

Posted at City Hall, 17 Hospital Drive, Eufaula, OK 74432 and at Community Center, 121 High Street, Eufaula, OK 74432 (the location of the meeting) on October 2, 2020 at 5:00 p.m.

SPECIAL NOTICE: Due to COVID-19, all attendees must wear a protective face mask. If possible, please bring your own mask. A limited amount will be available for visitors. Please do not attend if you have been exposed to, tested positive for, or are experiencing symptoms of COVID-19.

## **CITY OF EUFAULA, OK**

Community Center  
121 High Street  
Eufaula, OK 74432



**MINUTES**  
**Monday**  
**OCTOBER 5, 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 28CFR/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  
OCTOBER 5, 2020  
5:00 p.m.

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

Council members present 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 SEPTEMBER 14, 2020.
6. APPROVAL OF THE TREASURER'S REPORT.
7. APPROVAL OF THE SEPTEMBER 2020 PAYROLL FIGURES FOR THE GENERAL FUND IN THE AMOUNT OF \$45,822.95.
8. RECEIPT OF CLAIMS: CITY OF EUFAULA.
9. Approval of 2021 holidays and meetings calendar.

10. Approval of Change Order 1 for the airport fuel system, decreasing the contract amount by \$15,815 with Young Contracting, LLC due to project cost savings; and authorize the Mayor and/or City Manager to sign all necessary documents.

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

#### ITEMS REMOVED FROM CONSENT AGENDA

11. Discuss and consider for approval Budget Amendment 2a for the Fiscal Year 2020-2021 General Fund and CIP Fund budgets.

Discussion. Motion to approve Budget Amendment 2a for the Fiscal Year 2020-2021 General Fund and CIP Fund budgets by Nancy Mouser, 2<sup>nd</sup> by Frank Davis. Roll Call Vote Yes- Todd Warren, Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

12. Discuss and consider for approval a zoning map amendment application for a change in zoning from R-1 Residential to RM-1 Residential Multi-Family for the following location: Legal Description: Lot 1-6 BLK 35 OT-Eufaula (RV Park) 625/74. Commonly known as 305 J.C. Watts Jr. Avenue.

Discussion. Motion to approve a zoning map amendment application for a change in zoning from R-1 Residential to RM-1 Residential Multi-Family for the following location: Legal Description: Lot 1-6 BLK 35 OT-Eufaula (RV Park) 625/74. Commonly known as 305 J.C. Watts Jr. Avenue 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.

13. Discuss and consider for approval Ordinance 20-10-01 providing for the annulment, vacation and discontinuance of a portion of a public way that runs between Lots 1-3 and Lots 4-6 of Block 35; and declaring an emergency.

Discussion. Motion to approve Ordinance 20-10-01 providing for the annulment, vacation and discontinuance of a portion of a public way that runs between Lots 1-3 and Lots 4-6 of Block 35; and declaring an emergency 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.

- a. Motion to approve or disapprove attaching emergency clause to Ordinance 20-10-01.

Motion to approve attaching emergency clause to Ordinance 20-10-01 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.

14. Discuss and consider for approval the installation of a four-way stop at the intersection of 3<sup>rd</sup> Street and Foley Avenue.

Discussion. Aaron Baird. Motion to approve the installation of a four-way stop at the intersection of 3<sup>rd</sup> Street and Foley Avenue by Frank Davis, 2<sup>nd</sup> by Nicholas Pendley. Roll Call Vote Yes- Todd Warren, Nicholas Pendley, Frank Davis and James Duty; No- Nancy Mouser.

15. Discuss and consider for approval Ordinance 20-10-02 relating to Part 12 – Planning, Zoning and Development, Chapter 2 – General Provisions; Amending Section 12-296(B) Relating to Parking; and declaring an emergency.

Discussion. Motion to approve Ordinance 20-10-02 relating to Part 12 – Planning, Zoning and Development, Chapter 2 – General Provisions; Amending Section 12-296(B) Relating to Parking; and declaring an emergency while striking “and further provided that the trailer shall not be parked or stored for more than on week unless it is located behind the front yard building line” 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.

- a. Motion to approve or disapprove attaching emergency clause to Ordinance 20-10-02.

Motion to approve attaching emergency clause to Ordinance 20-10-02 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.

16. Discuss and consider for approval Ordinance 20-10-03 relating to Part 12 – Planning, Zoning and Development, Chapter 2 – General Provisions; Amending Section 12-256.2(I) Relating to Carports; and declaring an emergency.

Discussion. Motion to send back to staff by Todd Warren, 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 20-10-03.

No Action.

17. Discuss and consider for approval Ordinance 20-10-04 relating to Part 11 – Parks, Recreation and Cultural Affairs, Chapter 3 – Eufaula Cove Area; Amending Section 11-301(E): General Rules and Regulations – Littering; and declaring an emergency.

Discussion. Motion to approve Ordinance 20-10-04 relating to Part 11 – Parks, Recreation and Cultural Affairs, Chapter 3 – Eufaula Cove Area; Amending Section 11-301(E): General Rules and Regulations – Littering; and declaring an emergency 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.

- a. Motion to approve or disapprove attaching emergency clause to Ordinance 20-10-04.

Motion to approve attaching emergency clause to Ordinance 20-10-04 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.

18. Discuss and consider for approval encouraging the community to follow COVID-19 guidelines set forth by the Center for Disease Control and Prevention for holiday gatherings and events.

Discussion. Pam Rossi. Motion to approve encouraging the community to follow COVID-19 guidelines set forth by the Center for Disease Control and Prevention for holiday gatherings and events 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.

19. Discuss and consider taking any necessary action concerning the City of Eufaula's endorsement and/or participation in holiday gatherings and events.

Discussion. Motion to take no action by Frank Davis, 2<sup>nd</sup> by James Duty. Roll Call Vote Yes- Todd Warren, Nancy Mouser, Frank Davis and James Duty; No- Nicholas Pendley.

20. Discuss and consider for approval the revised project plan for the Fiscal Year 2021 Rural Economic Action Program grant of \$36,300 for roadway improvements on Birkes Road.

Discussion. Motion to approve the revised project plan for the Fiscal Year 2021 Rural Economic Action Program grant of \$36,300 for roadway improvements on Birkes Road by Todd Warren, 2<sup>nd</sup> by Nancy Mouser. Roll Call Vote Yes- Todd Warren, Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

21. REMARKS AND INQUIRIES BY CITY COUNCIL.

Warren-Thank you for the asphalt patching.

Mouser- None

Pendley-None

Davis- None

Duty- None

22. Announcements.

Wetlands dedication.

23. ADJOURNMENT.

Motion to adjourn 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.

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

1. ROLL CALL /ATTENDANCE CITY CLERK, VALARIE COX

Council members present 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 SEPTEMBER 14, 2020.
3. APPROVAL OF THE AUGUST 2020 PAYROLL FIGURES FOR THE EUFAULA PUBLIC WORKS AUTHORITY IN THE AMOUNT OF \$27,014.35.

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

ITEMS REMOVED FROM CONSENT AGENDA

4. CONSIDER AND TAKE ACTION WITH RESPECT TO A RESOLUTION OF THE EUFAULA PUBLIC WORKS AUTHORITY (THE "AUTHORITY") AUTHORIZING THE AUTHORITY'S FINANCIAL ADVISOR TO DISTRIBUTE INFORMATION PACKAGES TO PROSPECTIVE FINANCIAL INSTITUTIONS IN CONNECTION WITH THE PROPOSED ISSUANCE OF THE AUTHORITY'S USE TAX REVENUE NOTE, SERIES 2020 TO FINANCE CERTAIN CITY HALL IMPROVEMENTS, ALONG WITH RELATED COSTS; APPROVING AND AUTHORIZING PROFESSIONAL SERVICES AGREEMENTS; AND CONTAINING OTHER PROVISIONS RELATING THERETO.

Ben Oglesby. Discussion. Motion to borrow 1.2 million for construction and land acquisition 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.

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

Discussion.

6. Discuss and consider for approval invoice payments of \$3,875 on OWRB-DWSRF Loan #1.

Motion to approve invoice payments of \$3,875 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.

7. Discuss and consider for approval invoice payments of \$116,208.75 on OWRB-DWSRF Loan #2.

Motion to approve invoice payments of \$116, 208.75 on OWRB-DWSRF Loan #2 by Nancy Mouser, 2<sup>nd</sup> by Frank Davis. Roll Call Vote Yes- Todd Warren, Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

8. Discuss and consider for approval the final payment request for Contract A with Lonehickory Cattle, LLC, in the amount of \$382,314 on OWRB-DWSRF Loan #2, on the condition of review and approval by the Oklahoma Department of Environmental Quality.

Discussion. Michael Taylor. Motion to approve the final payment request for Contract A with Lonehickory Cattle, LLC, in the amount of \$382,314 on OWRB-DWSRF Loan #2, on the condition of review and approval by the Oklahoma Department of Environmental Quality by Nancy Mouser, 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 awarding of contract to Beytco, Inc. of Sapulpa, Oklahoma in the amount of \$234,478 for the J.C. Watts Ave. Lift Station replacement project; and authorize the Mayor and/or City Manager to sign all necessary documents.

Michael Taylor. Discussion. Motion to approve awarding of contract to Beytco, Inc. of Sapulpa, Oklahoma in the amount of \$234,478 for the J.C. Watts Ave. Lift Station replacement project; and authorize the Mayor and/or City Manager to sign all necessary documents by Frank Davis, 2<sup>nd</sup> by Todd Warren. Roll Call Vote Yes- Todd Warren, Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

10. Discuss and consider for approval Budget Amendment 2b for the Fiscal Year 2020-2021 Public Works Authority Fund and PWA/CWSRF Fund budgets.

Discussion. Motion to approve Budget Amendment 2b for the Fiscal Year 2020-2021 Public Works Authority Fund and PWA/CWSRF Fund budgets 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 Change Order 1 for Package B/C, consisting of water system improvements, increasing the contract amount by \$651,762.50; and authorize the Mayor and/or City Manager to sign all necessary documents.

Michael Taylor. Discussion. Motion to approve Change Order 1 for Package B/C, consisting of water system improvements, increasing the contract amount by \$651,762.50; and authorize the Mayor and/or City Manager to sign all necessary documents 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.

12. Discuss and consider for approval amendment to the contract with Cowan Group Engineering dated November 19, 2018 for professional services on the Water Distribution System Improvements, expanding the scope of services and increasing the total amount by \$67,000; and authorize the Mayor and/or City Manager to sign all necessary documents.

Michael Taylor. Discussion. Motion to approve amendment to the contract with Cowan Group Engineering dated November 19, 2018 for professional services on the Water Distribution System Improvements, expanding the scope of services and increasing the total amount by \$67,000; and authorize the Mayor and/or City Manager to sign all necessary documents 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.

13. Adjournment.

Motion to adjourn 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.