

Posted at City Hall, 17 Hospital Drive, Eufaula, OK 74432 January 29, 2020 at 5:00 p.m.

## **CITY OF EUFAULA, OK**

Community Center  
First & High Street  
Eufaula, OK 74432



**MINUTES**  
**Monday**  
**FEBRUARY 3, 2020**  
**5:00 p.m.**

City Council and Eufaula Public Works 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.

The complete packet of information for the agenda items is available online at  
[CityofEufaulaOK.com](http://CityofEufaulaOK.com)

City Council

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

AGENDA  
EUFAULA CITY COUNCIL  
FEBRUARY 3, 2020  
5:00 p.m.

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

Council members in attendance: Warren, Mouser, Pendley, Davis and 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 JANUARY 6, 2020.
  - B. SPECIAL COUNCIL MEETING JANUARY 27, 2020.
  - C. SPECIAL COUNCIL MEETING JANUARY 28, 2020.
6. APPROVAL OF THE TREASURER'S REPORT.
7. APPROVAL OF THE JANUARY 2020 PAYROLL FIGURES FOR THE GENERAL FUND IN THE AMOUNT OF \$45294.61.
8. RECEIPT OF CLAIMS: CITY OF EUFAULA.

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

ITEMS REMOVED FROM CONSENT AGENDA

9. Discuss and consider for approval Ordinance 20-02-01 providing for the annulment, vacation and discontinuance of the portion of Clifford Seals Street which lies between Lot 6 and Lot 1 of Block 55 and Lot 4 and Lot 3 of Block 62.

Discussion. Timothy Dixon. Emma Watts. Motion to disapprove Ordinance 20-02-01 providing for the annulment, vacation and discontinuance of the portion of Clifford Seals Street which lies between Lot 6 and Lot 1 of Block 55 and Lot 4 and Lot 3 of Block 62 by James Duty, 2<sup>nd</sup> by Todd Warren. Roll Call Vote Yes- Todd Warren, Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

- a. Motion to approve or disapprove attaching emergency clause to Ordinance 20-02-01.

Motion to disapprove attaching emergency clause to Ordinance 20-02-01 by James Duty, 2<sup>nd</sup> by Frank Davis. Roll Call Vote Yes- Todd Warren, Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

10. Discuss and consider for approval Ordinance 20-02-02 providing for the annulment, vacation and discontinuance of the portion of "F" Street which lies between Lot 3 and Lot 2 of Block 62 and Lot 5 and Lot 4 of Block 61.

Discussion. Motion to approve Ordinance 20-02-02 providing for the annulment, vacation and discontinuance of the portion of "F" Street which lies between Lot 3 and Lot 2 of Block 62 and Lot 5 and Lot 4 of Block 61 by Nancy Mouser, 2<sup>nd</sup> by James Duty. Roll Call Vote Yes- Todd Warren, Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

- a. Motion to approve or disapprove attaching emergency clause to Ordinance 20-02-02.

Motion to approve attaching emergency clause to Ordinance 20-02-02 by Nancy Mouser, 2<sup>nd</sup> by Nicholas Pendley. Roll Call Vote Yes- Todd Warren, Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

11. Discuss and consider for approval zoning application for a change in zoning from Public to C-1 Commercial for: Legal descriptions: All of Lot 6 and all of Lot 5 in Block 97, City of Eufaula, McIntosh County, OK, according to the recorded plat thereof.

Discussion. Vernon Hysell. Martha Sellers. Motion to approve zoning application for a change in zoning from Public to C-1 Commercial for: Legal descriptions: All of Lot 6 and all of Lot 5 in Block 97, City of Eufaula, McIntosh County, OK, according to the recorded plat thereof by Todd Warren, 2<sup>nd</sup> by Nancy Mouser. Discussion. Roll Call Vote Yes- Todd Warren and Nancy Mouser. No- Nicholas Pendley, Frank Davis and James Duty.

12. Discuss and consider for approval zoning application for a change in zoning from R-3 Multi-Family Residential to C-1 Commercial for: Legal descriptions: Lot Seven (7), Nine (9), Ten (10), Eleven (11), and Twelve (12) of Waters Edge to the City of Eufaula, McIntosh County, Oklahoma, according to the Final Plat of Waters Edge, A Re-plat of Lots Two (2) and Three (3) of Block Sixty-Three (63) to the City of Eufaula, McIntosh County, Oklahoma (A part of the Southeast Quarter (SE/4) of Section Two (2), Township Nine (9) North, Range Sixteen (16) East of the I.B.&M., in McIntosh County, Oklahoma; AND Lot Eight (8) Waters Edge Addition to the City of Eufaula, McIntosh County, Oklahoma according to the recorded plat thereof; AND Lots Five and Six of Waters Edge Addition to the City of Eufaula, McIntosh County, Oklahoma. "A" A part of Lot Four (4) of Waters Edge Addition to the City of Eufaula McIntosh County, Oklahoma, described as beginning at the Northeast Corner of Lot Five (5); Thence N66°46'50"E along the Northerly line of Lot Four (4) a distance of 0.60 feet; thence S23°13'10"E and parallel with the Westerly line of Lot Four (4) a distance of 35.00 feet; thence S66°46'50"W a distance of 0.60 feet to the Southeast corner of Lot 5; Thence N23°13'10"W along the Easterly line of said Lot Five (5) a distance of 35.00 feet to the Point of Beginning; and "B" A part of lot Thirteen of Waters Edge Addition to the City of Eufaula, McIntosh County, Oklahoma, described as beginning at the Northeast Corner of Lot Five (5); thence N66°46'50"E along the Southerly line of Lot Thirteen (13) a distance of 0.60 feet; Thence N23°13'10" W a distance of 1.20 feet: thence S66°46'50"W and parallel with the Southerly line of Lot Thirteen (13) a distance of 33.40 feet; thence S23°13'10"E a distance of 1.20 feet to a Point on the Northerly line of Lot Six (6), said Point being 1.73 feet Easterly of the Northwest Corner of Lot Six (6); thence N66°46'50"E along the Northerly line of said Lots Six (6) and Five (5) a distance of 32.80 feet to the point of beginning; and "C" Beginning at the Southeast corner of Lot Five (5) of Waters Edge Addition to the City of Eufaula, McIntosh County, Oklahoma, thence N66°46'50"E along the Southerly line of Lot Four (4) a distance of 0.60 feet; thence S23°13'10"E a distance of 1.00 feet; Thence S66°46'50"W along a line parallel with the Southerly line of said Lot Five (5) and Lot Six (6) a distance of 25.05 feet to a point: Thence N11°16'48"E a distance of 0.85 feet to a point on the Southerly line of Lot Six (6); thence N66°46'50"E along said Southerly line a distance of 23.76 feet to the Point of Beginning.

Motion to approve zoning application for a change in zoning from R-3 Multi-Family Residential to C-1 Commercial for: Legal descriptions: Lot Seven (7), Nine (9), Ten (10), Eleven (11), and Twelve (12) of Waters Edge to the City of Eufaula, McIntosh County, Oklahoma, according to the Final Plat of Waters Edge, A Re-plat of Lots Two (2) and Three (3) of Block Sixty-Three (63) to the City of Eufaula, McIntosh County, Oklahoma (A part of the Southeast Quarter (SE/4) of Section Two (2), Township Nine (9) North, Range Sixteen (16) East of the I.B.&M., in McIntosh County, Oklahoma; AND Lot Eight (8) Waters Edge Addition to the City of Eufaula, McIntosh County, Oklahoma according to the recorded plat thereof; AND Lots Five and Six of Waters Edge Addition to the City of Eufaula, McIntosh County, Oklahoma. "A" A part of Lot Four (4) of Waters Edge Addition to the City of Eufaula McIntosh County, Oklahoma, described as beginning at the Northeast Corner of Lot Five (5); Thence N66°46'50"E along the Northerly line of Lot Four (4) a distance of 0.60 feet; thence S23°13'10"E and parallel with the Westerly line of Lot Four (4) a distance of 35.00 feet; thence S66°46'50"W a distance of 0.60 feet to the Southeast corner of Lot 5; Thence N23°13'10"W along the Easterly line of said Lot Five (5) a distance of 35.00 feet to the Point of Beginning; and "B" A part of lot Thirteen of Waters Edge Addition to the City of Eufaula, McIntosh County, Oklahoma, described as beginning at the Northeast Corner of Lot Five (5); thence N66°46'50"E along the Southerly line of Lot Thirteen (13) a distance of 0.60 feet; Thence N23°13'10" W a distance of 1.20 feet: thence S66°46'50"W and parallel with the Southerly line of Lot Thirteen (13) a distance of 33.40 feet; thence S23°13'10"E a distance of 1.20 feet to a Point on the Northerly line of Lot Six (6), said Point being 1.73 feet Easterly of the Northwest Corner of Lot Six (6); thence N66°46'50"E along the Northerly line of said Lots Six (6) and Five (5) a distance of 32.80 feet to the point of beginning; and "C" Beginning at the Southeast corner of Lot Five (5) of Waters Edge Addition to the City of Eufaula, McIntosh County, Oklahoma, thence N66°46'50"E along the Southerly line of Lot Four (4) a distance of 0.60 feet; thence S23°13'10"E a distance of 1.00 feet; Thence S66°46'50"W along a line parallel with the Southerly line of said Lot Five (5) and Lot Six (6) a distance of 25.05 feet to a point: Thence N11°16'48"E a distance of 0.85 feet to a point on the Southerly line of Lot Six (6); thence N66°46'50"E along said Southerly line a distance of 23.76 feet to the Point of Beginning by Nicholas Pendley, 2<sup>nd</sup> by Nancy Mouser. Roll Call Vote Yes- Todd Warren, Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

13. Discuss and take any necessary action on allowing food trucks to utilize a portion of the overflow parking lot during fishing tournaments and events.

Discussion.

14. Discuss and take any necessary action regarding the City of Eufaula Zoning Code and Subdivision Regulations as reviewed and proposed by the Planning and Zoning Commission.

Motion to Move item 14 to take up after item 16 by Todd Warren, 2<sup>nd</sup> by Frank Davis.  
Roll Call Vote Yes- Todd Warren, Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

Discussion

15. 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.**

Patty Webster  
Pam Rossi

16. REMARKS AND INQUIRIES BY CITY COUNCIL.

Warren: Procedure of bleeding dirty water  
Mouser: Muddy water, Improve customer service  
Pendley:  
Davis:  
Duty: Water

Motion to recess at 6:22 p.m. by Nicholas Pendley, 2<sup>nd</sup> by Frank Davis. Roll Call Vote Yes- Todd Warren, Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

Motion to reconvene at 7:01 p.m. by James Duty, 2<sup>nd</sup> by Nicholas Pendley. Roll Call Vote Yes- Todd Warren, Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

17. ADJOURNMENT.

Motion to adjourn by Nicholas Pendley, 2<sup>nd</sup> by Frank Davis. Roll Call Vote Yes- Todd Warren, Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

AGENDA  
EUFAULA PUBLIC WORKS AUTHORITY  
FEBRUARY 3, 2020  
5:00 p.m.

1. ROLL CALL /ATTENDANCE                      CITY CLERK, VALARIE COX

Council members in attendance: Warren, Mouser, Pendley, Davis and 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 JANUARY 6, 2020.
3. APPROVAL OF THE JANUARY 2020 PAYROLL FIGURES FOR THE EUFAULA PUBLIC WORKS AUTHORITY IN THE AMOUNT OF \$28,833.24.
4. RECEIPT OF CLAIMS: EUFAULA PUBLIC WORKS AUTHORITY.
5. Approval on Longitudinal Pipeline Agreement with Union Pacific for Pipeline Encroachment 052118 and payment of one-time license fee of \$8,210.
6. Approval on Longitudinal Pipeline Agreement with Union Pacific for Pipeline Encroachment 080808 and payment of one-time license fee of \$12,350.

Motion to approve consent agenda by Todd Warren, 2<sup>nd</sup> by Frank Davis. Roll Call Vote Yes- Todd Warren, Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

ITEMS REMOVED FROM CONSENT AGENDA

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 invoice payments of \$11,000 on OWRB-DWSRF Loan #1.

Discussion. Motion to approve invoice payments of \$11,000 on OWRB-DWSRF Loan #1 by Nicholas Pendley, 2<sup>nd</sup> by Frank Davis. Roll Call Vote Yes- Todd Warren, Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

9. Discuss and consider for approval invoice payments of \$322,724.50 on OWRB-DWSRF Loan #2.

Discussion. Motion to approve invoice payments of \$322,724 on OWRB-DWSRF Loan #2 by Nicholas Pendley, 2<sup>nd</sup> by Frank Davis. Roll Call Vote Yes- Todd Warren, Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

10. Discuss and take any necessary action on the request for contract extension with Sue's Recycling.

Discussion. Sue Smith. Motion to proceed by Nicholas Pendley, 2<sup>nd</sup> by Todd Warren. Roll Call Vote Yes- Todd Warren, Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

11. Adjournment.

Motion to adjourn by Frank Davis, 2<sup>nd</sup> b Nicholas Pendley. Roll Call Vote Yes- Todd Warren, Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.