

The City of Muskogee 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 28 CFR/36).

**(Public Comment during Public Hearing or Agenda item comment)**

Council Rules of Decorum limit citizen comments on agenda items and public hearings to five (5) minutes and general comments for non-agenda items to three (3) minutes. Any person desiring to address the Committee during such period is required to sign in with the City Clerk prior to the meeting between 3:30 p.m. and 3:45 p.m. on the third floor of City Hall or anytime between 8:00 a.m. and 5:00 p.m. in the Office of the City Clerk. They shall 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 twelve (12) copies should be made available, and may not be returned.

Agenda  
Public Works Committee  
September 5, 2017  
4:00 P.M. - City Council Chambers

1. Consider approval of Public Works Committee minutes of August 22, 2017.
2. Hold a Public Hearing and take action on the approval of Ordinance 4026-A to close North 5th Street located between Okmulgee Avenue and Broadway Avenue, more particularly described in the Ordinance, providing for severability and setting an effective date, or take other necessary action. (Gary D. Garvin)

NORTH FIFTH STREET LYING BETWEEN BLOCK 12, AND BLOCK 9, IN THE ORIGINAL TOWN SITE OF MUSKOGEE (MOT), CITY OF MUSKOGEE, ACCORDING TO THE OFFICIAL PLAT THEREOF, LOCATED IN THE NORTHWEST QUARTER (NW1/4) OF SECTION 26, TOWNSHIP 15 NORTH, RANGE 18 EAST, MUSKOGEE COUNTY, STATE OF OKLAHOMA.

**RECOGNIZE CITIZENS WISHING TO SPEAK TO CHAIRMAN AND COMMITTEE MEMBERS.**

Council Rules of Decorum limit citizen comments to three (3) minutes. Any person desiring to speak is required to sign-in with the City Clerk, provide their name, address, and the particular issue they wish to address. Under Oklahoma law, the Committee Members are prohibited from discussing or taking any action on items not on today's agenda. If written materials are to be submitted to the Committee twelve (12) copies should be made available, and may not be returned.

**Public Works Committee**

**1.**

Meeting Date: 09/05/2017  
Initiator: Tammy Tracy, City Clerk  
Department: City Clerk  
Staff Information Source:

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Information

AGENDA ITEM TITLE:

Consider approval of Public Works Committee minutes of August 22, 2017.

BACKGROUND:

RECOMMENDED ACTION:

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Fiscal Impact

Attachments

08-22-2017 pwmin

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**MINUTES**  
**PUBLIC WORKS COMMITTEE**  
**August 22, 2017**

The Public Works Committee of the City of Muskogee, Oklahoma, met at 4:00 p.m. on Tuesday, August 22, 2017 in Council Chambers, Third Floor, Municipal Building, with the following in attendance:

Present: Mayor John R. Coburn; Deputy Mayor James Gulley; Committee Member Janey Boydston; Committee Member Patrick Cale; Committee Member Marlon Coleman; Committee Member Wayne Johnson; Committee Member Derrick Reed; Committee Member Ivory Vann

Absent: Committee Member Dan Hall

Staff Mike Miller, City Manager; Mike Stewart, Asst City Manager; Roy Tucker, City Attorney;

Present: Tammy L. Tracy, City Clerk; Gary Garvin, City Planner; Greg Riley, Public Works Director; Matthew Beese, Assistant City Attorney; Michael O'Dell, Fire Chief; Rex Eskridge, Police Chief; Robert Swepston, Fleet Manager; Marci Gilliam, Strategic Financial Analyst; David Garner, Streets Foreman; Jason Green, Environmental Superintendent

Attendees: Ashley Wallace, City Clerk Admin

1. Consider approval of Public Works Committee minutes of August 8, 2017.

Motion was made by Committee Member Janey Boydston, seconded by Mayor John R. Coburn to approve Public Works Committee minutes of August 8, 2017.

AYE: Mayor John R. Coburn, Deputy Mayor James Gulley, Committee Member Janey Boydston, Committee Member Patrick Cale, Committee Member Marlon Coleman, Committee Member Wayne Johnson, Committee Member Derrick Reed, Committee Member Ivory Vann

Carried - Unanimously

2. **(No Action Taken):** Hold a Public Hearing and take action on the approval of Ordinance 4025-A rezoning the property located at 2400 N. Country Club Road (Muskogee Golf Club), more particularly described in Ordinance 4025-A, from "A" Agricultural District to "PUD" Planned Unit Development District, and if approved authorize Staff to revise the Official Zoning Map of the City to reflect said change, or take other necessary action.  
(Gary D. Garvin)

Deputy Mayor James Gulley opened the Public Hearing.

Planning Director Gary Garvin stated the applicants, Muskogee Golf Club, LLC., are requesting the property located at 2400 N. Country Club Road to be rezoned from "A" Agricultural District to "PUD" Planned Unit Development District to allow the property to be developed residentially (27 Single-Family Dwellings)

The Planned Unit Development District (PUD) is intended to accommodate all types of residential and/or commercial development while ensuring compatibility with the surrounding land uses. A PUD development tends to depart from the strict enforcement of

the Zoning Regulations to allow flexibility and encourage a more efficient use of the land. The development must conform to the approved preliminary plat (site plan), see attachment, and any major change to the site plan (preliminary plat) will require going through the rezoning process again for approval.

The applicant's preliminary plat was recommended for approval by the Subdivision Review Committee on August 1, 2017. The proposed development is located at the entrance to the Country Club Golf Course (2400 N. Country Club Road). The applicant is proposing 27 single-family dwellings to be located on the property (see attached elevations/building design). The applicants will be installing all infrastructure (water, sewer, storm water, private streets) improvements to serve the proposed development. Sidewalks/golf cart paths will be provided around the perimeter of the development. The surrounding area is developed residentially (single-family dwellings) and the existing golf course. The property complies with the regulations for the "PUD" District.

Notices have been sent to the property owners within 300 foot radius, as required, and published in the newspaper twenty (20) days prior to the Public Hearing. A Public Hearing will be held on the following days:

August 21, 2017 at 9:00 a.m.: City of Muskogee Planning & Zoning Commission

August 22, 2017 at 4:00 p.m.: Public Works Committee

August 28, 2017 at 7:00 p.m. Muskogee City Council Meeting

Mike Ross, 4105 Putter Place, stated five (5) years ago the Muskogee Country Club was broke. A group of approximately 25 members put up the money, paid off the debt to the bank, and made numerous improvements to the existing facility. About one (1) year ago they came up with a plan to tear down parts of the Club that were built in the 1970's and renovate. Money was borrowed from the bank to complete the renovations with the anticipation to pay off the debt by rezoning, developing, and selling 27 residential single family dwellings. Mr. Ross stated that over 400 country clubs were closed last year and he feels like the only way Muskogee Country Club can survive is by completing this project. The existing Perry Maxwell Golf Course was originally designed in 1907 and in the 1970's renovations were made. The only changes the shareholder's wish to make to the golf course is to Number 15 which runs parallel to the housing development. The back tees will be removed and members will move to the front to play the course as a Par Four, the original Perry Maxwell design, instead of a Par Five. Mr. Ross stated there has been no major private housing developments in the City of Muskogee in the last five (5) years. There were only 20 new homes built last year within the city limits. The City offers incentives to builders to build homes, but cannot get anyone to build. He thinks this is an opportunity to build 27 new homes and increase tax revenue for the City and the Muskogee Public School District. Mr. Ross explained ten (10) lots have been pre-sold which will pay for the initial development costs. He also stated Saint Francis Hospital is interested in several of these homes to use as recruiting incentives for the new doctors to live in Muskogee. Mr. Ross explained they will also be helping with the water flow issue on South Country Club Road as the pipes are too small to handle the water flow. It has been a problem for years and needs to be addressed by the City, homeowners, and the developers.

Deputy Mayor James Gulley asked how many of the investors live in the area.

Mike Ross stated approximately ten (10) investors.

Committee Member Ivory Vann asked Mike Ross would the investors still be interested in this project if they were not in a financial bind.

Mike Ross stated yes, they would be interested. He explained the Club membership has decreased from 600 to 310 members. The tennis courts, swimming pool, and part of the clubhouse have been removed due to a lack of funds. He stated it is not a money making opportunity for any of the investors. They are just golfers and members trying to save Muskogee Country Club and prevent it from becoming a cow pasture.

Committee Member Ivory Vann asked Mr. Ross the cost of Country Club membership dues.

Mike Ross stated a full golf membership is \$310.00 a month.

Justin Stout, 3600 Country Club Drive, stated he would like the City to enforce the regulations as they are written and implement them to protect land owners like himself. He explained feels this proposal does not benefit anyone except the golf course owners and adding 27 densely packed housing units to the neighborhood will affect the overall market value of every home.

Theresa Reutlinger, 2500 Shelby Ct., stated she is in agreement that the golf course needs to be saved. However, the lot sizes are less than half the size of the surrounding lots in the neighborhood and she feels this is a detriment. She stated there are also drainage concerns and feels the City should spend more time planning this project. She suggested opening the golf course to the public.

Gary Bishop, 3507 Bonnevilla Dr., stated he has lived in Muskogee his entire life and has been in the real estate business since 1984. He stated he has friends on both sides of this issue and was asked to render his opinion on whether or not this would have an adverse impact on property values in the area. He explained in his opinion this project will not have a negative impact. The medium price point of the homes being constructed are a quarter of a million dollars. He thinks growth is important, and there has been very little growth within the Muskogee City limits in years. Mr. Bishop stated he is not a member of Muskogee Country Club nor does he play golf, but he has lived in Muskogee all of his life and has an interest in Muskogee and what goes on here.

Committee Member Patrick Cale asked Mr. Bishop if he thought this project was typical of the high-end homes that other golf courses offer.

Mr. Bishop stated yes, it is definitely a trend and an oddity to not have patio homes on the golf course. He feels patio homes are a wave of the future for people retiring and who like to play golf.

Mayor Bob Coburn asked Mr. Bishop what financial impact there would be if the Country Club failed.

Mr. Bishop stated he feels a lot of people retiring would leave the City because there is not much to keep retired people here in Muskogee.

Mike Leonard, 3916 Putter Place, stated when investors bought the Country Club, it was to

maintain the golf course and its integrity because many of them live around the golf course. He feels that if the golf course does not exist, their home's value decreases dramatically. He stated there are no intentions for this to be anything but an 18 hole premier golf course. There will be no dirt turned until ten (10) lots are sold. The development cost will be covered before construction begins, so there will be no risk. Mr. Leonard also stated not all of the drainage issues are the Country Club's responsibility. They did not create the drainage problems, but they are willing to help fix them by reconstructing approximately four (4) acres of drainage that is running south and run it north into a retaining pond. Phase II of the project was removed because it did not make sense and the plan is to use the available area for the Youth Program which has grown tremendously from ten (10) to roughly 75 kids in the program this year.

Committee Member Ivory Vann asked Mr. Leonard who furnishes the fees for the Youth Program or if it was free to join.

Mike Leonard stated that the program is free unless they want to play on a team and participate in tournaments. If so, there is a \$30.00 fee, however any kid in Muskogee can play and learn how to play golf.

Committee Member Ivory Vann asked Mr. Leonard if the Muskogee Country Club did any advertising to promote this program, or if programs were provided for low income youth.

Mr. Leonard stated any youth that wants to come to the golf course and play is going to play golf. Muskogee, Hilddale, Fort Gibson Public Schools, and Northeastern State University all play on the course so advertisement has basically been by word of mouth.

Committee Member Ivory Vann stated he feels this program should be advertised. He also aske if membership to the golf course will be free to those who purchase the homes.

Mr. Leonard stated no, it will not be free to the homeowners. There will be homeowners dues (HOAs) that will allow for a social membership, or they can pay an additional amount that would include golf membership.

Committee Member Marlon Coleman asked Mr. Ross how many of the 310 club members express support or discontent for this project.

Mr. Ross stated he feels a majority support the idea and less than a handfull are opposed.

Mayor Bob Coburn asked Planning Director Gary Garvin if there is a financial requirement in the "PUD."

Planning Director Gary Garvin stated if there were questions asking if finances are available to fund the project, they may need to provide them. However, he has not made this a requirement at this point.

Mayor Bob Coburn stated he would like to know if there is a square footage required.

Planning Director Gary Garvin stated on a "PUD," the building area must be specified and the structure cannot cover more than 35% of the lot. There is a limit on the maximum size of the structure, but there are no minimum requirements.

Mayor Bob Coburn asked Mr. Garvin why this project is being approached as a "PUD" instead of a conventional development.

Planning Director Gary Garvin stated typically golf courses are zoned "PUD" instead of single family because the homes are a part of the golf course. A "PUD" specifies how the home needs to be built and this cannot be altered.

Mayor Bob Coburn stated he would like to have an analysis that will provide examples of the impact of the Country Club operating as a golf course and the same area evaluated not operating as a golf course before decisions are made.

Deputy Mayor James Gulley closed the Public Hearing.

Motion was made by Committee Member Derrick Reed, seconded by Committee Member Ivory Vann to approve moving item without recommendation to Regular City Council meeting Monday, August 28, 2017.

AYE: Mayor John R. Coburn, Deputy Mayor James Gulley, Committee Member Janey Boydston, Committee Member Patrick Cale, Committee Member Marlon Coleman, Committee Member Wayne Johnson, Committee Member Derrick Reed, Committee Member Ivory Vann

Carried - Unanimously

3. **(No Action Taken):** Consider approval of the Preliminary Plat of Maxwell Villas Addition, consisting of twenty-seven (27) lots on 6.64 acres, located at 2400 N. Country Club Road (Muskogee Golf Club), or take other necessary action. (Gary D. Garvin)

Planning Director Gary Garvin stated the applicant, Muskogee Golf Club, LLC, has indicated the property is being platted into twenty-seven (27) lots on 6.64 acres to allow the property to be developed residentially. The applicant is proposing to build single-family dwellings on the property and rezone the property as a Planned Unit Development (PUD). The rezoning will be subject to an approved site plan. The preliminary plat serves as the site plan for PUD developments.

Additionally, the applicant is requesting a variance to the Subdivision Regulations, more particularly, Section 70-83.(2) Street and Sidewalk Improvements to allow for a forty (40) foot right-of-way width where the requirement is for sixty (60) foot (see attached variance request letter). Subdivision Review Committee reviewed and recommended approval of the variance and the preliminary plat with conditions (all conditions have been corrected).

Motion was made by Committee Member Marlon Coleman, seconded by Mayor John R. Coburn to approve moving the item without recommendation to Regular City Council meeting Monday, August 28, 2017.

AYE: Mayor John R. Coburn, Deputy Mayor James Gulley, Committee Member Janey Boydston, Committee Member Patrick Cale, Committee Member Marlon Coleman, Committee Member Wayne Johnson, Committee Member Derrick Reed, Committee Member Ivory Vann

Carried - Unanimously

4. Consider approval of Resolution #2703 declaring two (2) parcels of property, more particularly described in the resolution, as surplus to the needs of the City and authorize the conveyance of said properties, or take other necessary action. (Gary D. Garvin)

Planning Director Gary Garvin stated there are three (3) parcels of surplus property, but the City is only going to declare two (2) parcels as surplus. Upon review of the third parcel located at 800 North Cherokee, it did not meet the requirements and he requested it be removed from the Resolution. Mr. Garvin is recommending approval of the revised Resolution.

**Parcel 1:** The City received one (1) bid from Sam Eagan in the amount of \$363.00 for the property located at 315 North G Street.

**Parcel 2:** The parcel located at 800 North Cherokee is being requested by Michael E. Cavitte at no cost through the Incentive Property Program. Mr. Cavitte will be required to obtain a building permit within one (1) year for a new single-family dwelling on each parcel.

**Parcel 3:** The City received one (1) bid from Judy and Robert Ferguson in the amount of \$363.00 for the property located at 1615 Dorchester Avenue.

Motion was made by Committee Member Wayne Johnson, seconded by Committee Member Patrick Cale Resolution #2703 declaring two (2) parcels of property, more particularly described in the resolution, as surplus to the needs of the City and authorize the conveyance of said properties.

AYE: Mayor John R. Coburn, Deputy Mayor James Gulley, Committee Member Janey Boydston, Committee Member Patrick Cale, Committee Member Marlon Coleman, Committee Member Wayne Johnson, Committee Member Derrick Reed, Committee Member Ivory Vann

Carried - Unanimously

5. Consider approval of the appointment of Donald Wardlow to serve a three (3) year term on the War Memorial Trust Authority beginning September 1, 2017, and ending on August 31, 2020, replacing Lanny Cartwright, or take other necessary action. (Committee Member Wayne Johnson)

Motion was made by Committee Member Wayne Johnson, seconded by Committee Member Patrick Cale to approve the appointment of Donald Wardlow to serve a three (3) year term on the War Memorial Trust Authority beginning September 1, 2017, and ending on August 31, 2020, replacing Lanny Cartwright.

AYE: Mayor John R. Coburn, Deputy Mayor James Gulley, Committee Member Janey Boydston, Committee Member Patrick Cale, Committee Member Marlon Coleman, Committee Member Wayne Johnson, Committee Member Derrick Reed, Committee Member Ivory Vann

Carried - Unanimously



6. **(No Action Taken):** Discussion and possible approval of a proposal to change the times of City Council committee meetings, or take other necessary action (Committee Member Wayne Johnson).

**RECOGNIZE CITIZENS WISHING TO SPEAK TO CHAIRMAN AND COMMITTEE MEMBERS.**

**Council Rules of Decorum limit citizen comments to three (3) minutes. Any person desiring to speak is required to sign-in with the City Clerk, provide their name, address, and the particular issue they wish to address. Under Oklahoma law, the Council Members are prohibited from discussing or taking any action on items not on today's agenda. If written materials are to be submitted to the Council twelve (12) copies should be made available, and may not be returned.**

CHAIRMAN JAMES GULLEY  
PUBLIC WORKS COMMITTEE

pwmin  
TT/aw

**Public Works Committee****2.****Meeting Date:** 09/05/2017**Initiator:** Susan Ross, Office Adm 1

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**Information****AGENDA ITEM TITLE:**

Hold a Public Hearing and take action on the approval of Ordinance 4026-A to close North 5th Street located between Okmulgee Avenue and Broadway Avenue, more particularly described in the Ordinance, providing for severability and setting an effective date, or take other necessary action. (Gary D. Garvin)

**LEGAL DESCRIPTION:**

NORTH FIFTH STREET LYING BETWEEN BLOCK 12, AND BLOCK 9, IN THE ORIGINAL TOWN SITE OF MUSKOGEE (MOT), CITY OF MUSKOGEE, ACCORDING TO THE OFFICIAL PLAT THEREOF, LOCATED IN THE NORTHWEST QUARTER (NW1/4) OF SECTION 26, TOWNSHIP 15 NORTH, RANGE 18 EAST, MUSKOGEE COUNTY, STATE OF OKLAHOMA.

**BACKGROUND:**

The applicant, United States of America C/O General Services Administration, is requesting approval to close North 5th Street located between Okmulgee Avenue and Broadway Avenue. The applicants have stated the closure is necessary to mitigate a vulnerability (security issue) identified by the United States Marshals Service. The closure would increase the setback distance between the structure (Federal Court House) and vehicular traffic on the eastside. If approved, the street would be closed for vehicular traffic, but remain open for pedestrian use.

Planning Commission tabled this item on February 21, 2017 stating they had some concerns with the landscaping proposal for 5th Street. They requested a new proposal that displayed a "park like space". Stan McCurry, General Operations Manager for GSA, stated he would meet with the State Historic Preservation Office (SHPO) and make a more detailed proposal at a later date. SHPO has stated that they do not approve projects for federal agencies, however GSA has a financial and legal responsibility to comply with the National Historic Preservation Act. GSA submitted a new plan which showed an additional seven (7) sidewalk planters along 5th Street. Upon review by Planning Commission there was still concerns about the street surface continuing to be asphalt. The item was tabled again by Planning Commission on July 3, 2017 to allow GSA additional time to make changes to the surface of the street. Attached is the latest revisions to the landscaping/construction plans.

As previously stated, no objections were received from the utility companies and members of the Subdivision Review Committee, with the exception of the Fire Department. The Fire Chief requested removable bollards instead of concrete planters on both Broadway and Okmulgee Avenue. The removable bollards would allow the fire department's ladder truck access to the front of the building. Subdivision Review Committee recommended approval, subject to the removable bollards being installed. Construction plans submitted by the applicant show the bollards to be installed as per recommended by the Fire Chief.

**RECOMMENDED STAFF ACTION:**

Approve the Ordinance to close North 5th Street between Okmulgee and Broadway Avenue.

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**Fiscal Impact**

**Attachments**

Ordinance 4026-A

Landscaping/Construction Plans

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## **ORDINANCE NO. 4026-A**

AN ORDINANCE CLOSING NORTH FIFTH STREET LYING BETWEEN BLOCK 12, AND BLOCK 9, IN THE ORIGINAL TOWN SITE OF MUSKOGEE (MOT), CITY OF MUSKOGEE, ACCORDING TO THE OFFICIAL PLAT THEREOF, LOCATED IN THE NORTHWEST QUARTER (NW1/4) OF SECTION 26, TOWNSHIP 15 NORTH, RANGE 18 EAST, MUSKOGEE COUNTY, STATE OF OKLAHOMA; AND PROVIDING FOR SEVERABILITY. (United States of America c/o General Services Administration, Petitioner)

WHEREAS, a petition has been filed by the property owner requesting said North 5<sup>th</sup> Street, as stated, be closed and discontinued from public use, and;

WHEREAS, the City of Muskogee Planning & Zoning Commission in a meeting held July 3, 2017, did approve the petition and did recommend approval of official action by closing a public Right of Way as stated;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA,

Section 1: THAT NORTH FIFTH STREET LYING BETWEEN BLOCK 12, AND BLOCK 9, IN THE ORIGINAL TOWN SITE OF MUSKOGEE (MOT), CITY OF MUSKOGEE, ACCORDING TO THE OFFICIAL PLAT THEREOF, LOCATED IN THE NORTHWEST QUARTER (NW1/4) OF SECTION 26, TOWNSHIP 15 NORTH, RANGE 18 EAST, MUSKOGEE COUNTY, STATE OF OKLAHOMA.; AND PROVIDING FOR SEVERABILITY is hereby closed, annulled and discontinued from public use.

AND that this change be so ordered and declared by the City Council.

Section 2: REPEALER. All other ordinances or parts of ordinances in direct conflict herewith are repealed to the extent of the conflict only.

Section 3: SEVERABILITY. Should any part, section, subsection, sentence, provision, clause, or phrase hereof be held invalid, void, or unconstitutional for any reason, such holding shall not render invalid, void, or unconstitutional any other section, subsection, sentence, provision, clause, or phrase of this Ordinance, and the same are deemed severable for this purpose.

Section 4: EFFECTIVE DATE. This ordinance shall take effect thirty (30) days after date of publication.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA THIS 11TH DAY OF SEPTEMBER, 2017.

Ordinance No. \_\_\_\_\_

\_\_\_\_\_  
JOHN R. COBURN, MAYOR

ATTEST:

\_\_\_\_\_  
TAMMY L. TRACY, CITY CLERK  
(SEAL)

APPROVED as to form and legality this \_\_\_\_ day of \_\_\_\_\_, 2017.

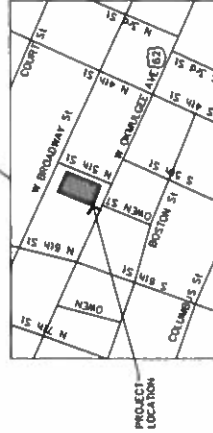
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ROY D. TUCKER, CITY ATTORNEY

**5TH Street Closure**  
Building No. OK0041ZZ  
Muskogee, Oklahoma

GSA

GENERAL SERVICES  
ADMINISTRATION  
200 N.W. 4TH STREET  
ROOM 4050  
OKLAHOMA CITY, OK  
73102

GENERAL SERVICES ADMINISTRATION  
200 N.W. 4TH STREET  
ROOM 4050  
OKLAHOMA CITY, OKLAHOMA 73102



**SHEET INDEX**

[illegible]

| Question                                                                                                         | Answer           | Score |
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| RELAND JURY  | 16 IMP-16 |
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