

NOTICE: On Thursday, February 16, 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, FEBRUARY 21, 2023**

**7:30 P.M.**

<b>MEMBERS PRESENT:</b>	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
	Jeff Knapp	Council Member
	Peter Plank	Council Member

**MEMBERS ABSENT:** None

<b>OTHERS PRESENT:</b>	Elizabeth Gray	City Manager
	Ray Jones	City Attorney
	Michael Vaughn	City Clerk/Treasurer
	Lesa LaMar	Deputy City Clerk
	Joe Davis	TEIM Design
	(See Roster)	

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

Mayor Lloyd called the Bethany City Council meeting to order at 7:30 P.M.

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

The Invocation was given by Mayor Lloyd.

The Flag Salute was conducted by Mayor Lloyd.

**ITEM NO. 3** on the agenda was **OATH OF OFFICE.**

Mayor Lloyd administered the Oath of Office to re-elected council members Kathy Larsen and Brian Magirowsky and new council members Ken Smart and Peter Plank.

**ITEM NO. 4** on the agenda was **CONSENT DOCKET:**

- A. APPROVAL OF MINUTES FROM THE FEBRUARY 7, 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.**

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

**ITEM NO. 5** 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. 6** on the agenda was **DISCUSSION, CONSIDERATION, AND POSSIBLE APPROVAL OF PROFESSIONAL SERVICES AGREEMENT-AMENDMENT 1 WITH TDR TRANSFORMS FOR THE BETHANY FIRE STATION ADDITION PROJECT AND AUTHORIZE THE MAYOR TO SIGN THE DOCUMENT ON BEHALF OF THE CITY OF BETHANY. (ELIZABETH GRAY, CITY MANAGER)**

Motion was made by Vice-Mayor Magirowsky, seconded by Council Member Larsen to approve professional services agreement-amendment 1 with TDR Transforms for the Bethany Fire Station addition project and authorize the Mayor to sign the document on behalf of the City of Bethany. Yes votes: Smart, Powell, Knapp, Palmer, McPhail, Lloyd, Magirowsky, Larsen, Plank. No votes: None. Motion approved.

**ITEM NO. 7** on the agenda was **BETHANY FIRE STATION ADDITION PROJECT CONSTRUCTION MANAGER RECOMMENDATIONS:**

- A. CONSIDERATION AND POSSIBLE APPROVAL OF SELECTING LI-PERT BROTHERS TO ACT AS CONSTRUCTION MANAGER FOR THE BETHANY FIRE STATION ADDITION PROJECT. (ELIZABETH GRAY, CITY MANAGER)**

The staff selection team has recently been in meetings with Architect Troy Rhodes and received two (2) Requests for Qualifications (RFQ's) to act as Construction Manager for the City of Bethany. The attached RFQ's were submitted by Lippert Brothers, Inc., and Pope Construction. The selection team has recommended Lippert Brothers as the Construction Manager for the building addition to the existing Bethany Fire Station.

Motion was made by Vice-Mayor Magirowsky, seconded by Council Member Larsen to approve Lippert Bros. to act as Construction Manager for the Bethany Fire Station Addition Project. Yes votes: Smart, Palmer, McPhail, Plank, Magirowsky, Lloyd, Knapp, Larsen, Powell. No votes: None. Motion approved.

**B. CONSIDERATION AND POSSIBLE APPROVAL OF CONTRACT BETWEEN LIPPERT BROTHERS AND THE CITY OF BETHANY FOR THE FIRE STATION ADDITION PROJECT AND AUTHORIZE THE MAYOR TO SIGN THE DOCUMENT ON BEHALF OF THE CITY OF BETHANY. (ELIZABETH GRAY, CITY MANAGER)**

Motion was made by Vice-Mayor Magirowsky, seconded by Council Member Larsen to approve the contract between Lippert Bros. and the City of Bethany for the Bethany Fire Station Addition Project and author the Mayor to sign the document on behalf of the City of Bethany. Yes votes: Magirowsky, Powell, Larsen, Knapp, Plank, Smart, Lloyd, Palmer, McPhail. No votes: None. Motion approved.

**ITEM NO. 8 on the agenda was CONSIDERATION AND POSSIBLE APPROVAL OF A COOPERATIVE AGREEMENT BETWEEN THE CITY OF BETHANY AND SOUTHERN NAZARENE UNIVERSITY REGARDING RT. 66/39<sup>TH</sup> EXPRESSWAY IMPROVEMENTS FROM N. ASBURY AVENUE TO N. REDMOND AVENUE AND AUTHORIZE THE MAYOR TO SIGN THE DOCUMENT ON BEHALF OF THE CITY OF BETHANY. (ELIZABETH GRAY, CITY MANAGER)**

This project requires a 25% match from the City of Bethany. The cost breakdown is as follows: 365,289.22 SNU, 142,112.48 is the City of Bethany from the Stabilization Reserve Fund and 1,522,205.10 is ODOT's portion of the project.

Motion was made by Vice-Mayor Magirowsky, seconded by Council Member Larsen to approve the agreement, and authorize the Mayor to sign the document on behalf of the City of Bethany. Yes votes: Knapp, Plank, Smart, Magirowsky, Lloyd, McPhail, Larsen, Powell. No votes: None. Abstain: Palmer. Motion approved.

**ITEM NO. 9 on the agenda was CONSIDERATION AND POSSIBLE APPROVAL TO AWARD THE ENGINEERING CONTRACT FOR THE AMERICAN RESCUE PLAN ACT**

**(ARPA)-OKLAHOMA WATER RESOURCES BOARD (OWRB) GRANT FOR PENIEL WASTEWATER IMPROVEMENTS PROJECT TO TEIM DESIGN AND AUTHORIZE THE MAYOR TO SIGN THE DOCUMENT ON BEHALF OF THE CITY OF BETHANY. (ELIZABETH GRAY, CITY MANAGER)**

Joe Davis with TEIM Design answered questions from the council concerning this project.

The City of Bethany has received funds provided by the Federal Government through the American Rescue Plan Act (ARPA) and has received funds totaling \$3,364,956. On October 5, 2021, the City Council dedicated these funds for much needed sewer infrastructure improvements by adopting Resolution No. 1632. On November 1, 2022, City Council dedicated these funds for improving and replacing the sanitary sewer line on Peniel Avenue. This line is the backbone of Bethany's Sanitary sewer and carries over 40% of its flow. Engineering/design fees will be included in the grant.

Motion was made Vice-Mayor Magirowsky to approve.

Attorney Ray Jones brought to the council's attention that there was an error in the contract in the other liability to add a decimal to be not less than \$175,000.00.

Motion was amended by Vice-Mayor Magirowsky, seconded by Council Member Powell to add the decimal point to \$175,000.00 and to approve the Engineering Contract. Yes votes: Larsen, Knapp, Magirowsky, Powell, McPhail, Smart, Palmer, Lloyd, Plank. No votes: None. Motion approved.

**ITEM NO. 10 on the agenda was CONSIDERATION AND POSSIBLE APPROVAL TO AWARD THE ENGINEERING CONTRACT FOR THE AMERICAN RESCUE PLAN ACT (ARPA)-OKLAHOMA WATER RESOURCES BOARD (OWRB) FOR WATER METER AUTOMATION IMPROVEMENTS PROJECT TO TEIM DESIGN AND AUTHORIZE THE MAYOR TO SIGN THE DOCUMENT ON BEHALF OF THE CITY OF BETHANY. (ELIZABETH GRAY, CITY MANAGER)**

The City was recently notified of the successful award of this grant, which the City will match with \$1.5M. For a total project of 3 million. On November 10, 2022, the City of Bethany advertised a request for qualifications for City Engineering services for this project. On December 20, 2022, the council awarded the successful Request for qualifications to TEIM Design.

Motion was made and amended by Vice-Mayor Magirowsky, seconded by Council Member Powell to add the decimal point to \$175,000.00 on the insurance and to approve the Engineering Contract. Yes votes: Larsen, Knapp, Magirowsky, Powell, McPhail, Smart, Palmer, Lloyd, Plank. No votes: None. Motion approved.

**ITEM NO. 11** on the agenda was **CONSIDERATION AND POSSIBLE APPROVAL TO AWARD THE ENGINEERING CONTRACT FOR THE AMERICAN RESCUE PLAN ACT (ARPA)-OKLAHOMA WATER RESOURCES BOARD (OWRB) WATER GRANT FOR WELL AND WELLFIELD IMPROVEMENTS PROJECT TO TEIM DESIGN AND AUTHORIZE THE MAYOR TO SIGN THE DOCUMENT ON BEHALF OF THE CITY OF BETHANY.** *(ELIZABETH GRAY, CITY MANAGER)*

The City of Bethany was recently notified of a direct appropriation from the state legislature of \$4.6M for the purpose of increasing water production and capacity, to Make improvements to the wells and well-field in the City of Bethany On October 28, 2022, the City of Bethany selected TEIM Design's request for qualifications for City Engineering services for this project.

Motion was made and amended by Vice-Mayor Magirowsky, seconded by Council Member Powell to add the decimal point to \$175,000.00 on the insurance and to approve the Engineering Contract. Yes votes: Larsen, Knapp, Magirowsky, Powell, McPhail, Smart, Palmer, Lloyd, Plank. No votes: None. Motion approved.

**ITEM NO. 12** on the agenda was **CONSIDERATION AND POSSIBLE APPROVAL OF ORDINANCE NO. 2043, AN ORDINANCE AMENDING CHAPTER 132-TOBACCO RELATED OFFENSES-OF THE BETHANY CODE OF ORDINANCES TO REMOVE TWENTY-FIVE-FOOT CLAUSE.** *(RAY JONES, CITY ATTORNEY)*

**A. PRESENTATION BY STAFF AND/OR INTERESTED PARTY.**

City Attorney Jones informed council that this ordinance was to help qualify for grants and to meet eligibility by 100%.

**B. CONSIDERATION AND POSSIBLE ACTION TO APPROVE OF ORDINANCE NO. 2043, ON READING BY TITLE ONLY.**

Motion was made by Vice-Mayor Magirowsky, seconded by Council Member Larsen to approve Ordinance No. 2043 on Reading By Title Only. Yes votes: Knapp, Palmer, Plank, Smart, Magirowsky, Lloyd, McPhail, Larsen, Powell. No votes: None. Motion approved.

**C. MOTION TO APPROVE SECTIONS 1-5 OF ORDINANCE NO. 2043.**

Motion was made by Vice-Mayor Magirowsky, seconded by Council Member Larsen to approve Sections 1-5 of Ordinance No. 2043. Yes votes: Knapp, Palmer, Plank, Smart, Magirowsky, Lloyd, McPhail, Larsen, Powell. No votes: None. Motion approved.

**ITEM NO. 13** on the agenda was **BOARD OF ADJUSTMENT AT-LARGE APPOINTMENT OF MATTHEW GOODWIN.** *(NIKKI LLOYD, MAYOR)*

Motion was made by Council Member Palmer, seconded by Council Member McPhail to appoint Matthew Goodwin to the Board of Adjustment At-Large. Yes votes: Lloyd, Palmer, McPhail, Plank, Magirowsky, Smart, Knapp, Larsen, Powell. No votes: None. Motion approved.

**ITEM NO. 14 DISCUSSION AND POSSIBLE ACTION TO CHANGE THE TIME FOR REGULARLY SCHEDULED MEETINGS FOR THE REMAINDER OF THE CALENDAR YEAR. (MARILYN MCPHAIL, COUNCIL MEMBER)**

Motion was made by Council Member McPhail, seconded by Council Member Palmer to move the meeting time of our regularly scheduled meetings for the remainder of the calendar year to 6:30 p.m. Yes votes: Palmer, Powell, Larsen, Knapp, Plank, Smart, Lloyd, Magirowsky, McPhail. No votes: None. Motion approved.

**ITEM NO. 15 on the agenda was 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. 16 on the agenda was CITY ATTORNEY’S REPORT.**

Attorney Jones reported that some of the funds have been received from the Opioid case. McAfee & Taft will be attending a March meeting to discuss the settlements for the Opioid case.

**ITEM NO. 17 on the agenda was CITY MANAGER’S REPORT.**

City Manager Gray reported the following:

Next bulk trash pickup is March 6th beginning on the north side of town.

When city offices are not open payments can be made by regular mail, cash or check at US payment kiosks in stores. Kiosk 3 locations include 7 Eleven’s at 3701 North Rockwell, 1628 N. Rockwell, 7959 NW 23rd, 5100 N. MacArthur and Cash Saver at 7101 N. 23rd, or you can pay online.

Saturday, April 1st is the annual Rain Barrel Sale. Order your rain barrel online before March 19th.

March 8th and April 19th the Fire Department will be hosting Safe Kids Oklahoma for a car seat safety check and installation course.

**ITEM NO. 18** on the agenda was **COUNCIL MEMBERS ANNOUNCEMENTS, COMMENTS, AND PROPOSALS.**

Each Council Member was given the opportunity to comment.

**ITEM NO. 19** on the agenda was **ADJOURN UNTIL MARCH 7, 2023.**

Mayor Lloyd adjourned the Bethany City Council meeting at 8:09 P.M.

---

MAYOR

---

CITY CLERK

NOTICE: On Thursday, February 16, 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 PUBLIC WORKS AUTHORITY MEETING**

### **BETHANY CITY HALL**

**TUESDAY, FEBRUARY 21, 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
	Joe Davis	TEIM Design
	(See Roster)	

Mayor Lloyd called the Bethany City Council meeting to order at 8:09 P.M.

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

- A. APPROVAL OF MINUTES FROM THE FEBRUARY 7, 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.**

Motion was made by Vice-Chairman Magirowsky, seconded by Trustee Knapp 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 **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. 3** on the agenda was **ADJOURN UNTIL MARCH 7, 2023.**

Chairman Lloyd adjourned the Bethany Public Works meeting at 8:09 P.M. until March 7, 2023.

---

CHAIRMAN

---

SECRETARY

NOTICE: On Thursday, February 16, 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, FEBRUARY 21, 2023**

**7:30 P.M.**

<b>MEMBERS PRESENT:</b>	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
<b>MEMBERS ABSENT:</b>	None	
<b>OTHERS PRESENT:</b>	Elizabeth Gray	City Manager
	Ray Jones	City Attorney
	Michael Vaughn	City Clerk/Treasurer
	Lesa LaMar	Deputy City Clerk
	Joe Davis	TEIM Design
	(See Roster)	

Chairman Lloyd called the Bethany Hospital Trust meeting to order at 8:09 P.M.

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

- A. APPROVAL OF MINUTES FROM THE FEBRUARY 7, 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.**

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

**ITEM NO. 2** 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. 3** on the agenda was **ADJOURN UNTIL MARCH 7, 2023.**

Chairman Lloyd adjourned the Bethany Hospital Trust meeting at 8:10 P.M. until March 7, 2023.

---

CHAIRMAN

---

SECRETARY

NOTICE: On Thursday, February 16, 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, FEBRUARY 21, 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
	Joe Davis	TEIM Design
	(See Roster)	

Chairman Lloyd called the Bethany Development Authority meeting to order at 8:10 P.M.

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

- A. APPROVAL OF MINUTES FROM THE FEBRUARY 7, 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.**

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

**ITEM NO. 2** 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. 3** on the agenda was **ADJOURN UNTIL MARCH 7, 2023.**

Chairman Lloyd adjourned the Bethany Development Authority meeting at 8:10 P.M. until March 7, 2023.

---

CHAIRMAN

---

SECRETARY