

NOTICE: 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.

**BETHANY CITY COUNCIL MEETING**

**BETHANY CITY HALL**

**TUESDAY, MAY 16, 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 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.**

Motion was made by Vice-Mayor Magirowsky, seconded by Council Member Smart 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 MAYORAL PROCLAMATION RECOGNIZING THE WEEK OF MAY 21-27, 2023, AS NATIONAL PUBLIC WORKS WEEK.**

Public Works Director Phil Stowell accepted the proclamation on behalf of all the public works employees.

**ITEM NO. 5 on the agenda was 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.**

This item was withdrawn by the applicant.

**ITEM NO. 6 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.)**

Stacy Gholson- 3810 N. Redmond Ave., Bethany Oklahoma - Thanking some council members.

**ITEM NO. 7 on the agenda was CONSIDERATION AND POSSIBLE APPROVAL OF AWARD OF CONTRACT FOR CDBG WATERLINE REPLACEMENT PROJECT ON HOLLOWAY AVENUE FROM NW 36<sup>TH</sup> STREET TO NW 32<sup>ND</sup> 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)**

A motion was made by Vice-Mayor Magirowsky, seconded by Council Member Larsen to approve the award of contract for CDBG Waterline Replacement Project on Holloway Avenue from NW 36<sup>th</sup> St. to Southwest Water Works, LLC for the base bid amount of \$255,640.00 and authorize the mayor to sign the document. Yes votes: Plank, Palmer, Larsen, Smart, Lloyd, Magirowsky, Powell, McPhail, Knapp. No votes: None. Motion approved.

**ITEM NO. 8 on the agenda was a CONSIDERATION AND POSSIBLE ADOPTION OF RESOLUTION NO. 1676, A RESOLUTION APPROVING PROCESS FOR APPROVAL OF INVOICES RELATING TO CDBG PROJECTS. (ELIZABETH GRAY, CITY MANAGER)**

A motion was made by Council Member Larsen seconded by Vice-Mayor Magirowsky to approve Resolution No. 1676. Yes votes: Magirowsky, Lloyd, Plank, Larsen, Smart, Palmer McPhail, Powell, Knapp. No votes: None. Motion approved.

**ITEM NO. 9 on the agenda was 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.**

Attorney Ray Jones explained that the proposed fund allocates a percentage of sales tax (25%) dedicated to capital improvements to be allocated to capital improvements specifically for streets, sidewalk, and drainage.

**B. CONSIDERATION AND POSSIBLE APPROVAL OF ORDINANCE NO. 2047 ON READING BY TITLE ONLY.**

A motion was made by Council Member Knapp, seconded by Council Member Larsen to approve Ordinance No. 2047 on Reading By Title Only. Yes votes: Knapp, Larsen, McPhail, Lloyd, Magirowsky, Plank, Powell, Smart, Palmer. No votes: None. Motion approved.

**C. CONSIDERATION AND POSSIBLE APPROVAL OF SECTIONS 1-2 OF ORDINANCE NO. 2047.**

A motion was made by Council Member Knapp, seconded by Vice-Mayor Magirowsky to approve Section 1-2 of Ordinance No. 2047. Yes votes: Knapp, Larsen, McPhail, Lloyd, Magirowsky, Plank, Powell, Smart, Palmer. No votes: None. Motion approved.

**D. CONSIDERATION AND POSSIBLE APPROVAL OF SECTION 3 OF ORDINANCE NO. 2047, THE EMERGENCY SECTION.**

A motion was made by Council Member Larsen, seconded by Vice-Mayor Magirowsky to approve Section 3 of Ordinance No. 2047, the Emergency Section. 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 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.**

Attorney Ray Jones informed the council that 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.

**B. CONSIDERATION AND POSSIBLE APPROVAL OF ORDINANCE NO. 2048 ON READING BY TITLE ONLY.**

A motion was made by Council Member Larsen, seconded by Vice-Mayor Magirowsky to approve Ordinance No. 2048 on Reading By Title Only. Yes votes: Plank, Powell, Magirowsky, McPhail, Lloyd, Smart, Knapp, Palmer, Larsen. No votes: None. Motion approved.

**C. CONSIDERATION AND POSSIBLE APPROVAL OF SECTIONS 1-2 OF ORDINANCE NO. 2048.**

A motion was made by Council Member Larsen, seconded by Vice-Mayor Magirowsky to approve Sections 1-2 of Ordinance No. 2048. Yes votes: Plank, Powell, Magirowsky, McPhail, Lloyd, Smart, Knapp, Palmer, Larsen. No votes: None. Motion approved.

**D. CONSIDERATION AND POSSIBLE APPROVAL OF SECTION 3 OF ORDINANCE NO. 2048, THE EMERGENCY SECTION.**

A motion was made by Council Member Larsen, seconded by Vice-Mayor Magirowsky to approve Section 3 of Ordinance No. 2048, the Emergency Section. Yes votes: Plank, Powell, Magirowsky, McPhail, Lloyd, Smart, Knapp, Palmer, Larsen. No votes: None. Motion approved.

**ITEM NO. 11** on the agenda was **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, OUT-BUILDINGS, POOLS, LAWN EQUIPMENT SALES, BOAT SALES AND THE LIKE. (MARILYN MCPHAIL, COUNCIL MEMBER)**

There was much input on the extensive research that was put into the comprehensive plan. Also, there was discussion on reviewing the plan.

A motion was made by Council Member Larsen, seconded by Vice-Mayor Magirowsky for Agenda Item #11 to be considered “out of order”, blatantly inappropriate to be considered at this time and recommend Staff begin a process to bring recommendations to Planning and Zoning which in turn is to be brought before this council. The mechanics of the process should be like and/or similar to the creation of the 2030 Comprehensive Plan and in the best interest of the City of Bethany. Yes votes: Knapp, Magirowsky, Smart, Powell, Larsen, Plank, Lloyd. No votes: McPhail. Abstain: Palmer. Motion approved.

**ITEM NO. 12** on the agenda was **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)**

Several council members brought up that next month the attorney’s contract will come up for review and will be discussed at that time.

A motion was made by Council Member Palmer, seconded by Council Member McPhail to enter executive session at 7:00 p.m. Yes votes: Smart, McPhail, Palmer. No votes: Magirowsky, Powell, Plank, Larsen, Lloyd, Knapp. Motion failed.

**ITEM NO. 13** 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. 14** on the agenda was the **CITY ATTORNEY’S REPORT.**

None

**ITEM NO. 15** on the agenda was the **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 5<sup>th</sup>.

May 20<sup>th</sup> is the Kite Festival at Eldon Lyon Park 10:00 a.m. to 2:00 p.m.

June 8<sup>th</sup>-11<sup>th</sup> is the free city-wide yard sale.

July 1<sup>st</sup>- Freedom Festival – Parade- 10:00 a.m. – Fireworks 9:55 p.m.

**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 JUNE 6, 2023.**

Mayor Lloyd adjourned the Bethany City Council meeting at 7:14 P.M.

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MAYOR

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CITY CLERK

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## **BETHANY PUBLIC WORKS AUTHORITY MEETING**

### **BETHANY CITY HALL**

**TUESDAY, MAY 16, 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 City Council meeting to order at 7:14 P.M.

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

- A. APPROVAL OF MINUTES FROM 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.**
- C. APPROVAL OF BUDGET AMENDMENT 23-14.**

**D. APPROVAL OF BUDGET AMENDMENT 23-15.**

A motion was made by Council Member Plank, seconded by Trustee Larsen 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 APPROVAL OF AWARD OF CONTRACT FOR CDBG WATERLINE REPLACEMENT PROJECT ON HOLLOWAY AVENUE FROM NW 36<sup>TH</sup> STREET TO NW 32<sup>ND</sup> 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)**

Motion was made by Vice-Chairman Magirowsky, seconded by Trustee Smart 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 a **CONSIDERATION AND POSSIBLE ADOPTION OF RESOLUTION NO. 1676, A RESOLUTION APPROVING PROCESS FOR APPROVAL OF INVOICES RELATING TO CDBG PROJECTS. (ELIZABETH GRAY, CITY MANAGER)**

A motion was made by Council Member Plank seconded by Vice-Mayor Magirowsky to approve Resolution No. 1676. Yes votes: Magirowsky, Lloyd, Plank, Larsen, Smart, Palmer, McPhail, Powell, Knapp. No votes: None. Motion approved.

**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 JUNE 6, 2023.**

Chairman Lloyd adjourned the Bethany Public Works meeting at 7:15 P.M. until June 6, 2023.

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CHAIRMAN

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SECRETARY

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## **BETHANY HOSPITAL TRUST MEETING**

### **BETHANY CITY HALL**

**TUESDAY, MAY 16, 2023**

**6:30 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
	(See Roster)	

Chairman Lloyd called the Bethany Hospital Trust meeting to order at 7:15 P.M.

**ITEM NO. 1** on the agenda was **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.**

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 **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 JUNE 6, 2023**.

Chairman Lloyd adjourned the Bethany Hospital Trust meeting at 7:16 P.M. until June 6, 2023.

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CHAIRMAN

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SECRETARY

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**BETHANY DEVELOPMENT AUTHORITY**

**BETHANY CITY HALL**

**TUESDAY, MAY 16, 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 7:16 P.M.

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

- A. APPROVAL OF MINUTES FROM 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.**

Motion was made by Vice-Chairman Magirowsky, seconded by Trustee Plank to approve the Consent Docket. Yes votes: Larsen, Palmer, Lloyd, Smart, Plank, McPhail, Powell, Magirowsky, 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 JUNE 6, 2023.**

Chairman Lloyd adjourned the Bethany Development Authority meeting at 7:16 P.M. until June 6, 2023.

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CHAIRMAN

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SECRETARY