

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

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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

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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

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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