

NOTICE: On Thursday, November 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, DECEMBER 5, 2023

6:30 P.M.

| | | |
|-------------------------|------------------|----------------|
| MEMBERS PRESENT: | Nikki Lloyd | Mayor |
| | Jeff Knapp | Vice- Mayor |
| | Brian Magirowsky | Council Member |
| | Chris Powell | Council Member |
| | Marilyn McPhail | Council Member |
| | Kathy Larsen | Council Member |
| | Ken Smart | Council Member |
| | Peter Plank | Council Member |
| | Steve Palmer | 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 |
| | Steve Manek | Teim Design |
| | Michael & Paige Bass | Carlson Ventures LLC |
| | (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 Larsen.

The Flag Salute was conducted by Mayor Lloyd.

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

- A. **APPROVAL OF MINUTES FROM NOVEMBER 21, 2023, REGULAR MEETING.**
- B. **APPROVAL OF MINUTES FROM NOVEMBER 28, 2023, SPECIAL CALLED MEETING.**
- C. **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.**
- D. **APPROVAL OF BUDGET AMENDMENT 24-11.**

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

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.)**

None

ITEM NO. 7 on the agenda was **COMPLETE STREETS PRESENTATION. (ELIZABETH GRAY, CITY MANAGER)**

- A. **PRESENTATION BY STEVE MANEK FROM TEIM DESIGN.**

The traffic committee requested a preliminary engineering estimate to accomplish items in the Complete Streets ordinance.

Steve Manek with Teim Design shared the Complete Streets Presentation. The complete presentation is included in the agenda.

City Manager Gray reinforces to council that the Complete Streets cost does not include any improvements to existing surfaces.

- B. **POSSIBLE DISCUSSION REGARDING COMPLETE STREETS.**

Council Member Palmer mentioned exemptions within the ordinance. He states: "this report is not based upon any repairs to streets but came up with a cost that it would take to put in bike lanes and sidewalks. When in reality that is probably a disproportionate need based upon the condition of our roads". Council Member Palmer believes there was a disconnect in the intent and practice to get to this point. He believes we need to revise this ordinance.

Council Member Smart is a member of the Traffic Committee and added that this is unfeasible for a city of our size to adopt and try to implement.

Council Member Palmer called for a point of order to read and provide information related to the specific content of the ordinance related to the reporting requirement. Attorney Jones determined that Council Member Palmer's request was not a point of order.

A motion was made by Council Member Palmer, seconded by Council Member McPhail to remove the time limit on speaking. Yes votes: McPhail, Palmer. No votes: Smart, Larsen, Lloyd, Plank, Powell, Knapp, Magirowsky. Motion failed.

There was much discussion as to revise the current ordinance verses doing away with the ordinance all together. There was a recommendation by Councilor McPhail to come up with a list of streets to use as a check point of which streets are in the worst condition.

C. POSSIBLE ACTION REGARDING COMPLETE STREETS.

Motion was made by Council Member Magirowsky, seconded by Council Member Larsen to remove Complete Streets from the Ordinances. Yes votes: Larsen, Plank, Knapp, Smart, Lloyd, Magirowsky. No votes: Powell, Palmer, McPhail. Motion approved.

ITEM NO. 8 on the agenda was DISCUSSION AND POSSIBLE ACTION DESIGNATING BETHANY A PURPLE HEART CITY. (PETER PLANK, COUNCIL MEMBER)

The purple heart medal is awarded to members of the United States Armed Forces who have been wounded by an instrument of war, in the hands of the enemy and to the next of kin in the name of those killed in combat or those who die of wounds received in combat. If approved the City of Bethany will be entered into the Purple Heart Trial website and forever seen by the nation as a city supporting Purple Heart Veterans and Gold Star Families. The gold star families are those families that have lost loved ones in combat or lost loved ones from wounds received in combat.

Councilor Plank has received financial commitments to pay for the signs and posts for the city if the city provides the personnel to install the designated signs.

A motion was made and amended by Council Member Palmer, seconded by Council Member Powell to move forward with creating a "Resolution" and the Mayor of Bethany preparing a 'Proclamation' naming the City of Bethany as a Purple Heart City.

This resolution would be voted on and the proclamation would be officially presented at the regularly scheduled city council meeting on January 16, 2024. Yes votes: Knapp, Larsen, Lloyd, Magirowsky, Plank, Smart, Powell, McPhail, Palmer. No votes: None. Motion approved.

ITEM NO. 9 on the agenda was **CONSIDERATION AND POSSIBLE APPROVAL TO PURCHASE A NEW BOBCAT MT100 MINI TRACK LOADER FROM BOBCAT OF OKLAHOMA CITY IN THE AMOUNT OF \$31,316.34. (ELIZABETH GRAY, CITY MANAGER)**

A motion was made by Council Member Magirowsky, seconded by Council Member Larsen to approve the purchase of a new Bobcat MT100 Mini Track Loader from Bobcat of OK City in the amount of \$31,316.34. Yes votes: Knapp, Larsen, McPhail, Lloyd, Magirowsky, Plank, Powell, Smart, Palmer. No votes: None. Motion approved.

ITEM NO. 10 on the agenda **DISCUSSION ON THE PLANNING FOR THE FREEDOM FESTIVAL SINCE MJ COFER IS NO LONGER ORGANIZING IT. (MARILYN MCPHAIL, COUNCIL MEMBER)**

Councilor McPhail announced that due to the lack of community volunteers M.J. Cofer will no longer be organizing the Freedom Festival.

City Manager Gray informed the council that a meeting was planned for tomorrow to discuss the Freedom Festival. The city would be able to do the fireworks and the parade and would be coming to the council for a budget adjustment.

A motion was made by Council Member Plank and withdrawn due to the lack of an action item on this item.

Council Member Palmer requested to have this along with an action item added to the next meeting agenda. He also requested a report from tomorrow's planning meeting.

ITEM NO. 11 on the agenda was **DISCUSS A POLICY FOR SOCIAL MEDIA POSTING BY COUNCIL MEMBERS. (MARILYN MCPHAIL, COUNCIL MEMBER)**

Council Member McPhail uses her Facebook to keep constituents informed. She has many questions as to guidelines.

Attorney Jones informed council members that in the last two years there was a proposal for a social media policy that was circulated amongst council for review and consideration however, it was not adopted. There is a council members handbook that is more general in this area.

Council Member Smart requested that the council see the document that was circulated a couple of years ago with the guidelines.

ITEM NO. 12 on the agenda was **CONSIDERATION AND POSSIBLE APPROVAL OF ORDINANCE NO. 2050, AN ORDINANCE AMENDING THE EMPLOYEE RETIREMENT SYSTEM, DEFINED BENEFIT PLAN FOR THE CITY OF BETHANY, OKLAHOMA; PROVIDING RETIREMENT BENEFITS FOR ELIGIBLE EMPLOYEES OF THE CITY OF BETHANY, OKLAHOMA; PERTAINING TO THE DETERMINATION OF SERVICE FOR CITY MANAGER; PROVIDING FOR REPEALER AND SEVERABILITY. (RAY JONES, CITY ATTORNEY)**

- A. PRESENTATION BY STAFF AND/OR INTERESTED PARTY.**
- B. CONSIDERATION AND POSSIBLE APPROVAL OF ORDINANCE NO. 2050 ON READING BY TITLE ONLY.**
- C. CONSIDERATION AND POSSIBLE APPROVAL OF SECTIONS 1-4 OF ORDINANCE NO. 2050**

A motion was made by Council Member Palmer, seconded by Council Member Smart to approve Ordinance 2050, Item 12- B and C. Yes votes: Knapp, Larsen, McPhail, Lloyd, Magirowsky, Plank, Powell, Smart, Palmer. No votes: None. Motion approved.

ITEM NO. 4 on the agenda was **PROPOSED EXECUTIVE SESSION: CONFIDENTIAL COMMUNICATIONS BETWEEN CITY COUNCIL, CITY ATTORNEY AND ATTORNEY(S) WITH MCAFEE TAFT, PURSUANT TO 25 O.S. § 307 (B) (4) CONCERNING THE MATTER PENDING IN THE UNITED STATES DISTRICT COURT OF SOUTH CAROLINA, CASE MDL NO. 2873, FOR DISCUSSION OF LITIGATION ON BEHALF OF THE CITY OF BETHANY AGAINST MANUFACTURERS OF AQUEOUS FILM-FORMING FOAM AND OTHER "FOREVER" CHEMICALS FOR CONTAMINATION OF WATER UNDER ADVICE OF CITY ATTORNEY THAT DISCLOSURE WILL SERIOUSLY IMPAIR THE ABILITY OF THE CITY COUNCIL TO CONDUCT LITIGATION IN THE PUBLIC INTEREST. (PROPOSED EXECUTIVE SESSION AS AUTHORIZED BY THE OPEN MEETING LAW IN 25 O.S. 307 (B) 2 WHICH PROVIDES FOR DISCUSSING NEGOTIATIONS CONCERNING EMPLOYEES AND REPRESENTATIVES OF EMPLOYEE GROUPS.) (RAY JONES, CITY ATTORNEY)**

- A. ENTER INTO EXECUTIVE SESSION.**

A motion was made by Council Member Magirowsky, seconded by Council Member Smart to enter into Executive Session at 7:34 p.m. Yes

votes: Larsen, McPhail, Lloyd, Magirowsky, Plank, Powell, Smart, Palmer.
No votes: None. Motion passed.

B. EXIT EXECUTIVE SESSION.

A motion was made by Council Member Magirowsky, seconded by Council Member Smart to exit Executive Session at 7:53 p.m. Yes votes: Larsen, McPhail, Lloyd, Magirowsky, Plank, Powell, Smart, Palmer. No votes: None. Motion passed.

ITEM NO. 5 on the agenda was **CONSIDERATION AND POSSIBLE ACTION ON MATTERS DISCUSSED IN THE EXECUTIVE SESSION.**

A motion was made by Council Member Plank, seconded by Council Member Magirowsky that we opt out of the class action suit per the recommendation of our attorneys McAfee and Taft. Yes votes: Plank, Larsen, McPhail, Lloyd, Palmer, Smart, Powell, Knapp Magirowsky. No votes: None. Motion approved.

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”)**.

None

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

There is presently only 1 Ward that has a candidate for the Charter Review Committee. He is encouraging other Wards to provide their candidate.

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

City Manager Gray reported the following:

City Offices will be closed for Christmas, Monday, December 25th and Tuesday, December 26th. Trash makeup day for Monday will be Wednesday December 27th. Trash services will run as usual on Tuesday, December 26th.

City Offices will be closed on Monday, January 1st. Trash makeup day will be Wednesday, January 3rd.

April 8th will be the next Big Trash and will begin on the North side of town.

Water rates will increase on January 1st. For more information see the city website, social media, or the November newsletter.

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 DECEMBER 19, 2023.**

Mayor Lloyd adjourned the Bethany City Council meeting at 8:07 P.M.

MAYOR

CITY CLERK

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BETHANY PUBLIC WORKS AUTHORITY MEETING

BETHANY CITY HALL

TUESDAY, DECEMBER 5, 2023

6:30 P.M.

| | | |
|-------------------------|----------------------|----------------------|
| MEMBERS PRESENT: | Nikki Lloyd | Chairman |
| | Jeff Knapp | Vice-Chairman |
| | Chris Powell | Trustee |
| | Kathy Larsen | Trustee |
| | Peter Plank | Trustee |
| | Steve Palmer | Trustee |
| | Brian Magirowsky | Trustee |
| | Ken Smart | Trustee |
| | Marilyn McPhail | Trustee |
| MEMBERS ABSENT: | None | |
| OTHERS PRESENT: | Elizabeth Gray | City Manager |
| | Ray Jones | City Attorney |
| | Michael Vaughn | City Clerk/Treasurer |
| | Lesa LaMar | Deputy City Clerk |
| | Steve Manek | Teim Design |
| | Michael & Paige Bass | Carlson Ventures LLC |
| | (See Roster) | |

Chairman Lloyd called the Bethany Public Works Authority meeting to order at 8:23 P.M.

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

- A. APPROVAL OF MINUTES FROM NOVEMBER 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.**

Motion was made by Trustee Magirowsky, seconded by Trustee

Smart to approve the Consent Docket. Yes Votes: Larsen, Palmer, Magirowsky, Powell, Lloyd, Smart, Plank, Knapp, McPhail. 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 DECEMBER 19, 2023**.

Chairman Lloyd adjourned the Bethany Public Works meeting at 8:24 P.M. until December 19, 2023.

CHAIRMAN

SECRETARY

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BETHANY HOSPITAL TRUST MEETING

BETHANY CITY HALL

TUESDAY, DECEMBER 5, 2023

6:30 P.M.

| | | |
|------------------|----------------------|----------------------|
| MEMBERS PRESENT: | Nikki Lloyd | Chairman |
| | Jeff Knapp | Vice-Chairman |
| | Chris Powell | Trustee |
| | Kathy Larsen | Trustee |
| | Peter Plank | Trustee |
| | Steve Palmer | Trustee |
| | Brian Magirowsky | Trustee |
| | Ken Smart | Trustee |
| | Marilyn McPhail | Trustee |
| MEMBERS ABSENT: | None | |
| OTHERS PRESENT: | Elizabeth Gray | City Manager |
| | Ray Jones | City Attorney |
| | Michael Vaughn | City Clerk/Treasurer |
| | Lesa LaMar | Deputy City Clerk |
| | Steve Manek | Teim Design |
| | Michael & Paige Bass | Carlson Ventures LLC |
| | (See Roster) | |

Chairman Lloyd called the Bethany Hospital Trust meeting to order at 8:24 P.M.

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

- A. APPROVAL OF MINUTES FROM NOVEMBER 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.**

A motion was made by Trustee Magirowsky, seconded by Trustee Plank to approve the Consent Docket. Yes Votes: McPhail, Larsen, Smart, Powell, Plank, Magirowsky, Lloyd, Palmer, 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 DECEMBER 19, 2023.**

Chairman Lloyd adjourned the Bethany Hospital Trust meeting at 8:24 P.M. until December 19, 2023.

CHAIRMAN

SECRETARY

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BETHANY DEVELOPMENT AUTHORITY

BETHANY CITY HALL

TUESDAY, DECEMBER 5, 2023

6:30 P.M.

| | | |
|------------------|----------------------|----------------------|
| MEMBERS PRESENT: | Nikki Lloyd | Chairman |
| | Jeff Knapp | Vice-Chairman |
| | Chris Powell | Trustee |
| | Steve Palmer | Trustee |
| | Kathy Larsen | Trustee |
| | Peter Plank | Trustee |
| | Brian Magirowsky | Trustee |
| | Ken Smart | Trustee |
| | Marilyn McPhail | Trustee |
| MEMBERS ABSENT: | None | |
| OTHERS PRESENT: | Elizabeth Gray | City Manager |
| | Ray Jones | City Attorney |
| | Michael Vaughn | City Clerk/Treasurer |
| | Lesa LaMar | Deputy City Clerk |
| | Steve Manek | Teim Design |
| | Michael & Paige Bass | Carlson Ventures LLC |

(See Roster)

Chairman Lloyd called the Bethany Development Authority meeting to order at 8:07 P.M.

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

A. APPROVAL OF MINUTES FROM NOVEMBER 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.

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

ITEM NO. 2 on the agenda was DISCUSSION AND POSSIBLE ACTION ON APPROVING TIF AGREEMENT WITH CARLSON VENTURES LLC. (RAY JONES, CITY ATTORNEY)

Attorney Ray Jones gave a brief description of a TIF agreement.

There was discussion and questions answered about the TIF agreement.

A motion was made by Council Member Palmer, seconded by Council Member Plank to approve the Tif agreement with Carlson Ventures LLC. Yes votes; Palmer, Knapp, Magirowsky, Larsen, Plank, McPhail, Smart, Lloyd. No votes: Powell. Motion approved.

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 DECEMBER 19, 2023.

Chairman Lloyd adjourned the Bethany Development Authority meeting at 8:23 P.M. until December 19, 2023.

CHAIRMAN

SECRETARY