

Posted at City Hall, 17 Hospital Drive, Eufaula, OK 74432 May 29, 2019 at 5:00 p.m.

CITY OF EUFAULA, OK

Community Center
First & High Street
Eufaula, OK 74432



MINUTES

Monday

JUNE 3, 2019

5:00 p.m.

City Council, Eufaula Public Works Authority and Eufaula Economic Development Authority

The City of Eufaula encourages participation from all its citizens in public meetings. If participation is not possible due to a disability, notify the City Clerk, in writing, at least forty eight hours prior to the scheduled meeting and necessary accommodations will be made (ADA 28CRF/36).

Council Rules of Decorum limit citizen comments on agenda items, non-agenda items, and public hearings to five (5) minutes. Any person desiring to address the Council during such period is required to sign in with the City Clerk, provide their name, address and specify the agenda item they wish to address. Remarks shall be directed to the matter being considered and the speaker is allowed to speak only one time. If written materials are to be submitted ten (10) copies should be made available, and may not be returned. Under Oklahoma Law, the Council Members are prohibited from discussing or taking any action on items not on today's agenda.

City Council

Mayor James Duty
Vice Mayor Frank Davis
Council Member Nancy Mouser
Council Member Nick Pendley
Council Member Vacant

AGENDA
EUFAULA CITY COUNCIL
June 3, 2019
5:00 p.m.

- | | |
|--------------------------|-------------------------|
| 1. CALL TO ORDER | MAYOR JAMES DUTY |
| 2. INVOCATION | |
| 3. PLEDGE OF ALLEGIANCE | MAYOR JAMES DUTY |
| 4. ROLL CALL /ATTENDANCE | CITY CLERK, VALARIE COX |

Council Members in attendance: Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately. The item will then be placed in its proper order on the regular meeting and will be considered at that time.

5. APPROVAL OF MINUTES.
 - A. REGULAR COUNCIL MEETING MAY 6, 2019.
6. APPROVAL OF THE TREASURER'S REPORT.
7. APPROVAL OF THE MAY 2019 PAYROLL FIGURES FOR THE GENERAL FUND IN THE AMOUNT OF \$82,565.18
8. RECEIPT OF CLAIMS: CITY OF EUFAULA.

9. Approval of Resolution 19-6-1 authorizing participation in the Oklahoma Municipal Assurance Group Recognition Program.

Motion to approve the consent agenda by Nicholas Pendley, 2nd by Frank Davis. Roll Call Vote Yes- Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

ITEMS REMOVED FROM CONSENT AGENDA

10. Discuss and consider for approval Budget Amendment 7a for the Fiscal Year 2018-2019 General Fund, Airport Fund, Police Fund, and CIP Fund budgets.

Motion to approve Budget Amendment 7a for the Fiscal Year 2018-2019 General Fund, Airport Fund, Police Fund, and CIP Fund budgets by Frank Davis, 2nd by Nancy Mouser. Roll Call Vote Yes-Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

11. Discuss and consider for approval Resolution 19-6-2 adopting the Fiscal Year 2019-2020 budget for the General Fund, Airport Fund, CDBG Fund, Cemetery Perpetual Care Fund, CIP Fund, Disaster Emergency Fund, DOC/CDBG Fund, DOC/CDBG Savings Fund, Health Department Fund, Police Account Fund, Police Drug Fund, Recreation Account Fund, and the Arvest/Southpoint Project Fund.

Motion to approve Resolution 19-6-2 adopting the Fiscal Year 2019-2020 budget for the General Fund, Airport Fund, CDBG Fund, Cemetery Perpetual Care Fund, CIP Fund, Disaster Emergency Fund, DOC/CDBG Fund, DOC/CDBG Savings Fund, Health Department Fund, Police Account Fund, Police Drug Fund, Recreation Account Fund, and the Arvest/Southpoint Project Fund by Nancy Mouser, 2nd by Frank Davis. Roll Call Vote Yes- Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

12. Discuss and consider for approval Ordinance 19-6-1 regarding dilapidated buildings, notice and hearing, removal and assessing cost, and definitions; and by separate motion attaching an emergency clause.

Gordon Pennington. Motion to approve Ordinance 19-6-1 regarding dilapidated buildings, notice and hearing, removal and assessing cost, and definitions; by Nicholas Pendley, 2nd by Frank Davis. Roll Call Vote Yes- Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

- a. Motion to approve or disapprove attaching emergency clause to Ordinance 19-6-1.

Motion to approve attaching emergency clause to Ordinance 19-6-1 by Nicholas Pendley, 2nd by Nancy Mouser. Roll Call Vote Yes- Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

13. Discuss and consider for approval Ordinance 19-6-2 regarding duration, release, impound fee, and redemption of impounded vehicle; and by separate motion attaching an emergency clause.

Motion to approve Ordinance 19-6-2 regarding duration, release, impound fee, and redemption of impounded vehicle by Frank Davis, 2nd by Nancy Mouser. Roll Call Vote Yes- Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

- a. Motion to approve or disapprove attaching emergency clause to Ordinance 19-6-2.

Motion to approve attaching emergency clause to Ordinance 19-6-2 by Nicholas Pendley, 2nd by Frank Davis. Roll Call Vote Yes- Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

14. Presentation and discussion by Chief of Police Mark Goodwin on the Police Department operations and technology improvements.

Mark Goodwin. Discussion.

15. Discuss and consider for approval Ordinance 19-6-3 regarding municipal court fines and costs; and by separate motion attaching an emergency clause.

Motion to approve Ordinance 19-6-3 regarding municipal court fines and costs by Nancy Mouser, 2nd by Frank Davis. Roll Call Vote Yes- Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

- a. Motion to approve or disapprove attaching emergency clause to Ordinance 19-6-3.

Motion to approve attaching emergency clause to Ordinance 19-6-3 by Nicholas Pendley, 2nd by Frank Davis. Roll Call Vote Yes- Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

16. Discuss and consider for approval Ordinance 19-6-4 regarding user charge system for wastewater; and by separate motion attaching an emergency clause.

Motion to approve Ordinance 19-6-4 regarding user charge system for wastewater by Frank Davis, 2nd by Nicholas Pendley. Roll Call Vote Yes- Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

- a. Motion to approve or disapprove attaching emergency clause to Ordinance 19-6-4.

Motion to approve attaching emergency clause to Ordinance 19-6-4 by Nicholas Pendley, 2nd by Nancy Mouser. Roll Call Vote Yes- Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

17. Discuss and take any necessary action due to the level of Lake Eufaula and flooding events.

Jeb Jones. Discussion.

18. Discuss and consider for approval application for zoning change from Public to C-1 for the South 120' of Lot 3, Block 6, which is the lot directly south of the boat and storage facility at Elm Street and B Street.

Motion to approve the application for zoning change from Public to C-1 for the South 120' of Lot 3, Block 6, which is the lot directly south of the boat and storage facility at Elm Street and B Street by James Duty, 2nd by Nancy Mouser. Roll Call Vote Yes- Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

19. Discuss and consider for approval application to close a portion of the alley between Rock Avenue and Border Street at 309 N. 5th Street.

Motion to deny application to close a portion of the alley between Rock Avenue and Border Street at 309 N. 5th Street by Frank Davis, 2nd by Nancy Mouser. Roll Call Vote Yes- Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

20. Discuss and consider for approval application to close a portion of the alley between High Street and Locust Avenue at 329 ½ 6th Street.

Motion to deny application to close a portion of the alley between High Street and Locust Avenue at 329 ½ 6th Street by Nicholas Pendley, 2nd by Frank Davis. Roll Call Vote Yes- Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

21. RECOGNIZE CITIZENS WISHING TO SPEAK TO THE MAYOR AND COUNCIL.

Note: Under Oklahoma Law, the Council Members are prohibited from discussing or taking any action on items not on today's agenda.

Pam Rossi

22. REMARKS AND INQUIRIES BY CITY COUNCIL.

Mouser:

Pendley: Randy Peterson signs

Davis:

Duty: Memorial Day Weekend, Extreme Ribbon Cutting and Heritage Day Weekend.

Motion to recess the City Council Meeting at 5:44 p.m. by Nicholas Pendley, 2nd by Frank Davis. Roll Call Vote Yes- Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

Motion to reconvene the City Council Meeting at 6:03 p.m. by James Duty, 2nd by Nancy Mouser. Roll Call Vote Yes- Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

23. Consider convening into executive session on advice of the City Attorney to receive confidential communications from its attorney regarding litigation concerning Julie Huff vs. City of Eufaula, et al.; Eastern District of Oklahoma Court Case No. 18-CIV-022-RAW, as authorized by 25 O.S. §307(B)(4), because disclosure would seriously impair the ability of the public body to conduct said litigation in the public interest.

Motion to convene into executive session on advice of the City Attorney to receive confidential communications from its attorney regarding litigation concerning Julie Huff vs. City of Eufaula, et al.; Eastern District of Oklahoma Court Case No. 18-CIV-022-RAW, as authorized by 25 O.S. §307(B)(4), because disclosure would seriously impair the ability of the public body to conduct said litigation in the public interest by Nicholas Pendley, 2nd by Frank Davis. Roll Call Vote Yes- Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

Motion to reconvene into open session by James Duty, 2nd by Nicholas Pendley. Roll Call Vote Yes- Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

24. Discuss and take possible action in open meeting, on Executive Session Item 21, if necessary.

Motion to designate Jacob Foos, City Manager, to act on behalf of the city in litigation concerning Julie Huff vs. City of Eufaula, et al.; Eastern District of Oklahoma Court Case No. 18-CIV-022-RAW, as authorized by 25 O.S. §307(B)(4) by Nicholas Pendley, 2nd by Frank Davis. Roll Call Vote Yes- Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

25. Consider convening into Executive Session, pursuant to 25 O.S. §307 (B)(1), for discussions related to the City Manager and, more specifically, the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee.

Motion to convene into Executive Session, pursuant to 25 O.S. §307 (B)(1), for discussions related to the City Manager and, more specifically, the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee by Frank Davis, 2nd by Nancy Mouser. Roll Call Vote Yes- Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

Motion to reconvene into open session by Frank Davis, 2nd by Nancy Mouser. Roll Call Vote Yes- Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

26. Discussion and possible action in open meeting, on Executive Session Item 23, if necessary.

Motion to accept the amendment of the employment contract and everyone to submit evaluation forms to the mayor by Nicholas Pendley, 2nd by Frank Davis. Roll Call Vote Yes- Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

27. Consider convening into Executive Session, pursuant to 25 O.S. §307 (B)(1) with clarification from Attorney General Opinion 92-23, for discussions related to the Freeholder Ward position of the Eufaula City Council and, more specifically, the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee.

Motion to convene into Executive Session, pursuant to 25 O.S. §307 (B)(1) with clarification from Attorney General Opinion 92-23, for discussions related to the Freeholder Ward position of the Eufaula City Council and, more specifically, the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee by Nicholas Pendley, 2nd by Frank Davis. Roll Call Vote Yes- Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

Motion to reconvene into open session by Frank Davis, 2nd by Nancy Mouser. Roll Call Vote Yes- Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

28. Discussion and possible action in open meeting, on Executive Session Item 25, if necessary.

Motion to nominate Todd Warren to the Freeholder Ward position by James Duty, 2nd by Nicholas Pendley. Roll Call Vote Yes- Nancy Mouser, Nicholas Pendley and James Duty. Roll Call Vote No- Frank Davis.

29. ADJOURNMENT.

Motion to adjourn by Nicholas Pendley, 2nd by Nancy Mouser. Roll Call Vote Yes- Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

AGENDA
EUFAULA PUBLIC WORKS AUTHORITY
JUNE 3, 2019
5:00 p.m.

1. ROLL CALL / ATTENDANCE CITY CLERK, VALARIE COX

Council Members in attendance: Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately. The item will then be placed in its proper order on the regular meeting and will be considered at that time.

2. APPROVAL OF MINUTES.
 - A. REGULAR MEETING MAY 6, 2019.
3. APPROVAL OF THE MAY 2019 PAYROLL FIGURES FOR THE EUFAULA PUBLIC WORKS AUTHORITY IN THE AMOUNT OF \$49,561.60.
4. RECEIPT OF CLAIMS: EUFAULA PUBLIC WORKS AUTHORITY.

Motion to approve the consent agenda by Frank Davis, 2nd by Nicholas Pendley. Roll Call Vote Yes- Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

ITEMS REMOVED FROM CONSENT AGENDA

5. Discuss and consider for approval Budget Amendment 7b for the Fiscal Year 2018-2019 Eufaula Public Works Authority Fund budget.

Motion to approve Budget Amendment 7b for the Fiscal Year 2018-2019 Eufaula Public Works Authority Fund budget by Frank Davis, 2nd by Nicholas Pendley. Roll Call Vote Yes- Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.
6. Discuss and consider for approval Resolution 19-6-3 adopting the Fiscal Year 2019-2020 budget for the Eufaula Public Works Authority Fund and the Eufaula Public Works Authority/CWSRF Fund.

Motion to approve Resolution 19-6-3 adopting the Fiscal Year 2019-2020 budget for the Eufaula Public Works Authority Fund and the Eufaula Public Works Authority/CWSRF Fund by Nancy Mouser, 2nd by Nicholas Pendley. Roll Call Vote Yes- Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

7. Discuss and take any necessary action regarding update on the water system projects funded from the Oklahoma Water Resource Board loan program.

Discussion.

8. Discuss and consider for approval Resolution 19-6-4 amending the fee schedule to include bulk wastewater disposal.

Discussion. Motion to approve Resolution 19-6-4 amending the fee schedule to include bulk wastewater disposal by Nancy Mouser, 2nd by Frank Davis. Roll Call Vote Yes- Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

9. ADJOURNMENT.

Motion to adjourn by Frank Davis, 2nd by Nicholas Pendley. Roll Call Vote Yes- Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

AGENDA
EUFAULA ECONOMIC DEVELOPMENT AUTHORITY
JUNE 3, 2019
5:00 p.m.

1. ROLL CALL / ATTENDANCE CITY CLERK, VALARIE COX

Council Members in attendance: Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

2. APPROVAL OF MINUTES.

A. REGULAR MEETING DECEMBER 3, 2018.

Motion to approve minutes of regular meeting December 3, 2018, by Frank Davis, 2nd by James Duty. Roll Call Vote Yes- Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

3. Discuss and consider for approval Resolution 19-6-5 adopting the Fiscal Year 2019-2020 budget for the Eufaula Economic Development Authority Fund.

Motion to approve Resolution 19-6-5 adopting the Fiscal Year 2019-2020 budget for the Eufaula Economic Development Authority Fund by Frank Davis, 2nd by Nicholas Pendley. Roll Call Vote Yes- Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

4. ADJOURNMENT.

Motion to adjourn by Frank Davis, 2nd by Nancy Mouser. Roll Call Vote Yes- Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.