which visual obstruction cannot be completely avoided, means shall be provided to indicate the locations of extinguishers. (2) Extinguishers weighing 40 pounds or less shall be installed so that their tops are not more than 5 feet above the floor. 906.9.1 (3) The clearance between the floor and the bottom of installed hand-held portable fire extinguishers shall be not less than 4 inches. 906.9.3

Status:

Notes:

Extinguisher Maintenance - Section 7.3 (NFPA 10, (2013))

(1) Fire extinguishers shall be internally examined at intervals not exceeding those specified in Table 7.3.3.1. (NFPA 10) (2) Dry chemical - annually, Wetting agent - annually - Table 7.3.3.1 (NFPA 10)

Status:

Notes:

Operating Features

Fire Drills: Conducted. Section 403 IFC (2015)

Documentation maintained.

Status:

Notes:

Fire Drills Initiation: Manual pull, smoke detector, hood system, or fire drill option found on alarm panel

IFC requires fire drills in all occupancies

Status:

Notes:

Compartmentation

Vertical Separation: Opening between ceilings and floors appear to be enclosed and sealed. Section 703 IFC (2015)

Floors and ceilings shall be closed and sealed. Pay special attention to rated structures.

Status:

Notes:

Horizontal Separation: Walls and barriers appear to be enclosed and or sealed. Section 703 IFC (2015)

Pay close attention to rated structures.

Status:

Notes:

Other Observations

Occupancy Specific Observations

Observations from IFC 2015 and the National Fire Codes.

Status: FAIL

Notes: Un permitted change of occupancy. Occupancy classification of building is (M) mercantile, (R-2) Residential Group 2 occupancy is established in back by offices.

Additional Time Spent on Inspection:

Category

Start Date / Time

End Date / Time

Notes: No Additional time recorded

Total Additional Time: 0 minutes

Inspection Time: 60 minutes

Total Time: 60 minutes

Summary:

Overall Result: Correction Notice Issued

Inspector Notes: Plan of correction will need to be completed. R-2 occupancy in back will need to be vacated immediately and all provisions for overnight occupancy will need to be removed immediately. Range in back will either need to have suppression system installed or range removed immediately.

Inspector:

Name: Biswell, Matthew L

Work Phone(s): None on file

Email(s): matthew.biswell@bethanyok.org

Representative Signature:

Signature

Date

February 13, 2023

Mr. Buddy Saunkeah
Rink Gallery
3200 N Rockwell Ave.
Bethany, OK 73008

Mr. Saunkeah,

This letter is in response to our phone conversation on 2/2/2023 regarding your desire to explore any possible options for retaining the residential occupancy currently being utilized in the Rink Gallery. I have spoken with Amanda McCellon the Director of Planning and Community Development regarding this matter. Ms. McCellon indicated that there would be some zoning regulations that would require you to obtain a special use permit.

Along with the special use permit there are also some building and fire code provisions that would have to be met, specifically those pertaining to fire separation, fire suppression, fire alarm, and egress requirements as they pertain to your specific circumstances. Outlined below are the required steps that you will need to complete.

1. Make application and be heard by the Bethany Planning and Zoning Commission.
2. Submit plans for the intended work and obtain a building permit.
3. Facilitate all applicable inspections and obtain a new Certificate of Occupancy.

If your intent is to move forward with the process, please contact Amanda McCellon the Community Development Director for the City of Bethany at City Hall. The application deadline for the next Bethany Planning and Zoning Commission meeting is March 8 for the April 6th meeting. If your intent is not to move forward with the above outlined steps, please vacate the residential occupancy immediately.

Respectfully,

Matt Biswell
Deputy Fire Chief
Bethany Fire Department



Annotations/Highlights & Bookmarks Report

2018 International Fire Code (IFC)

CHAPTER 1 | [A] 102.1 Construction and design provisions.

[A] 102.1 Construction and design provisions.

The construction and design provisions of this code shall apply to:

1. Structures, facilities and conditions arising after the adoption of this code.
2. Existing structures, facilities and conditions not legally in existence at the time of adoption of this code.
3. Existing structures, facilities and conditions where required in Chapter 11.
4. Existing structures, facilities and conditions that, in the opinion of the fire code official, constitute a distinct hazard to life or property.

Classification Tag: Rink Gallery **Created By:** MATT BISWELL on February 03, 2023

CHAPTER 1 | [A] 102.2 Administrative, operational and maintenance provisions.

[A] 102.2 Administrative, operational and maintenance provisions.

The administrative, operational and maintenance provisions of this code shall apply to:

1. Conditions and operations arising after the adoption of this code.
2. Existing conditions and operations.

Classification Tag: Rink Gallery **Created By:** MATT BISWELL on February 03, 2023

CHAPTER 1 | [A] 102.3 Change of use or occupancy.

[A] 102.3 Change of use or occupancy.

A change of occupancy shall not be made unless the use or occupancy is made to comply with the requirements of this code and the International Existing Building Code.

Exception: Where approved by the fire code official, a change of occupancy shall be permitted without complying with the requirements of this code and the International Existing Building Code, provided that the new or proposed use or occupancy is less hazardous, based on life and fire risk, than the existing use or occupancy.

Classification Tag: Rink Gallery **Created By:** MATT BISWELL on February 03, 2023

CHAPTER 1 | [A] 110.1 Unlawful acts.

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[A] 110.1 Unlawful acts.

It shall be unlawful for a person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize a building, occupancy, premises or system regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

Classification Tag: Rink Gallery Created By: MATT BISWELL on February 03, 2023

CHAPTER 1 | [A] 110.2 Owner/occupant responsibility.

[A] 110.2 Owner/occupant responsibility.

Correction and abatement of violations of this code shall be the responsibility of the owner or the owner's authorized agent. Where an occupant creates, or allows to be created, hazardous conditions in violation of this code, the occupant shall be held responsible for the abatement of such hazardous conditions.

Classification Tag: Rink Gallery Created By: MATT BISWELL on February 03, 2023

CHAPTER 1 | [A] 111.1 General.

[A] 111.1 General.

If during the inspection of a premises, a building or structure, or any building system, in whole or in part, constitutes a clear and inimical threat to human life, safety or health, the fire code official shall issue such notice or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section, and shall refer the building to the building department for any repairs, alterations, remodeling, removing or demolition required.

Classification Tag: Rink Gallery Created By: MATT BISWELL on February 03, 2023

CHAPTER 1 | [A] 111.1.1 Unsafe conditions.

[A] 111.1.1 Unsafe conditions.

Structures or existing equipment that are or hereafter become unsafe or deficient because of inadequate means of egress, that constitute a fire hazard, are otherwise dangerous to human life or the public welfare, or involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. A vacant structure that is not secured against unauthorized entry as required by Section 311 shall be deemed unsafe.

Classification Tag: Rink Gallery Created By: MATT BISWELL on February 03, 2023

2018 International Building Code (IBC)

CHAPTER 3 | 309.1 Mercantile Group M.

309.1 Mercantile Group M.

Mercantile Group M occupancy includes, among others, the use of a building or structure or a portion thereof for the display and sale of merchandise, and involves stocks of goods, wares or merchandise incidental to such purposes and accessible to the public. Mercantile occupancies shall include, but not be limited to, the following:

- Department stores
- Drug stores
- Markets
- Greenhouses for display and sale of plants that provide public access.
- Motor fuel-dispensing facilities
- Retail or wholesale stores
- Sales rooms

Classification Tag: Rink Gallery Created By: MATT BISWELL on February 03, 2023

CHAPTER 3 | 310.4 Residential Group R-3.

310.4 Residential Group R-3.

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Residential Group R-3 occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4 or I, including:

- Buildings that do not contain more than two dwelling units
- Care facilities that provide accommodations for five or fewer persons receiving care
- Congregate living facilities (nontransient) with 16 or fewer occupants
 - Boarding houses (nontransient)
 - Convents
 - Dormitories
 - Fraternalities and sororities
 - Monasteries
- Congregate living facilities (transient) with 10 or fewer occupants
 - Boarding houses (transient)
- Lodging houses (transient) with five or fewer guest rooms and 10 or fewer occupants

Classification Tag: Rink Gallery **Created By:** MATT BISWELL on February 03, 2023

CHAPTER 3 | 311.2 Moderate-hazard storage, Group S-1.

311.2 Moderate-hazard storage, Group S-1.

Storage Group S-1 occupancies are buildings occupied for storage uses that are not classified as Group S-2, including, but not limited to, storage of the following:

- Aerosol products, Levels 2 and 3
- Aircraft hangar (storage and repair)
- Bags: cloth, burlap and paper
- Bamboos and rattan
- Baskets
- Belting: canvas and leather
- Books and paper in rolls or packs
- Boots and shoes
- Buttons, including cloth covered, pearl or bone
- Cardboard and cardboard boxes
- Clothing, woolen wearing apparel
- Cordage
- Dry boat storage (indoor)
- Furniture
- Furs
- Glues, mucilage, pastes and size
- Grains
- Horns and combs, other than celluloid
- Leather
- Linoleum
- Lumber
- Motor vehicle repair garages complying with the maximum allowable quantities of hazardous materials listed in

Table 307.1(1) (see Section 406.8)
Photo engravings
Resilient flooring
Self-service storage facility (mini-storage)
Silks
Soaps
Sugar
Tires, bulk storage of
Tobacco, cigars, cigarettes and snuff
Upholstery and mattresses
Wax candles

Classification Tag: Rink Gallery **Created By:** MATT BISWELL on February 03, 2023

CHAPTER 4 | 420.2 Separation walls.

420.2 Separation walls.

Walls separating dwelling units in the same building, walls separating sleeping units in the same building and walls separating dwelling or sleeping units from other occupancies contiguous to them in the same building shall be constructed as fire partitions in accordance with Section 708.

Classification Tag: Rink Gallery **Created By:** MATT BISWELL on February 03, 2023

CHAPTER 4 | [F] 420.4 Automatic sprinkler system.

[F] 420.4 Automatic sprinkler system.

Group R occupancies shall be equipped throughout with an automatic sprinkler system in accordance with Section 903.2.8. Group I-1 occupancies shall be equipped throughout with an automatic sprinkler system in accordance with Section 903.2.6. Quick-response or residential automatic sprinklers shall be installed in accordance with Section 903.3.2.

Classification Tag: Rink Gallery **Created By:** MATT BISWELL on February 03, 2023

CHAPTER 4 | [F] 420.5 Fire alarm systems and smoke alarms.

[F] 420.5 Fire alarm systems and smoke alarms.

Fire alarm systems and smoke alarms shall be provided in Group I-1, R-1 and R-2 occupancies in accordance with Sections 907.2.6, 907.2.8 and 907.2.9, respectively. Single- or multiple-station smoke alarms shall be provided in Groups I-1, R-2, R-3 and R-4 in accordance with Section 907.2.10.

Classification Tag: Rink Gallery **Created By:** MATT BISWELL on February 03, 2023

Date : Friday, February 3, 2023 at 12:13 PM UTC

Matthew Biswell

From: Matthew Biswell
Sent: Tuesday, January 24, 2023 10:53 AM
To: Brian Murray
Subject: Fw: *External Source*Inspection Results
Attachments: InspectionResults.pdf

From: donotreply@emergencyreporting.com <donotreply@emergencyreporting.com>
Sent: Tuesday, January 24, 2023 10:50 AM
To: Mike Brody <Rinkgallery@gmail.com>
Cc: Matthew Biswell <matthew.biswell@bethanyok.org>
Subject: *External Source*Inspection Results

Attached is your Inspection Report.
Provided by Bethany Fire Department

Mr. Brody,

Please find the inspection report for the annual life safety inspection performed on 1/24/2023 attached. I will be contacting you to go over a plan of correction to remedy the fire code violations found during the inspection. Thank you for your consideration in this matter. Please do not hesitate to contact me with any questions or concerns.

Matt Biswell
Deputy Chief
Bethany Fire and Rescue

Matthew Biswell

From: Matthew Biswell
Sent: Thursday, February 2, 2023 1:27 PM
To: Amanda McCellon
Subject: Rink Gallery

Amanda,

Buddy Saunkeah, the owner of the Rink Gallery called and wanted to speak with me(us) about his options going forward. Please contact me at the Fd or on my cell (405)229-1696 to discuss further. Thank you.

Matt Biswell
Deputy Fire Chief
Bethany Fire Dept.

Matthew Biswell

From: Amanda McCellon
Sent: Thursday, February 9, 2023 3:00 PM
To: Matthew Biswell
Subject: RE: Rink Gallery

I literally just sat down for the first time today at my desk – so my apologies. It has been one of those days. I will have this to you by the morning.

Amanda J. McCellon
Director of Planning & Community Development
City of Bethany
405-789-6005
6700 NW 36th St

Believe in Bethany.

Like us on [Facebook](#).

From: Matthew Biswell <matthew.biswell@bethanyok.org>
Sent: Thursday, February 9, 2023 11:22 AM
To: Amanda McCellon <amanda.mccellon@bethanyok.org>
Subject: Rink Gallery

Amanda,

When you get a chance could you summarize the course of action that the City Attorney recommends regarding the Rink Gallery so that I may amend the letter I plan to distribute. Thank You

Matt Biswell
Deputy Fire Chief
Bethany Fire Department



Matthew Biswell

From: Amanda McCellon
Sent: Friday, February 10, 2023 10:48 AM
To: Matthew Biswell
Cc: Brendan Summerville
Subject: RE: Rink Gallery
Attachments: Special Use Permit.pdf

The property owner will need to apply for a special use permit. The application is attached. The special use he would be applying for would be caretaker or employee housing as defined by the definitions in 158.002. This matter will be heard by P&Z and then by City Council for approval. He can contact me with questions regarding the application and filing costs.

The next filing deadline is Feb. 14, which would be for the March 16 Planning and Zoning meeting. After that is a March 8 filing for the April 6 meeting.

Amanda

From: Matthew Biswell <matthew.biswell@bethanyok.org>
Sent: Thursday, February 9, 2023 11:22 AM
To: Amanda McCellon <amanda.mccellon@bethanyok.org>
Subject: Rink Gallery

Amanda,

When you get a chance could you summarize the course of action that the City Attorney recommends regarding the Rink Gallery so that I may amend the letter I plan to distribute. Thank You

Matt Biswell
Deputy Fire Chief
Bethany Fire Department



MINUTES
CITY OF BETHANY
PLANNING AND ZONING COMMISSION
MAY 4, 2023

MEMBERS PRESENT: Charles Snyder, Chair
Justin Peck, Vice-Chair
Steve Marx
Robert Helton
Kent Lynn
James Clemmer

MEMBERS ABSENT: Ron Crouch

STAFF PRESENT: Ray Jones, City Attorney
Amanda McCellon, Comm. Dev. Director
Brendan Summerville, Comm. Dev. Associate
Linda Hlinicky, Adm. Assistant

NOTICE: Agenda posted in the lobby and on the front door of Bethany City Hall, 6700 NW 36th St., Bethany, OK 73008 on Thursday, April 27, 2023, at 11:00 a.m.

Charles Snyder, Chair called the meeting to order. Steve Marx gave the invocation. Motion was made by James Clemmer, seconded by Justin Peck to approve the April 6, 2023 Planning and Zoning Commission minutes with the correction of changing "Mr. Gholson" to "Ms. Gholson". The votes are as follows: AYE- Charles Snyder, Justin Peck, Steve Marx, Robert Helton, Kent Lynn, James Clemmer. NAY- None. ABSTAIN- None. The motion carried unanimously 6 -0.

ITEM 1: PC 23-03

Consider a request by Bruce Saunkeah, applicant and property owner, for a special use permit that will allow a dwelling unit within a commercial business at 3200 N. Rockwell Ave.

LEGAL DESCRIPTION:

Sect. 21-T12N-R4W NW Qtr., Holloway Acres 002 000 PT of Lot 2 Beg at SWW/C Lt 2 TH N330.6ft E261.95ft W262.33ft to Beg. & N30ft OG W262.33ft Lot 3.

ACTION: Brendan Summerville, Comm. Dev. Associate presented the staff report to consider a special use permit request that would permit a dwelling unit at 3200 N. Rockwell Ave. Summerville summarized the lot characteristics and surrounding zoning. The primary function is retail sales and mercantile; and was built in 1989. Planning staff was notified of the use of the property as a dwelling unit by Deputy Chief Biswell of the Bethany Fire Department. The dwelling unit was found during a routine inspection. Should the applicant's request be approved, the applicant must file for building permits that would legally alter the existing structure. In addition, applicant must comply with all fire safety items, including but not limited to fire suppression, fire alarms, egress requirements, etc. This is not a traditional use of the property. After discussion with legal counsel, we determined that

the applicant could potentially live there under a caretaker clause, meaning their intention is to maintain and survey the property over all hours of the day.

Bruce Saunkeah, Applicant stated he is one of the owners(s) of Rink Gallery Vintage Mall.

Charles Snyder, Chair asked if Mr. Saunkeah was the owner of the property at 3200 N. Rockwell.

Bruce Saunkeah, Applicant said no.

Charles Snyder, Chair asked Mr. Saunkeah if he has permission from the property owner to request the special use permit.

Bruce, Saunkeah, Applicant said yes.

Charles Snyder, Chair explained regardless of how the Planning and Zoning Commission members vote, he is going to require part of the recommendation include that Mr. Saunkeah produce documentation before the City Council hearing that shows Mr. Saunkeah has permission from the LLC that owns the property to ask for this special use permit. Snyder, Chair believes this documentation should be provided to the City, so the owner of the property is on board with what the applicant is doing.

Bruce, Saunkeah, Applicant explained we are requesting this special use permit to continue having a physical presents of someone on the property at all times, which we have had since the business opened in 2006. This has not been an issue until the most recent fire inspection when we were notified this property was not zoned for dwelling. We would like to continue occupying the living space on property to provide 24-hour surveillance and monitoring. In the past we have had some vandalism, and some plumbing issues. So, it has been useful to have someone on site 24 hours a day.

Charles Snyder, Chair asked if there has been any recent vandalism or theft.

Bruce Saunkeah, Applicant stated within the last couple of years we have vandalism to the chain link fence, and people got in and took scrap metal stored in the back yard of the property. Also, stole some copper from some of the old air conditioners from the old ice-skating rink. We installed more security cameras and upgraded the outdoor lighting. Sometimes people will park their cars in lot. If they are not having car problems, I ask them to leave because this is private property.

Charles Snyder, Chair asked if the building has an alarm system.

Bruce Saunkeah, Applicant stated the building had an alarm system but currently it is not functional. Then he said we have alarms on the three exits. The alarm system that was installed when the skating rink was here is no longer functional.

Commissioner Marx asked how many people will be living here.

Bruce, Saunkeah, Applicant said just himself.

Commissioner Lynn asked how much living space is on site now.

Mike Brody, Manager of the Rink Gallery stated there is about 900 square feet. You are talking about a recliner, bed, bathroom, microwave, and a coffee pot.

Charles Snyder, Chair said so it is more like a breakroom.

Mike Brody, Manager of the Rink Gallery said yes, it is more like a breakroom. It is important to have the caretaker residence on site. We do a lot of work, and we are open seven days a week. Open from 10-7 every day (except for two holidays).

Commissioner Lynn stated as a general rule, residence is not allowed in commercial buildings. So, if we approve this, are we setting precedence?

Ray Jones, City Attorney read ordinance #158.02 definition in respect to this issue. Ordinance #158.02 defines caretaker or employee housing. It is defined as a detached secondary housing unit that is used for persons employed on the premises. Where the principle commercial, industrial, or institutional use of the site involves operations, equipment or other resources that require 24-hour oversight. Such housing shall be occupied exclusively by the caretaker and/or employee and not for rent or use as a separate housing unit by persons other than those employed on the premises. The Planning Commission must find that the principal use on the site requires the continual supervision of a caretaker, superintendent, or watchman.

Ray Jones, City Attorney felt there are two critical issues here. It requires a detached building, which is absent in this case. Secondly, there has to be a finding from the Planning Commission that the nature of the site requires continual supervision.

Commissioner Clemmer inquired about an ordinance that allows dual use with living upstairs and business downstairs.

Ray Jones, City Attorney stated there are specific zoning ordinances which are mixed use. However, it is a specialized form where we have business on the first floor and residence on second floor.

Commissioner Clemmer asked if that was restricted to the CBD itself?

Amanda McCellon, Comm. Dev. Director said it is not, but this is not something staff would encourage us to look at zoning mixed-use. This goes against everything our mixed-use is in the comprehensive plan. This request would set a precedence moving forward to just use mixed-use that catch all zoning versus what we are trying to attract those type of businesses that are going to do the up and down mixed-use concept.

Commissioner Helton stated mixed-use does not define density, or if it should be on the first or second floor in our comprehensive plan.

Brendan Summerville, Comm. Dev. Associate said it would be more of the ordinance as opposed to the comprehensive plan in that case.

Charles Snyder, Chair discussed in order to clarify under the ordinance, we need to have three findings: 1) need for 24-hour security, 2) a separate structure; and add 3) some documentation that the owner approves this request.

Amanda McCellon, Comm. Dev. Director mentioned if the Planning Commission chooses to approve request, I would put a date in there that all the structure updates need to be approved and put in for the fire safety side of things. I would make it date specific because otherwise Deputy Chief Biswell will not know what to hold them too as far as getting the work done.

Charles Snyder, Chair asked the applicant if they have been reporting the vandalism incidents and other problems to the Police Department.

Bruce Saunkeah, Applicant said yes.

Charles Snyder, Chair said you should have copies of those reports.

Bruce Saunkeah, Applicant said we called when the fence was cut, and they came out and looked at it. I guess we did not file an official report.

Charles Snyder, Chair asked if that is the last incident applicant has had.

Bruce Saunkeah, Applicant said it is hard to say. At some point someone climbed over the chain link fence causing some damage to the fence.

Mike Brody, Manager of the Rink Gallery explained it is a breezeway where the property is at the Rink Gallery. We have people sleeping and hanging out behind the building.

Commissioner Lynn asked if Mr. Saunkeah was living on property when there were vandalism problem(s).

Bruce Saunkeah, Applicant said yes.

Commissioner Lynn stated so that did not detour anyone from stealing away. So, I am not sure how continuing to live there will detour anyone in the future.

Commissioner Clemmer asked the applicant if they plan to put up cameras outside to see what is going on.

Bruce Saunkeah, Applicant and Mike Brody Manager of the Rink Gallery said we do have cameras.

Commissioner Helton asked the applicant how long it would take them to bring the building up to code.

Amanda McCellon, Comm. Dev. Director mention if the Planning Commission should approve this request, the living corridor will have to be brought up to fire code (fire walls, etc.) for someone to be able to live there. The Deputy Fire Chief has talked with the applicants on what has to be done but it will be costly.

Mike Brody, Manager of the Rink Gallery said that is the first I have heard of that. He said that has never been communicated to us. He said we have been through multiple fire inspections throughout the years.

Amanda McCellon, Comm. Dev. Director spoke on behalf of Deputy Chief Biswell by saying he came directly to her after the inspection of 3200 N. Rockwell Ave. He found the room and that he was lied to, that nobody was using the room or living in the room. He asked someone to get the keys and was told they could not find the keys or have access to keys. When he pushed the issue again, finally we had a set of keys, and a dog ran out and it is being used as a living quarter. That was how it was explained to her after he found it.

Mike Brody, Manager of the Rink Gallery said he does not know what that is all about, there are no keys.

Charles Snyder, Chair told Mr. Brody that the bottom line is, you need permission from the owner no matter what you do; and you do not have a separate facility/structure. So, I do not think you can live inside the structure that is there now based on the current ordinance which we are required to follow.

Commissioner Clemmer asked the applicant if he has checked into how long it will take to accomplish what the Deputy Chief is requesting. You would need to submit plans, obtain a permit and a certificate of occupancy.

Bruce Saunkeah, Applicant and Mike Brody, Manager of the Rink Gallery stated this is the first time we have heard anything about that.

Commissioner Clemmer noted this letter from the Deputy Fire Chief is addressed to you.

Amanda McCellon, Comm. Dev. Director read from the letter written to the applicant from the Deputy Fire Chief that states along with the special use permit there are also some building and fire code provisions that would have to be met specifically those pertaining to fire separation, fire suppression, fire alarm and egress requirements as they pertain to your circumstances.

Ray Jones, City Attorney stated a special use permit would be required to even have a detached building on the space.

Motion was made by Steve Marx, seconded by Kent Lynn to recommend denying the special use request as written, and provide documentation that the true property owner approves applicant going forward. The votes are as follows: AYE- Charles Snyder, Kent Lynn, Steve Marx. NAY-James Clemmer, Justin Peck. ABSTAIN- Robert Helton. The motion passed 3-2-1.

ITEM 2: PC 23-04

Discussion and possible action to accept the final plat of Bethany Village, a part of the SE/4 of Section 17, T12N, R4W, I.M. Bethany Oklahoma County, Oklahoma, and the dedication of public easements and rights-of-way.

BETHANY Oklahoma

City of Bethany

Planning & Zoning Staff Report

May 4, 2023

CASE NO: PC 23-03

Request: Consider a request by Bruce Saunkeah, property owner and applicant, for a special use permit that would permit a dwelling unit at 3200 N Rockwell Avenue.

Applicant: Bruce Saunkeah, property owner.

Legal Description: Sect. 21-T12N-R4W NW Qtr., Holloway Acres 002 000 PT of Lot 2 Beg at SW/C Lt 2 TH N330.6ft E261.95ft S330ft W262.33ft to Beg. & N30ft OG W262.33ft Lot 3.

Current Zoning: C-R (Commercial Restricted)

Proposed Use: Dwelling unit within commercial building.

Surrounding Zoning:

Direction	Zoning
North	C-G
South	E-I
East	E-I
West	R-1 & R-2

Site Characteristics:

Lot Size	94,090 ft ²
Building Size	30,000 ft ²
Primary Function	Retail Sales/Mercantile
Year Built	1989

Background:

The applicant is seeking to "add zoning R-3" to their property at 3200 N Rockwell Avenue. As there is no R-3 zoning category, the applicant has simply stated that they wish to have a dwelling unit within their commercial structure.

Analysis:

The Planning Department was notified of this case by Deputy Chief Matthew Biswell of the Bethany Fire Department, who found the dwelling unit on an inspection. Upon closer review of the case at hand, it was determined that the most appropriate plan of action was to have the applicant file for a special-use permit, as it may be allowable under a caretaker clause. The applicant has cited their reasoning for this request would be that they may provide 24-hour surveillance & maintenance for their property after instances of vandalism and failed lighting & alarm systems. In Bethany there are C-R zoned districts which have dwelling units, almost exclusively as single-family homes that have been converted into commercial uses.

Regarding the Bethany 2030 Comprehensive Plan, this is cited as an area that is prime for continued urban development. The logic behind this choice is that a desirable and developable urban core should fulfill multiple roles i.e., commercial, missing middle housing, services for surrounding neighborhoods, etc. This is further supported by Proposition 1 of the 2022 G.O. Bond, which focuses on supporting infrastructure improvements. These improvements are intended to raise the level of service for current and future residents along the Rockwell Corridor.

Required Action: Hold a public hearing to provide a recommendation to either approve or deny the applicant's request for a special use permit. This permit will allow the continued use of a dwelling unit within a C-R property.

Attachments:

- Letter from Deputy Chief Matthew Biswell, Bethany Fire Department
- Aerial Photographs
- Zoning Map
- Site Plan & Property Deed
- Certified Owners List
- Application Documents
- Public Notification

Bethany Fire Department
3919 North Rockwell Ave.
Bethany, OK 73008
(405)789-2218

February 13, 2023

Mr. Buddy Saunkeah
Rink Gallery
3200 N Rockwell Ave.
Bethany, OK 73008

Mr. Saunkeah,

This letter is in response to our phone conversation on 2/2/2023 regarding your desire to explore any possible options for retaining the residential occupancy currently being utilized in the Rink Gallery. I have spoken with Amanda McCellon the Director of Planning and Community Development regarding this matter. Ms. McCellon indicated that there would be some zoning regulations that would require you to obtain a special use permit.

Along with the special use permit there are also some building and fire code provisions that would have to be met, specifically those pertaining to fire separation, fire suppression, fire alarm, and egress requirements as they pertain to your specific circumstances. Outlined below are the required steps that you will need to complete.

1. Make application and be heard by the Bethany Planning and Zoning Commission.
2. Submit plans for the intended work and obtain a building permit.
3. Facilitate all applicable inspections and obtain a new Certificate of Occupancy.

If your intent is to move forward with the process, please contact Amanda McCellon the Community Development Director for the City of Bethany at City Hall. The application deadline for the next Bethany Planning and Zoning Commission meeting is March 8 for the April 6th meeting. If your intent is not to move forward with the above outlined steps, please vacate the residential occupancy immediately.

Respectfully,

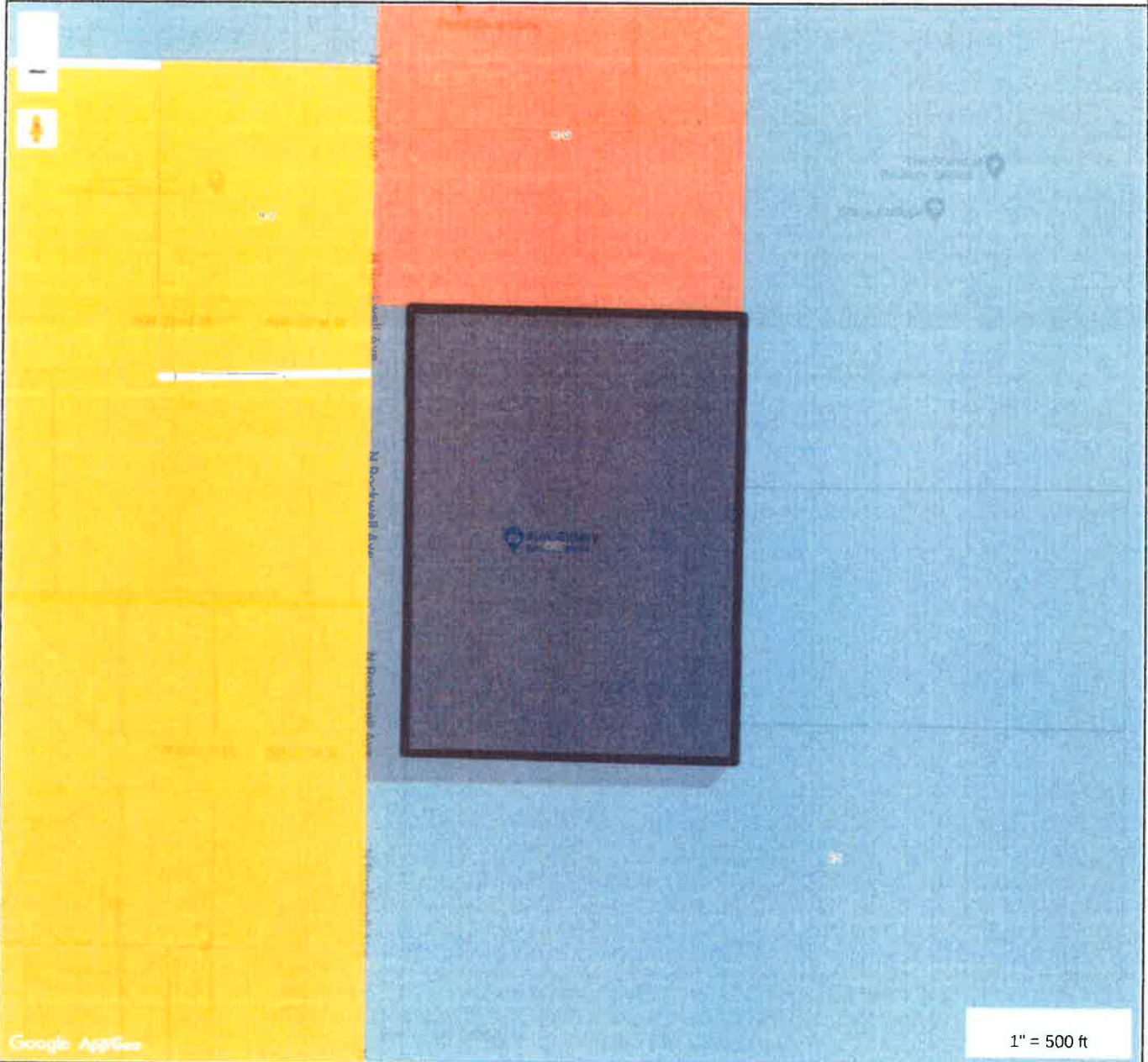


Matt Biswell
Deputy Fire Chief
Bethany Fire Department





PC 23-03 Zoning Map



ZONING CODE LEGEND

A	PS
CBD	LRF
C-6	MUD
Cms	ORO
C-5	N-3
C-4	P-2
C-3	R-60
L-4	RMO
C-2	SUP

**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

Bethany, Oklahoma makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.



Department of Planning & Community Development

April 10, 2023

NOTICE OF HEARING

**PLANNING & ZONING COMMISSION
AND CITY COUNCIL**

Dear Property Owner:

This notice is to inform you that a neighboring property owner has filed an application with the Bethany Planning Department for a special use permit to that would allow for a dwelling unit to exist on commercial property. All special permit applications within the city limits are reviewed by the Planning and Zoning Commission at a public hearing to determine whether the proposal is in conformity with the Comprehensive Plan for the City of Bethany.

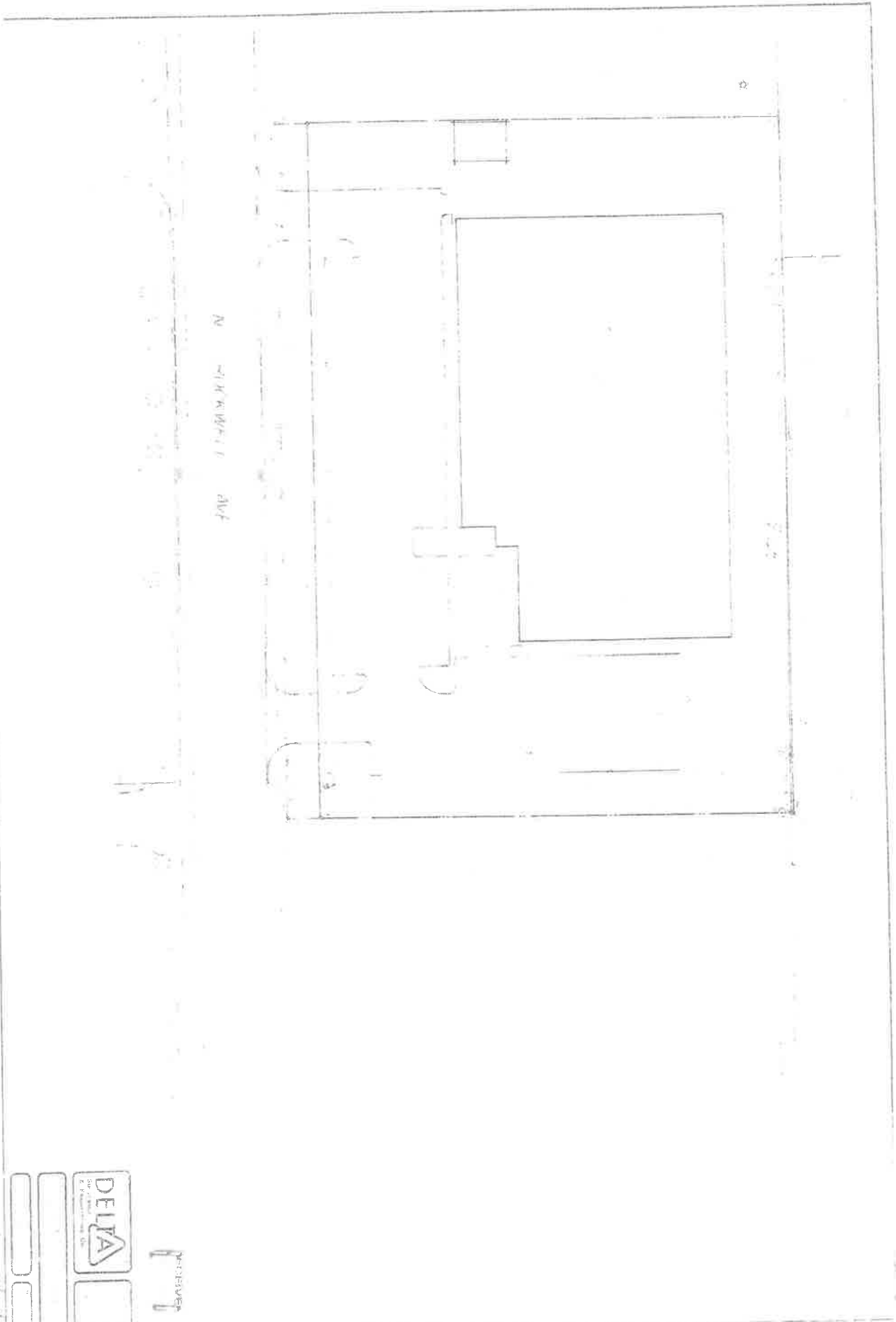
We would like to emphasize that the Planning and Zoning Commission does not make the final decision on whether or not to approve the application; it simply makes recommendations on zoning & special permit matters to the City Council. The final decision is made by the City Council in a second hearing.

Attached to this notice is information on the hearing dates, the location of the property, and the zoning of the property. During the public hearings, the applicant for the zoning change presents his case, and all interested property owners in the surrounding area are invited to appear and state whether they are for or against the proposal.


Your participation in these proceedings can affect the outcome.

If you have any questions regarding this notice, please contact the Community Development Director. Call (405) 789-6005.


**SECRETARY,
PLANNING AND ZONING COMMISSION**





N
 11/11/11
 11/11



 DELTA







ZONING CASE INFORMATION

A. Rezoning Proposal

1. Case No.: PC 23-03
2. Location of Property: 3200 N Rockwell. Bethany, OK
3. Legal Description: Sect 21 T12N-R4W, NW Qtr., Holloway Acres 002 000 PT of Lot 2 Beg at SW/C Lt 2 TH N330.63ft E261.95 S330ft W262.33ft to Beg. & N30ft OG W262.33ft Lot 3.
4. Present Zoning: C-R (Commercial Restricted)
5. Applicant's Request: Grant a special use permit that will allow for a dwelling unit on a commercial-restrictive lot.

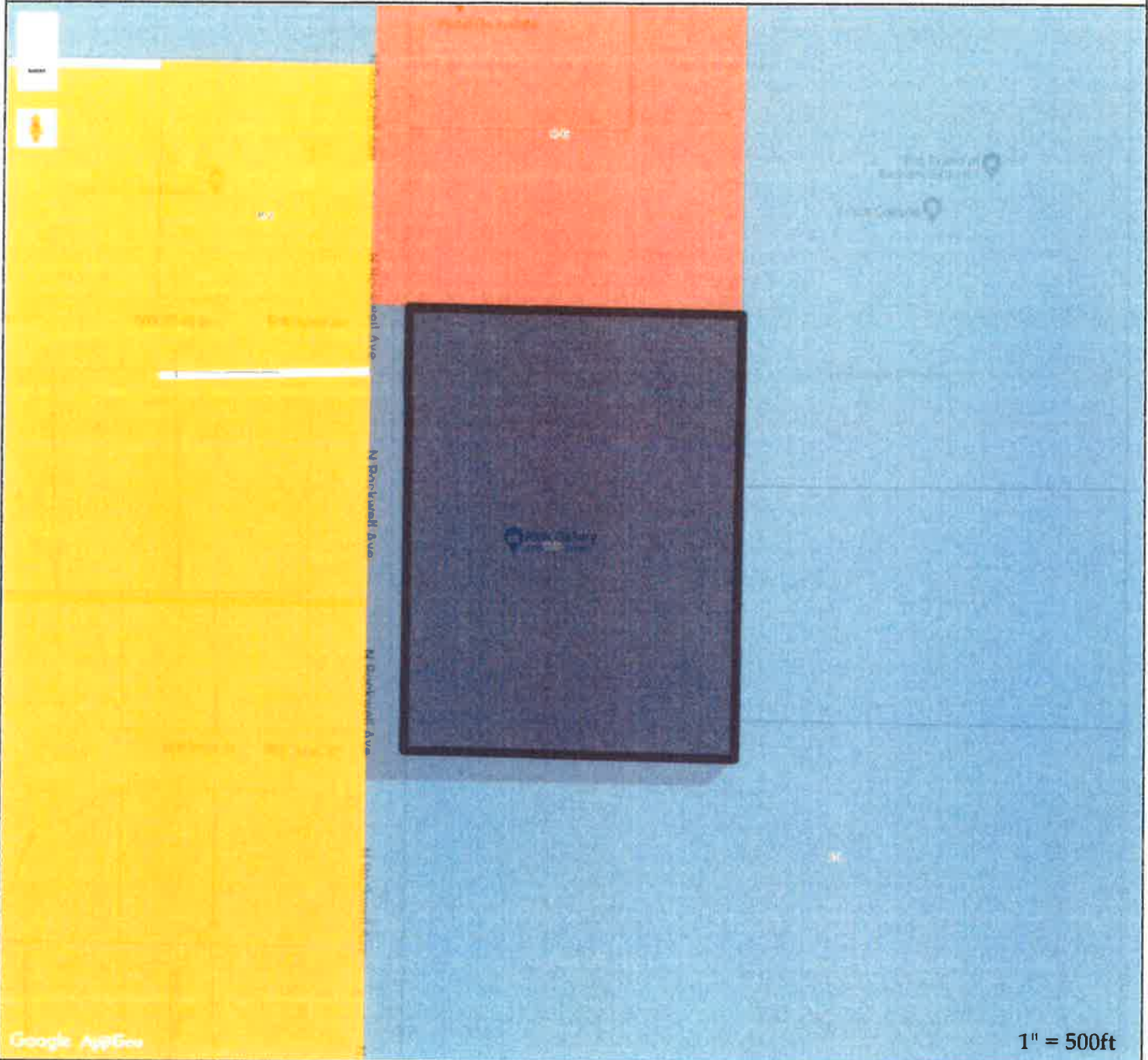
B. Hearing Schedule

1. The Planning and Zoning Commission hearing on the proposed rezoning will be held on **May 4, 2023** at **7:00 P.M.** At this hearing, any interested citizen will have the opportunity to speak to the Commission concerning the proposed zoning change. The Commission will vote on whether to recommend approval or disapproval of the proposed rezoning. **IF YOU HAVE AN OPINION ON THE APPLICATION, YOU SHOULD ATTEND THIS HEARING.**
2. The City Council Hearing will be held on **May 16, 2023** at **7:30 P.M.** At this hearing, any interested citizens will have the opportunity to speak to the City Council concerning the request. The City Council will vote either to adopt or reject the proposed rezoning ordinance. **IF YOU HAVE AN OPINION ON THE APPLICATION, YOU SHOULD ATTEND THIS MEETING.**

C. Location of Hearings

Both the Planning and Zoning Commission and City Council hearings will be held in the Bethany City Hall Council Chamber located at 6700 NW 36th St.

PC 23-03



ZONING CODE LEGEND

V	S-R	R-2
C-1D	I-1	R-M
C-1C	I-2	R-MD
C-1B	I-R	R-HP
C-2	P-1D	*The property subject to this case is outlined in black.
C-3	P-1C	
C-4	R-1	

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

NOTICE OF PUBLIC HEARING

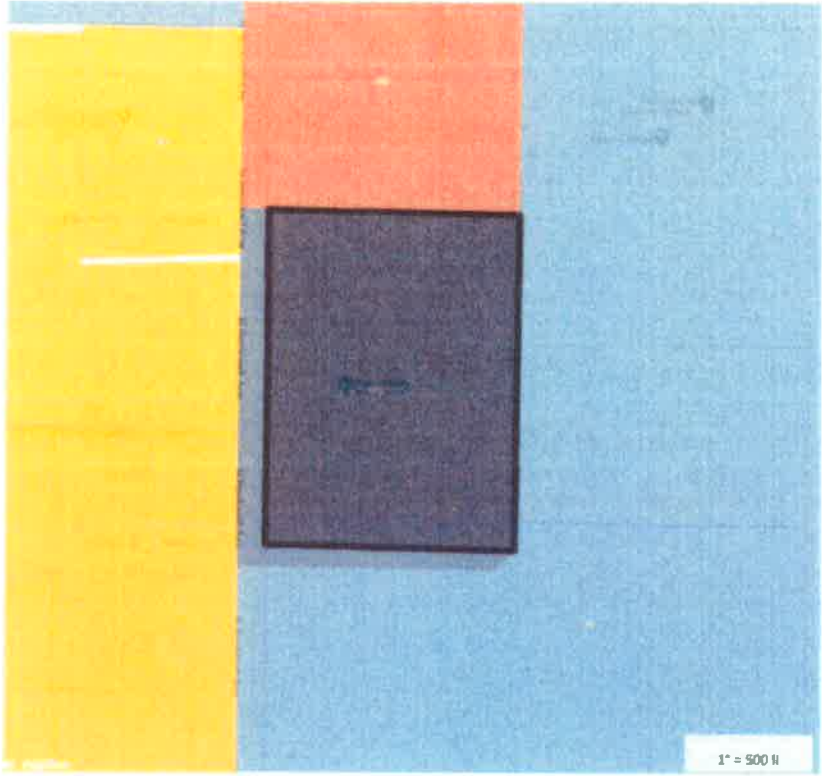
On May 4, 2023, at 7:00 p.m. the Bethany Planning and Zoning Commission will during its regular session hold a public hearing at Bethany City Hall at 6700 NW 36th St., Bethany, OK 73008 for the following: Consider a request by Bruce Saunkeah, applicant & property owner, for a special use permit for a dwelling unit at 3200 N Rockwell Ave.

Following the public hearing the Bethany Planning & Zoning Commission will vote on the request and forward a recommendation to the Bethany City Council, which in turn will hear this case on May 16, 2023, at 7:30 p.m. After this meeting, there will be a second public hearing with the Bethany City Council, and a vote to approve or deny the request will be held.

The City of Bethany encourages participation from all its citizens. If participation at any public meeting is not possible due to a disability, notification to the City Clerk at least 48 hours prior to the scheduled meeting is encouraged to make the necessary accommodations. The City may waive the 48-hour rule if signing is not the necessary accommodation.

LEGAL DESCRIPTION:

Sect 21-T12N-R4W Qtr NW Holloway Acres 002 000 PT OF LOT 2 BEG AT SW/C LT 2 TH N330.63FT E261.95 S330.53FT W262.33FT TO BEG & N30FT OG W262.33FT LOT 3





City of Bethany

A great place to live, work, shop, and grow a business!



APPLICATION FOR SPECIAL USE PERMIT

We, the undersigned, being the owners or legal agents for the owners of more than fifty-one percent of the following described property, do hereby make application and petition the City Council to approve the special use permit as hereinafter requested.

Name of Applicant: BRUCE SAUNKEAH Phone #: 405.213.6677
(Print Name)

Address: 3200 N. ROCKWELL AVE. BETHANY OK 73008 / BOX 846 BETHANY OK

Record Property Owner(s): _____ Phone #: _____
(Print Name)

Address: BOX 846 BETHANY OK 73008

Address of Property: 3200 N. ROCKWELL AVE. BETHANY OK 73008

Legal Description of Property: _____

Proposed Special Permit use: Add zoning R-3

Present use of property: mercantile

Size of property (in acres and/or feet): 30,000 sq. ft.

The City Council shall use the following criteria to evaluate your special use permit. You are requested to provide a statement after each of the following criteria statements indicating how your request meets each criteria. Use additional pages if necessary.

1. Will the proposed use be in harmony with the policies of the comprehensive plan?
YES

2. Will the proposed use be in harmony with the general purpose and intent of the applicable Zoning district regulations? n/a
3. Will the proposed use adversely affect the use of the neighboring property? No.
4. Will the proposed use generate pedestrian and vehicular traffic that is hazardous or in conflict with the existing and anticipated traffic in the neighborhood? No.
5. Will the facility present a health or safety hazard to neighboring properties or the community at large? No.
6. Will the facility be located in proximity to elementary or secondary public and/or private schools, or other incompatible uses? n/a
7. Will the utility, drainage, parking, loading, signs, lighting access, and other necessary public facilities to serve the proposed use meet the adopted codes of the City? n/a
8. Has the facility obtained all necessary permits to operate under the laws of the State of Oklahoma? yes

The City Council may impose specific conditions regarding location, design, operation, screening, and security to assure safety, to prevent a nuisance, and to control the noxious effects of excessive sound, light, odor, dust or similar conditions. (City of Bethany Ordinance - Section 159.044)

The application shall be accompanied by the following:

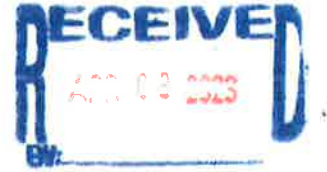
- a. Filing Fee.
- b. One (1) copy of the legal description of the property sought for Special Use Permit if not described above.
- c. One (1) copy of site plan.
- d. One (1) copy of the deed(s) of the property.
- e. Certified list of names and addresses of all property owners of record within three hundred (300) feet of the exterior boundaries of subject property.

In order that your application can be heard at the next Planning Commission meeting, the completed application, accompanying information, and filing fees must be submitted before 12:00 noon the day of the deadline.

Signature of Applicant: Brian S. M Phone #: 705.213.6677 Date: 3/7/23

Signature of Property Owner: Brian S. M Phone #: 705.213.6677 Date: 3/7/23

April 3, 2023



Mr. Brendan Summerville
Development Services
City of Bethany

Dear Mr. Summerville,

Thank you for assisting RINK Gallery LLC in the application process for a Special Use Permit for the property at 3200 N. Rockwell Avenue. Attached and/or enclosed please find the deed, radius report and site plan needed to complete our application.

We're requesting the addition of R-3 zoning to the property in order to continue the 24-hour on-site presence we have maintained since opening RINK Gallery in 2006. This has been necessary for the following reasons:

We have experienced several instances of vandalism, including graffiti and destruction of property. These have required repainting the building, replacing damaged exterior floodlights and parking lot lights, repairing fencing, and increasing the number of security cameras and alarms. In addition, regular patrolling of the property is necessary to prevent loitering by individuals in vehicles and on foot after hours. Finally, being on-site 24/7 allows us to respond to any electrical, plumbing or other emergencies an aging structure may experience.

Thanks again for your help in facilitating this process. Please feel free to contact me if there's anything else you need.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bruce Saunkeah". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Bruce Saunkeah
RINK Gallery LLC
(405) 213-6677
brsaunkeah@yahoo.com



20100601010648960
 06/01/2010 02:59:11 PM
 Bk RE11377 Pg:997 Pgs:2 DEED
 State of Oklahoma
 County of Oklahoma
 Oklahoma County Clerk
 Carolyn Caudill

WARRANTY DEED

RETURN TO *3* James A. Graves, Member
 P.O. Box 721508
 Norman, OK 73070

KNOW ALL MEN BY THESE PRESENTS;

That ICE CENTRE ENTERPRISES, LLC, an Oklahoma Limited Liability Company, the party of the first part, in consideration of the sum of Ten and no/100 Dollars in hand paid, the receipt of which is hereby acknowledged, does hereby Grant, Bargain, Sell and Convey unto I.C.E., LLC, party of the second part, the following described real property located in Oklahoma County, State of Oklahoma, to-wit:

A part of Lot 2, Block 2, HOLLOWAY ACRES, an addition in Oklahoma County, Oklahoma, according to the recorded plat thereof, and more particularly described as follows: Beginning at the Southwest corner of said Lot 2, thence North along the west line of Lot 2 a distance of 330.63 feet to the Northwest corner of Lot 2; thence East along the North line of Lot 2 a distance of 261.95 feet; thence South a distance of 330.53 feet to a point on the South line of Lot 2; thence West along the South line of Lot 2 a distance of 262.33 feet to the point or place of beginning, and

The North 30 feet of the West 262.33 feet of Lot 3, Block 2, HOLLOWAY ACRES, an addition in Oklahoma County, Oklahoma, according to the recorded plat thereof.

together with all the improvements thereon and the appurtenances thereunto belonging, and warrant the title to the same to be free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and incumbrances of whatsoever nature made.

TO HAVE AND TO HOLD said described premises unto the said party of the second part, its successors and assigns forever.

Exempt Documentary Stamp Tax
 05 Title 68
 Article 32 Section 3201 or 3202,
 Paragraph 4

Certified True Copy
 KERRIE HUDSON, DEPUTY COUNTY CLERK
 Oklahoma County, Oklahoma

By: *[Signature]*
 Deputy
 14th day of March 2023



FILED
BY

Larry Stein
Oklahoma County Assessor's
Office

(PC 23-3)



Ownership Radius Report

This Official Report is for Account Number R175933415 and is a 300-foot radius from the outside of the polygon. If the minimum number of different owners was not reached it was extended by 100-foot increments until the required number of different owners was reached, or the maximum distance was reached. This report does not constitute a legal survey or document, for definitive description of real property and ownership; consult the deeds recorded in the Oklahoma County Clerks Office. **Official Record of this Certified Radius Report will expire 30 days from the date of creation stamped on the back of this sheet.**

Oklahoma County Assessor's
300ft Radius Report
3/8/2023

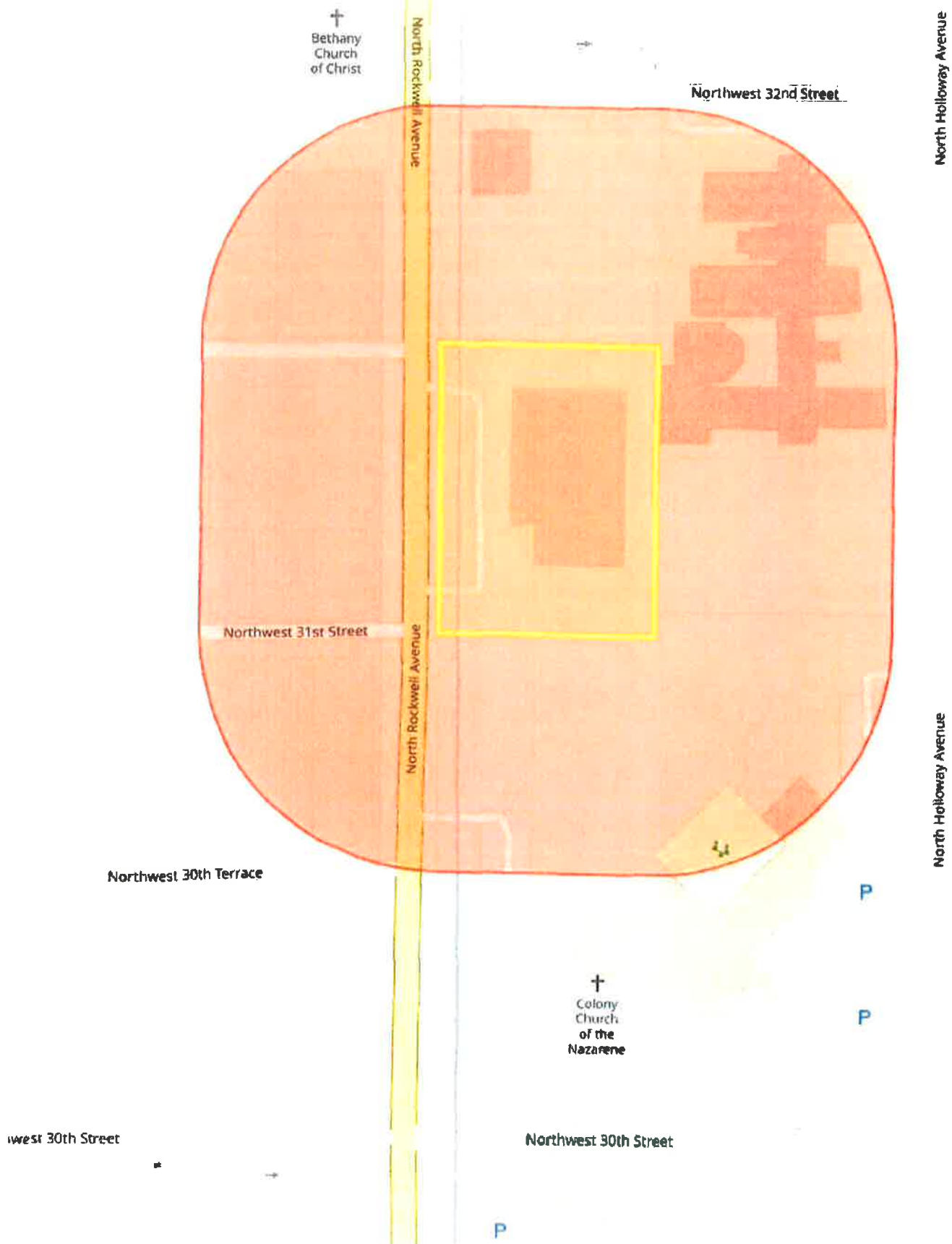
accountno	name1	name2	mailingaddress1	Shape	city	state	zipcode	subname	block	lot	legal	location
R173191090	G BERK PROPERTIES LLC		9121 NW 85TH ST		YUKON	OK	73099	ROCKWELL OAKS REPLAT BLK B	000	010	ROCKWELL OAKS REPLAT BLK B 000 010	7101 NW 30TH TER BETHANY
R173191105	UNRUH PROPERTIES LLC	SERIES 7105 NW 30TH TERR	4639 N MACARTHUR BLVD		OKLAHOMA CITY	OK	73122	ROCKWELL OAKS REPLAT BLK B	000	000	ROCKWELL OAKS REPLAT BLK B 000 000 PT LOT 11 BEG NE/C LT 11 TH W38.26FT S24.26FT E.4FT S3.7FT W.4FT S89.08FT NE ON A CURVE 1.61FT E36.65FT N116.96FT TO BEG	7105 NW 30TH TER BETHANY
R173191100	UNRUH PROPERTIES LLC	SERIES 7107 NW 30TH TERR	4639 N MACARTHUR BLVD		OKLAHOMA CITY	OK	73122	ROCKWELL OAKS REPLAT BLK B	000	000	ROCKWELL OAKS REPLAT BLK B 000 000 PT LOT 11 BEG NW/C LT 11 TH S118.90FT NELY ALONG A CURVE 38.30FT N89.08FT E.4FT N3.7FT W.4FT N24.26FT W38.26FT TO BEG	7107 NW 30TH TER BETHANY
R173191110	JSK PROPERTIES LLC		8016 NW 100TH ST		OKLAHOMA CITY	OK	73162-5021	OAKS REPLAT BLK B	000	000	ROCKWELL OAKS REPLAT BLK B 000 000 LOT 12 PLUS E3FT LOT 13	7109 NW 30TH TER BETHANY
R173191080	HUMBLE KAREN G TRS	HUMBLE KAREN G TRUST	17 E JANICE AVE		YUKON	OK	73099	ROCKWELL OAKS REPLAT BLK B	000	009	ROCKWELL OAKS REPLAT BLK B 000 009	7100 NW 31ST ST BETHANY
R173191060	KARBOUCH ALLAN R		3024 NANTUCKET LN		EDMOND	OK	73013-2965	OAKS REPLAT BLK B	000	007	ROCKWELL OAKS REPLAT BLK B 000 007	7108 NW 31ST ST BETHANY
R173191070	MCCOLLOM PATRICK & JUJANA TRS	MCCOLLOM FAMILY TRUST	15455 E COFFEE CREEK RD		LUTHER	OK	73054-9134	ROCKWELL OAKS REPLAT BLK B	000	008	ROCKWELL OAKS REPLAT BLK B 000 008	7104 NW 31ST ST BETHANY
R175933410	CALVARY CHURCH OF THE NAZARENE		3100 N ROCKWELL AVE		BETHANY	OK	73008	HOLLOWAY ACRES	002	000	HOLLOWAY ACRES 002 000 LOTS 3 & 4 EX N30FT OF W262.39FT LT 3 & EX THAT PT DEEDED FOR STREETS	0 UNKNOWN BETHANY
R173191020	VZPP LLC		7913 NORTHSIDE DR STE 3		OKLAHOMA CITY	OK	73132	ROCKWELL OAKS REPLAT BLK B	000	000	ROCKWELL OAKS REPLAT BLK B 000 000 UNIT 7109 OF 7109-7111 NW 31 STREET CONDOMINIUMS	7109 NW 31ST ST BETHANY
R173191010	CASA RENTALS LLC		PO BOX 1451		BETHANY	OK	73008	ROCKWELL OAKS REPLAT BLK B	000	002	ROCKWELL OAKS REPLAT BLK B 000 002	7105 NW 31ST ST BETHANY
R173191000	GROTELUESCHEN PROPERTIES LLC	7101 NW 31ST STREET SERIES	8409 NW 105TH ST		OKLAHOMA CITY	OK	73162	ROCKWELL OAKS REPLAT BLK B	000	001	ROCKWELL OAKS REPLAT BLK B 000 001	7101 NW 31ST ST BETHANY
R175933405	CALVARY CHURCH OF THE NAZARENE		3100 N ROCKWELL AVE		BETHANY	OK	73008-4049	HOLLOWAY ACRES	002	000	HOLLOWAY ACRES 002 000 PT LOT 2 BEG SE/C LT 2 TH N197.81FT W332.53FT S193.64FT E332.51FT TO BEG	0 UNKNOWN BETHANY
R121611000	TAYLOR ALESIA		7100 NW 32ND ST		BETHANY	OK	73008	OAK ESTATES SEC 2	002	001	OAK ESTATES SEC 2 002 001	7100 NW 32ND ST BETHANY
R121611010	PAZ JOSE S		7104 NW 32ND ST		BETHANY	OK	73008	OAK ESTATES SEC 2	002	002	OAK ESTATES SEC 2 002 002	7104 NW 32ND ST BETHANY
R121611020	PACK PEARL P TRS ETAL	PACK AUDIE W & PEARL P LIVING TRUST	7108 NW 32ND ST		BETHANY	OK	73008-3802	OAK ESTATES SEC 2	002	003	OAK ESTATES SEC 2 002 003	7108 NW 32ND ST BETHANY

Oklahoma County Assessor's
300ft Radius Report
3/8/2023

R175933415	J. C. LLC									NORMAN	OK	73070-8166	HOLLOWAY ACRES	002	000	HOLLOWAY ACRES 002 000 PT OF LOT 2 BEG AT SW/C LT 2 TH N330.63FT E261.95FT S330.53FT W262.33FT TO BEG & N30FT OF W262.33FT LOT 3	3200 N ROCKWELL AVE BETHANY
R173784380	HUANG LULU	BARTON JOHN	7101 NW 32ND ST							BETHANY	OK	73008	UNPLTD PT SEC 20 12N 4W	000	000	UNPLTD PT SEC 20 12N 4W 000 000 PT NE4 SEC 20 12N 4W BEING E130FT OF FOLLOWING DESCRIBED PROPERTY: BEG 1022.04FT N & 50FT W OF SE/C NE4 TH W393.3FT N190.45FT E393.3FT S190.45FT TO BEG SUBJ TO ESMTS OF	7101 NW 32ND ST BETHANY
R173784375	HOLIDAY JOHN B & LEZLIE M TRS	HOLIDAY TRUST	7105 NW 32ND ST							BETHANY	OK	73008-3801	UNPLTD PT SEC 20 12N 4W	000	000	UNPLTD PT SEC 20 12N 4W 000 000 PT NE4 SEC 20 12N 4W BEING W133.3FT OF E263.3FT OF FOLLOWING DESCRIBED PROPERTY: BEG 1022.04FT N & 50FT W OF SE/C NE4 TH W393.3FT N190.45FT E393.3FT S190.45FT TO BEG SU	7105 NW 32ND ST BETHANY
R175933450	BETHLINWOOD LLC		PO BOX 22845							OKLAHOMA CITY	OK	73123	HOLLOWAY ACRES	000	000	HOLLOWAY ACRES 000 000 E332.51FT OF LOT 1 & N133.68FT OF E332.51FT LOT 2 BLK 2	7000 NW 32ND ST BETHANY
R175933400	RENEW PROPERTIES LLC		PO BOX 22845							OKLAHOMA CITY	OK	73123-1845	HOLLOWAY ACRES	000	000	HOLLOWAY ACRES 000 000 TR 1 PT LOT 1 BLK 2 BEG 139FT S OF NW/C LT 1 TH E180FT N139FT E82.21FT S300.53FT TH W TO W LINE LT 1 TH N161.62FT TO BEG	0 UNKNOWN BETHANY
R175933425	M M K & S LLC		14730 NW 36TH ST							YUKON	OK	73099	HOLLOWAY ACRES	002	000	HOLLOWAY ACRES 002 000 PT LOT 1 BEG NW/C LOT 1 TH S139FT E180FT N139FT W180FT TO BEG	3230 N ROCKWELL AVE BETHANY
R173784304	CHURCH OF CHRIST OF BETHANY	C/O W M DEAN	0							Unknown	NO	00000	UNPLTD PT SEC 20 12N 4W	000	000	UNPLTD PT SEC 20 12N 4W 000 000 PT OF NE4 SEC 20 12N 4W TH E395.25FT OF S 1/2 OF S 1/2 OF NE4 OF NE4 & E395.25FT OF N 1/6 OF N 1/2 OF SE4 OF NE4 TR 4 EXEMPT	0 UNKNOWN BETHANY

3301 N. Rockwell Ave

X



Agenda: 05/16/2023
Item: 7
BPWA Item: 2

BETHANY CITY COUNCIL
BETHANY PUBLIC WORKS AUTHORITY

From: Elizabeth Gray
Date: May 10, 2023
Subject: Approval of Southwest Water Works, LLC Contract for ODOC CDBG Waterline Replacement Project

BACKGROUND

On March 21, 2023, council accepted ODEQ Permit No. WL000055230107 for the construction of 1,265 linear feet of waterline and appurtenances to serve Holloway Avenue between NW 36th Street and NW 32nd Street, Oklahoma County, Oklahoma, and approved request for permission to advertise for bids.

Bids were opened on April 19, 2023. City engineers TEIM Design recommend Southwest Water Works, LLC for the base bid amount of \$255,640.00.

RECOMMENDATION

1. Approval of contract for CDBG Waterline Replacement Project on Holloway Avenue from NW 36th Street to NW 32nd Street to Southwest Water Works, LLC for the base bid amount of \$255,640.00 and authorize the mayor to sign the document.



ADDITIONAL COMMENTS

This project is being funded by a 50/50 matching grant; \$195,714 from CDBG and \$195,714 by the city.



TRANSPORTATION • ENVIRONMENTAL • INFRASTRUCTURE • MUNICIPAL

May 9, 2023

City of Bethany
Ms. Elizabeth Gray
6700 NW 36th Street
Bethany, Oklahoma 73008

Re: ODOC Community Development Block Grant
Waterline Replacement Project
North Hollway Avenue from NW 36th Street to NW 32nd Street

Dear Ms. Gray,

Attached for your review and disposition please find the BID Tabulation for the above-mentioned project. The bid was received, April 19, 2023, and all bid bonds and affidavits were found to be in order. The bid was tabulated correctly. The five (5) bids are as follows:

<u>Company</u>	<u>Total Base Bid</u>
Southwest Water Works, LLC	\$255,640.00
Cimarron Construction Co.	\$257,752.00
Downey Contracting, LLC	\$339,821.00
Krapff-Reynolds Construction Co.	\$415,995.00
Brewer Construction, LLC	\$491,592.00

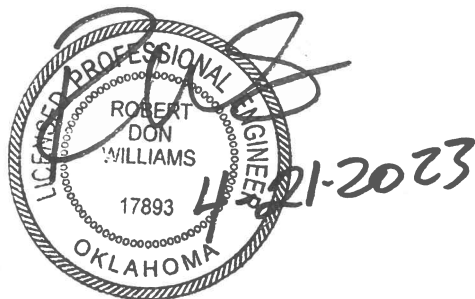
Therefore, we recommend award of the contract to Southwest Water Works, LLC for the base bid amount of \$255,640.00. We have attached the executed contact and bonds from Southwest Water Works, LLC.

Respectfully Submitted

Robbie Williams, PE

Attachment: Bid Tabulation
Contract and Bonds

Bid Tabulation: ODOC Community Development Block Grant Waterline Replacement Project - April 19, 2023				Engineer's Estimate		SW Water Works		Cimarron Construction Company		Downey Contracting		Krapff-Reynolds Construction		Brewer Construction	
Item Number	Title	Quantity	Unit	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
1	AUDIO-VIDEO RECORDING PRE- AND POST CONSTRUCTION	1.00	lump sum	\$1,000.00	\$1,000.00	\$5,000.00	\$5,000.00	\$1,000.00	\$1,000.00	\$920.00	\$920.00	\$1,000.00	\$1,000.00	\$3,120.00	\$3,120.00
2	SEDIMENT AND EROSION CONTROL	1.00	lump sum	\$1,000.00	\$1,000.00	\$5,000.00	\$5,000.00	\$700.00	\$700.00	\$462.00	\$462.00	\$3,250.00	\$3,250.00	\$4,550.00	\$4,550.00
3	(2 INCH) (COPPER) WATERLINE PIPE (ASTM B88 TYPE K)	20.00	linear foot	\$80.00	\$1,600.00	\$25.00	\$500.00	\$65.00	\$1,300.00	\$73.00	\$1,460.00	\$190.00	\$3,800.00	\$50.00	\$1,000.00
4	(6 INCH) (PVC) WATERLINE PIPE (PUSH-ON JOINT) (DR-14) W/ 12 GAUGE TRACER WIRE	1,280.00	linear foot	\$85.00	\$108,800.00	\$75.00	\$96,000.00	\$89.00	\$113,920.00	\$109.00	\$139,520.00	\$185.00	\$236,800.00	\$210.00	\$268,800.00
5	FITTINGS (2 INCH PLUG)	5.00	each	\$100.00	\$500.00	\$140.00	\$700.00	\$250.00	\$1,250.00	\$158.00	\$790.00	\$150.00	\$750.00	\$776.00	\$3,880.00
6	FITTINGS (2 INCH SOLID SLEEVE)	1.00	each	\$100.00	\$100.00	\$250.00	\$250.00	\$500.00	\$500.00	\$893.00	\$893.00	\$275.00	\$275.00	\$267.00	\$267.00
7	FITTINGS (2 INCH x 45 DEGREE BEND)	2.00	each	\$100.00	\$200.00	\$200.00	\$400.00	\$130.00	\$260.00	\$328.00	\$656.00	\$225.00	\$450.00	\$226.00	\$452.00
8	FITTINGS (4 INCH PLUG (COMPACT) (MJ))	4.00	each	\$144.00	\$576.00	\$150.00	\$600.00	\$140.00	\$560.00	\$707.00	\$2,828.00	\$50.00	\$200.00	\$659.00	\$2,636.00
9	FITTINGS (6 INCH x 2 INCH TAPPING SADDLE)	1.00	each	\$250.00	\$250.00	\$900.00	\$900.00	\$475.00	\$475.00	\$1,205.00	\$1,205.00	\$950.00	\$950.00	\$863.00	\$863.00
10	FITTINGS (6 INCH x 4 INCH REDUCER (COMPACT) (MJ))	1.00	each	\$384.00	\$384.00	\$150.00	\$150.00	\$245.00	\$245.00	\$235.00	\$235.00	\$115.00	\$115.00	\$160.00	\$160.00
11	FITTINGS (6 INCH PLUG)	3.00	each	\$228.00	\$684.00	\$200.00	\$600.00	\$215.00	\$645.00	\$346.00	\$1,038.00	\$80.00	\$240.00	\$228.00	\$684.00
12	FITTINGS (6 INCH x 45 DEGREE BEND (COMPACT) (MJ))	16.00	each	\$444.00	\$7,104.00	\$200.00	\$3,200.00	\$285.00	\$4,560.00	\$237.00	\$3,792.00	\$160.00	\$2,560.00	\$293.00	\$4,688.00
13	FITTINGS (6 INCH x 6 INCH TEE (COMPACT) (MJ))	4.00	each	\$756.00	\$3,024.00	\$350.00	\$1,400.00	\$410.00	\$1,640.00	\$447.00	\$1,788.00	\$275.00	\$1,100.00	\$395.00	\$1,520.00
14	SINGLE LONG SERVICE (1 INCH) (STREET BORE)	9.00	each	\$4,000.00	\$36,000.00	\$2,500.00	\$22,500.00	\$3,155.00	\$28,395.00	\$3,690.00	\$33,210.00	\$4,500.00	\$40,500.00	\$6,080.00	\$54,720.00
15	SINGLE SHORT SERVICE (1 INCH)	15.00	each	\$2,300.00	\$34,500.00	\$3,000.00	\$45,000.00	\$2,315.00	\$34,725.00	\$2,139.00	\$32,085.00	\$3,500.00	\$52,500.00	\$3,854.00	\$57,810.00
16	(4 INCH) TAP	1.00	each	\$1,000.00	\$1,000.00	\$400.00	\$400.00	\$1,000.00	\$1,000.00	\$1,060.00	\$1,060.00	\$875.00	\$875.00	\$1,365.00	\$1,365.00
17	(6 INCH) TAP	1.00	each	\$1,500.00	\$1,500.00	\$400.00	\$400.00	\$1,250.00	\$1,250.00	\$1,747.00	\$1,747.00	\$1,320.00	\$1,320.00	\$1,365.00	\$1,365.00
18	FIRE HYDRANT	1.00	each	\$5,600.00	\$5,600.00	\$5,000.00	\$5,000.00	\$5,525.00	\$5,525.00	\$6,230.00	\$6,230.00	\$4,650.00	\$4,650.00	\$5,875.00	\$5,875.00
19	(4 INCH) (TAPPING) VALVE AND VALVE BOX	1.00	each	\$2,500.00	\$2,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,304.00	\$1,304.00	\$1,300.00	\$1,300.00	\$1,418.00	\$1,418.00
20	(6 INCH) (GATE) VALVE AND VALVE BOX	4.00	each	\$2,200.00	\$8,800.00	\$2,500.00	\$10,000.00	\$1,460.00	\$5,840.00	\$1,567.00	\$6,268.00	\$1,650.00	\$6,600.00	\$1,707.00	\$6,828.00
21	(6 INCH) (TAPPING) VALVE AND VALVE BOX	1.00	each	\$3,500.00	\$3,500.00	\$2,000.00	\$2,000.00	\$1,850.00	\$1,850.00	\$1,567.00	\$1,567.00	\$1,675.00	\$1,675.00	\$1,738.00	\$1,738.00
22	HYDROSTATIC PRESSURE TESTING AND DISINFECTION	1.00	lump sum	\$2,530.00	\$2,530.00	\$5,000.00	\$5,000.00	\$2,112.00	\$2,112.00	\$5,302.00	\$5,302.00	\$500.00	\$500.00	\$5,980.00	\$5,980.00
23	STEEL CASING PIPE BY TRENCHING (12 INCH)	60.00	linear foot	\$100.00	\$6,000.00	\$125.00	\$7,500.00	\$95.00	\$5,700.00	\$97.00	\$5,820.00	\$45.00	\$2,700.00	\$122.00	\$7,320.00
24	RESTRAINED JOINT (MEGA-LUG SERIES 2004 PV)	4.00	each	\$120.00	\$480.00	\$80.00	\$320.00	\$150.00	\$600.00	\$92.00	\$368.00	\$105.00	\$420.00	\$118.00	\$472.00
25	RESTRAINED JOINT (MEGA-LUG SERIES 2006 PV)	50.00	each	\$170.00	\$8,500.00	\$120.00	\$6,000.00	\$200.00	\$10,000.00	\$119.00	\$5,950.00	\$135.00	\$6,750.00	\$145.00	\$7,250.00
26	TAPPING SLEEVE (4 INCH x 4 INCH)	1.00	each	\$1,000.00	\$1,000.00	\$1,200.00	\$1,200.00	\$2,340.00	\$2,340.00	\$1,882.00	\$1,882.00	\$2,575.00	\$2,575.00	\$1,188.00	\$1,188.00
27	TAPPING SLEEVE (8 INCH x 6 INCH)	1.00	each	\$1,500.00	\$1,500.00	\$1,600.00	\$1,600.00	\$2,500.00	\$2,500.00	\$2,335.00	\$2,335.00	\$2,815.00	\$2,815.00	\$1,400.00	\$1,400.00
28	CONSTRUCTION STAKING (CONSTRUCTION SURVEY)	1.00	lump sum	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$1,850.00	\$1,850.00	\$14,358.00	\$14,358.00	\$4,250.00	\$4,250.00	\$9,750.00	\$9,750.00
29	GPS AS-BUILT SURVEY	1.00	lump sum	\$1,500.00	\$1,500.00	\$5,000.00	\$5,000.00	\$925.00	\$925.00	\$5,614.00	\$5,614.00	\$1,800.00	\$1,800.00	\$3,250.00	\$3,250.00
30	CONSTRUCTION SIGNING AND TRAFFIC CONTROL	1.00	lump sum	\$15,000.00	\$15,000.00	\$2,000.00	\$2,000.00	\$2,250.00	\$2,250.00	\$6,862.00	\$6,862.00	\$7,600.00	\$7,600.00	\$3,250.00	\$3,250.00
31	REMOVE AND REPLACE SIDEWALK (ADA RAMP)	10.00	square yard	\$300.00	\$3,000.00	\$85.00	\$850.00	\$190.00	\$1,900.00	\$220.00	\$2,200.00	\$100.00	\$1,000.00	\$260.00	\$2,600.00
32	REMOVE AND REPLACE DRIVEWAY (CONCRETE)	99.00	square yard	\$100.00	\$9,900.00	\$140.00	\$13,860.00	\$180.00	\$17,820.00	\$328.00	\$32,472.00	\$150.00	\$14,850.00	\$167.00	\$16,533.00
33	REMOVE AND REPLACE DRIVEWAY (GRAVEL)	60.00	square yard	\$40.00	\$2,400.00	\$40.00	\$2,400.00	\$100.00	\$6,000.00	\$35.00	\$2,100.00	\$125.00	\$7,500.00	\$95.00	\$5,700.00
34	SOLID SLAB SODDING	3,100.00	square foot	\$4.50	\$13,950.00	\$1.10	\$3,410.00	\$0.65	\$2,015.00	\$5.00	\$15,500.00	\$0.75	\$2,325.00	\$1.00	\$3,100.00
Base Bid Total					\$289,382.00		\$255,640.00		\$257,752.00		\$339,821.00		\$415,995.00		\$491,592.00



CONSTRUCTION CONTRACT

This Contract is made and entered into on the ___ day of _____, 20____, by and between the City of Bethany, an Oklahoma Municipal Corporation, hereinafter called "City," and _____ a(n) _____, hereinafter called "Contractor."

WITNESSETH:

WHEREAS, in accordance with the Charter of the City of Bethany and the Public Competitive Bidding act of 1974, 61 Okla. Stat. §§ 101 et seq. (hereinafter collectively referred to as "local and state law"), the City has caused to be prepared certain plans, specifications, and other bidding documents (the "Bidding Documents") for the work hereinafter described; and,

WHEREAS, in accordance with local and state law, the City has approved and adopted all of said Bidding Documents and has caused a Solicitation for Bids to be given and advertised and has received sealed bids for the furnishing of all labor and materials for:

(IDENTIFY PROJECT)

as outlined and set out in the Bidding Documents and in accordance with the terms and provisions of this Contract; and,

WHEREAS, Contractor, in response to said Solicitation for Bids, has submitted to the City, in the manner and at the time specified, a sealed bid in accordance with the terms of the Bidding Documents; and,

WHEREAS, the City, in the manner provided by local and state law, has publicly opened, examined and canvassed the bids submitted and has determined and declared the above-named Contractor to be the lowest responsible bidder on the above-described project; and,

WHEREAS, the City has duly awarded this Contract to said Contractor, for the sum named in the bid, to-wit:

_____ and ___/100 Dollars (\$_____).

NOW THEREFORE, in consideration of the mutual promises, covenants, and conditions herein stated and in consideration of the mutual benefits, which will accrue to the parties, the sufficiency of which is acknowledged by the parties, the parties agree as follows:

1. Incorporation of Bidding Documents. This Contract hereby incorporates, as if fully set out herein, the Plans, Specifications, General Provisions, Special Provisions, Contractor's Proposal and any and all Addendums issued. All of these documents have been provided to and/or by the Contractor and are on file in the Office of the City Clerk of the City of Bethany. Hereinafter, these documents shall be collectively referred to as "Bidding Documents."
2. Engagement of Contractor. The City hereby engages Contractor to perform certain construction services for the benefit of the City. Contractor accepts such engagement pursuant to the terms and conditions set forth herein. The Contractor is, and shall be, in the performance of all work, services and activities an independent contractor, and not an employee, agent, or servant of the City of

Bethany. The tort liability of the City of Bethany is exclusively governed by the Oklahoma Governmental Tort Claims Act.

3. Scope of Engagement. Contractor shall, in a good and first-class, workmanlike manner, at its own cost and expense, furnish all labor, materials, tools and equipment required to perform and complete said work in strict accordance with the Bidding Documents, with the following additions and/or exceptions: (if none, so state.)
4. Payments to Contractor. The City shall make payments to the Contractor only after approval of the City Council. Contractor's invoice must be accompanied by signed affidavit as required by Oklahoma Statutes.
5. Bargaining. The City and the Contractor have had the opportunity to seek independent legal counsel before entering into this Contract. The language of this Contract shall be construed simply, according to its fair meaning, and not strictly for or against either party.
6. Hold Harmless. To the fullest extent permitted by law, the Contractor shall indemnify and hold harmless the City of Bethany from and against claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of or resulting from performance of the project, provided that such claim, damage, loss or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property, other than the project itself, including loss of use resulting therefrom, but only to the extent caused in whole or in part by negligent acts or omissions of the Contractor, a Subcontractor, anyone directly or indirectly employed by them or anyone for whose acts they may be liable. Such obligation shall not be construed to negate, abridge, or reduce other rights or obligations of indemnity which would otherwise exist as to a party or person described in this Paragraph. In claims against any person or entity indemnified under this Paragraph by an employee of the Contractor, a Subcontractor, anyone directly or indirectly employed by them or anyone for whose acts they may be liable, the indemnification obligation under this Paragraph shall not be limited on amount or type of damages, compensation or benefits payable by or for the Contractor or a Subcontractor under workmen's compensation acts.
7. Third Party Beneficiaries. Nothing in this Contract, expressed or implied, is intended to confer upon any person other than the parties hereto and their respective assigns, any rights or remedies under or by reason of this Contract, except as provided expressly herein.
8. Notices. Whenever a notice is required to be given in writing and under the terms of this Contract, or any extension hereunder, such notice shall either be hand-delivered or mailed by certified mail, return receipt requested, and directed to the respective parties at the following addresses:

If to the City:

City of Bethany
6700 NW 36th Street
Bethany, OK 73008

If to Contractor:

or at such other address as a party shall specify by like notice to the other party hereto. Notices shall be effective on the date of delivery.

9. Counterparts. This Contract may be executed in any number of counterparts, and when each party has signed and delivered to the other at least one (1) such counterpart, each counterpart shall be deemed an original, and when taken together with other signed counterparts, shall constitute one (1) agreement; provided, however, this Contract shall not be binding upon the parties hereto until signed by all of the parties.
10. Integration and Amendments. This Contract constitutes the entire agreement between the parties and may not be amended, altered, modified or changed in any way except in writing signed by all parties to this Contract and which specifically references this Contract. There are no other agreements, representations or warranties, whether oral or written, regarding the subject matter of this Contract. No course of dealings involving the parties hereto and no usage of trade shall be relevant or admissible to interpret, supplement, explain or in any way vary any of the terms expressly set forth in this Contract. Any amendment to this Contract shall be attached to this Contract and all of the terms in this Contract not addressed in the amendment shall remain in full force and effect.
11. Binding Effect. This Contract binds the parties and any successors and assigns of the parties. The contract becomes effective only upon submission of a signed and notarized non-collusion affidavit.
12. Severability. If any one or more of the sections, sentences, clauses, or parts be held invalid for any reason, the invalidity of such section, sentence, clause, or part shall not affect nor prejudice the applicability and validity of any other provision of this Contract.

IN WITNESS WHEREOF, the parties hereto have caused this Contract to be executed on the day and year last written below.

The City of Bethany,
an Oklahoma Municipal Corporation

Mayor's Signature

Date

(SEAL)

ATTEST:

City Clerk

Approved as to form:

City Attorney

Date: _____

Contractor

a(n) _____

Signature

Printed Name

Title

ATTEST:

Secretary and/or Witness

CONSTRUCTION BOND

KNOW ALL MEN BY THESE PRESENTS:

That we, Southwest Water Works, LLC, as Principal, and Fidelity and Deposit Company of Maryland, as Surety, are held and firmly bound unto the CITY OF BETHANY of the State of Oklahoma and the State of Oklahoma, hereinafter referred to as the Government, in the full and just sum of Two hundred fifty five thousand six hundred forty dollars and zero cents (\$255,640.00). for the payment of which, well and truly to be made, we and each of us, bind ourselves, our heirs, executors and assigns, themselves, and its successors and assigns, jointly and severally, firmly by these presents.

Dated this 16th day of May, A.D., 2023.

The conditions of this obligation are such, that whereas, said Principal is the lowest and best bidder for the making of the following municipal work and improvement, viz:

**ODOC COMMUNITY DEVELOPMENT BLOCK GRANT WATERLINE REPLACEMENT
PROJECT
CITY OF BETHANY, OKLAHOMA**

and has entered into a certain written contract with the CITY OF BETHANY on the 16th day of May, 2023, for the erection and construction of said work and improvement all in compliance with the plans and specifications therefor, made a part of said contract and on file in the office of the City Clerk, and said contract is hereby made a part and parcel of this bond as if literally written herein.

NOW, THEREFORE, if the said Principal, Southwest Water Works, LLC shall fully and faithfully execute the work and perform said contract according to its terms, conditions and covenants, and in exact accordance with the bid of said Principal, and according to certain plans and specifications heretofore made, adopted and placed on file in the office of the City Clerk of THE CITY OF BETHANY and shall promptly pay or cause to be paid, all labor, material and/or repairs and all bids for labor performed on said work, whether by sub-contract or otherwise; and shall protect and save harmless the said Government and all interested property owners against all claims, demands, causes of action, losses or damage, and expense to life or property suffered or sustained by any person, firm or corporation by reason of negligence of the Principal or his or its agents, servants, or employees in the construction of said work, or by or in consequence of any improper execution of the work or act of omission or use of inferior materials by said Principal, or his or its agents, servants, or employees; and shall protect and save the Government harmless from all suits and claims of infringement or alleged infringement of patent rights or processes, then this obligation shall be void. Otherwise this obligation shall remain in full force and effect.

It is further expressly agreed and understood by the parties hereto that no changes or alterations in said Contract and no deviations from the plan or mode of procedure herein fixed shall have the effect of releasing the sureties, or any of them, from the obligations of this Bond.

IN WITNESS WHEREOF, the said Principal has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its duly authorized officers; and the said Surety has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its attorney-in-fact, duly authorized so to do, the day and year first above written.

Southwest Water Works, LLC

ATTEST:

[Handwritten Signature]
Secretary

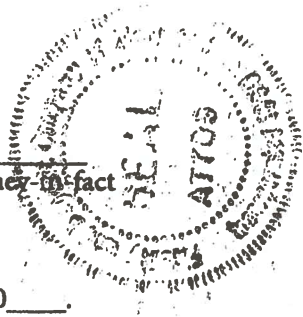
By *[Handwritten Signature]*
Principal

Fidelity and Deposit Company of Maryland

ATTEST:

[Handwritten Signature]
Secretary Becky Killman

By *[Handwritten Signature]*
Surety Deborah L. Raper, Attorney-in-fact



Approved as to form this _____ day of _____, A.D., 20____.

City Attorney

STATUTORY BOND

KNOW ALL MEN BY THESE PRESENTS:

That we, Southwest Water Works, LLC, as Principal, and Fidelity and Deposit Company of Maryland, as Surety, are held and firmly bound unto the STATE OF OKLAHOMA in the sum of Two hundred fifty five thousand six hundred forty dollars and zero cents (\$255,640.00), for the payment of which, well and truly to be made, we, and each of us, bind ourselves, our heirs, executors and assigns, themselves, and its successors and assigns, jointly and severally, firmly by these presents.

Dated this 16th day of May, A.D., 20 23.

The conditions of this obligation are such, that whereas, the above Bonded Principal Southwest Water Works, LLC is the lowest and best bidder for the making of the following municipal work and improvements, viz:

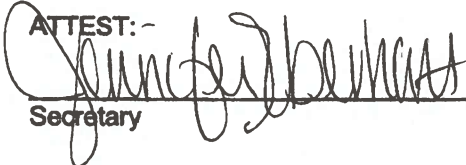
**ODOC COMMUNITY DEVELOPMENT BLOCK GRANT WATERLINE REPLACEMENT
PROJECT
CITY OF BETHANY, OKLAHOMA**

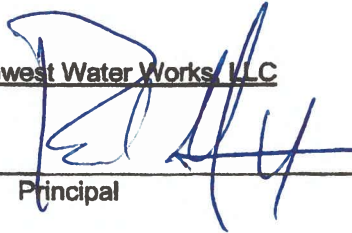
and has entered into a certain written contract with the CITY OF BETHANY on the 16th day of May, 2023, for the erection and construction of said work and improvement, in exact accordance with the bid of said Principal, and according to certain plans and specifications heretofore made, adopted and placed on file in the office of the City Clerk of the CITY OF BETHANY.


NOW, THEREFORE, if the said Principal, shall fail or neglect to pay all indebtedness incurred by said Principal or subcontractor of said Principal who perform work in the performance of such, for labor and materials furnished by any supplier and consumed in the performance of said contract, and such repairs to and rental of machinery and equipment as may be furnished by a sub-contractor or to the person or persons contracting with this Authority within thirty (30) days after the same becomes due and payable, the person, firm or corporation entitled thereto may sue and recover on this bond, the amount so due and unpaid.


It is further expressly agreed and understood by the parties hereto that no changes or alterations in said Contract and no deviations from the plan or mode of procedure herein fixed shall have the effect of releasing the sureties, or any of them, from the obligations of this Bond.

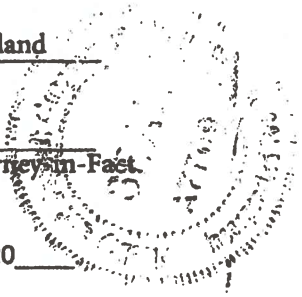
IN WITNESS WHEREOF, the said Principal has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its duly authorized officers; and the said Surety has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its attorney-in-fact, duly authorized so to do, the day and year first above written.

ATTEST: -

Secretary

Southwest Water Works, LLC
By 
Principal

ATTEST:

Secretary Becky Killman

Fidelity and Deposit Company of Maryland
By 
Surety Deborah L. Raper, Attorney-in-Fact



Approved as to form this ____ day of _____, A.D., 20__

City Attorney

MAINTENANCE BOND

KNOW ALL MEN BY THESE PRESENTS:

That we, Southwest Water Works, LLC, as Principal, and Fidelity and Deposit Company of Maryland, as Surety, are held and firmly bound unto the CITY OF BETHANY of the State of Oklahoma, in the full and just sum of Two hundred fifty five thousand six hundred forty dollars and zero cents (\$255,640.00), such sum being equal to the contract amount for a period of one (1) year and thereafter for a period of one (1) year for the sum of Thirty eight thousand three hundred forty six dollars and zero cents (\$38,346.00), such sum being not less than 15% of the contract price, for the payment of which, well and truly to be made, we, and each of us, bind ourselves, our heirs, executors, and assigns, themselves, and its successors and assigns, jointly and severally, firmly by these presents.

Dated this 16th day of May, A.D., 2023.

The conditions of this obligation are such, that whereas, said Principal, has a certain contract between Southwest Water Works, LLC and the CITY OF BETHANY dated this 16th day of May, 2023, agreed to construct in the City of Bethany:

**ODOC COMMUNITY DEVELOPMENT BLOCK GRANT WATERLINE REPLACEMENT
PROJECT
CITY OF BETHANY, OKLAHOMA**

all in compliance with the plans and specifications therefore, made a part of said Contract and on file in the office of the City Clerk of the City of Bethany; and to maintain the said improvement in the amounts set forth above against any failure due to workmanship or material for a period of **two (2) year** from the date of acceptance of the completed project by the CITY OF BETHANY.

NOW, THEREFORE, if the said Principal shall pay or cause to be paid to the Authority all damage, loss, and expense which may result by reason of defective materials and/or workmanship in connection with said work, occurring within a period of **two (2) years** from and after acceptance of said project by the Authority; and if Principal shall pay or cause to be paid all labor and materials, including the prime contractor and all sub-contractors; and if Principal shall save and hold the Authority harmless from all damages, loss, and expense occasioned by or resulting from any failure whatsoever of said Principal, then this obligation shall be null and void, otherwise to be and remain in full force and effect.

It is further agreed that if the said Principal or Surety herein shall fail to maintain said improvements against any failure due to defective workmanship and/or materials for a period of **two (2) years** and at any time repairs shall be necessary that the cost of making repairs shall be determined by the CITY OF BETHANY, or some person(s) designated by them to ascertain the same, and if, upon thirty (30) days notice, the said amount ascertained shall not be paid by the Principal or Surety herein, or if the necessary repairs are not made, that said amount shall become due upon the expiration of thirty (30) days and suit may be maintained to recover the amount so determined in any Court of competent jurisdiction. And that the amount so determined shall be conclusive upon the parties as to the amount due on this bond for the repair or repairs included therein, and that the cost of all repairs shall be so determined from time to time during the life of this bond as the condition of the improvements may require.

It is further expressly agreed and understood by the parties hereto that no changes or alterations in said Contract and no deviations from the plan or mode of procedure herein fixed shall have the effect of releasing the sureties, or any of them, from the obligations of this Bond.

IN WITNESS WHEREOF, the said Principal has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its duly authorized officers, and the said Surety has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its attorney-in-fact, duly authorized so to do, the day and year first above written.

ATTEST:

Jennifer Killman
Secretary

Southwest Water Works, LLC

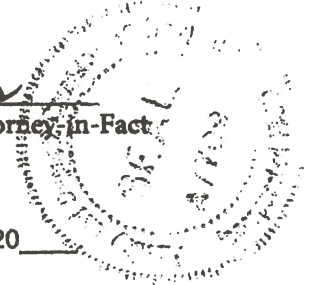
By *[Signature]*
Principal

Fidelity and Deposit Company of Maryland

ATTEST:

Becky Killman
Secretary Becky Killman

By *[Signature]*
Surety Deborah L. Raper, Attorney-in-Fact



Approved as to form this ____ day of _____, A.D., 20__

City Attorney

**ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND
POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Illinois, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Illinois (herein collectively called the "Companies"), by **Robert D. Murray, Vice President**, in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and Clayton HOWELL, Vicki Wilson, Austin K. GREENHAW, J. Kelly DEER, Shelli R. SAMSEL, Travis E. BROWN, Jamie BURRIS, Vaughn P. GRAHAM, Vaughn P. GRAHAM, JR., Stephen M. POLEMAN, Deborah L. RAPER, Dwight A. PILGRIM, Gary LILES, Randy D. WEBB, Bobby Joe YOUNG, Aaron WOOLSEY, Carey L. KENNEMER, Kristin LEWIS, Joshua BRYAN of Tulsa, Oklahoma, its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: **any and all bonds and undertakings**, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York., the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland., in their own proper persons.

The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 27th day of October, A.D. 2022.



ATTEST:
ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND

By: *Robert D. Murray*
Vice President

By: *Dawn E. Brown*
Secretary

State of Maryland
County of Baltimore

On this 27th day of October, A.D. 2022, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, **Robert D. Murray, Vice President and Dawn E. Brown, Secretary** of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, deposeth and saith, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



Constance A. Dunn, Notary Public
My Commission Expires: July 9, 2023

Authenticity of this bond can be confirmed at bondvalidator.zurichna.com or 410-559-8790

EXTRACT FROM BY-LAWS OF THE COMPANIES

"Article V, Section 8, Attorneys-in-Fact. The Chief Executive Officer, the President, or any Executive Vice President or Vice President may, by written instrument under the attested corporate seal, appoint attorneys-in-fact with authority to execute bonds, policies, recognizances, stipulations, undertakings, or other like instruments on behalf of the Company, and may authorize any officer or any such attorney-in-fact to affix the corporate seal thereto; and may with or without cause modify or revoke any such appointment or authority at any time."

CERTIFICATE

I, the undersigned, Vice President of the ZURICH AMERICAN INSURANCE COMPANY, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that Article V, Section 8, of the By-Laws of the Companies is still in force.

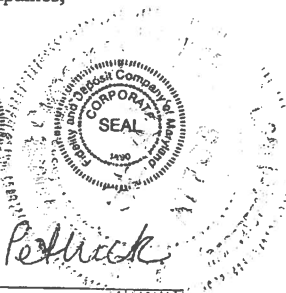
This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the ZURICH AMERICAN INSURANCE COMPANY at a meeting duly called and held on the 15th day of December 1998.

RESOLVED: "That the signature of the President or a Vice President and the attesting signature of a Secretary or an Assistant Secretary and the Seal of the Company may be affixed by facsimile on any Power of Attorney...Any such Power or any certificate thereof bearing such facsimile signature and seal shall be valid and binding on the Company."

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994, and the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seals of the said Companies, this 16th day of May, 2023.



MJ Pethick
By: Mary Jean Pethick
Vice President

TO REPORT A CLAIM WITH REGARD TO A SURETY BOND, PLEASE SUBMIT A COMPLETE DESCRIPTION OF THE CLAIM INCLUDING THE PRINCIPAL ON THE BOND, THE BOND NUMBER, AND YOUR CONTACT INFORMATION TO:

Zurich Surety Claims
1299 Zurich Way
Schaumburg, IL 60196-1056
Ph: 800-626-4577

If your jurisdiction allows for electronic reporting of surety claims, please submit to:
reportsfclaims@zurichna.com

Authenticity of this bond can be confirmed at bondvalidator.zurichna.com or 410-559-8790



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

5/10/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement.

Table with PRODUCER (Rich & Cartmill, Inc.), CONTACT NAME (Ruth Bost), INSURER(S) AFFORDING COVERAGE (Continental Ins Co, Valley Forge Ins Co), and INSURED (Southwest Water Works, LLC).

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES.

Main table with columns: INSR LTR, TYPE OF INSURANCE, ADDL INSD, SUBR WVD, POLICY NUMBER, POLICY EFF, POLICY EXP, LIMITS. Includes rows for Commercial General Liability, Automobile Liability, Umbrella Liab, and Workers Compensation.

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required) re: ODOC Community Development Block Grant Waterline Replacement, Bethany OK

CERTIFICATE HOLDER CANCELLATION

Table with CERTIFICATE HOLDER (City of Bethany) and CANCELLATION (Should any of the above described policies be cancelled before the expiration date thereof, notice will be delivered in accordance with the policy provisions. Includes signature of Travis E. Brown).

Agenda: 05/16/2023
Item: 8
BPWA Item: 3

**BETHANY CITY COUNCIL
BETHANY PUBLIC WORKS AUTHORITY**

From: Elizabeth Gray, City Manager
Date: May 16, 2023
Subject: Community Development Block Grant (CDBG) Drawdown

BACKGROUND

The City of Bethany is the recipient of a CDBG Grant to replace a 2-inch water line on Holloway Avenue with a new larger line. As part of the grant process a resolution is needed to expedite the claims procedure. This attached resolution will allow the City Manager or Mayor to approve and sign the invoices. The invoices and claims will be presented to the council for approval prior to payment.

Staff recommends approval of the resolution.

RECOMMENDATION

1. Approve Resolution No. 1676 as presented.

ADDITIONAL COMMENTS

This project is being funded by a 50/50 matching grant; \$195,714 from CDBG and \$195,714 by the city.



RESOLUTION

A RESOLUTION APPROVING PROCESS FOR APPROVAL OF INVOICES RELATING TO COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECTS

WHEREAS, the, City of Bethany / Bethany Public Works Authority is the recipient of CDBG grant funds contracts # **18607 CDBG 22**; and

WHEREAS, HUD and the Oklahoma Department of Commerce require accountability of the CDBG grant funds by the grant recipient; and

WHEREAS, the grant funds cannot be drawn down until the grant recipient approves the quantities and percentage of work completed; and

WHEREAS, in the interest of expediting the process of drawing down grant funds, in order to pay contractors in a timely manner and have accountability of CDBG grant funds;

NOW THEREFORE, BE IT RESOLVED that the **City of Bethany / Bethany Public Works Authority** authorizes the Mayor / Chairperson or the City Manager of the **City of Bethany** to approve and sign invoices related to the construction of the ODOC CDBG Waterline Replacement Project to expedite the process of CDBG funds draw down, with the understanding that said invoices will not be paid until the City Council / Bethany Public Works Authority approves the invoices and purchase orders in a formal meeting.

PASSED AND APPROVED by the Board of Trustees of the **City of Bethany / Bethany Public Works Authority** this _____ day of _____, 2023.

City of Bethany / Bethany Public Works Authority

Entity Name

By

Nikki Lloyd, Mayor / Chairperson

Typed Name and Title

ATTEST:

Michael Vaughn, Clerk

(seal)

BETHANY CITY COUNCIL

From: Robert Ray Jones, Jr.
Date: May 11, 2023
Subject: Streets Sidewalks and Drainage Fund

BACKGROUND

During the budget workshop process, suggestions were made to ordain policies to facilitate the improvement and creation of streets, sidewalks, and drainage. The proposed ordinance creates a fund for such purposes and allocates a percentage of sales tax (25%) dedicated to capital improvements to be allocated to capital improvements specifically related to streets, sidewalks, and drainage.

RECOMMENDATION

1. Approval of the proposed ordinance, as presented or as amended.

ADDITIONAL COMMENTS



ORDINANCE NO. 2047

AN ORDINANCE ADDING SECTION 40.03 TO THE BETHANY CODE OF ORDINANCES PROVIDING FOR THE CREATION OF A STREETS SIDEWALKS AND DRAINAGE FUND FOR THE PURPOSE OF RECEIVING, HOLDING, ACCOUNTING AND OF ACCUMULATING FUNDS TO MAKE CAPITAL IMPROVEMENTS TO OR CREATING NEW STREETS, SIDEWALKS AND DRAINAGE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BETHANY, OKLAHOMA:

SECTION 1. Section 40.03. is created as follows:

Section 40.03. – Streets, Sidewalks, and Drainage fund.

- (a) There is hereby created a fund to be known as the “streets, sidewalks, and drainage fund.” The amounts deposited in this fund are to be used only for the purposes defined in this section.
- (b) The streets, sidewalks, and drainage fund shall be created to accumulate funds for the purpose of making capital improvements to the streets, sidewalks, and drainage systems of the City of Bethany, or to create new streets, sidewalks, and drainage systems in the city. These funds are to be provided by 25% of the annual Sales Tax dedicated to capital expenditures in the Capital Improvement Fund, as well as transfers from other funds as determined by the City Council.
- (c) The funding level for the streets sidewalks and drainage fund is to be determined in accordance with an adopted five-year capital plan for streets, sidewalks, and drainage projects which is to be updated each year. The maximum balance of the fund shall not exceed \$2,000,000.00. Upon reaching the maximum balance of \$2,000,000.00, the 25% allocation, or any part thereof, as defined in subpart (b), shall be deposited into the Capital Improvement Fund.
- (d) Amounts held in the streets, sidewalks, and drainage fund are to be designated by purpose and accounting processes shall be established to provide for reporting by purpose.
- (e) Amounts in the streets, sidewalks, and drainage fund are intended to only be expended in accordance with a multi-year capital plan. The circumstances when it is appropriate to spend capital amounts outside this plan are subject to the objective criteria outlining the parameters of acceptable uses of capital funds as outlined below. The existence of the circumstances must be declared by a majority vote of the governing body establishing that one (1) or more of the criteria listed below exists:
 - i. Expenditures for emergency situations for life, health, or public safety issues for which no existing appropriation exists;
 - ii. Situations where a significant revenue decline arises that could not have reasonably been foreseen, and for which new revenue is not available and transfers

of existing appropriations are not considered feasible or appropriate in maintaining existing service levels;

iii. Correcting the results of an inaccurate estimate, accounting error, or budgeting error.

iv. Expenditures where the proposed use is of a nonoperational nature involving capital or technical purchases having a useful life of greater than five years that will improve the efficiency of the city government. These efficiency improvements should result in tangible benefits that can be measured financially, through better service to the citizens, or in increased productivity for city employees;

v. Expenditures where the proposed use is of a nonrecurring nature, such as a study, start-up costs of a program whose ongoing costs are otherwise funded, economic development opportunities or matching funds for a grant. These expenditures should result in tangible benefits that can be measured financially, through better service to the citizens, or in increased productivity for city employees;

SECTION 2:

If any part, article, section, or subsection of this ordinance shall be held invalid or unconstitutional for any reason, such holding shall not be construed to impair or invalidate the remainder of said ordinance, notwithstanding such holding.

SECTION 3. EMERGENCY CLAUSE

It being immediately necessary for the preservation of the public peace, health, safety, and welfare of the City of Bethany and the inhabitants thereof that this ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this ordinance shall be in full force and effect from and its passage and approval.

END

The foregoing ordinance was introduced before the Bethany City Council on the _____ day of _____, 202__, and was duly adopted and approved by the Mayor and City Council on the _____ day of _____, 202__, and after compliance with notice requirements of the Open Meeting Law (25 OSA, Sections 301, et seq.)

ATTEST:

MAYOR

CITY CLERK

Approved as to form and legality on _____, 202__.

CITY ATTORNEY

BETHANY CITY COUNCIL

From: Robert Ray Jones, Jr.
Date: May 11, 2023
Subject: Business License ordinance change

BACKGROUND

Business licenses are issued or renewed on an annual basis to business operating within the City of Bethany. The ordinance does not specify any information that should be required in an application form in order to obtain a business license. The proposed ordinance provides minimum information that should be included on the form to include the name and address of the business, the physical address of the business, the name of the contact person for the business, the name and address of the owner of the real property upon which the business is operated, among other things. These changes will assist future staff in managing compliance with the City of Bethany’s ordinances regarding special uses and particular trades such as but not limited to wrecker services, motor vehicle dealers, massage parlors, and medical marijuana entities.

RECOMMENDATION

1. Approval of the proposed ordinance, as presented or as amended.

ADDITIONAL COMMENTS



ORDINANCE NO. 2048

AN ORDINANCE AMENDING SECTION 110.01 TO THE BETHANY CODE OF ORDINANCES ADDING SUBPART (D) PROVIDING FOR THE FORM OF A BUSINESS LICENSE APPLICATION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BETHANY, OKLAHOMA:

SECTION 1. Section 110.01 is amended by adding a new subpart (D) as follows:

(D) Business licenses shall be newly obtained or renewed from the City of Bethany by completing an application on forms prescribed by the city that shall include the following information:

- (1) Name and address of the business.
- (2) Physical address of the business
- (3) Contact person for the business
- (4) Real Property owner name and address
- (5) Type of business: such as motor vehicle dealer, wrecker, food service, retail or other
- (6) Other information as the Community Development Department may require to evaluate the application.

All business licenses requiring the issuance of a special use permit or medical marijuana permits shall be reviewed by after six months to ascertain compliance with Bethany's special use and medical marijuana permitting ordinances.

SECTION 2:

If any part, article, section, or subsection of this ordinance shall be held invalid or unconstitutional for any reason, such holding shall not be construed to impair or invalidate the remainder of said ordinance, notwithstanding such holding.

SECTION 3. EMERGENCY CLAUSE

It being immediately necessary for the preservation of the public peace, health, safety, and welfare of the City of Bethany and the inhabitants thereof that this ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this ordinance shall be in full force and effect from and its passage and approval.

END

The foregoing ordinance was introduced before the Bethany City Council on the _____ day of _____, 202__, and was duly adopted and approved by the Mayor and City Council on the _____ day of _____, 202__, and after compliance with notice requirements of the Open Meeting Law (25 OSA, Sections 301, et seq.)

ATTEST:

MAYOR

CITY CLERK

Approved as to form and legality on _____, 202__.

CITY ATTORNEY

City of Bethany General Fund
Statement of Revenues and Expense
April 2023

AGENDA: 05/16/2023
ITEM: 15 (A)

Revenues

	2022-2023	April	Year to Date	Year to Date	Budget
	Annual Budget	Revenue	Revenue	Percentage of Budget	Remaining
SALES TAX 82.5% DEDICATED	4,471,008.00	407,734.00	4,091,639.00	91.51%	379,369.00
USE TAX REVENUE	1,179,195.00	109,428.00	1,125,027.00	95.41%	54,168.00
HOTEL TAX REVENUE	63,201.00	5,472.00	44,555.00	70.50%	18,646.00
CABLE FRANCHISE TAX REVENUE	111,945.00	0.00	91,597.00	81.82%	20,348.00
PHONE FRANCHISE TAX REVENUE	22,187.00	8,010.00	22,056.00	99.41%	131.00
UTILITY FRANCHISE TAX REVENUE	600,000.00	56,007.00	626,295.00	104.38%	-26,295.00
OCCUPATIONAL LICENSE REVENUE	30,746.00	1,090.00	21,253.00	69.12%	9,493.00
BUILDING PERMIT REVENUE	38,450.00	1,782.00	26,743.00	69.55%	11,707.00
INSPECTION PERMIT REVENUE	36,734.00	2,327.00	33,453.00	91.07%	3,281.00
ZONING PERMITS	2,981.00	1,519.00	3,126.00	104.86%	-145.00
ANIMAL LICENSE REVENUE	0.00	61.00	625.00	0.00%	-625.00
ABATEMENT REVENUE	0.00	0.00	2,445.00	0.00%	-2,445.00
MOTOR FUEL TAX REVENUE	37,757.00	1,693.00	29,171.00	77.26%	8,586.00
COMMERCIAL VEH TAX REVENUE	159,309.00	14,500.00	121,667.00	76.37%	37,642.00
CIGARETTE TAX REVENUE	47,918.00	3,232.00	33,728.00	70.39%	14,190.00
ALCOHOL BEVERAGE TAX REVENUE	55,000.00	4,359.00	46,460.00	84.47%	8,540.00
ACCOUNTING SERVICE REVENUE	26,400.00	13,200.00	26,400.00	100.00%	0.00
EMERGENCY MEDICAL CALL SVC FEE	281,342.00	23,412.00	233,149.00	82.87%	48,193.00
STORMWATER COMPLIANCE FEE	324,597.00	27,019.00	269,585.00	83.05%	55,012.00
CEMETARY LOT SALES REVENUE	37,029.00	750.00	23,650.00	63.87%	13,379.00
MINERAL RIGHTS & ROYALTIES REV	20,816.00	905.00	30,224.00	145.20%	-9,408.00
POLICE FINES & COURT COST REV	750,000.00	80,772.00	732,690.00	97.69%	17,310.00
INTEREST INCOME	1,625.00	39.00	10,953.00	674.03%	-9,328.00
MISCELLANEOUS REVENUE	56,893.00	2,520.00	50,808.00	89.30%	6,085.00
REIMBURSEMENT REVENUE	7,767.00	5.00	60,533.00	779.36%	-52,766.00
CREDIT CARD FEES	0.00	7,566.00	84,187.00	0.00%	-84,187.00
GRANT REVENUE	56,946.00	0.00	95,817.00	168.26%	-38,871.00
OMAG REFUNDS	52,794.00	0.00	0.00	0.00%	52,794.00
SETTLEMENT PROCEEDS	0.00	0.00	54,380.00	0.00%	-54,380.00
OMAG WORKER'S COMP REFUNDS	0.00	7,862.00	43,719.00	0.00%	-43,719.00
Total Revenues	8,472,640.00	781,264.00	8,035,935.00	94.85%	436,705.00
Transfers In	2,889,249.00	228,687.00	2,286,783.00	79.15%	602,466.00
Total Revenues and Transfers In	11,361,889.00	1,009,951.00	10,322,718.00	90.85%	1,039,171.00

Expenses

	2022-2023 Annual Budget	April Expenses	Year to Date Expenses	Year to Date Percentage of Budget	Budget Remaining
01.0-MANAGEMENT	888,203.00	60,842.00	696,314.00	78.40%	191,889.00
02.0-FINANCE	414,487.00	30,494.00	331,757.00	80.04%	82,730.00
03.0-MUNICIPAL COURT	624,863.00	45,363.00	460,352.00	73.67%	164,511.00
04.0-ENGINEERING	252,068.00	11,880.00	93,448.00	37.07%	158,620.00
05.0-POLICE	4,671,630.00	284,725.00	3,732,639.35	79.90%	938,990.65
06.0-FIRE	2,815,249.00	195,729.00	2,211,072.00	78.54%	604,177.00
07.0-COMMUNITY DEV	579,822.00	36,906.00	391,942.00	67.60%	187,880.00
08.1-PW ADMIN	166,930.00	10,993.00	123,101.00	73.74%	43,829.00
08.2-STREETS	794,852.00	65,993.00	568,196.00	71.48%	226,656.00
08.4-FLEET MAINT	90,022.00	7,386.00	72,622.00	80.67%	17,400.00
08.5-PARKS	623,404.00	28,712.00	331,925.00	53.24%	291,479.00
98.0-CONTINGENCY	100,000.00	0.00	0.00	0.00%	100,000.00
TOTAL EXPENDITURES	12,021,530.00	779,023.00	9,013,368.35	74.98%	3,008,161.65
Transfers Out	134,000.00	0.00	39,000.00	29.10%	0.00
Total Expenses and Transfers Out	12,155,530.00	779,023.00	9,052,368.35	74.47%	3,008,161.65
Revenues over (under) expenses	-793,641.00	230,928.00	1,270,349.65	-160.07%	-1,968,990.65

Bethany Public Works Authority
Statement of Revenues and Expenses
April 2023

Revenues

	2022-2023 Annual Budget	April Revenue	Year to Date Revenue	Year to Date Percentage of Budget	Budget Remaining
RESIDENTIAL PENALTY REVENUE	198,717.00	11,353.00	159,449.00	80.24%	39,268.00
COMMERCIAL PENALTY REVENUE	0.00	1,156.00	15,221.00	0.00%	-15,221.00
SOLID WASTE REVENUE	2,852,340.00	247,063.00	2,442,682.00	85.64%	409,658.00
WATER REVENUE	3,896,272.00	280,976.00	3,330,506.00	85.48%	565,766.00
WATER TAP REVENUE	2,770.00	115.00	2,461.00	88.84%	309.00
SEWER REVENUE	2,833,321.00	237,908.00	2,442,019.00	86.19%	391,302.00
SEWER TAP REVENUE	514.00	0.00	500.00	97.28%	14.00
INTEREST INCOME	25,317.00	7,017.00	102,673.00	405.55%	-77,356.00
LEASE REVENUE	121,702.00	47,191.00	141,280.00	116.09%	-19,578.00
SCRAP METAL REVENUE	0.00	0.00	2,191.00	0.00%	-2,191.00
MISCELLANEOUS REVENUE	0.00	0.00	0.00	0.00%	-98.92
*** TOTAL REVENUE ***	9,930,953.00	832,779.00	8,638,982.00	86.99%	1,291,971.00
Total Revenues and Transfers In	9,930,953.00	832,779.00	8,638,982.00	86.99%	1,291,971.00

Expenses

	2022-2023 Annual Budget	April Expenses	Year to Date Expenses	Year to Date Percentage of Budget	Budget Remaining
02.0-BPWA FINANCE	478,128.00	47,844.00	368,041.00	76.98%	110,087.00
08.1-BPWA ADMIN	172,030.00	12,321.00	134,287.00	78.06%	37,743.00
08.3-BPWA SANITATION	1,487,811.00	131,047.00	1,211,982.00	81.46%	275,829.00
08.4-BPWA FLEET MAINT	89,922.00	2,638.00	61,741.00	68.66%	28,181.00
12.0-BPWA WATER PLANT	1,804,119.00	155,440.00	1,575,466.00	87.33%	228,653.00
12.1-BPWA WATER LINE	410,392.00	36,554.00	313,312.00	76.34%	97,080.00
12.2-BPWA SEWER LINE	1,688,206.00	227,950.00	1,331,250.00	78.86%	356,956.00
97.0-DEBT SERVICE INTERST EXP	278,407.00	14,321.00	223,539.00	80.29%	54,868.00
98.0-CONTINGENCY	0.00	0.00	0.00	0.00%	0.00
99.0-TRANSFERS OUT	3,012,249.00	228,596.00	2,286,783.00	75.92%	725,466.00
Total Expenses and Transfers Out	9,421,264.00	856,711.00	7,506,401.00	79.68%	1,914,863.00
DEBT SERVICE PRINCIPAL	1,115,614.00	77,500.00	1,087,427.00	97.47%	28,187.00
Revenues over (under) Expenses/Debt Service	-605,925.00	-101,432.00	45,154.00	-7.45%	-651,079.00

City of Bethany
Capital Improvement Fund
Statement of Revenue And Expense
April 2023

Revenues

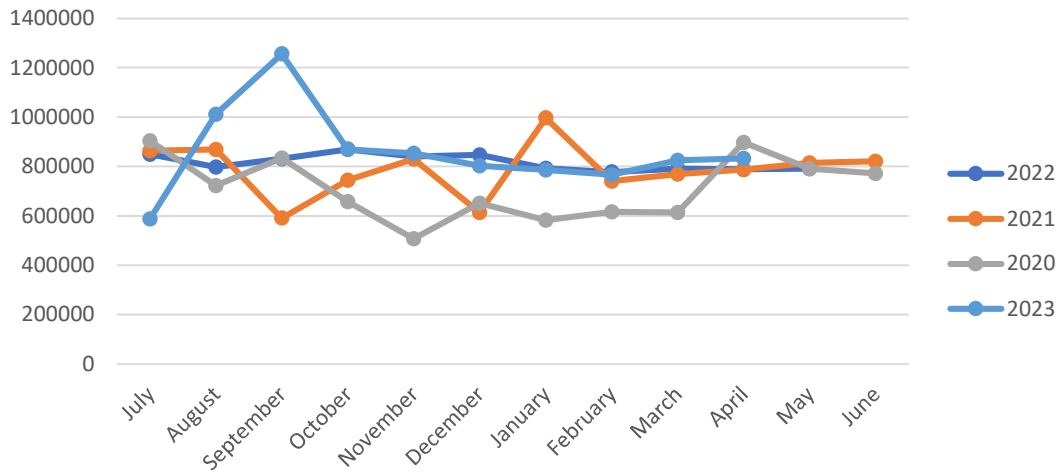
	2022-2023 Annual Budget	April Revenue	Year to Date Revenue	Year to Date Percentage of Budget	Budget Remaining
SALES TAX 17.5% DEDICATED	963,530.00	86,489.00	867,923.00	90.08%	95,607.00
INTEREST REVENUE	701.00	0.00	848.00	120.97%	-147.00
TRANSFER FROM GF	39,000.00	0.00	39,000.00	100.00%	0.00
GRANT REVENUE	691,000.00	700,000.00	809,197.00	117.11%	-118,197.00
Total Revenue	1,694,231.00	786,489.00	1,716,968.00	101.34%	-22,737.00

Expenses

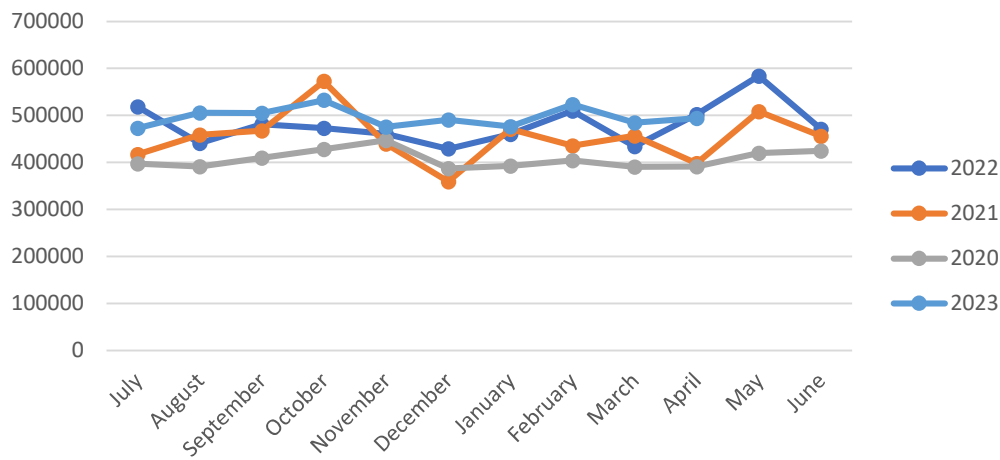
	2022-2023 Annual Budget	April Expenses	Year to Date Expenses	Year to Date Percentage of Budget	Budget Remaining
Capital Projects					
CIP2003 CityHall ADACompliance	96,000.00	0.00	94,973.00	98.93%	1,027.00
FIRE DEPT OVERHEAD DOORS	62,000.00	0.00	61,399.00	99.03%	601.00
RIPPER PARK POOL	38,000.00	0.00	0.00	0.00%	38,000.00
CDBG GRANT MATCH	196,000.00	0.00	38,862.00	19.83%	157,138.00
ODOT SIDEWALK PROJECT	397,000.00	260,284.00	396,779.00	99.94%	221.00
PUBLIC WORKS BACKHOE	105,749.00	0.00	105,749.00	100.00%	0.00
REPLACE VFD IN PUMP ROOM	120,000.00	0.00	0.00	0.00%	120,000.00
31ST STREET LIFT STATION	50,000.00	0.00	0.00	0.00%	50,000.00
DOWNTOWN WATER LINES REPL	150,000.00	0.00	0.00	0.00%	150,000.00
FIRE TRUCK LEASE PAYMENT	85,000.00	0.00	85,000.00	100.00%	0.00
PW 55HP TRACTOR MOWER	47,000.00	0.00	46,900.00	99.79%	100.00
SANITATION PACKER TRUCK	275,000.00	0.00	0.00	0.00%	275,000.00
UNLEADED FUEL PUMP	8,512.00	0.00	8,512.00	100.00%	0.00
CITY HALL LIGHT REPLACEMENT	8,000.00	0.00	0.00	0.00%	8,000.00
PW ZTR MOWER	18,000.00	0.00	17,308.00	96.16%	692.00
PW GRANT MATCHES	25,000.00	0.00	0.00	0.00%	25,000.00
WATER DEPT TRUCK	39,000.00	0.00	38,387.00	98.43%	613.00
REPLACEMENT DUMPSTERS	26,000.00	0.00	19,135.00	73.60%	6,865.00
CSAA ROCKWELL AVE PROJ	700,000.00	0.00	0.00	0.00%	700,000.00
PW 1/2 TON TRUCK	35,000.00	0.00	0.00	0.00%	35,000.00
Total Capital Projects	2,481,261.00	260,284.00	913,004.00	36.80%	1,568,257.00

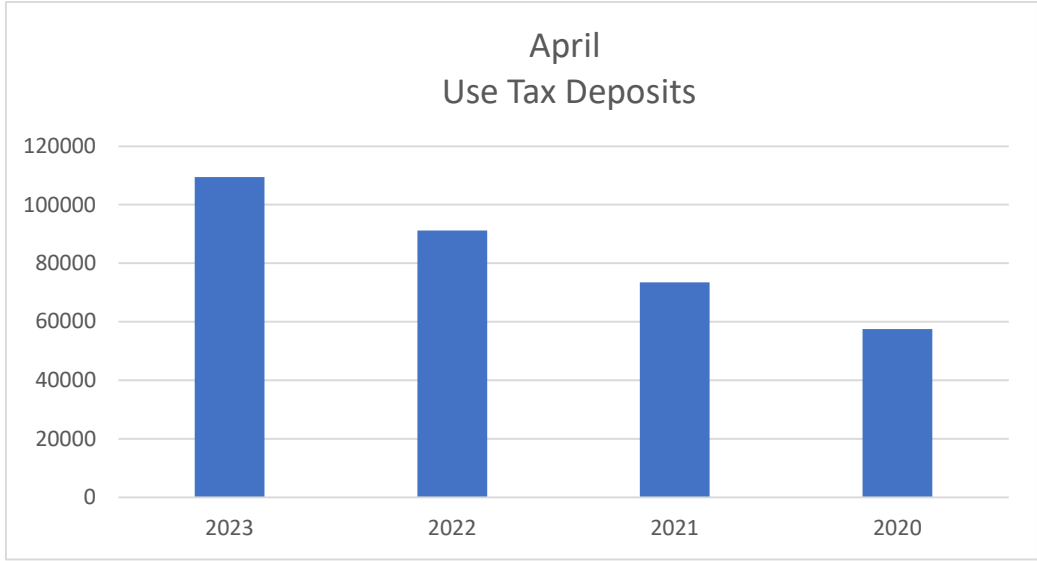
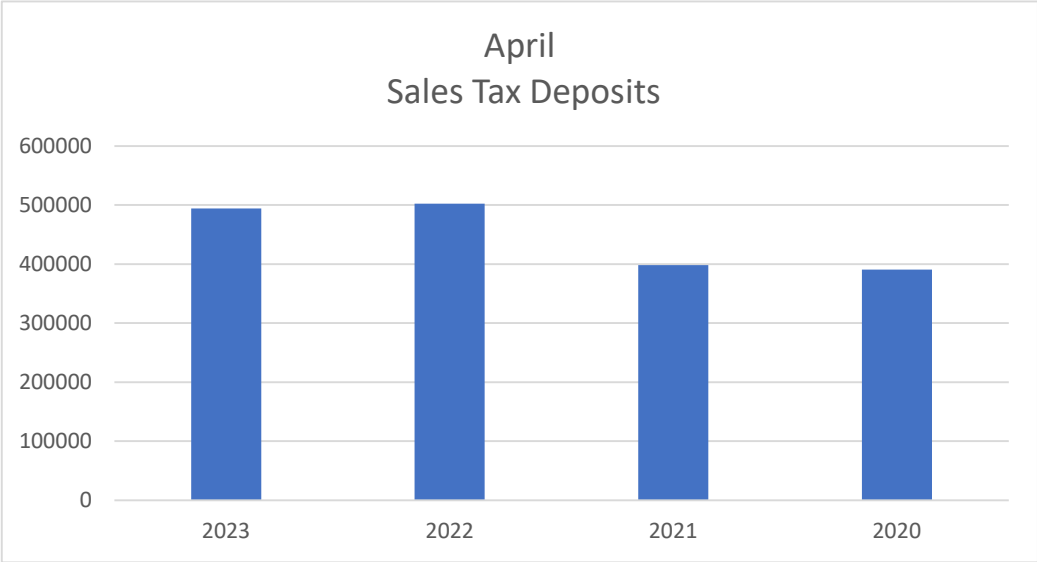
Revenues Over (under) Expenses	-787,030.00	526,205.00	803,964.00	-102.15%	-1,590,994.00
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Public Works Authority Monthly Income



Monthly Sales Tax Income





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BETHANY PUBLIC WORKS AUTHORITY MEETING

BETHANY CITY HALL

TUESDAY, MAY 2, 2023

6:30 P.M.

MEMBERS PRESENT:	Nikki Lloyd	Chairman
	Brian Magirowsky	Vice-Chairman
	Steve Palmer	Trustee
	Chris Powell	Trustee
	Marilyn McPhail	Trustee
	Kathy Larsen	Trustee
	Jeff Knapp	Trustee
	Peter Plank	Trustee
	Ken Smart	Trustee
MEMBERS ABSENT:	None	
OTHERS PRESENT:	Elizabeth Gray	City Manager
	Ray Jones	City Attorney
	Michael Vaughn	City Clerk/Treasurer
	Lesa LaMar	Deputy City Clerk
	(See Roster)	

Mayor Lloyd called the Bethany Public Works Authority meeting to order at 7:53 P.M.

ITEM NO. 1 on the agenda was **CONSENT DOCKET:**

- A. APPROVAL OF MINUTES FROM THE APRIL 16, 2023, REGULAR MEETING.**
- B. APPROVAL OF CLAIMS: THESE CLAIMS HAVE BEEN FOUND TO BE IN ORDER BY STAFF AND PROPER AS TO FORM AND PROCEDURE AND ARE RECOMMENDED FOR PAYMENT. A COPY OF THE CLAIMS.**

Motion was made by Vice-Chairman Magirowsky, seconded by Trustee Smart to approve the Consent Docket. Yes Votes: Plank, Larsen, Magirowsky, Powell, Smart, Palmer, Lloyd, McPhail, Knapp. No Votes: None. Motion passed.

ITEM NO. 2 on the agenda was **CONSIDERATION AND POSSIBLE ADOPTION OF RESOLUTION NO. 1674, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BETHANY, OKLAHOMA, ADOPTING THE FISCAL YEAR 2024 BUDGET FOR THE GENERAL FUND, MISCELLANEOUS FUNDS, AND VARIOUS PUBLIC TRUSTS; AFFIRMING THE AUTHORITY OF THE CITY MANAGER TO MAKE TRANSFERS WITHIN THE GENERAL FUND; AND APPROPRIATING FUNDS FROM THE CAPITAL IMPROVEMENTS FUND FOR SPECIFIED EQUIPMENT AND PROJECTS. (ELIZABETH GRAY, CITYMANAGER)**

Motion was made by Vice-Chairman Magirowsky, seconded by Trustee Larsen to approve the Resolution No. 1674. Yes Votes: Plank, Larsen, Magirowsky, Powell, Smart, Palmer, Lloyd, McPhail, Knapp. No Votes: None. Motion passed.

ITEM NO. 3 on the agenda was **CONSIDERATION AND POSSIBLE APPROVAL OF RESOLUTION NO. 1675, A RESOLUTION AGREEING TO FILE APPLICATION WITH THE OKLAHOMA WATER RESOURCES BOARD (THE "OWRB") FOR FINANCIAL ASSISTANCE THROUGH THE CLEAN WATER STATE REVOLVING FUND LOAN PROGRAM, WITH THE LOAN PROCEEDS BEING FOR THE PURPOSE OF WASTEWATER SYSTEM IMPROVEMENTS. (ELIZABETH GRAY, CITY MANAGER)**

Motion was made by Vice-Chairman Magirowsky, seconded by Trustee Larsen to approve the Resolution No. 1675. Yes Votes: Plank, Larsen, Magirowsky, Powell, Smart, Palmer, Lloyd, McPhail, Knapp. No Votes: None. Motion passed.

ITEM NO. 4 on the agenda was **CONSIDERATION AND POSSIBLE APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH MUNICIPAL FINANCE SERVICES, INC. IN CONJUNCTION WITH APPROVED RESOLUTION NO. 1675 AGREEING TO FILE FOR FINANCIAL ASSISTANCE FOR WASTEWATER SYSTEM IMPROVEMENT PROJECTS. (ELIZABETHGRAY, CITYMANAGER)**

Motion was made by Vice-Chairman Magirowsky, seconded by Trustee Larsen to approve professional services agreement with Municipal Finance Services, Inc. in conjunction with approved Resolution No. 1675 agreeing to file for financial assistance for Wastewater System Improvement Projects. Yes Votes: Plank, Larsen, Magirowsky, Powell, Smart, Palmer, Lloyd, McPhail, Knapp. No Votes: None. Motion passed.

ITEM NO. 5 on the agenda was **CONSIDERATION AND POSSIBLE APPROVAL FOR TEIM DESIGN TO ADVERTISE FOR BIDS FOR THE OKLAHOMA WATER RESOURCES BOARD (OWRB) CLEAN WATER STATE REVOLVING FUND (CWSRF)**

LOAN PROGRAM FOR BETHANY 2023 SANITARY SEWER IMPROVEMENT PROJECT

Motion was made by Vice-Chairman Magirowsky, seconded by Trustee Larsen to approve for TEIM Design to advertise for bids for the Oklahoma Water Resources Board (OWRB) Clean Water State Revolving Fund (CWSRF) Loan Program for Bethany 2023 Sanitary Sewer Improvement Project. Yes Votes: Plank, Larsen, Magirowsky, Powell, Smart, Palmer, Lloyd, McPhail, Knapp. No Votes: None. Motion passed.

ITEM NO. 6 on the agenda was **NEW BUSINESS (AS DEFINED BY THE OKLAHOMA OPEN MEETING ACT § 311 (A) (9) AS “MATTERS NOT KNOWN ABOUT OR WHICH COULD NOT HAVE REASONABLY BEEN FORESEEN PRIOR TO THE TIME OF POSTING THE AGENDA”)**.

None

ITEM NO. 7 on the agenda was **ADJOURN UNTIL MAY 16, 2023.**

Chairman Lloyd adjourned the Bethany Public Works meeting at 7:56 P.M. until May 16, 2023.

CHAIRMAN

SECRETARY

BETHANY PUBLIC WORKS AUTHORITY

From: Michael Vaughn, Finance Director
Date: May 11, 2023
Subject: Claims List for the 05/16/2023 Bethany Public Works Authority Meeting

BETHANY PUBLIC WORKS AUTHORITY

FUND	AMOUNT
Bethany Public Works Authority	\$269,271.18
TOTAL	\$269,271.18

ENTERPRISE-WIDE SUMMARY OF ALL CLAIMS:

FUND	AMOUNT
General Operations Fund	\$214,371.74
Bethany Public Works Authority	\$269,271.18
Bethany Hospital Trust	\$0.00
Bethany Development Authority	\$0.00
TOTAL	\$483,642.92

RECOMMENDATION

1. Approve the claims as presented.



P.O.#	VENDOR #	NAME	SUMMARY DESCRIPTION	DATE	INVOICE	AMOUNT
DEPARTMENT: N/A		NON-DEPARTMENTAL				
23-47136	10-3436	BANCFIRST	2013 BOND	5/2023	JUNE 2023	77,500.00
DEPARTMENT TOTAL:						77,500.00
DEPARTMENT: 02.0		FINANCE				
23-45046	10-005227	WELLS FARGO VENDOR	SHARP COPIER	5/2023	5024852560	78.55
23-47507	10-005373	CARD SERVICES/PI	TONER/CALCULATOR	5/2023	3349834	45.48
23-46656	10-005702	TPS TECHNICAL PROGRAMMING	UTILITY BILLING	5/2023	114505,114552,638	3,323.81
23-47520	10-005944	EXPRESS SERVICES, INC.	TEMP METER READER	5/2023	28919524	174.00
23-45062	10-0596	FUZZELL'S BUSINESS	SHARP USAGE	5/2023	mm93460	23.87
23-47589	10-1715	TYLER TECHNOLOGIES	ANNUAL WEB AND MAINTENANC	5/2023	025-422471	4,440.00
DEPARTMENT TOTAL:						8,085.71
DEPARTMENT: 08.1		PUBLIC WORKS - ADMIN				
23-45341	10-005156	COX COMMUNICATIONS INC.	MONTHLY SERVICE	5/2023	20230430	451.45
23-47260	10-1068	ONG	MONTHLY SVC	5/2023	20230418	398.23
23-44954	10-2660	ODEQ WATER QUALITY DIV	ODEQ LICENSE RENEWAL	5/2023	22060183633	92.00
23-47445	10-3042	ACCURATE ENVIRONMENTAL	VOC 7 AND 10	5/2023	FD21007,FD21008	736.00
DEPARTMENT TOTAL:						1,677.68
DEPARTMENT: 08.3		PUBLIC WORKS - SANIT				
23-47471	10-004601	QUALITY PETROLEUM	HYDRAULIC FLUID	5/2023	0006354315-0001	1,501.50
23-47461	10-005350	FORCE PERSONNEL	TEMP FOR SANITATION	5/2023	883,912,970,999	5,576.66
23-47378	10-005703	FLOOR-TECH JANITORIAL	PAPERTOWELS&TOILETPAPER	5/2023	4460	98.76
23-47519	10-005992	AEG PETROLEUM	200 GALLONS FOR DEF	5/2023	806611	488.60
23-47470	10-1261	RED ROCK PETRO	4500-UNLEAD&3500-DIESEL	5/2023	1429086	6,521.47
23-47224	10-4010	HARD HAT SAFETY & GLOVE	25 SAFETY VEST	5/2023	IN-0061838	126.00
23-47533	10-4352	MCBRIDE CLINIC	DRUG SCREENS	5/2023	20230501	64.00
DEPARTMENT TOTAL:						14,376.99
DEPARTMENT: 08.4		PUBLIC WORKS - MAINT				
23-47378	10-005703	FLOOR-TECH JANITORIAL	PAPERTOWELS&TOILETPAPER	5/2023	4460	33.12
23-47470	10-1261	RED ROCK PETRO	4500-UNLEAD&3500-DIESEL	5/2023	1429086	454.93
DEPARTMENT TOTAL:						488.05

P.O.#	VENDOR #	NAME	SUMMARY DESCRIPTION	DATE	INVOICE	AMOUNT
DEPARTMENT: 12.0 UTILITY - WATER PLANT						
23-47108	10-004514	WORTH HYDROCHEM OF OK, INC	COMPUTER PROGRAMMING	5/2023	11863IN	1,287.00
23-45341	10-005156	COX COMMUNICATIONS INC.	MONTHLY SERVICE	5/2023	20230430	630.21
23-47538	10-005992	AEG PETROLEUM	OIL & LUBRICANTS	5/2023	806722	319.66
23-47515	10-0948	MIDCO LABORATORY	3GAL VERSENATE/EDTA	5/2023	47515	252.00
23-47262	10-1063	OG&E	MONTHLY SVC	5/2023	20230427	15,846.79
23-47260	10-1068	ONG	MONTHLY SVC	5/2023	20230418	483.37
23-47470	10-1261	RED ROCK PETRO	4500-UNLEAD&3500-DIESEL	5/2023	1429086	449.32
23-47490	10-1622	WESTLAKE ACE HARDWARE	COPPER PIPE & FITTING	5/2023	3503467,3503468	82.09
23-47421	10-3042	ACCURATE ENVIRONMENTAL	BAC-T	5/2023	FD19078	300.00
23-47395	10-3919	MISSISSIPPI LIME	25 TONS LIME	5/2023	1667924	8,496.31
23-47509	10-3919	MISSISSIPPI LIME	25 TONS OF LIME	5/2023	1669355	8,726.99
23-47533	10-4352	MCBRIDE CLINIC	DRUG SCREENS	5/2023	20230501	32.00
DEPARTMENT TOTAL:						36,905.74
DEPARTMENT: 12.1 UTILITY - WATER LINE						
23-47519	10-005992	AEG PETROLEUM	200 GALLONS FOR DEF	5/2023	806611	13.96
23-47470	10-1261	RED ROCK PETRO	4500-UNLEAD&3500-DIESEL	5/2023	1429086	576.04
23-47345	10-1551	UNITED ENGINES, LLC	EMERGENCY RENTAL	5/2023	218171322-001	792.41
23-47405	10-2557	CORE & MAIN LP	2 CURB STOPS	5/2023	S695710	178.19
23-47444	10-2557	CORE & MAIN LP	VALVE FOR ELDON LYON	5/2023	S726833	450.00
23-47224	10-4010	HARD HAT SAFETY & GLOVE	25 SAFETY VEST	5/2023	IN-0061838	52.50
23-45047	10-4090	AT&T MOBILITY	ON CALL- METER READERS	5/2023	20230423	225.44
23-47533	10-4352	MCBRIDE CLINIC	DRUG SCREENS	5/2023	20230501	32.00
DEPARTMENT TOTAL:						2,320.54
DEPARTMENT: 12.2 UTILITY - SEWER						
23-45341	10-005156	COX COMMUNICATIONS INC.	MONTHLY SERVICE	5/2023	20230430	307.00
23-47262	10-1063	OG&E	MONTHLY SVC	5/2023	20230427	3,306.19
23-47470	10-1261	RED ROCK PETRO	4500-UNLEAD&3500-DIESEL	5/2023	1429086	126.72
23-45083	10-1785	BETHANY-WARR ACRES PWA	APR SEWER PROCESSING	5/2023	APR 2023	110,984.54
23-47531	10-2499	COUNCIL STAINLESS STEEL	22 GAUGE OF STAINLESS	5/2023	8822	526.00
23-47455	10-3367	EVANS ENTERPRISES INC	58TH AND ROCKWELL	5/2023	80593	1,436.50
23-45047	10-4090	AT&T MOBILITY	ON CALL- METER READERS	5/2023	20230423	39.10
DEPARTMENT TOTAL:						116,726.05

FUND: 056- BETHANY PUBLIC WORKS AUTH

SUMMARY REPORT

P.O.#	VENDOR #	NAME	SUMMARY DESCRIPTION	DATE	INVOICE	AMOUNT
		DEBT SERVICE				
23-47136	10-3436	BANCFIRST	2013 BOND	5/2023	JUNE 2023	11,190.42
					DEPARTMENT TOTAL:	11,190.42
					FUND TOTAL:	269,271.18

BETHANY PUBLIC WORKS AUTHORITY

From: Michael Vaughn, Finance Director
Date: 05/16/2023
Subject: Budget Amendment 23-14

BACKGROUND

The Bethany Public Works Authority has experienced rising costs in several expense categories. Some of the hardest hit categories include Chemicals, Maintenance Supplies and Utilities for the Water Plant and Maintenance on the Sanitation Equipment and Landfill and Roll off costs in Sanitation. The Department Directors have worked diligently to keep costs down and to delay expenses as long as possible, but these expense accounts do not have enough left in their budgeted amounts to pay for the expenses needed for the rest of the year.

Fortunately, the PWA is experiencing revenues that are exceeding budgeted levels. As of April 30th, year-to-date revenues in water revenues, sewer revenues and sanitation revenues are exceeding the year-to-date budgeted amounts. Budget Amendment 23-14 would recognize the excess revenues and increase appropriations equally to provide for expenses through the end of the fiscal year.

RECOMMENDATION

1. Approve Budget Amendment 23-14 (attached).

ADDITIONAL COMMENTS

A circular stamp containing the handwritten initials "dg" in blue ink.

Approval of and authorization to execute Budget Amendment Number BA# 23-14

BUDGET AMENDMENT FORM



Funds: Public Works Authority
Amendment #: BA# 23-14
Fiscal Year: FY2023

<u>Account #</u>	<u>Account Name</u>	<u>Estimated Revenue</u>		<u>Appropriations</u>	
		<u>Increase</u>	<u>Decrease</u>	<u>Increase</u>	<u>Decrease</u>
Public Works Authority					
(056)34300	Water Revenue	83,742			
(056)34400	Sewer Revenue	81,012			
(056)34200	Solid Waste Revenue	65,827			
(056)508.3-342	Maintenance and Repair			60,000	
(056)508.3-346	Landfill Costs			40,000	
(056)508.3-348	Rolloff Costs			12,000	
(056)512.0-212	Maintenance Supplies			40,000	
(056)512.0-341	Utilities			18,581	
(056)512.0-215	Chemicals			60,000	
	TOTALS	230,581	-	230,581	-

EXPLANATION: 11 OS Section 17-216 B

The Municipal Budget Act adopted by the City Council allows the City to amend the budget at any time during the year for necessary expenditures incurred that exceed the original budget or when changing circumstances warrant the action.

Budget Amendment 23-14 recognizes year to date revenues received in excess of budgeted amounts and appropriates additional funds for Public Works Authority expenditure accounts.

Date & Signature of Mayor: _____ **x** _____ **Date**

Date & Signature of City Manager: _____ **x** _____ **Date**

Date Approved by City Council: May 16, 2023 _____

Public Works Authority

Unappropriated Fund Balance Remaining After Amendment: **1,507,659.00**

BETHANY PUBLIC WORKS AUTHORITY

From: Michael Vaughn, Finance Director
Date: 05/16/2023
Subject: Budget Amendment 23-15

BACKGROUND

The Bethany Public Works Authority has been awarded a \$1,500,000 ARPA matching grant to replace meters and service lines in the city. The engineering costs of this project are estimated at \$432,000. TEIM Design has requested engineering funds for this project. These funds will be part of the PWA's match.

The \$268,818 that was transferred into the Capital Reserve Fund from the PWA Unreserved Fund Balance is eligible to be used for grant matching purposes per Ordinance. Also, the current year's budgeted project in the Capital Improvement Fund for replacement of downtown water lines will not be executed this year, and the ARPA meter replacement project will accomplish some of the water line replacements.

Staff recommends that the \$268,818 from the Capital Reserve Fund and the \$150,000 from the Capital Improvement Fund be transferred to the Federal Grant Fund for use for the Meter Replacement engineering fees.


RECOMMENDATION

1. Approve Budget Amendment 23-15(attached).

ADDITIONAL COMMENTS



Approval of and authorization to execute Budget Amendment Number BA# 23-15

BUDGET AMENDMENT FORM							
Funds: PWA/ Cap. Imp. Fund/ Fed. Grant Fund Amendment #: BA# 23-15 Fiscal Year: FY2023		Estimated Revenue		Appropriations			
<u>Account #</u>	<u>Account Name</u>	<u>Increase</u>	<u>Decrease</u>	<u>Increase</u>	<u>Decrease</u>		
Public Works Authority							
(056)599.0-935	Transfer to 035 (Fed Grant Fund)			268,818			
Capital Improvement Fund							
(031)599.0-935	Transfer to 035 (Fed Grant Fund)			150,000			
(031)540.0-42018	Downtown Water Lines Replace.				150,000		
Federal Grant Fund							
(035)599.0-856	Transfer from PWA	268,818					
(035)599.0-831	Transfer from Capital Improvement	150,000					
(035)542.0-351	Meter Replace Engineering Fees			150,000			
TOTALS		418,818	-	568,818	150,000		
EXPLANATION: 11 OS Section 17-216 B							
<p>The Municipal Budget Act adopted by the City Council allows the City to amend the budget at any time during the year for necessary expenditures incurred that exceed the original budget or when changing circumstances warrant the action.</p> <p>Budget Amendment 23-15 Reallocates monies from the Capital Reserve Fund in the Public Works Authority and the Capital Improvement Fund to the Federal Grant Fund to pay for engineering fees for the Meter Replacement Project. These funds will be part of the match for the \$1.5 million ARPA grant for this project.</p>							
Date & Signature of Mayor:		x _____	Date				
Date & Signature of City Manager:		x _____	Date				
Date Approved by City Council: May 16, 2023							
Unappropriated Fund Balance Remaining After Amendment:				<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td style="text-align: center;">Public Works Authority</td> </tr> <tr> <td style="text-align: center;">1,507,659.00</td> </tr> </table>		Public Works Authority	1,507,659.00
Public Works Authority							
1,507,659.00							

NOTICE: On Thursday, April 27, 2023, at or before 4:59 p.m., agenda was posted at the front doors of City Hall, on the bulletin board in the lobby of City Hall, and on the City of Bethany website: cityofbethany.org. The City of Bethany encourages participation from all its citizens. If participation at any public meeting is not possible due to a disability, notification to the City Clerk at least 48 hours prior to the scheduled meeting is encouraged to make the necessary accommodations. The City may waive the 48-hour rule if signing is not the necessary accommodation.

BETHANY HOSPITAL TRUST MEETING

BETHANY CITY HALL

TUESDAY, MAY 2, 2023

6:30 P.M.

MEMBERS PRESENT:	Nikki Lloyd	Chairman
	Brian Magirowsky	Vice-Chairman
	Steve Palmer	Trustee
	Chris Powell	Trustee
	Marilyn McPhail	Trustee
	Kathy Larsen	Trustee
	Jeff Knapp	Trustee
	Peter Plank	Trustee
	Ken Smart	Trustee
MEMBERS ABSENT:	None	
OTHERS PRESENT:	Elizabeth Gray	City Manager
	Ray Jones	City Attorney
	Michael Vaughn	City Clerk/Treasurer
	Lesa LaMar	Deputy City Clerk
	(See Roster)	

Chairman Lloyd called the Bethany Hospital Trust meeting to order at 7:56 P.M.

ITEM NO. 1 on the agenda was **CONSENT DOCKET:**

- A. APPROVAL OF MINUTES FROM THE APRIL 16, 2023, REGULAR MEETING.**
- B. APPROVAL OF CLAIMS: THESE CLAIMS HAVE BEEN FOUND TO BE IN ORDER BY STAFF AND PROPER AS TO FORM AND PROCEDURE AND ARE RECOMMENDED FOR PAYMENT. A COPY OF THE CLAIMS.**

Motion was made by Vice-Chairman Magirowsky, seconded by Trustee McPhail to approve the Consent Docket. Yes Votes: Plank, Larsen, Magirowsky, Powell, Smart, Palmer, Lloyd, McPhail, Knapp. No Votes: None. Motion passed.

ITEM NO. 2 on the agenda was **CONSIDERATION AND POSSIBLE ADOPTION OF RESOLUTION NO. 1674, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BETHANY, OKLAHOMA, ADOPTING THE FISCAL YEAR 2024 BUDGET FOR THE GENERAL FUND, MISCELLANEOUS FUNDS, AND VARIOUS PUBLIC TRUSTS; AFFIRMING THE AUTHORITY OF THE CITY MANAGER TO MAKE TRANSFERS WITHIN THE GENERAL FUND; AND APPROPRIATING FUNDS FROM THE CAPITAL IMPROVEMENTS FUND FOR SPECIFIED EQUIPMENT AND PROJECTS. (ELIZABETHGRAY, CITYMANAGER)**

Motion was made by Vice-Chairman Magirowsky, seconded by Trustee McPhail to approve Resolution No. 1674. Yes Votes: Plank, Larsen, Magirowsky, Powell, Smart, Palmer, Lloyd, McPhail, Knapp. No Votes: None. Motion passed.

ITEM NO. 3 on the agenda was **NEW BUSINESS (AS DEFINED BY THE OKLAHOMA OPEN MEETING ACT § 311 (A) (9) AS "MATTERS NOT KNOWN ABOUT OR WHICH COULD NOT HAVE REASONABLY BEEN FORESEEN PRIOR TO THE TIME OF POSTING THE AGENDA")**.

None

ITEM NO. 4 on the agenda was **ADJOURN UNTIL MAY 16, 2023**.

Chairman Lloyd adjourned the Bethany Hospital Trust meeting at 8:57 P.M. until May 16, 2023.

CHAIRMAN

SECRETARY

BETHANY HOSPITAL TRUST

From: Michael Vaughn, Finance Director
Date: May 11, 2023
Subject: Claims List for the 05/16/2023 Bethany Hospital Trust Meeting

BETHANY HOSPITAL TRUST

FUND	AMOUNT
Bethany Hospital Trust	\$0.00
TOTAL	\$0.00

ENTERPRISE-WIDE SUMMARY OF ALL CLAIMS:

FUND	AMOUNT
General Operations Fund	\$214,371.74
Bethany Public Works Authority	\$269,271.18
Bethany Hospital Trust	\$0.00
Bethany Development Authority	\$0.00
TOTAL	\$483,642.92

RECOMMENDATION

1. Approve the claims as presented.



NOTICE: On Thursday, April 27, 2023, at or before 4:59 p.m., agenda was posted at the front doors of City Hall, on the bulletin board in the lobby of City Hall, and on the City of Bethany website: cityofbethany.org. The City of Bethany encourages participation from all its citizens. If participation at any public meeting is not possible due to a disability, notification to the City Clerk at least 48 hours prior to the scheduled meeting is encouraged to make the necessary accommodations. The City may waive the 48-hour rule if signing is not the necessary accommodation.

BETHANY DEVELOPMENT AUTHORITY

BETHANY CITY HALL

TUESDAY, MAY 2, 2023

7:30 P.M.

MEMBERS PRESENT:	Nikki Lloyd	Chairman
	Brian Magirowsky	Vice-Chairman
	Steve Palmer	Trustee
	Chris Powell	Trustee
	Marilyn McPhail	Trustee
	Kathy Larsen	Trustee
	Jeff Knapp	Trustee
	Peter Plank	Trustee
	Ken Smart	Trustee
MEMBERS ABSENT:	None	
OTHERS PRESENT:	Elizabeth Gray	City Manager
	Ray Jones	City Attorney
	Michael Vaughn	City Clerk/Treasurer
	Lesa LaMar	Deputy City Clerk
	(See Roster)	

Chairman Lloyd called the Bethany Development Authority meeting to order at 7:57 P.M.

ITEM NO. 1 on the agenda was **CONSENT DOCKET:**

- A. APPROVAL OF MINUTES FROM THE APRIL 18, 2023, REGULAR MEETING.**
- B. APPROVAL OF CLAIMS: THESE CLAIMS HAVE BEEN FOUND TO BE IN ORDER BY STAFF AND PROPER AS TO FORM AND PROCEDURE AND ARE RECOMMENDED FOR PAYMENT. A COPY OF THE CLAIMS.**

Motion was made by Vice-Chairman Magirowsky, seconded by Trustee Larsen to approve the Consent Docket. Yes votes: Larsen, Palmer, Lloyd, Smart, Plank, McPhail, Powell, Magirowsky. No votes: None. Motion passed.

ITEM NO. 2 on the agenda was **CONSIDERATION AND POSSIBLE ADOPTION OF RESOLUTION NO. 1674, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BETHANY, OKLAHOMA, ADOPTING THE FISCAL YEAR 2024 BUDGET FOR THE GENERAL FUND, MISCELLANEOUS FUNDS, AND VARIOUS PUBLIC TRUSTS; AFFIRMING THE AUTHORITY OF THE CITY MANAGER TO MAKE TRANSFERS WITHIN THE GENERAL FUND; AND APPROPRIATING FUNDS FROM THE CAPITAL IMPROVEMENTS FUND FOR SPECIFIED EQUIPMENT AND PROJECTS. (ELIZABETH GRAY, CITY MANAGER)**

Motion was made by Vice-Chairman Magirowsky, seconded by Trustee Larsen to approve the Resolution No. 1674. Yes Votes: Plank, Larsen, Magirowsky, Powell, Smart, Palmer, Lloyd, McPhail, Knapp. No Votes: None. Motion passed.

ITEM NO. 3 on the agenda was **PROPOSED EXECUTIVE SESSION PURSUANT TO 25 O.S. § 307 (C) (11) TO CONFER ON MATTERS PERTAINING TO ECONOMIC DEVELOPMENT OF MCFARLAND PARK FOR THE DEVELOPMENT AND PROMOTION OF SPORTS, CULTURAL, AND RECREATIONAL ACTIVITIES.**

Council Member Palmer requested to be excused from the executive session and left the meeting.

Vice-Chairman Magirowsky did not enter executive session and left the meeting.

A. ENTER EXECUTIVE SESSION

Motion was made by Vice-Chairman Magirowsky, seconded by Trustee Plank to enter executive session at 7:59 p.m. Yes Votes: Plank, Larsen, Magirowsky, Powell, Smart, Palmer, Lloyd, McPhail, Knapp. No Votes: None. Motion passed.

B. EXIT EXECUTIVE SESSION

Motion was made by Trustee Powell, seconded by Trustee Smart to exit executive session at 8:26 p.m. Yes Votes: Plank, Larsen, Powell, Smart, Lloyd, McPhail, Knapp. No Votes: None. Motion passed.

ITEM NO. 4 on the agenda was **NEW BUSINESS (AS DEFINED BY THE OKLAHOMA OPEN MEETING ACT § 311 (A) (9) AS "MATTERS NOT KNOWN ABOUT OR WHICH COULD NOT HAVE REASONABLY BEEN FORESEEN PRIOR TO THE TIME OF**

POSTING THE AGENDA”).

None

ITEM NO. 5 on the agenda was **ADJOURN UNTIL MAY 16, 2023**.

Chairman Lloyd adjourned the Bethany Development Authority meeting at 8:26 P.M. until May 16, 2023.

CHAIRMAN

SECRETARY

BETHANY DEVELOPMENT AUTHORITY

From: Michael Vaughn, Finance Director
Date: May 11, 2023
Subject: Claims List for the 05/16/2023 Bethany Development Authority Meeting

BETHANY DEVELOPMENT AUTHORITY

FUND	AMOUNT
Bethany Development Authority	\$0.00
TOTAL	\$0.00

ENTERPRISE-WIDE SUMMARY OF ALL CLAIMS:

FUND	AMOUNT
General Operations Fund	\$214,371.74
Bethany Public Works Authority	\$269,271.18
Bethany Hospital Trust	\$0.00
Bethany Development Authority	\$0.00
TOTAL	\$483,642.92

RECOMMENDATION

1. Approve the claims as presented.

