

NOTICE: On Thursday, June 15, 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, JUNE 20, 2023

6:30 P.M.

MEMBERS PRESENT:	Nikki Lloyd Brian Magirowsky Chris Powell Jeff Knapp Marilyn McPhail Kathy Larsen Ken Smart Peter Plank	Mayor Vice-Mayor Council Member Council Member Council Member Council Member Council Member Council Member
MEMBERS ABSENT:	Steve Palmer	Council Member
OTHERS PRESENT:	Elizabeth Gray Ray Jones Michael Vaughn Lesa LaMar Ray Bohanan Bart Looper Mr. Vaughn Steve Manek (See Roster)	City Manager City Attorney City Clerk/Treasurer Deputy City Clerk Sanitation Supervisor Oklahoma Boys State Dobson Fiber TEIM Design

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 Vice-Mayor Magirowsky.

The Flag Salute was conducted by Council Member Knapp.

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

- A. **APPROVAL OF MINUTES FROM JUNE 6, 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 2023 SCHEDULE OF MEETINGS AMENDMENT 2.**
- D. **APPROVAL OF FY 2024 JAIL SERVICES AGREEMENT WITH THE CITY OF YUKON AND AUTHORIZE THE MAYOR TO SIGN THE DOCUMENT ON BEHALF OF THE CITY OF BETHANY.**

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

ITEM NO. 4 on the agenda was **CERTIFICATES OF RECOGNITION AND ACHIEVEMENTS.**

Ray Bohanan- Recognition for his life saving efforts provided to a citizen while performing his duties.

Bethany School American Legion Boys State attendees were recognized for their achievement. The young men that attended were as follows: Creed Curtis, Gavin Finley, Riley Gulickers, Logan Halberg, J.J. Hughes, Smith Langum, Jacob Magirowsky, Cole Powell, Nolan Stayton, Jake Stearman, Cade Sweatt, Mason Wyatt. Smith Langum was chosen to attend Boys Nation in Washington D.C.

ITEM NO. 5 on the agenda **WAS PUBLIC HEARING ITEM: CONSIDERATION AND POSSIBLE ACTION REGARDING A SPECIAL PERMISSION REQUEST BY BRIAN EISELE, APPLICANT AND PROPERTY OWNER, THAT WILL ALLOW FOR THE CONSTRUCTION OF A 1200 FT ACCESSORY STRUCTURE AT 3917 N RIVERSIDE DRIVE. (ELIZABETH GRAY, CITY MANAGER)**

- A. **PRESENTATION BY STAFF AND/OR INTERESTED PARTIES.**

City Manager Elizabeth Gray reported that Planning and Zoning had a unanimous vote in favor and recommends approval of the special request.

- B. **PUBLIC COMMENT.**

Property owner Brian Eisele informed the council that he changed the plans to be a 900 square foot structure with a setback of 25 foot off each property line. The height of the building will be no taller than the house.

C. POSSIBLE ACTION.

A motion was made by Council Member Plank, seconded by Council Member Larsen to approve the special permission request by Brian Eisele that will allow for the construction of a 900 ft. accessory structure at 3917 N. Riverside Drive. Yes votes: Plank, Larsen, Powell, Lloyd, Smart, Knapp, McPhail, Magirowsky. No votes: None. Motion approved.

ITEM NO. 6 on the agenda was **PUBLIC HEARING ITEM: CONSIDERATION AND POSSIBLE ACTION REGARDING A SPECIAL PERMISSION REQUEST BY JASON RIOS, APPLICANT AND PROPERTY OWNER, THAT WILL ALLOW FOR THE CONSTRUCTION OF A 440 FT ACCESSORY STRUCTURE AT 2505 N TROPICANA AVENUE. (ELIZABETH GRAY, CITY MANAGER)**

A. PRESENTATION BY STAFF AND/OR INTERESTED PARTIES.

City Manager Elizabeth Gray reported that Planning and Zoning had a unanimous vote in favor and recommends approval of the special request.

B. PUBLIC COMMENT.

None

C. POSSIBLE ACTION.

A motion was made by Council Member Knapp, seconded by Council Member Smart to approve the construction of a 440 ft. accessory structure at 2505 N. Tropicana Avenue. Yes votes: Magirowsky, Knapp, McPhail, Smart, Larsen, Lloyd, Powell, Plank. No votes: None. Motion approved.

ITEM NO. 7 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. 8 on the agenda was **CONSIDERATION AND POSSIBLE APPROVAL OF A LEASE BETWEEN THE CITY OF BETHANY AND BETHANY PUBLIC SCHOOLS FOR PROPERTY AT MCFARLAND PARK AND AUTHORIZE THE MAYOR TO SIGN THE DOCUMENT ON BEHALF OF THE CITY OF BETHANY. (RAY JONES, CITY ATTORNEY)**

Attorney Jones reported this agreement was first signed almost 25 years ago. This amendment is for another 25 years along with rent payments to help with infrastructure for the city. The rent payment will be \$25,000 per year with a 1% increase annually.

A motion was made by Council Member Larsen, seconded by Council Member Knapp to approve a lease between the City of Bethany and Bethany Public Schools for property at McFarland Park and authorize the mayor to sign the document on behalf of the City of Bethany. Yes votes: Knapp, Lloyd, Powell, Larsen, Plank, McPhail, Smart. Abstain: Magirowsky No votes: None. Motion approved.

ITEM NO. 9 on the agenda was **CONSIDERATION AND POSSIBLE APPROVAL OF A SUBLEASE BETWEEN THE CITY OF BETHANY AND SOUTHERN NAZARENE UNIVERSITY FOR PROPERTY AT MCFARLAND PARK AND AUTHORIZE THE MAYOR TO SIGN THE DOCUMENT ON BEHALF OF THE CITY OF BETHANY. (RAY JONES, CITY ATTORNEY)**

A motion was made by Vice-Mayor Magirowsky, seconded by Council Member Plank to approve a sublease between the City of Bethany and Southern Nazarene University for property at McFarland Park and authorize the mayor to sign the document on behalf of the City of Bethany. Yes votes: Magirowsky, Lloyd, Knapp, Larsen, Smart, Plank, McPhail, Powell. No votes: None. Motion approved.

ITEM NO. 10 on the agenda was **CONSIDERATION AND POSSIBLE ACTION TO APPROVE A RIGHT-OF-WAY ACCESS AGREEMENT WITH DOBSON TECHNOLOGIES FOR THE USE OF THE CITY OF BETHANY'S RIGHT-OF-WAY FOR THE INSTALLATION OF FIBER OPTIC INTERNET SERVICE. (RAY JONES, CITY ATTORNEY)**

Attorney Jones reported the agreement includes a 5% gross revenue collection from subscribers as well as a dedicated commercial internet access to city hall, public works, the city library, and the police department. Also, a Wi-Fi redundancy security measure provided to the police department in emergencies.

Mr. Vaughn reported that this service is for the whole city. Field agents will be going door to door to inform the citizens. This will be a fiber solution not a coax.

A motion was made by Vice-Mayor Magirowsky, seconded by Council Member Smart to approve a right of way access agreement with Dobson Technologies for the use of the City of Bethany's right of way for the installation of fiber optic internet service. Yes votes: Magirowsky, Lloyd, Knapp, Larsen, Smart, Plank, McPhail, Powell. No votes: None. Motion approved.

ITEM NO. 11 on the agenda was **CONSIDERATION AND POSSIBLE ADOPTION OF RESOLUTION NO. 1678 TO EXECUTE PROJECT AGREEMENT FOR JOB PIECE NUMBER 37928(04) FOR MILL AND OVERLAY APPROACHES AND INTERSECTION OF NW 23RD STREET AND ROCKWELL AVENUE, BY AND BETWEEN THE CITY OF BETHANY AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION. (ELIZABETH GRAY, CITY MANAGER)**

City Manager Gray reported the following funding for this project:

\$ 457,500 GO Bond funding for traffic signals design, construction, and administration
\$ 609,161 ODOT CRRSAA Grant for construction (includes 6% ODOT fee)
\$ 86,500 CRRSAA grant design fees (Stabilization Reserve Fund)
\$1,153,161 Project total

Steve Manek reported that the new signals will use video detection and will begin first in the early part of 2024. This project, the mill and overlay will begin in the fall of 2024.

A motion was made by Vice-Mayor Magirowsky, seconded by Council Member Smart to approve Resolution No. 1678. Yes votes: Magirowsky, Lloyd, Knapp, Larsen, Smart, Plank, McPhail, Powell. No votes: None. Motion approved.

ITEM NO. 12 on the agenda was the **CONSIDERATION AND POSSIBLE APPROVAL OF OKLAHOMA MUNICIPAL ASSURANCE GROUP(OMAG) WORKERS' COMPENSATION PLAN FOR FY 2024 AND DIRECTION ON WHETHER OR NOT TO APPLY ESCROW BALANCE OF \$1,607.00 TOWARDS THE 2023-2024 RENEWAL PREMIUM. (ELIZABETH GRAY, CITY MANAGER)**

A motion was made by Council Member Larsen, seconded by Vice-Mayor Magirowsky to approve the escrow balance of \$1,607.00 to be used towards the 2023-2024 renewal premium. Yes votes: Magirowsky, Lloyd, Larsen, Smart, Plank, McPhail, Powell. No votes: None. Motion approved.

ITEM NO. 13 on the agenda was **APPOINTMENT OF MUNICIPAL JUDGE PER ARTICLE V, SECTION 5-2 OF THE BETHANY CHARTER. (ELIZABETH GRAY, CITY MANAGER)**

A motion was made by Council Member Knapp, seconded by Council Member McPhail to approve appointment of ?? as judge. Yes votes: Magirowsky, Larsen, McPhail, Lloyd, Plank, Smart, Knapp, Powell. No votes: None. Motion approved.

ITEM NO. 14 on the agenda was **EXECUTIVE SESSION: EXECUTIVE SESSION PURSUANT TO 25 O.S. § 307 (B) (1) TO DISCUSS THE APPOINTMENT OF THE CITY ATTORNEY.**

A. ENTER INTO EXECUTIVE SESSION

A motion was made by Vice-Mayor Magirowsky, seconded by Council Member Plank to enter executive session at 7:11 p.m. Yes votes: Larsen, McPhail, Lloyd, Magirowsky, Knapp, Powell, Smart, Plank. No votes: None. Motion approved.

B. EXIT EXECUTIVE SESSION.

A motion was made by Vice-Mayor Magirowsky, seconded by Council Member Smart to exit executive session at 7:30 p.m. Yes votes: Larsen, McPhail, Lloyd, Magirowsky, Knapp, Powell, Smart, Plank. No votes: None. Motion approved.

ITEM NO. 15 on the agenda was **APPOINTMENT OF CITY ATTORNEY PER ARTICLE V, SECTION 5-2 OF THE BETHANY CHARTER. (ELIZABETH GRAY, CITY MANAGER)**

A motion was made by Council Member Smart, seconded by Council Member Larsen to appoint Robert Ray Jones Jr. as City Attorney. Yes votes: Powell, Plank, Larsen, Knapp, Lloyd, Magirowsky, Smart. No votes: McPhail. Motion approved.

ITEM NO. 16 on the agenda was **CONSIDERATION AND POSSIBLE ACTION TO APPROVE RETAINER AGREEMENT FOR PROFESSIONAL AND LEGAL SERVICES WITH ROBERT RAY JONES, JR. (RAY JONES, CITY ATTORNEY)**

A motion was made by Vice-Mayor Magirowsky, seconded by Council Member Larsen to approve a retainer agreement for professional and legal services with Robert Ray Jones Jr. Yes votes: Powell, Plank, Larsen, Knapp, Lloyd, Magirowsky, Smart. No votes: McPhail. Motion approved.

ITEM NO. 17 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. 18 on the agenda was the **CITY ATTORNEY’S REPORT.**

None

ITEM NO. 19 on the agenda was the **CITY MANAGER’S REPORT.**

City Manager Gray reported the following:

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

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

The first Tuesday of July council meeting will be held July 5th at 6:30 p.m.

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. 20 on the agenda was **COUNCIL MEMBERS’ ANNOUNCEMENTS, COMMENTS, AND PROPOSALS.**

Each Council Member was given the opportunity to comment.

ITEM NO. 21 on the agenda was **ADJOURN UNTIL JULY 5, 2023.**

Mayor Lloyd adjourned the Bethany City Council meeting at 7:46 P.M.

MAYOR

CITY CLERK

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BETHANY PUBLIC WORKS AUTHORITY MEETING

BETHANY CITY HALL

TUESDAY, JUNE 20, 2023

6:30 P.M.

MEMBERS PRESENT:	Nikki Lloyd	Chairman
	Brian Magirowsky	Vice-Chairman
	Chris Powell	Trustee
	Marilyn McPhail	Trustee
	Kathy Larsen	Trustee
	Jeff Knapp	Trustee
	Ken Smart	Trustee
	Peter Plank	Trustee
MEMBERS ABSENT:	Steve Palmer	Trustee
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 7:46 P.M.

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

- A. APPROVAL OF MINUTES FROM JUNE 6TH, 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 2023 SCHEDULE OF MEETINGS AMENDMENT 2.**

Motion was made by Vice-Chairman Magirowsky, seconded by Trustee Plank to approve the Consent Docket. Yes Votes: Larsen, Magirowsky, Powell, Smart, Plank, 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 JULY 5, 2023.**

Chairman Lloyd adjourned the Bethany Public Works meeting at 7:46 P.M. until July 5, 2023.

CHAIRMAN

SECRETARY

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BETHANY HOSPITAL TRUST MEETING

BETHANY CITY HALL

TUESDAY, JUNE 20, 2023

6:30 P.M.

MEMBERS PRESENT:	Nikki Lloyd	Chairman
	Brian Magirowsky	Vice-Chairman
	Chris Powell	Trustee
	Marilyn McPhail	Trustee
	Kathy Larsen	Trustee
	Jeff Knapp	Trustee
	Ken Smart	Trustee
	Peter Plank	Trustee
MEMBERS ABSENT:	Steve Palmer	Trustee
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 7:46 P.M.

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

- A. APPROVAL OF MINUTES FROM JUNE 6TH, 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 2023 SCHEDULE OF MEETINGS AMENDMENT 2.**

Motion was made by Vice-Chairman Magirowsky, seconded by Trustee Knapp to approve the Consent Docket. Yes Votes: Larsen, Magirowsky, Powell, Smart, Plank, 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 JULY 5th, 2023.**

Chairman Lloyd adjourned the Bethany Hospital Trust meeting at 7:47 P.M. until July 5th, 2023.

CHAIRMAN

SECRETARY

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BETHANY DEVELOPMENT AUTHORITY

BETHANY CITY HALL

TUESDAY, JUNE 20, 2023

7:30 P.M.

MEMBERS PRESENT:	Nikki Lloyd	Chairman
	Brian Magirowsky	Vice-Chairman
	Chris Powell	Trustee
	Marilyn McPhail	Trustee
	Kathy Larsen	Trustee
	Jeff Knapp	Trustee
	Ken Smart	Trustee
	Peter Plank	Trustee
MEMBERS ABSENT:	Steve Palmer	Trustee
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 7:47 P.M.

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

- A. APPROVAL OF MINUTES FROM THE JUNE 6TH, 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 2023 SCHEDULE OF MEETINGS AMENDMENT 2.**

Motion was made by Vice-Chairman Magirowsky, seconded by Trustee Smart to approve the Consent Docket. Yes votes: Larsen, Plank, Lloyd, Smart, 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 JULY 5, 2023.**

Chairman Lloyd adjourned the Bethany Development Authority meeting at 7:47 P.M. until July 5th, 2023.

CHAIRMAN

SECRETARY