

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 April 2, 2021 at 4:00 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**  
**APRIL 5, 2021**  
**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 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  
APRIL 5, 2021  
5:00 p.m.

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

Council members present: Todd Warren, Nancy Mouser, Frank Davis and James Duty.  
Nicholas Pendley was absent.

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 MARCH 1, 2021.
6. APPROVAL OF THE TREASURER'S REPORT.
7. APPROVAL OF THE MARCH 2021 PAYROLL FIGURES FOR THE GENERAL FUND IN THE AMOUNT OF \$51,795.06.
8. RECEIPT OF CLAIMS: CITY OF EUFAULA.
9. Approval of lease agreement with the United States Army Corps of Engineers to renew the City of Eufaula's master lease through March 31, 2071.

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

ITEMS REMOVED FROM CONSENT AGENDA

10. Discuss and take any necessary action regarding emergency medical services including response times.

Jacob Foos. Discussion.

11. Discuss and consider for approval agreement with Tyler Technologies for financial software and services.

Jacob Foos. Kirk Cunningham. Discussion. Motion to approve agreement with Tyler Technologies for financial software and services by Nancy Mouser, 2<sup>nd</sup> by Frank Davis. Roll Call Vote Yes- Todd Warren, Nancy Mouser, Frank Davis and James Duty.

12. Discuss and consider for approval Budget Amendment 6a for Fiscal Year 2020-2021 General Fund, Disaster Emergency Fund, and Police Account Fund.

Jacob Foos. Motion to approve Budget Amendment 6a for Fiscal Year 2020-2021 General Fund, Disaster Emergency Fund, and Police Account Fund by Nancy Mouser, 2<sup>nd</sup> by Frank Davis. Roll Call Vote Yes- Todd Warren, Nancy Mouser, Frank Davis and James Duty.

13. Receive and discuss update on improvements being made to Eufaula Municipal Airport.

Adam White. Discussion.

14. Discuss and consider for approval Amendment Number 3 to Owner-Engineer Agreement with CEC Corporation dated December 3, 2018 to add engineering services for the airport taxiway and apron rehabilitation project.

Jacob Foos. Motion to approve Amendment Number 3 to Owner-Engineer Agreement with CEC Corporation dated December 3, 2018, to add engineering services for the airport taxiway and apron rehabilitation project by Todd Warren, 2<sup>nd</sup> by Frank Davis. Roll Call Vote Yes- Todd Warren, Nancy Mouser, Frank Davis and James Duty.

15. Discuss and consider for approval Ordinance 21-04-01 relating to Part 12 – Planning, Zoning and Development, Chapter 2 – General Provisions; amending Section 12-296(B) relating to parking; and declaring an emergency.

Jacob Foos. Discussion. Motion to approve Ordinance 21-04-01 relating to Part 12- Planning, Zoning and Development, Chapter 2-General Provisions; amending Section 12-296(B) relating to parking by Frank Davis, 2<sup>nd</sup> by James Duty. Roll Call Vote Yes- Todd Warren, Nancy Mouser, Frank Davis and James Duty.

- a. Motion to approve or disapprove attaching emergency clause to Ordinance 21-04-01.

Motion to approve attaching emergency clause to Ordinance 21-04-01 by Frank Davis, 2<sup>nd</sup> by Todd Warren. Roll Call Vote Yes- Todd Warren, Nancy Mouser, Frank Davis and James Duty.

- 16. Discuss and consider for approval Ordinance 21-04-02 relating to Part 12 – Planning, Zoning and Development, Chapter 24 – Definitions; amending a portion of Section 12-400 relating to customary exterior finishes; and declaring an emergency.

Jacob Foos. Discussion. Motion to approve Ordinance 21-04-02 relating to Part 12- Planning, Zoning and Development, Chapter 24- Definitions; amending a portion of Section 12-400 relating to customary exterior finishes by James Duty, 2<sup>nd</sup> by Nancy Mouser. Roll Call Vote Yes- Todd Warren, Nancy Mouser, Frank Davis and James Duty.

- a. Motion to approve or disapprove attaching emergency clause to Ordinance 21-04-02.

Motion to approve attaching emergency clause to Ordinance 21-04-02 by James Duty, 2<sup>nd</sup> by Nancy Mouser. Roll Call Vote Yes- Todd Warren, Nancy Mouser, Frank Davis and James Duty.

- 17. Discuss and consider for approval Ordinance 21-04-03 relating to Part 4 – Animals, Chapter 1 – Animal Regulations, Article A – Animal Regulations, and Article B – Dog and Cat Vaccinations; amending Section 4-101 relating to definitions, Section 4-121 relating to dog license, registration, and tag, and Section 4-122 relating to tag to be placed on dog collar and lost tags; and declaring an emergency.

Jacob Foos. Discussion. Motion to approve Ordinance 21-04-03 relating to Part 4- Animals, Chapter 1-Animal Regulations, Article A-Animal Regulations, and Article B- Dog and Cat Vaccinations; amending Section 4-101 relating to definitions, Section 4-121 relating to dog license, registration, and tag, and Section 4-122 relating to tag to be placed on dog collar and lost tags by Nancy Mouser, 2<sup>nd</sup> by Frank Davis. Roll Call Vote Yes- Todd Warren, Nancy Mouser, Frank Davis and James Duty.

- a. Motion to approve or disapprove attaching emergency clause to Ordinance 21-04-03.

Motion to approve attaching emergency clause to Ordinance 21-04-03 by Nancy Mouser, 2<sup>nd</sup> by Frank Davis. Roll Call Vote Yes- Todd Warren, Nancy Mouser, Frank Davis and James Duty.

18. Conduct public hearing to provide residents the opportunity to comment on the Fiscal Year 2021-2022 proposed budgets for the City of Eufaula, Eufaula Public Works Authority, and Eufaula Economic Development Authority.

6:05 p.m. Public Hearing opened.

No one to speak

6:07 p.m. Public Hearing Closed.

19. Receive and discuss update on the fundraising efforts for the splash pad project.

Jacob Foos.

20. Consider convening into executive session on advice of the City Attorney to receive confidential communications from its attorney regarding litigation concerning Virginia Jackson, Individually and as Next Friend of L.J., a minor, vs. Independent School District No. 1, McIntosh County, Oklahoma, et al.; Eastern District of Oklahoma Court Case No. CIV-20-138-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 strike by Nancy Mouser, 2<sup>nd</sup> by Frank Davis. Roll Call Vote Yes- Todd Warren, Nancy Mouser, Frank Davis and James Duty.

21. Conclude executive session and reconvene the open meeting.

Stricken.

22. Designate the City Manager as the authorized representative of the City of Eufaula with final settlement authority for the case: Virginia Jackson, Individually and as Next Friend of L.J., a minor, vs. Independent School District No. 1, McIntosh County, Oklahoma, et al.; Eastern District of Oklahoma Court Case No. CIV-20-138-RAW.

Motion to designate the City Manager as the authorized representative of the City of Eufaula with final settlement authority for the case: Virginia Jackson, Individually and as Next Friend of L.J., a minor, vs. Independent School District No. 1, McIntosh County, Oklahoma, et al.; Eastern District of Oklahoma Court Case No. CIV-20-138-RAW by Nancy Mouser, 2<sup>nd</sup> by Todd Warren. Roll Call Vote Yes- Todd Warren, Nancy Mouser, Frank Davis and James Duty.

23. REMARKS AND INQUIRIES BY CITY COUNCIL.

Warren: East side of town still needs road patches and dirt fill.

Mouser: None.

Davis: None.

Duty: Disc Golf Tournament. Thanks to Team Up to Clean Up, PWA and Adam White.

24. Announcements.

Vaccines available. T-Shirt fundraiser for Splash Pad. Encourage everyone to vote.

25. ADJOURNMENT.

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



Jacob Foos. Motion to approve invoice payments of \$270,448.50 on OWRB-DWSRF Loan #2 by Nancy Mouser, 2<sup>nd</sup> by Frank Davis. Roll Call Vote Yes- Todd Warren, Nancy Mouser, Frank Davis and James Duty.

7. Discuss and consider for approval invoice payment of \$9,385 on OWRB-CWSRF Loan.

Jacob Foos. Motion to approve invoice payment of \$9,385 on OWRB-CWSRF Loan by Frank Davis, 2<sup>nd</sup> by Nancy Mouser. Roll Call Vote Yes- Todd Warren, Nancy Mouser, Frank Davis and James Duty.

8. Discuss and consider for approval invoice payment of \$15,712.50 on Construction Fund Loan.

Jacob Foos. Motion to approve invoice payment of \$15,712.50 on Construction Fund Loan by Nancy Mouser, 2<sup>nd</sup> by Frank Davis. Roll Call Vote Yes- Todd Warren, Nancy Mouser, Frank Davis and James Duty.

9. Discuss and consider for approval invoice payment of \$45,902.67 for Community Development Block Grant Project – Wastewater Treatment Plant.

Jeb Jones. Motion to approve invoice payment of \$45,902.67 for Community Development Block Grant Project-Wastewater Treatment Plant by Frank Davis, 2<sup>nd</sup> by Nancy Mouser. Roll Call Vote Yes- Todd Warren, Nancy Mouser, Frank Davis and James Duty.

10. Adjournment.

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