

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 29, 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**  
**MAY 3, 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 Todd Warren  
Vice Mayor Nancy Mouser  
Council Member Frank Davis  
Council Member Dan Kirby  
Council Member Jamie Upton

AGENDA  
EUFAULA CITY COUNCIL  
MAY 3, 2021  
5:00 p.m.

- |                           |                   |
|---------------------------|-------------------|
| 1. CALL TO ORDER -5:00 PM | MAYOR TODD WARREN |
| 2. INVOCATION             | FRANK DAVIS       |
| 3. PLEDGE OF ALLEGIANCE   | MAYOR TODD WARREN |
| 4. ROLL CALL /ATTENDANCE  |                   |

PRESENT: Warren, Davis, Kirby, Upton. ABSENT: Mouser

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 APRIL 5, 2021.
  - B. SPECIAL COUNCIL MEETING APRIL 19, 2021.
6. APPROVAL OF THE TREASURER'S REPORT.
7. APPROVAL OF THE APRIL 2021 PAYROLL FIGURES FOR THE GENERAL FUND IN THE AMOUNT OF \$81,434.33.
8. RECEIPT OF CLAIMS: CITY OF EUFAULA.

9. Consideration and possible approval, revision and/or amendment of memorandum with the Oklahoma Department of Human Services.
10. Consideration and possible approval, revision and/or amendment of Resolution 21-05-01 authorizing the City of Eufaula's participation in the Oklahoma Municipal Assurance Group Recognition Program.
11. Consideration and possible approval, revision and/or amendment of letter of engagement with Crawford & Associates, P.C. for financial and audit preparation services.

Motion to approve the consent agenda by Frank Davis, 2nd by Dan Kirby. Roll Call Vote Yes- Todd Warren, Frank Davis, Jamie Upton and Dan Kirby.

#### ITEMS REMOVED FROM CONSENT AGENDA

12. Consideration and possible approval, revision and/or amendment of discussion of membership benefits by the Oklahoma Municipal League including the option to become a member for approximately \$3,500 a year.

Discussion. Motion for approval of Oklahoma Municipal League Membership by Todd Warren, 2<sup>nd</sup> by Dan Kirby. Roll Call Vote Yes- Todd Warren, Frank Davis, Jamie Upton and Dan Kirby.

13. Consideration and possible approval, revision and/or amendment of proposal by Pafford EMS for ambulance services.

Discussion. Presentation by Clay Hobbs with Pafford EMS. Motion to strike any action by Todd Warren, 2<sup>nd</sup> by Frank Davis. Roll Call Vote Yes- Todd Warren, Frank Davis, Jamie Upton and Dan Kirby.

14. Consideration and possible approval, revision and/or amendment of alternative options for ambulance services.

Adam White. Discussion. Motion to strike to allow more time for research by Daan Kirby, 2<sup>nd</sup> by Todd Warren. Roll Call Vote Yes- Todd Warren, Frank Davis, Jamie Upton and Dan Kirby.

15. Review and discussion on the Fiscal Year 2021-2022 proposed budgets for the City of Eufaula, Eufaula Public Works Authority, and Eufaula Economic Development Authority.

Jacob Foos. Discussion. Review of budget to include EMS and Oklahoma Municipal League fees.

16. Consideration and possible approval, revision and/or amendment of Ordinance 21-05-01 providing for the annulment, vacation and discontinuance of a portion of a public way known as Washington Street and/or Clifford Seals Street, which is bounded by Lots 5, 6, 7, and 8 of Block 54 on the north, by E Street on the east, by the United States Army Corps of Engineers property on the south, and by the MK&T Railroad on the west.

Eagan Law Office. Discussion. Motion to approve by Frank Davis, 2<sup>nd</sup> by Jamie Upton. Roll Call Vote Yes- Todd Warren, Frank Davis, Jamie Upton and Dan Kirby.

- a. Motion to approve or disapprove attaching emergency clause to Ordinance 21-05-01.

Motion to approve attaching emergency clause to Ordinance 21-05-01 by Todd Warren, 2<sup>nd</sup> by Frank Davis. Roll Call Vote Yes- Todd Warren, Frank Davis, Jamie Upton and Dan Kirby.

17. Consideration and possible approval, revision and/or amendment of a Specific Use Permit for 768 Pecan Lane to allow the installation of a mobile home.

Jacob Foos. Discussion. Motion to approve with the following findings:

1. No objections from neighbors in 300 foot radius.
2. The land consists of four (4) acres in remote location.
3. Similar homes are in the same area.
4. Specific Use Permit will only be valid for owner Bobbie Clapsaddle. If the current owner moves or sells the land then the land will revert back to its original Residential status.

Motion to approve by Todd Warren, 2<sup>nd</sup> by Dan Kirby. Roll Call Vote Yes- Todd Warren, Frank Davis, Jamie Upton and Dan Kirby.

18. Receipt and discussion of update on the fundraising efforts for the splash pad project.

Jacob Foss. Discussion.

19. Receipt and discussion of Recognition Program training and discussion by the Oklahoma Municipal Assurance Group.

Motion to strike by Todd Warren, 2<sup>nd</sup> by Frank Davis. Roll Call Vote Yes- Todd Warren, Frank Davis, Jamie Upton and Dan Kirby.

20. Consideration and possible approval, revision and/or amendment of including an agenda item for "Public Comment" on future City of Eufaula agendas.

Discussion. Motion for Todd Warren and City attorney Kay Wall to make rules for public comment, by Todd Warren, 2<sup>nd</sup> by Dan Kirby. Roll Call Vote Yes- Todd Warren, Frank Davis, Jamie Upton and Dan Kirby.

21. Consideration and possible approval, revision and/or amendment of 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.

Discussion. Public Speakers Karen Weldin, Carol Albro, Pam Rossi, Patty Daniels, and Vernon Hysell.

Motion to move into executive session at 6:40 pm by Frank Davis, 2<sup>nd</sup> by Jamie Upton. Roll Call Vote Yes- Todd Warren, Frank Davis, Jamie Upton. No- Dan Kirby.

22. Conclude executive session and reconvene the open meeting.

Motion to conclude executive session at 6:52 pm by Frank Davis, 2<sup>nd</sup> by Todd Warren. Roll Call Vote Yes- Todd Warren, Frank Davis, Jamie Upton and Dan Kirby.

23. In open meeting, take any necessary action regarding the executive session related to the City Manager and, more specifically, the employment, hiring, appointment, promotion, demotion, disciplining, resignation.

- a. Consideration and possible approval, revision and/or amendment of the hiring of outside legal counsel.

Motion to move to retain a law firm to discuss and negotiate the status of the City Manager and pursuant separation agreement by the City Manager by Frank Davis, 2<sup>nd</sup> by Dan Kirby. Roll Call Vote Yes- Todd Warren, Frank Davis, Jamie Upton and Dan Kirby.

- b. Consideration and possible approval, revision and/or amendment of the General Release and Settlement Agreement between the City of Eufaula/Eufaula Public Works Authority and the City Manager.

Motion to Strike by Dan Kirby, 2<sup>nd</sup> by Jamie Upton. Roll Call Vote Yes- Todd Warren, Frank Davis, Jamie Upton and Dan Kirby.

- c. Consideration and possible approval, revision and/or amendment of the appointment of an interim City Manager.

Motion to Strike by Dan Kirby, 2<sup>nd</sup> by Jamie Upton. Roll Call Vote Yes- Todd Warren, Frank Davis, Jamie Upton and Dan Kirby.

- d. Consideration and possible approval, revision and/or amendment of the advertising and recruitment for the position of City Manager.

Motion to Strike by Todd Warren, 2<sup>nd</sup> by Frank Davis. Roll Call Vote Yes- Todd Warren, Frank Davis, Jamie Upton and Dan Kirby.

24. REMARKS AND INQUIRIES BY CITY COUNCIL.

Dan Kirby – None  
Jamie Upton – None  
Frank Davis – None  
Todd Warren – None

25. Announcements.

Team up to Clean up will be May 8<sup>th</sup> from 8am to 5pm. Dumpsters will be located at the City yard on Highway 9, Osborne Park, And Posey Park. Please contact Under One Roof for assistance for the elderly or disabled.

Xtreme will be hosting a bike rally on May 18<sup>th</sup> at 10am.

Senior Cruise Night will be May 15<sup>th</sup>.

26. ADJOURNMENT.

Motion to Adjourn by Dan Kirby, 2<sup>nd</sup> by Jamie Upton. Roll Call Vote Yes- Todd Warren, Frank Davis, Jamie Upton and Dan Kirby.

MINUTES  
EUFAULA PUBLIC WORKS AUTHORITY  
MAY 3, 2021  
5:00 p.m.

1. ROLL CALL /ATTENDANCE – 7:04 PM

PRESENT: Warren, Davis, Kirby, Upton. ABSENT: Mouser

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 APRIL 5, 2021.
- B. SPECIAL MEETING APRIL 19, 2021.

3. APPROVAL OF THE APRIL 2021 PAYROLL FIGURES FOR THE EUFAULA PUBLIC WORKS AUTHORITY IN THE AMOUNT OF \$41,292.70.

Motion to approve consent agenda by Frank Davis, 2<sup>nd</sup> by Todd Warren. Roll Call Vote Yes- Todd Warren, Frank Davis, Jamie Upton and Dan Kirby.

ITEMS REMOVED FROM CONSENT AGENDA

4. Discussion regarding update on the water system projects funded from the Oklahoma Water Resource Board loan program.

Jeb Jones. Discussion.

5. Consideration and possible approval, revision and/or amendment of invoice payments of \$216,279 on OWRB-DWSRF Loan #2.

Jacob Foos. Michael Taylor. Motion to approve by Todd Warren, 2<sup>nd</sup> by Frank Davis. Roll Call Vote Yes- Todd Warren, Frank Davis, Jamie Upton and Dan Kirby.

6. Consideration and possible approval, revision and/or amendment of invoice payment of \$4,825 on OWRB-CWSRF Loan.

Michael Taylor. Motion to approve Todd Warren, 2<sup>nd</sup> by Dan Kirby. Roll Call Vote Yes- Todd Warren, Frank Davis, Jamie Upton and Dan Kirby.

7. Consideration and possible approval, revision and/or amendment of invoice payment of \$60,000 on Construction Fund Loan.

Michael Taylor. Motion to approve Frank Davis, 2<sup>nd</sup> by Todd Warren. Roll Call Vote Yes- Todd Warren, Frank Davis, Jamie Upton and Dan Kirby.

8. Consideration and possible approval, revision and/or amendment of the rejection of all bids received for the City Hall renovation project.

Michael Taylor. Motion to reject Dan Kirby, 2<sup>nd</sup> by Frank Davis. Roll Call Vote Yes- Todd Warren, Frank Davis, Jamie Upton and Dan Kirby.

9. Consideration and possible approval, revision and/or amendment of the plans and options for the renovation and/or construction of municipal facilities.

Michael Taylor. Motion to recommend that the City look into steel building options and costs, as well as look for land alternatives by Dan Kirby, 2<sup>nd</sup> by Jamie Upton. Roll Call Vote Yes- Todd Warren, Frank Davis, Jamie Upton and Dan Kirby.

10. Consideration and possible approval, revision and/or amendment of invoice payment of \$218,511.59 for Community Development Block Grant Project – Wastewater Treatment Plant.

Michael Taylor. Motion to approve Todd Warren, 2<sup>nd</sup> by Jamie Upton. Roll Call Vote Yes- Todd Warren, Frank Davis, Jamie Upton and Dan Kirby.

11. Consideration and possible approval, revision and/or amendment of the Wastewater System Capital Improvement Plan.

Michael Taylor. Motion to approve Todd Warren, 2<sup>nd</sup> by Dan Kirby. Roll Call Vote Yes- Todd Warren, Frank Davis, Jamie Upton and Dan Kirby.

12. Consideration and possible approval, revision and/or amendment of request for priority funding consideration with the Oklahoma Water Resource Board for Fiscal Year 2021-2022 wastewater improvements.

Michael Taylor. Motion to approve Todd Warren, 2<sup>nd</sup> by Jamie Upton. Roll Call Vote Yes- Todd Warren, Frank Davis, Jamie Upton and Dan Kirby.



13. Consideration and possible approval, revision and/or amendment of the General Release and Settlement Agreement between the City of Eufaula/Eufaula Public Works Authority and the City Manager.

Motion to strike by Todd Warren, 2<sup>nd</sup> by Frank Davis. Roll Call Vote Yes- Todd Warren, Frank Davis, Jamie Upton and Dan Kirby.

14. Adjournment.

Motion for adjournment by Dan Kirby, 2<sup>nd</sup> by Jamie Upton. Roll Call Vote Yes- Todd Warren, Frank Davis, Jamie Upton and Dan Kirby.