

NOTICE: On Thursday, March 30, 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, APRIL 4, 2023

7:30 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
	Jeff Knapp	Council Member
	Peter Plank	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
	Von Royal	Dobson Fiber
	(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 Council Member Larsen.

The Flag Salute was conducted by Mayor Lloyd.

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

- A. **APPROVAL OF MINUTES FROM THE MARCH 21, 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: ACCEPTANCE OF ODEQ PERMIT NO. WL000055230094 FOR THE CONSTRUCTION OF 257 LINEAR FEET OF WATERLINE AND APPURTENANCES TO SERVE LONDON QUADPLEXES, OKLAHOMA COUNTY, OKLAHOMA.**

Motion was made and amended by Vice-Mayor Magirowsky, 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. 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 APPROVAL OF FRANCHISE AGREEMENT FOR FIBER OPTIC INTERNET BETWEEN THE CITY OF BETHANY AND DOBSON TECHNOLOGIES, INC. AND AUTHORIZE THE MAYOR TO SIGN THE DOCUMENT ON BEHALF OF THE CITY OF BETHANY. (RAY JONES, CITY ATTORNEY)

Von Royal representing Dobson Fiber out of Edmond explained the services that the company would provide to the City of Bethany.

Motion was made by Council Member Palmer, seconded by Council Member Smart to suspend Ordinance 30.23 for purposes of discussion. Yes votes: Smart, McPhail, Powell, Palmer, Knapp, Plank. No votes: Magirowsky, Lloyd. Abstain: Larsen.

Council Member Palmer requested a meeting between council members and Dobson before signing an agreement. He added that the agreement was for 15 years when in the past with other companies we have only signed a 5-year agreement.

Motion was made by Council Member Palmer, seconded by Council Member Smart to table and have an informal meeting.

Motion was amended by Council Member Palmer, seconded by Council Member Smart to table and appoint a committee of council members to discuss the proposed agreement with the Dobson representative. Yes votes: McPhail, Palmer, Knapp, Smart, Powell, Plank. No votes: Larsen, Magirowsky, Lloyd. Motion approved.

Council Member Smart nominated Council Member Palmer. Council Member Palmer nominated Council Member Smart. Council Member Powell nominated Council Member Magirowsky. Vice-Mayor Magirowsky nominated Council Member Knapp.

Motion was made by Council Member Palmer, seconded by Council Member Powell to nominate Palmer, Smart, Magirowsky and Knapp to the committee for discussion of the proposed agreement with the Dobson representative. Yes votes: Plank, Larsen, Knapp, Powell, Palmer, Magirowsky, Smart, McPhail, Lloyd. No votes: None. Motion approved.

ITEM NO. 6 on the agenda was **CONSIDERATION AND POSSIBLE APPROVAL OF A PARTIAL RELEASE OF SANITARY SEWER EASEMENT AS RECORDED IN BOOK 2462 AT PAGE 190, ON FEBRUARY 23, 1960, IN THE OFFICE OF THE OKLAHOMA COUNTY COURT CLERK AND AUTHORIZE THE MAYOR TO SIGN THE DOCUMENT ON BEHALF OF THE CITY OF BETHANY. (RAY JONES, CITY ATTORNEY)**

Attorney Jones reported a sewer easement in 1960 was granted to the Oklahoma County Utility Services Authority, on behalf of the City of Bethany, by Lone Clausewits. The Authority no longer exists. The easement is currently on the property of Capps Middle School which is in Warr Acres. The owner of the properties is the Independent School District. The City of Warr Acres is planning a sanitary sewer improvement project in the area referenced above. During its planning, Warr Acres discovered this easement which should have been released when Capps Middle School expanded. Warr Acres has advised that it does not need the easement for purposes of sewer services and has no intention of ever needing to use it. This easement should have been released when Capps Middle School expanded. The City of Bethany does not have a need or use for the easement at this time.

Motion was made by Council Member Palmer, seconded by Council Member McPhail to suspend Ordinance of 30.23 for purposes of discussion of this agenda item. Yes votes: Knapp, Smart, Plank, Palmer, McPhail. No votes: Magirowsky, Powell, Larsen, Lloyd. Motion approved.

Council Member Palmer has additional questions regarding this item. He would like more information before making a decision and recommended continuing to the next meeting.

Council Member Palmer called for a point of order upon the Mayor of Warr Acres speaking on the item. Attorney Jones stated pointed affirmed that this was not a hearing item.

Motion was made by Council Member Plank, seconded by Vice-Mayor Magirowsky to approve the partial release of sanitary sewer easement. Yes votes: Larsen, Lloyd, Magirowsky, Plank, Smart, Knapp, Powell. No votes: Palmer, McPhail. Motion approved.

ITEM NO. 7 on the agenda was CONSIDERATION AND POSSIBLE APPROVAL TO AWARD THE ENGINEERING CONTRACT TO TEIM DESIGN, LLC FOR THE CRRSAA GRANT TO MILL AND INLAY THE INTERSECTION OF 23RD STREET AND ROCKWELL AVENUE AND EXTENDING NORTH APPROXIMATELY 1,000 FEET AND AUTHORIZE THE MAYOR TO SIGN THE DOCUMENT ON BEHALF OF THE CITY OF BETHANY. (ELIZABETH GRAY, CITY MANAGER)

City Manager Gray reported that on February 24, 2023, the City of Bethany was notified by the Association of Central Oklahoma Governments (ACOG) Transportation Planning Services that we were the recipients of a Coronavirus Response and Relief Supplemental Appropriations (CRRSAA) grant that will be administered and let by the Oklahoma Department of Transportation. The grant award amount is \$609,161. This grant will be used to mill and inlay the 23rd Street intersection and extend north on Rockwell approximately 1,000 feet north (more or less) depending on the bids. The end result will be a new, improved, striped intersection. This will dovetail with GO Bond Proposition 1A- signalization at 23rd and Rockwell. The total cost of pre-construction and engineering services is \$86,500 which will be the responsibility of the City of Bethany. The funds will come from the Stabilization Reserve Fund.

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

ITEM NO. 8 on the agenda was CONSIDERATION AND POSSIBLE APPROVAL TO AWARD THE ENGINEERING CONTRACT FOR PROPOSITION 1-A TRAFFIC SIGNALIZATION AT 23RD STREET AND ROCKWELL AVENUE AND PROPOSITION 1-B TRAFFIC SIGNALIZATION AT 36TH STREET AND ROCKWELL AVENUE PROJECTS TO TEIM DESIGN, LLC AND AUTHORIZE THE MAYOR TO SIGN THE DOCUMENT ON BEHALF OF THE CITY OF BETHANY. (ELIZABETH GRAY, CITY MANAGER)

City Manager Gray reported that on August 23, 2022, GO Bond, Proposition 1, that included projects for improvements to signalization at the intersection of 23rd Street and Rockwell Ave. (1-A) and 36th Street and Rockwell Ave. (1-B). The signalization at 23rd

and Rockwell will dovetail with the CRRSAA grant project for the mill and inlay project at this same intersection. The total cost of pre-construction engineering services is \$100,000 which will be paid by GO Bond proceeds.

Motion was made by Vice-Mayor Magirowsky, seconded by Council Member Larsen to approve to award the engineering contract for Proposition 1-A to Teim Design, LLC and authorize the Mayor to sign the document on behalf of the City of Bethany. Yes votes: Magirowsky, Larsen, McPhail, Lloyd, Palmer, Plank, Smart, Knapp, Powell. No votes: None. Motion approved.

ITEM NO. 9 on the agenda was CONSIDERATION AND POSSIBLE APPROVAL TO AWARD THE ENGINEERING AND DESIGN CONTRACT FOR PROPOSITION 3-B POLICE HEADQUARTERS AND PROPOSITION 3-C ANIMAL WELFARE IMPROVEMENTS PROJECTS TO TEIM DESIGN, LLC AND AUTHORIZE THE MAYOR TO SIGN THE DOCUMENT ON BEHALF OF THE CITY OF BETHANY. (ELIZABETH GRAY, CITY MANAGER)

City Manager Gray reported on August 23, 2022, citizens of Bethany passed General Obligation Bond, Proposition 3 that included projects including improvements to the Police Headquarters (new roof and evidence room) and the Animal Shelter (additional space and façade improvements). The total cost of these services is \$129,500.

Motion was made by Council Member Larsen, seconded by Vice-Mayor Magirowsky to approve to award the engineering and design contract for Proposition 3-B to Teim Design, LLC and authorize the Mayor to sign the document on behalf of the City of Bethany. Yes, votes: Knapp, Larsen, McPhail, Lloyd, Magirowsky, Plank, Powell, Smart, Palmer. No votes: None. Motion approved.

ITEM NO. 10 on the agenda was CONSIDERATION AND POSSIBLE APPROVAL OF CONTRACT WITH YMCA OF GREATER OKLAHOMA CITY-BETHANY YMCA FOR OPERATION OF THE MUNICIPAL SWIMMING POOL FOR 2023 SEASON. (ELIZABETH GRAY, CITY MANAGER)

City Manager Gray reported that under this agreement the YMCA will hire, train, schedule and provide adult supervision at the pool daily. They will assume all costs for staffing and provide concessions. They will also conduct daily water testing of the pool and weekly vacuuming. The YMCA is asking for financial reimbursement from the City to cover projected financial losses of up to \$15,000 from their payroll and concession purchase costs that are not covered by the gate admissions and concession sales. The YMCA will retain the admissions and concession incomes. The city will retain all other costs of operation. The YMCA anticipates opening the pool on May 27, 2023.

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

ITEM NO. 11 on the agenda was **CONSIDERATION AND POSSIBLE ADOPTION OF RESOLUTION NO. 1672 DESIGNATING THE WEEK OF APRIL 9TH THROUGH APRIL 15TH OF 2023 AS NATIONAL TELECOMMUNICATOR WEEK IN THE CITY OF BETHANY. (ELIZABETH GRAY, CITY MANAGER)**

Motion was made by Council Member Powell, seconded by Council Member Larsen to approve Resolution No. 1672. Yes votes: Larsen, Plank, Palmer, McPhail, Lloyd, Palmer, Plank, Powell, Knapp, Magirowsky. No votes: None. Motion approved.

ITEM NO. 12 on the agenda **EXECUTIVE SESSION: CONFIDENTIAL COMMUNICATIONS BETWEEN CITY COUNCIL AND CITY ATTORNEY PURSUANT TO 25 O.S. § 307 (B) (4) CONCERNING OKLAHOMA COUNTY CASE CJ-2021-4487; CITY OF BETHANY V. LEVEL FOUNDATION REPAIR, LLC AND SCOTT HANNAY AND TERESA HANNAY, UNDER ADVICE OF CITY ATTORNEY THAT DISCLOSURE WILL SERIOUSLY IMPAIR THE ABILITY OF THE CITY COUNCIL TO CONDUCT LITIGATION.**

A. ENTER INTO EXECUTIVE SESSION.

Motion was made by Vice-Mayor Magirowsky, seconded by Council Member McPhail to enter executive session at 8:13 p.m. Yes votes: Powell, Palmer, Plank, McPhail, Larsen, Knapp, Lloyd, Magirowsky, Smart. No votes: None. Motion approved.

B. EXIT EXECUTIVE SESSION.

Motion was made by Vice-Mayor Magirowsky, seconded by Council Member Smart to exit executive session at 8:46 p.m. Yes votes: Plank, Lloyd, Powell, McPhail, Magirowsky, Palmer, Smart, Knapp, Larsen. No votes: None. Motion approved.

ITEM NO. 13 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”)**.

ITEM NO. 14 on the agenda was **CITY ATTORNEY’S REPORT.**

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

City Manager Gray reported the following:

April 6th will be the annual Budget Fair to be held at the Bethany Library from 5:30 p.m. to 7:00 p.m. The budget will be presented to council for approval on May 2nd.

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

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.

ITEM NO. 16 on the agenda was **COUNCIL MEMBERS ANNOUNCEMENTS, COMMENTS, AND PROPOSALS.**

Each Council Member was given the opportunity to comment.

ITEM NO. 17 on the agenda was **ADJOURN UNTIL APRIL 18, 2023.**

Mayor Lloyd adjourned the Bethany City Council meeting at 8:51 P.M.

MAYOR

CITY CLERK