

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).

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 Council during such period is required to sign in with the City Clerk prior to the Council meeting between 5:00 p.m. and 5:15 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
MUSKOGEE CITY COUNCIL
JUNE 11, 2018

REGULAR SESSION - 5:30 P.M., 3RD FLOOR, COUNCIL CHAMBERS MUNICIPAL BUILDING,
229 W. OKMULGEE, MUSKOGEE, OKLAHOMA

INVOCATION - COUNCILMEMBER DERRICK REED

FLAG SALUTE - MAYOR BOB COBURN

ROLL CALL - MAYOR BOB COBURN

APPROVAL OF MINUTES: SPECIAL CALL CITY COUNCIL MAY 21, 2018 and CITY
COUNCIL REGULAR SESSION MAY 29, 2018.

CONSENT AGENDA

The following items are considered to be routine by the City Council and will not be read aloud. The Consent Agenda will be enacted with one motion and should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately prior to the Regular Agenda.

1. Approval of claims for all City departments May 16, 2018 through May 30, 2018.
2. Approval to renew an Interlocal Agreement with Hilldale Public Schools to furnish Law Enforcement and School Resource Officer functions for the District campuses within the City, or take other necessary action. (Mike Stewart)
3. Approval of awarding the highest bid to Dan Leatherman for a five (5) year lease of the City of Muskogee's landfill grazing land, beginning June 1, 2018 and ending May 31, 2023, or take other necessary action. (Mike Stewart)

4. Approval of low bid from Hogle Plumbing (Plumbing Contractor) for maintenance and upkeep of all City facilities and buildings, or take other necessary action. (Billy Coffey)
5. Approval of low bid from B & R Electric (Electrical Contractor) for maintenance and upkeep of all City facilities and buildings, or take other necessary action. (Billy Coffey)
6. Approval of low bid from Hix AC Service (Mechanical Contractor) for maintenance and upkeep of all City facilities and buildings, or take other necessary action. (Billy Coffey)
7. Approval of low bid from Johnson Service (Refrigeration Contractor) for maintenance and upkeep of all City facilities and buildings, or take other necessary action. (Billy Coffey)
8. Approval of Resolution No. 2729 declaring certain items of personal property presently in possession of the City of Muskogee, to be surplus to the needs of the City and authorize the City Manager to dispose of the same as per the attached list, or take other necessary action. (Mike Miller)
9. Approval to award a contract to Alliance Benefit Group in the amount of \$39,600.00 per year for three (3) years pursuant to solicited requests for proposals for Third Party Administration Services of the City's Self-Insured Workers Compensation Plan, or take other necessary action. (Roy D. Tucker)
10. Approval of awarding contract to the lowest and best bid from Whittinghill Disposal Services, Inc., in the amount of \$2.75 per square foot for the demolition of dilapidated structures project under the Community Development Block Grant Demolition and Clearance Projects Bid Group 39, or take other necessary action. (Tish Callahan)

REGULAR AGENDA

11. Hold a Public Hearing and take action on the approval of Ordinance No. 4048-A rezoning the property located at 100 N. York Street, more particularly described in the Ordinance, from "C-1" Local Commercial District to "C-2" General Commercial 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)

LOT 1 BLOCK 1 ,YORK 1ST ADDITION, CITY OF MUSKOGEE, LOCATED IN THE NORTHWEST QUARTER (NW1/4) OF SECTION 31, TOWNSHIP 15 NORTH, RANGE 19 EAST, MUSKOGEE COUNTY, STATE OF OKLAHOMA.

12. Receive presentation of Financial Audit for City of Muskogee Foundation for Fiscal Year 2016-2017. (Mike Miller)

13. Consider approval to renew the Cooperative Agreement between the City of Muskogee and Neighbors Building Neighborhoods for FY 2019-2020, or take other necessary action. (Mike Stewart)
14. Consider approval of the reappointment of Gary Dunlap to serve a three (3) year term on the Muskogee Housing Authority Board, beginning July 1, 2018, and ending on May 31, 2021, or take other necessary action. (Councilor Dan Hall)

RECOGNIZE CITIZENS WISHING TO SPEAK TO THE MAYOR AND COUNCIL.

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.

15. Consider an Executive Session to discuss and take possible action on the following:
 - a. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss the worker's compensation claim of Steve Chick, and if necessary, take appropriate action in open session. (Roy D. Tucker)
 - b. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening an Executive Session to discuss the lawsuit styled Glover & Associates Inc. vs City of Muskogee, in the District Court for Muskogee County Oklahoma, Case No. CJ-2017-263, and if necessary, take appropriate action in open session. (Roy D. Tucker)

ADJOURN

Regular City Council

Meeting Date: 06/11/2018
Initiator: Ashley Wallace, Office Adm 1
Department: City Clerk
Staff Information Source:

Information**AGENDA ITEM TITLE:**

APPROVAL OF MINUTES: SPECIAL CALL CITY COUNCIL MAY 21, 2018 and CITY COUNCIL REGULAR SESSION MAY 29, 2018.

BACKGROUND:**RECOMMENDED ACTION:**

Fiscal Impact**Attachments**

05-21-2018 spccmin
05-29-2018 ccmin

MINUTES

OF THE COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA, MET IN A SPECIAL CALL SESSION, IN THE COUNCIL CHAMBERS OF CITY HALL MONDAY, MAY 21, 2018

The Council of the City of Muskogee, Oklahoma, met in a Special Call Session in Council Chambers of City Hall, Monday, May 21, 2018, at 5:30 p.m., with Mayor Coburn presiding.

Meeting was called to order by Mayor John R. Coburn and the City Clerk called the roll as follows:

Present: Janey Boydston, Deputy Mayor; Jaime Stout, Councilmember; Patrick Cale, Councilmember; Marlon Coleman, Councilmember; Dan Hall, Councilmember; Wayne Johnson, Councilmember; Derrick Reed, Councilmember; Ivory Vann, Councilmember

Absent: John R. Coburn, Mayor

Staff Mike Miller, City Manager; Mike Stewart, Assistant City Manager; Roy Tucker, City

Present: Attorney; Carolyn Jones, Acting City Clerk; Gary Garvin, City Planner; Greg Riley, Public Works Director; Matthew Beese, Assistant City Attorney; Michael O'Dell, Fire Chief; Kelly Plunkett, Human Resources Director; Rex Eskridge, Police Chief

- 1 Consider approval of Ordinance No. 4046-A amending the City of Muskogee Code of Ordinances by amending Chapter 74, Taxation, Article VIII, Use Tax, by amending Section 74-237, Economic Development Fund, modifying apportionment of tax to the Economic Development Fund General Account and the Economic Opportunity Account for Fiscal Year 2019 only; Providing for Repealer, Severability, and Declaring an Emergency. (Roy D. Tucker)

City Attorney Roy Tucker explained from the beginning of its inception, the Economic Development budget has been a 75%-25% split; 75% allocated to the General Account and 25% allocated to the Economic Opportunity Fund. Last year City Council indicated an interest in raising the amount allocated for Economic Development projects. To meet that goal, this year's budget adds an additional \$100,000.00 in the General Budget that can only be spent on Council-approved projects in addition to the 25% going to the Economic Opportunity Fund. This Ordinance mirrors the proposed Economic Development Budget which was discussed at the Public Hearing May 14, 2018.

Councilmember Dan Hall asked if any funds were set aside in this account to assist an existing business.

City Manager Mike Miller stated the Port Authority supports several businesses if they are expanding or adding jobs. This Ordinance specifically refers to existing businesses being eligible.

Councilmember Marlon Coleman asked if the \$100,000.00 could be used for existing

local businesses in the event they decide to expand or add additional employees.

City Attorney Tucker stated yes, within the General Economic Fund the Ordinance allows it to be budgeted and expended for incentives to retain and create jobs for high-impact businesses.

Councilmember Coleman asked for clarification of a high-impact business.

City Attorney Tucker stated it is defined as "those with a high skill and high wage which fosters sound economic growth."

Councilmember Coleman stated he would like to amend the Ordinance as he feels the Ordinance needs to be inclusive of lower-end jobs so smaller businesses that may not have a high tech need will have resources they can consider if needed.

Councilmember Hall stated it is their job to help everyone in Muskogee, not just those who build large high-end businesses.

City Manager Miller stated rather than trying to amend this Ordinance on the fly, the budget money could be transferred into a General Fund for economic development purposes only, restricted and defined as voted on by City Council.

City Attorney Tucker explained the Executive Opportunity Account is the general account used for incentives; it was used to fund a portion of Quick Trip. While those were not necessarily high-paying/highly-skilled jobs, there were quite a few jobs. This made for a rather large economic impact within the City. Based on those two combined factors, Council voted to authorize the expenditure from the Executive Opportunity account in 2013.

Discussion followed.

Motion was made by Councilmember Wayne Johnson, seconded by Councilmember Patrick Cale to approve Ordinance No. 4046-A amending the City of Muskogee Code of Ordinances by amending Chapter 74, Taxation, Article VIII, Use Tax, by amending Section 74-237, Economic Development Fund, modifying apportionment of tax to the Economic Development Fund General Account and the Economic Opportunity Account for Fiscal Year 2019 only; Providing for Repealer, Severability, and Declaring an Emergency.

AYE: Deputy Mayor Janey Boydston, Councilmember Jaime Stout,
Councilmember Patrick Cale, Councilmember Marlon Coleman,
Councilmember Dan Hall, Councilmember Wayne Johnson, Councilmember
Derrick Reed, Councilmember Ivory Vann

Carried - Unanimously

- A The City Clerk presented the Emergency Section, which states that an emergency is hereby declared to exist by reason whereof it is necessary for the immediate preservation of the public peace, health and safety.

Motion was made by Councilmember Marlon Coleman, seconded by Councilmember Wayne Johnson to approve Ordinance # 4046-A be adopted as an emergency Ordinance.

AYE: Deputy Mayor Janey Boydston, Councilmember Jaime Stout, Councilmember Patrick Cale, Councilmember Marlon Coleman, Councilmember Dan Hall, Councilmember Wayne Johnson, Councilmember Derrick Reed, Councilmember Ivory Vann

Carried - Unanimously

- 2 Consider approval of Resolution No. 2728 approving the City of Muskogee Budget for Fiscal Year 2018-2019, and establishing budget amendment authority, or take other necessary action. (Mike Miller)

Bryan Fuller, President IAFF Local #57, 3200 S. 55th St. East, Muskogee, Oklahoma, stated he would like to ask the (Deputy) Mayor and City Council to reconsideration funding the two (2) vacant firefighter positions. He feels the positions need to be filled for the safety of the citizens and safety of other firefighters. He explained that the shortage of two (2) positions could affect the City's ISO rating for property insurance.

Councilmember Marlon Coleman left the meeting at 6:23 p.m.

Deputy Mayor Boydston stated there was a citizen that had failed to sign up within the allotted timeframe set forth in the rules in which to address City Council. The citizen was asking the rules be suspended, allowing him the opportunity to address City Council.

Motion was made by Councilmember Patrick Cale, Seconded by Councilmember Jaime Stout to approve the suspension of the rules as they pertain to addressing City Council.

AYE: Deputy Mayor Janey Boydston, Councilmembers; Jaime Stout, Patrick Cale, Dan Hall, Wayne Johnson, Derrick Reed, Ivory Vann
Carried - Unanimously

Kenny Greer, 3301 Chandler Rd., Muskogee, Oklahoma stated he would like to know if the proposed budget included incentives for existing businesses. He feels the City of Muskogee has provided several incentives to incoming businesses which has hurt small existing businesses. He explained that City should be a free-market society and that incentive money should be used to create jobs. He feels the City is not creating new sales tax dollars, but creating new sales tax collectors.

Discussion followed.

City Manager Mike Miller presented the 2018-2019 budget.

Councilmember Wayne Johnson wished to express his appreciation with the leadership involved in the budget process and would like to make a motion to approve the 2018-2019 budget as presented. Councilmember Patrick Cale seconded the motion.

Councilmember Jaime Stout stated it is her desire to amend the budget to include the

hiring of two (2) firefighters to fill the vacant positions. She feels being short two (2) positions could affect the ISO rating, which in turn could raise insurance rates that will not only have an effect on the residents, but on small business owners as well.

Councilmember Marlon Coleman stated if the budget passes "as is" without the necessary votes to fund the positions, he would like to make a motion to conduct a study to make sense of funding the positions. He feels Muskogee is not located in a proximity where there is another local fire department that can aid the City if needed, such as the City of Tulsa where abutting cities such as Owasso are able to share resources. He would like to see something done regardless if the motion passes or fails.

Councilmember Patrick Cale stated he would second Mr. Coleman's motion for a study at a future date, but would like no change to the budget at this time.

Councilmember Wayne Johnson stated he feels Council needs to look at staffing overall, however the open firefighter positions are not a new item; these have not been filled for quite some time.

Councilmember Ivory Vann stated he agrees with Councilmember Jaime Stout and would like to second her motion. He feels that Muskogee needs to fill the two (2) positions because the Fire Department provides service not only the City of Muskogee, but surrounding communities as well.

Discussion followed.

City Attorney Tucker explained there was already a motion on floor made by Councilmember Johnson, seconded by Councilmember Cale to approve the budget as presented. Therefore, the motion made by Councilmember Stout, seconded by Councilmember Vann to amend the budget directing funding to be allocated to fill the two (2) firefighter positions will be considered a "substitute motion." He explained there is also a motion made by Councilmember Coleman, seconded by Councilmember Cale to conduct a study to make sense of funding the positions.

Discussion followed.

City Attorney Tucker explained the "substitute" motion would be voted on first. If the motion fails, Council will then vote on the original motion. If the motion passes, it will become the main (original) motion.

Councilmember Hall asked if the motion could be tabled to allow the City Manager to determine from where the funding will come to support the two firefighter positions.

Councilmember Cale stated he did not see there was a need to wait.

Councilmember Johnson asked if Council was also going to find the funding for all other positions throughout the City that had not been filled.

Discussion followed.

City Attorney Tucker explained the substitute motion to be voted on is to approve the budget directing funding to be allocated for two (2) additional firefighter positions. A vote of yes is in favor of the amendment. If the motion passes, the substitute motion will

then become the main motion which will substitute the motion made by Councilmembers Johnson and Cale. If the amendment fails, the motion will revert back to the original motion to approve the budget as presented with no changes.

Motion was made by Councilmember Jaime Stout, seconded by Councilmember Ivory Vann, to approve the budget directing funding to be allocated for the two vacant firefighter positions.

AYE: Councilmember Ivory Vann, Councilmember Dan Hall, Councilmember Jaime Stout

NAY: Deputy Mayor Janey Boydston, Councilmember Patrick Cale, Councilmember Wayne Johnson

Carried

City Attorney Tucker explained the motion passes and the substitute motion now becomes the main motion on the floor.

Discussion followed.

Motion was made by Councilmember Jaime Stout, seconded by Councilmember Ivory Vann to approve the budget directing funding to be allocated for two (2) additional Fire Department positions.

AYE: Councilmember Jaime Stout, Councilmember Dan Hall, Councilmember Derrick Reed, Councilmember Ivory Vann

NAY: Deputy Mayor Janey Boydston, Councilmember Patrick Cale, Councilmember Wayne Johnson

Carried

JOHN R. COBURN, MAYOR

CAROLYN JONES, ACTING CITY CLERK

MINUTES

OF THE COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA, MET IN REGULAR SESSION, IN THE COUNCIL CHAMBERS OF CITY HALL MONDAY, MAY 29, 2018

The Council of the City of Muskogee, Oklahoma, met in Regular Session in Council Chambers of City Hall, Monday, May 29, 2018, at 5:30 p.m., with Mayor Coburn presiding.

Invocation was given by - Councilmember Wayne Johnson

Flag Salute was led by - Mayor Bob Coburn

Meeting was called to order by Mayor John R. Coburn and the City Clerk called the roll as follows:

Present: Mayor John R. Coburn; Deputy Mayor Janey Boydston; Councilmember Jaime Stout; Councilmember Patrick Cale; Councilmember Dan Hall; Councilmember Wayne Johnson; Councilmember Derrick Reed; Councilmember Ivory Vann

Absent: Councilmember Marlon Coleman

Staff Present: Mike Miller, City Manager; Mike Stewart, Assistant City Manager; Roy Tucker, City Attorney; Tammy L. Tracy, City Clerk; Gary Garvin, City Planner; Greg Riley, Public Works Director; Matthew Beese, Assistant City Attorney; Donnie Wimbely, Purchasing Manager; Mark Wilkerson, Parks & Recreation Director; Michael O'Dell, Fire Chief; Kelly Plunkett, Human Resources Director; Rex Eskridge, Police Chief

1 Approval to excuse members not present.

Motion was made by Councilmember Patrick Cale, seconded by Deputy Mayor Janey Boydston to approve excusing members not present.

AYE: Mayor John R. Coburn, Deputy Mayor Janey Boydston, Councilmember Jaime Stout, Councilmember Patrick Cale, Councilmember Dan Hall, Councilmember Wayne Johnson, Councilmember Derrick Reed, Councilmember Ivory Vann

Carried - Unanimously

APPROVAL OF MINUTES: CITY COUNCIL REGULAR SESSION May 14, 2018.

Motion was made by Deputy Mayor Janey Boydston, seconded by Councilmember Wayne Johnson to approve Minutes: City Council Regular Session May 14, 2018.

AYE: Mayor John R. Coburn, Deputy Mayor Janey Boydston, Councilmember Jaime Stout, Councilmember Patrick Cale, Councilmember Dan Hall, Councilmember Wayne Johnson, Councilmember Derrick Reed, Councilmember Ivory Vann

Carried - Unanimously

CONSENT AGENDA

Motion was made by Councilmember Dan Hall, seconded by Councilmember Jaime Stout to approve the Consent Agenda.

AYE: Mayor John R. Coburn, Deputy Mayor Janey Boydston, Councilmember Jaime Stout, Councilmember Patrick Cale, Councilmember Dan Hall, Councilmember Wayne Johnson, Councilmember Derrick Reed, Councilmember Ivory Vann

Carried - Unanimously

The following items are considered to be routine by the City Council and will not be read aloud. The Consent Agenda will be enacted with one motion and should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately prior to the Regular Agenda.

- 1 Approval of claims for all City departments May 3, 2018 through May 15, 2018.
- 2 Approval of Resolution No. 2723 adopting and amending Appendix A of the City of Muskogee Code pertaining to all fees, charges, and rates for the Muskogee Civic Center. (Councilor Wayne Johnson)
- 3 Approval of Resolution No. 2725 declaring one (1) parcel of property, more particularly described in the resolution, as surplus to the needs of the City and authorize the conveyance of said property, or take other necessary action. (Tish Callahan)
- 4 Approval of a Preliminary and Final Plat of Wallingford Addition, consisting of two (2) lots on 2.28 acres, located at 11 Beckman Drive, or take other necessary action. (Tish Callahan)
- 5 Approval of Resolution No. 2724 authorizing the continuation of the account fund for the City of Muskogee entitled "Solid Waste Improvements" and designating the manner in which said account shall be operated for the upcoming budget year 2018-2019, or take other necessary action. (Greg Riley)
- 6 Approval of lowest bids for the following road material: Number sixty-seven (67) Wash Rock, 3" Pit Run, 12" Pit Run, and number two (2) Cover Material to Kemp Quarries and Limestone Screenings to Kemp Quarries; Asphalt Sand Alternate number one (1) and Fill Sand Alternate number two (2) to Muskogee Sand; Asphaltic Concrete-Type B & C Alternate number one (1) to Tulsa Asphalt; and alternate number two (2) to Robert's Quarries; and alternate number three (3) to Tulsa Asphalt; Hot-Cold Patching Material to Tulsa Asphalt; 1 1/2" Aggregate Base to Kemp Quarries, or take other necessary action. (Greg Riley)

- 7 Approval of the lowest bids as follows: (a) 3500 psi at \$85.00 per cubic yards; (b) 3500 psi High Early concrete at \$90.00 per cubic yards; (c) 3000 psi at \$84.00 per cubic yards; (d) Portland Dry Mason at \$70.00 per sack; (e) Flow Fill at \$60.00 per cubic yards; (f) City Pay Dray at \$60.00 all to Muskogee Ready Mix, all for FY 2018/2019, or take other necessary action. (Greg Riley)
- 8 Approval of the highest bids for a five (5) year lease term of Muskogee-Davis Regional Airport's grazing land beginning June 1, 2018 and ending May 31, 2023, or take other necessary action. (Mike Stewart)
- 9 Approval of the appointment of Monte Wapaha to serve a four (4) year term on the Airport Board, beginning June 1, 2018, and ending May 31, 2022, replacing Weldon Stout, or take other necessary action. (Councilor Derrick Reed)

REGULAR AGENDA

- 10 Consider approval of Ordinance No. 4047-A, amending the City of Muskogee Code of Ordinances by amending Chapter 74, Section 74-237, Economic Development Fund, Establishing a one-year appropriation to the general account to be used for unrestricted Economic Development projects; Providing for Repealer, Severability, and Declaring an Emergency. (Roy D. Tucker)

City Attorney Roy Tucker stated as was discussed at the Special Call Council meeting on May 21, 2018, the Council gave direction to include an allocation of \$100,000.00 for fiscal year 2019, to be used for unrestricted Economic Development projects. The proposed Ordinance creates a new subsection within Economic Development General Account for this specific one-year allocation. This amendment does not disturb the 75%/25% allocation to the General Account and Opportunity Account, respectively. Rather, it creates authority for the Council, under this one-year allocation, to determine whether funding should be allocated to a specific Economic Development project of the Council's choosing. Should any portion of the \$100,000.00 remain unexpended at the close of FY 2019, any remaining funds will remain in the General Account, but may then only be used in accordance with the existing criteria established by sections (a), (b) and (f).

Motion was made by Deputy Mayor Janey Boydston, seconded by Councilmember Ivory Vann to approve Ordinance No. 4047-A, amending the City of Muskogee Code of Ordinances by amending Chapter 74, Section 74-237, Economic Development Fund, Establishing a one-year appropriation to the General Account to be used for unrestricted Economic Development projects; Providing for Repealer, Severability, and Declaring an Emergency.

AYE: Mayor John R. Coburn, Deputy Mayor Janey Boydston, Councilmember Jaime Stout, Councilmember Patrick Cale, Councilmember Dan Hall, Councilmember Wayne Johnson, Councilmember Derrick Reed, Councilmember Ivory Vann

Carried - Unanimously

- A The Acting City Clerk presented the Emergency Section, which states that an emergency is hereby declared to exist by reason whereof it is necessary for the immediate preservation of the public peace, health, and safety.

Motion was made by Deputy Mayor Janey Boydston, seconded by Councilmember Wayne Johnson to approve an Emergency ordinance.

AYE: Mayor John R. Coburn, Deputy Mayor Janey Boydston, Councilmember Jaime Stout, Councilmember Patrick Cale, Councilmember Dan Hall, Councilmember Wayne Johnson, Councilmember Derrick Reed, Councilmember Ivory Vann

Carried - Unanimously

- 11 Consider approval of an Agreement For Household Waste Collection Services between the City of Muskogee and Heritage Environmental Services, providing contractual services associated with the collection, transportation, insuring reuse opportunities, and disposal of residentially generated household hazardous waste materials for events held in June 2, 2018 and October 20, 2018, or take other necessary action. (Greg Riley)

Public Works Director Greg Riley stated this agreement is based on a previous cost proposal and agreement with Rineco Environmental Services presented and approved by City Council on January 27, 2014. The agreement allowed for annual renewal of the contract upon mutual agreement of both parties, which has continued until 2017. In 2017, Heritage Environmental Services purchased Rineco Environmental Services and as such, a new agreement is needed. The cost of the services provided is the same as the original agreement and can be viewed in Exhibit A and B.

Motion was made by Councilmember Wayne Johnson, seconded by Councilmember Jaime Stout to approve an Agreement For Household Waste Collection Services between the City of Muskogee and Heritage Environmental Services, providing contractual services associated with the collection, transportation, insuring reuse opportunities, and disposal of residentially generated household hazardous waste materials for events held in June 2, 2018 and October 20, 2018.

AYE: Mayor John R. Coburn, Deputy Mayor Janey Boydston, Councilmember Jaime Stout, Councilmember Patrick Cale, Councilmember Dan Hall, Councilmember Wayne Johnson, Councilmember Derrick Reed, Councilmember Ivory Vann

Carried - Unanimously

RECOGNIZE CITIZENS WISHING TO SPEAK TO THE MAYOR AND COUNCIL.

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.

Rachele Horney, 812 Court St., Muskogee, Oklahoma, stated she would like to say thank you to everyone that helped with the Touch-A-Truck event. This event helps support the Muskogee Public Library Summer Program.

Machella Marshall, 1019 Elm St., Muskogee, Oklahoma stated she has a problem with her neighbor Kenneth Black. He has eleven (11) dogs and harasses the neighbors every night. His home is not located on private property; Mr. Black lives on Elliot Park property. Ms. Marshall stated she does not know where to turn and is asking for help to resolve this issue.

- 12 Consider an Executive Session to discuss and take possible action on the following:

Motion was made by Deputy Mayor Janey Boydston, seconded by Councilmember Wayne Johnson to approve an Executive Session.

AYE: Mayor John R. Coburn, Deputy Mayor Janey Boydston, Councilmember Jaime Stout, Councilmember Patrick Cale, Councilmember Dan Hall, Councilmember Wayne Johnson, Councilmember Derrick Reed, Councilmember Ivory Vann

Carried - Unanimously

- a **(No Action Taken):** Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations with the Fraternal Order of Police, Lodge #95, and if necessary, take appropriate action in open session.

ADJOURN

JOHN R. COBURN, MAYOR

TAMMY L. TRACY, CITY CLERK

Regular City Council

1.

Meeting Date: 06/11/2018

Initiator: Donnie Wimbley, Purchasing Director

Department: Purchasing

Staff Information Source:

Information

AGENDA ITEM TITLE:

Approval of claims for all City departments May 16, 2018 through May 30, 2018.

BACKGROUND:

RECOMMENDED ACTION:

Fiscal Impact

Attachments

Claims List

CITY OF MUSKOGEE CLAIMS
5.16.18 TO 5.30.18

CHECK NO	VENDOR NO	VENDOR NAME	CHECK DATE	CHECK AMOUNT
199109	121	BUCKMASTER, VICKY S	5/16/2018	60.14
199110	121	DICK'S SPORTING GOODS	5/16/2018	257.17
199111	121	GRAY, AMANDA C	5/16/2018	68.89
199112	121	KENNEDY, WALDO	5/16/2018	4.27
199113	121	LEE, ROBERT ZACHARY	5/16/2018	61.85
199114	121	RIDGEL, FLORA	5/16/2018	20.00
199115	121	EDENS, MEISHA R	5/17/2018	50.00
199116	117	CHRIS DEAN	5/18/2018	95.98
199117	3024	DAVID HENSLEY	5/18/2018	12.00
199118	3024	GARY GARVIN	5/18/2018	212.00
199119	117	JASON STEELE	5/18/2018	2,475.94
199120	117	JEFFERSON BOWMAN	5/18/2018	15.00
199121	331	JESSICA SMITH	5/18/2018	60.00
199122	3024	KENNETH CLAYPOOL	5/18/2018	12.00
199123	125	MATT PITTMAN	5/18/2018	60.00
199124	125	MICHALEA CAPPS	5/18/2018	86.00
199125	117	REGGIE COTTON	5/18/2018	465.00
199126	117	SUSAN ROSS	5/18/2018	1,247.25
199127	125	TACKETT COFFMAN	5/18/2018	400.00
199128	117	TAMMY TRACY	5/18/2018	1,247.25
199129	3024	TAMMY TRACY	5/18/2018	307.20
199130	1	ACCURATE FIRE EQUIPMENT CO INC	5/18/2018	110.00
199131	2713	ACTION GROUP STAFFING	5/18/2018	5,712.53
199132	2461	ADVANCE AUTO PARTS 64771111001	5/18/2018	701.75
199133	3	AIRGAS USA LLC	5/18/2018	54.80
199134	5400	TYLER ANDERSON	5/18/2018	192.00
199135	3976	AT&T #918 A04-0694 003 3	5/18/2018	872.00
199136	4267	AT&T #918 147-0140 002 4	5/18/2018	1,162.00
199137	52	AUFFENBERG CHEVROLET CADILLAC	5/18/2018	26.45
199138	11	B & J OIL CO INC	5/18/2018	18,370.24
199139	871	BAYSINGER POLICE SUPPLY	5/18/2018	795.00
199140	2279	BEHAVIORAL HEALTH INC	5/18/2018	375.00
199141	1703	BEN E. KEITH	5/18/2018	3,016.63
199142	2853	BLESSED GROUND MAINTENANCE	5/18/2018	150.00
199143	2507	BLOSSOMS	5/18/2018	251.39
199144	862	BOB'S AUTOMOTIVE ELECTRIC	5/18/2018	225.00
199145	3669	BRANT & ASSOCIATES	5/18/2018	143.89
199146	259	BRENNTAG SOUTHWEST INC	5/18/2018	15,469.20
199147	3836	BRITE COMPUTERS	5/18/2018	150.00

199148	3238 BROKEN ARROW ELECTRIC	5/18/2018	647.54
199149	2696 BROWNELLS, INC	5/18/2018	25.47
199150	488 CAMPBELL WHOLESALE CO INC	5/18/2018	699.30
199151	992 CARE AROUND THE CLOCK INC	5/18/2018	4,181.33
199152	3024 CHRIS CUMMINGS	5/18/2018	536.51
199153	3442 CITY OF MUSKOGEE FOUNDATION	5/18/2018	5,287.36
199154	4738 CITYWIDE PROPERTY MAINTENANCE	5/18/2018	2,351.85
199155	4804 CLIFFORD K. CATE, JR., INC	5/18/2018	180.00
199156	3066 COMMUNITY CARE EAP	5/18/2018	323.05
199157	522 CORPORATE TO CASUAL SCREEN PRI	5/18/2018	810.00
199158	4960 CUMMINS-ALLISON CORP	5/18/2018	231.00
199159	4311 DAVID'S DISCOUNT TIRES INC	5/18/2018	1,465.83
199160	4900 DEWBERRY WATER WORKS LLC	5/18/2018	389.84
199161	5393 MARK DREADFULWATER	5/18/2018	140.00
199162	170 EAST CENTRAL ELECTRIC	5/18/2018	18.87
199163	5378 JAMES E. EVANS II	5/18/2018	285.00
199164	953 EXPRESS EMPLOYMENT PROFESSIONA	5/18/2018	7,504.88
199165	29 FASTENAL COMPANY	5/18/2018	1,232.01
199166	133 FIVE STAR OFFICE SUPPLY	5/18/2018	1,054.70
199167	3509 FLEETPRIDE INC	5/18/2018	130.38
199168	5322 KYLAR FOSHEE	5/18/2018	270.00
199169	339 GARVER ENGINEERS LLC	5/18/2018	3,385.84
199170	134 GOLDEN RULE INDUSTRIES	5/18/2018	70.00
199171	5376 HAROLD JAY GOODMAN	5/18/2018	240.00
199172	5396 TAYLOR GOODMAN	5/18/2018	162.00
199173	686 GRAPHIC RESOURCES & REPRODUCTI	5/18/2018	80.02
199174	1303 GREEN COUNTRY TESTING	5/18/2018	463.00
199175	2764 GRISSOMS LLC	5/18/2018	280.24
199176	40 HARRISON TIRE & SUPPLY	5/18/2018	140.00
199177	5410 HUNTER HARRISON	5/18/2018	70.00
199178	5392 CAIRL G. HAYES	5/18/2018	200.00
199179	5377 TONY HENSON	5/18/2018	460.00
199180	42 HOGLE COMPANY	5/18/2018	7,720.45
199181	3105 HONOR HEIGHTS VET CLINIC #6530	5/18/2018	157.35
199182	5412 JACOB LESTER HUNN III	5/18/2018	280.00
199183	5103 JACK HOOPES	5/18/2018	22.37
199184	3306 JEAN-RAY ENTERPRISES LLC	5/18/2018	61.96
199185	5305 JOHN V TEDESCO DO PA	5/18/2018	2,000.00
199186	188 KING TIRES OF MUSKOGEE INC	5/18/2018	882.00
199187	4855 KELSEY LAMB	5/18/2018	270.00
199188	3913 LAMBERT VET SUPPLY	5/18/2018	712.24
199189	5407 ZACHARY LEWIS	5/18/2018	300.00
199190	1133 THE LIFEGUARD STORE	5/18/2018	566.50
199191	5391 JOSHUA KEITH LINN	5/18/2018	370.00
199192	331 LORI PAULSON	5/18/2018	2,500.00
199193	1154 LOVE BOTTLING CO - #107510	5/18/2018	64.80
199194	56 LOWES	5/18/2018	1,883.97

199195	5316 MARKETING TOOLS LLC	5/18/2018	626.00
199196	5409 DALTON BRICE MARTIN	5/18/2018	290.00
199197	4246 MARVIN'S MOWERS AND OUTDOOR LL	5/18/2018	339.99
199198	5379 RODNEY L. MATHEWS	5/18/2018	300.00
199199	5323 NIA MAXWELL	5/18/2018	81.00
199200	842 MIDWEST TROPHY	5/18/2018	1,005.00
199201	194 MORGAN SERVICES COMPANY LLC	5/18/2018	125.00
199202	3591 MOSAIC CROP NUTRITION LLC	5/18/2018	6,649.96
199203	5163 MOST DEPENDABLE FOUNTAINS INC.	5/18/2018	175.00
199204	1992 MUNICIPALH2O.COM	5/18/2018	500.00
199205	5195 MUSCOGEE STAFFING SOLUTIONS, L	5/18/2018	113.96
199206	61 MUSKOGEE COMMUNICATIONS, INC.	5/18/2018	2,119.25
199207	195 MUSKOGEE COUNTY CLERK	5/18/2018	195.00
199208	62 MUSKOGEE COUNTY SHERIFFS DEPAR	5/18/2018	32,981.00
199209	63 MUSKOGEE DAILY PHOENIX	5/18/2018	711.81
199210	1728 MUSKOGEE LITTLE THEATER, INC.	5/18/2018	693.29
199211	868 MUSKOGEE PUBLIC SCHOOLS	5/18/2018	169.02
199212	1061 NAFECO INC	5/18/2018	1,331.60
199213	5327 NEWGEN STRATEGIES AND SOLUTION	5/18/2018	8,910.00
199214	5349 NWA PIZZA, LLC	5/18/2018	108.02
199215	114 OFFICE DEPOT	5/18/2018	338.95
199216	2484 OG&E #127926402-0	5/18/2018	163.63
199217	272 OKLAHOMA MUNICIPAL LEAGUE	5/18/2018	85.00
199218	67 OKLAHOMA NATURAL GAS	5/18/2018	1,049.53
199219	2900 O S B V M E	5/18/2018	160.00
199220	2763 ONE SOURCE WATER LLC	5/18/2018	271.00
199221	70 OREILLY AUTO PARTS	5/18/2018	1,761.99
199222	73 PATE INDUSTRIAL SUPPLY INC	5/18/2018	259.71
199223	5399 NIKOLAUS PLEAS	5/18/2018	330.00
199224	5008 PREMIER USA INC.	5/18/2018	2,128.77
199225	4610 PRIME AUTOMOTIVE WAREHOUSE LLC	5/18/2018	1,069.35
199226	5408 TRAVIS LEE REECE	5/18/2018	209.00
199227	149 ROSSON WHEEL SERVICE	5/18/2018	100.00
199228	84 SADLER PAPER COMPANY	5/18/2018	514.83
199229	3954 SCOTT-MERRIMAN INC	5/18/2018	486.00
199230	5397 GREG STIDHAM	5/18/2018	160.00
199231	2104 SUDDENLINK	5/18/2018	8,364.22
199232	5411 CAM'RON SUMMERS	5/18/2018	370.00
199233	93 SUPERIOR LINEN SERVICE INC	5/18/2018	45.04
199234	5018 TEC-AN INC	5/18/2018	4,250.00
199235	362 TENDER TOUCH AUTO WASH INC	5/18/2018	647.00
199236	5074 TEXAS A&M UNIVERSITY-KINGSVILL	5/18/2018	600.00
199237	3102 TIGER NATURAL GAS INC	5/18/2018	1,648.43
199238	1953 MICHAEL TRIMBLE	5/18/2018	150.00
199239	4446 TULSA ASPHALT LLC	5/18/2018	6,247.64
199240	3636 TYLER TECHNOLOGIES INC	5/18/2018	1,560.00
199241	97 UNIFIRST HOLDINGS LP	5/18/2018	871.56

199242	5398 TRISTEN VANDALEY	5/18/2018	260.00
199243	5413 TANNER DEAN WALKER	5/18/2018	128.00
199244	215 WASTE MANAGEMENT OF OKLAHOMA I	5/18/2018	717.05
199245	329 WELDON PARTS - MUSKOGEE	5/18/2018	225.47
199246	309 WEST GROUP	5/18/2018	766.94
199247	691 WHITE STAR MACHINERY & SUPPLY	5/18/2018	62.72
199248	1128 WHITTINGHILL DISPOSAL SERVICE	5/18/2018	263.96
199249	2443 DOCK WORKS	5/18/2018	1,545.00
199250	3702 WOFFORD ELECTRIC LLC	5/18/2018	5,000.00
199251	4468 BLUECROSS/BLUE SHIELD OF OK	5/21/2018	40,111.83
199252	121 ABLE PLUMBING CO.	5/22/2018	887.48
199253	121 ALLISON, TIMOTHY	5/22/2018	15.87
199254	121 CRABTREE, KENNETH	5/22/2018	90.00
199255	121 CRABTREE, KENNETH WAYNE	5/22/2018	42.61
199256	121 GARRISON, GARY LEE	5/22/2018	72.91
199257	121 JAYNE, LILLIAN	5/22/2018	43.70
199258	121 PERRY, TROY A	5/22/2018	87.65
199259	121 SMITH, BRET A	5/22/2018	12.58
199260	121 TANNER, SHARON L	5/22/2018	66.27
199261	121 VAUGHN, MARK C	5/22/2018	90.00
199262	121 VILLEGAS, OMAR	5/22/2018	1.84
199263	121 WELCH, RAY	5/22/2018	22.94
199264	121 WHITEL, TRACY L	5/22/2018	16.07
199265	3952 BANK OF AMERICA	5/23/2018	0.00
199266	3952 BANK OF AMERICA	5/23/2018	6,566.57
199267	1319 A-MAX SIGNS	5/25/2018	249.40
199268	1505 ABERDEEN DYNAMICS LLC	5/25/2018	42.00
199269	2 ACCURATE LABS & TRAINING CENTE	5/25/2018	315.00
199270	2713 ACTION GROUP STAFFING	5/25/2018	2,272.82
199271	158 ANCHOR AUTO GLASS	5/25/2018	175.00
199272	5400 TYLER ANDERSON	5/25/2018	118.00
199273	5167 ANIMAL MEDICAL CENTER #15603	5/25/2018	186.00
199274	5266 ARBITRAGE COMPLIANCE SPECIALIS	5/25/2018	2,100.00
199275	3761 ARKANSAS AQUATICS LLC	5/25/2018	9,782.00
199276	4612 AT&T MOBILITY #918-577-2585 (C	5/25/2018	17.81
199277	3746 B & R ELECTRIC SERVICE INC	5/25/2018	190.00
199278	3928 BANK OF OKLAHOMA - VISA	5/25/2018	176.80
199279	1703 BEN E. KEITH	5/25/2018	1,121.95
199280	3238 BROKEN ARROW ELECTRIC	5/25/2018	435.38
199281	3640 CHARBONNEAU, BILLY JO	5/25/2018	72.00
199282	820 CHIEF FIRE & SAFETY	5/25/2018	300.00
199283	167 CINCINNATI RADIATOR SERVICE IN	5/25/2018	30.00
199284	4738 CITYWIDE PROPERTY MAINTENANCE	5/25/2018	1,547.84
199285	3626 CLARK EQUIPMENT	5/25/2018	140.00
199286	2292 CORE & MAIN LP	5/25/2018	3,268.04
199287	4261 WILLIAM S CRAIG	5/25/2018	1,000.00
199288	101 CROWL OIL CO INC	5/25/2018	4,649.20

199289	4311 DAVID'S DISCOUNT TIRES INC	5/25/2018	168.40
199290	26 DELL MARKETING LP	5/25/2018	895.76
199291	262 DEPARTMENT OF ENVIRONMENTAL QU	5/25/2018	83.61
199292	650 DIRECT TRAFFIC CONTROL INC	5/25/2018	70.00
199293	3133 JERRY L DORR	5/25/2018	944.00
199294	4862 SARAH EATON	5/25/2018	108.00
199295	5378 JAMES E. EVANS II	5/25/2018	180.00
199296	5308 MEGAN FILANDA	5/25/2018	90.00
199297	133 FIVE STAR OFFICE SUPPLY	5/25/2018	209.15
199298	3509 FLEETPRIDE INC	5/25/2018	34.88
199299	5322 KYLAR FOSHEE	5/25/2018	270.00
199300	5247 NIKYA GIVENS	5/25/2018	234.00
199301	5396 TAYLOR GOODMAN	5/25/2018	135.00
199302	2764 GRISSOMS LLC	5/25/2018	3,187.54
199303	40 HARRISON TIRE & SUPPLY	5/25/2018	313.00
199304	5410 HUNTER HARRISON	5/25/2018	70.00
199305	5377 TONY HENSON	5/25/2018	180.00
199306	181 HIX AIR CONDITIONING SERVICE	5/25/2018	58.00
199307	42 HOGLE COMPANY	5/25/2018	869.97
199308	289 HOLLOWAY UPDIKE AND BELLEN INC	05/25/2018 1	2,982.00
199309	1414 HOMELAND STORES INC	5/25/2018	17.16
199310	1108 INDIAN CAPITAL TECHNOLOGY CENT	5/25/2018	700.00
199311	112 J&E SUPPLY & FASTENER CO	5/25/2018	686.64
199312	5103 JACK HOOPE	5/25/2018	13.54
199313	188 KING TIRES OF MUSKOGEE INC	5/25/2018	30.00
199314	53 LAKE REGION ELECTRIC COOPERATI	5/25/2018	304.50
199315	4855 KELSEY LAMB	5/25/2018	90.00
199316	4742 KAREN LAUDERDALE	5/25/2018	72.00
199317	5407 ZACHARY LEWIS	5/25/2018	180.00
199318	5310 PETER J. LIIMATTA	5/25/2018	395.00
199319	399 LOCKE SUPPLY CO	5/25/2018	535.36
199320	964 LOVE BOTTLING CO - #111902	5/25/2018	34.00
199321	661 LOVE BOTTLING CO - #170700	5/25/2018	1,449.95
199322	56 LOWES	5/25/2018	1,339.76
199323	5409 DALTON BRICE MARTIN	5/25/2018	140.00
199324	4246 MARVIN'S MOWERS AND OUTDOOR LL	5/25/2018	37.95
199325	5379 RODNEY L. MATHEWS	5/25/2018	140.00
199326	5323 NIA MAXWELL	5/25/2018	81.00
199327	194 MORGAN SERVICES COMPANY LLC	5/25/2018	250.00
199328	4924 MUNICIPAL EMERGENCY SERVICES I	5/25/2018	996.00
199329	5195 MUSCOGEE STAFFING SOLUTIONS, L	5/25/2018	2,180.32
199330	2554 MUSKOGEE ART GUILD	5/25/2018	1,000.00
199331	3246 MUSKOGEE CITY COUNTY 911 TRUST	5/25/2018	47,855.37
199332	61 MUSKOGEE COMMUNICATIONS, INC.	5/25/2018	90.00
199333	195 MUSKOGEE COUNTY CLERK	5/25/2018	104.00
199334	546 MUSKOGEE COUNTY DISTRICT COURT	5/25/2018	154.14
199335	341 MUSKOGEE LOCK & KEY	5/25/2018	28.20

199336	1696 MUSKOGEE READY MIX LLC	5/25/2018	1,445.00
199337	197 MUSKOGEE YOUTH SERVICES	5/25/2018	2,462.72
199338	3652 NEWTON EQUIPMENT LLC	5/25/2018	113.77
199339	864 NORTHERN SAFETY CO	5/25/2018	932.33
199340	1944 OFFICE CONNECTIONS LLC	5/25/2018	32.86
199341	114 OFFICE DEPOT	5/25/2018	1,018.58
199342	67 OKLAHOMA NATURAL GAS	5/25/2018	358.70
199343	349 OKLAHOMA SECRETARY OF STATE	5/25/2018	10.00
199344	1203 OKLAHOMA STATE DEPT OF HEALTH	5/25/2018	710.00
199345	529 ONE SOURCE MANAGED SVCS	5/25/2018	4,004.06
199346	2763 ONE SOURCE WATER LLC	5/25/2018	107.85
199347	70 OREILLY AUTO PARTS	5/25/2018	1,243.15
199348	73 PATE INDUSTRIAL SUPPLY INC	5/25/2018	188.56
199349	3959 PERSONNEL EVALUATION INC	5/25/2018	120.00
199350	3666 PITNEY BOWES INC	5/25/2018	423.00
199351	5399 NIKOLAUS PLEAS	5/25/2018	70.00
199352	4795 PREMIER TRUCK GROUP	5/25/2018	1,561.83
199353	5008 PREMIER USA INC.	5/25/2018	1,083.24
199354	5408 TRAVIS LEE REECE	5/25/2018	96.00
199355	4618 REVIZE LLC	5/25/2018	3,900.00
199356	5246 ROBERTS TRUCK CENTER HOLDING C	5/25/2018	160.19
199357	149 ROSSON WHEEL SERVICE	5/25/2018	110.00
199358	84 SADLER PAPER COMPANY	5/25/2018	459.34
199359	3024 SCOTT CROW	5/25/2018	104.00
199360	5218 SEAN M. CALL DBA SPORTS & FITN	5/25/2018	330.00
199361	3739 SLAPE, INETTE	5/25/2018	126.00
199362	5267 STAUB INVESTMENTS INC. DBA GAL	5/25/2018	204.00
199363	5397 GREG STIDHAM	5/25/2018	140.00
199364	5421 JAMIE LYNN STOUT	5/25/2018	150.00
199365	997 SUPERIOR GRAPHICS & SIGNS	5/25/2018	350.00
199366	93 SUPERIOR LINEN SERVICE INC	5/25/2018	307.37
199367	94 TECHNICAL PROGRAMMING SERVICES	5/25/2018	3,138.72
199368	1953 MICHAEL TRIMBLE	5/25/2018	70.00
199369	3024 TYLER GRIFFITH	5/25/2018	40.00
199370	3636 TYLER TECHNOLOGIES INC	5/25/2018	1,320.00
199371	2325 UNITED FORD FLEET & COMMERCIAL	5/25/2018	398.40
199372	5398 TRISTEN VANDALEY	5/25/2018	200.00
199373	717 WAYMAN, CINDY	5/25/2018	126.00
199374	329 WELDON PARTS - MUSKOGEE	5/25/2018	224.25
199375	691 WHITE STAR MACHINERY & SUPPLY	5/25/2018	986.00
199376	4901 LAURA WICKIZER	5/25/2018	36.00
199377	5381 4IMPRINT, INC.	5/25/2018	2,047.24
199378	5420 CHERYL D. COX	5/25/2018	1,889.28
199379	121 CLARK, EARL D	5/29/2018	61.86
199380	121 CRAFT, RAYTOSHA DENAY	5/29/2018	10.00
199381	121 DICK'S SPORTING GOODS	5/29/2018	10.00
199382	121 DOUGHTY, STANLEY	5/29/2018	4.97

199383	121 THOMPSON, MARCIE W	5/29/2018	17.51
199384	5046 BANCFIRST	5/29/2018	33,108.82
199385	121 ABUNDANT LIFE PROPERTIES, LLC	5/30/2018	2.18
199386	121 AMERICAN BANK OF OKLAHOMA	5/30/2018	27.99
199387	121 CLARK, LUKE A	5/30/2018	52.84
199388	121 CYPREXX SERVICES	5/30/2018	76.28
199389	121 ELLIS, MICHAEL L	5/30/2018	45.72
199390	121 FARROW, JAMES T JR.	5/30/2018	0.90
199391	121 LAKE MOORE REAL ESTATE	5/30/2018	52.38
199392	121 TOTAL MANAGEMENT	5/30/2018	90.00

Regular City Council**2.**

Meeting Date: 06/11/2018
Submitted For: Mike Stewart, Assistant City Manager
Initiator: Robin Orman, Office Administrator
Department: Assistant City Manager
Staff Information Source:

Information**AGENDA ITEM TITLE:**

Approval to renew an Interlocal Agreement with Hilldale Public Schools to furnish Law Enforcement and School Resource Officer functions for the District campuses within the City, or take other necessary action. (Mike Stewart)

BACKGROUND:

The City proposes to entered into an Interlocal agreement for FY2018-2019 with Hilldale Public Schools to provide School Resource Officers. The agreement must be renewed annually. Last year, Hilldale reimbursed the city at approximately 59% of the payroll costs for the officers and in FY2018-2019 Hilldale will reimburse the city at 66% of the payroll costs. All parties are in agreement with the renewal of the same.

RECOMMENDED ACTION:

Approve renewal of Interlocal agreement.

Fiscal Impact**Attachments**

SRO Contract

CONTRACT

This contract is made this 1st day of June, 2018, by and between Hilldale Public Schools ("School District"), and the City of Muskogee (the "City").

RECITALS:

School District desires to contract with the City for the furnishing by the City of law enforcement and school resource officer functions (the "Services") for School District campuses.

NOW THEREFORE, in consideration of the mutual covenants and agreements herein contained and intending to be legally bound, School District and the City agree as follows:

1. **SERVICES TO BE PROVIDED BY THE CITY:** The City agrees to provide two (2) properly certified, uniformed officers to perform the Services at School District locations and during the hours designated in this Contract. The City will utilize both marked and fully equipped patrol cars and uniformed officers on foot patrol. The City officers will work with School District personnel on a cooperative basis. In addition to the law enforcement security functions, the City officers will be available on each campus to act as a School Resource Officer ("SRO") in conjunction with the required patrol duties. The SRO will provide security, education and public speaking services as requested by School District administration and faculty and students.
2. **TERM:** The term of this Contract will commence on July 1, 2018, and will terminate June 30, 2019, or the last day of school. This Contract may be renewed annually upon mutual agreement of the parties.
3. **COMPENSATION:** The City will be responsible for the salaries and fringe benefits of the City Officers, including appropriate deductions for taxes, FICA, FUTA and other amounts required by law.
4. **FINANCING OF THE SCHOOL RESOURCE OFFICER PROGRAM:**
 - For the 2017 fiscal year, the financing of the two City officers will be as follows:

School District (66%)	\$91,872.10
City (34%)	<u>\$47,328.05</u>
Total (100%)	\$139,200.15

The percentages are of the two officers' total salary and fringe benefits. In addition, the City will provide uniforms for the two officers, sufficient police cars and equipment and will maintain and operate such vehicles and equipment at its expense.

- The City will submit bi-annual invoices to School District detailing the personnel expenses for the previous months.
- The first reimbursement will be due and payable by School District within 30 days of receipt from the City.

5. **SERVICE HOURS:** The City will, at all times during the term of the contract hours set out below, provide two (2) officers on duty to perform law enforcement and SRO service on School District campuses as follows:
 - Each officer will work a forty (40) hour shift each week, Monday through Friday, from approx. 7:30 am to 4:00 pm, or as needed, with one-half hour for lunch. The specific school sites at which each officer will work will be assigned to them on a weekly basis, or as needed, by the School District's Superintendent. The City shall work with the School District and write Post Orders for the officers outlining the officers' duties.
 - The City reserves the right to immediately utilize the officers assigned to School District in the event of a natural or manmade disaster or emergency as part of the City's agency-wide response to said disaster or emergency. The City will notify School District as soon as it is reasonable able to do so about the temporary transfer of the officers to other duties. If such an emergency diversion of officers occurs then the School District as soon as it is reasonably able to do so about the temporary transfer of the officers to other duties. If such an emergency diversion of officers occurs then the School District will not be required to pay the City for any portion of the diverted officers' salary and benefits during the time of the diversions.
6. **INDEPENDENT CONTRACTOR STATUS:** The City is engaged to provide the services as an independent contractor. In performing the City's Services to the School District under this contract, the two officers shall at all times be employees of the City. If School District has objections to any City personnel, School District will review those objections with a designated representative of the City.
7. **SCHOOL DISTRICT ADDITIONAL PERSONNEL:** In addition to the personnel to be provided by the City, School District, at its option, shall have the right to engage personnel to provide watchman duties, including watchman duties provided through a private security company. In the event School District elects to engage watchman services either through School District employees or through a private security service, the watchman services will be coordinated with the City personnel. The City shall not be responsible for personnel hired under this section.
8. **MISCELLANEOUS:** This instrument represents the entire understanding between the parties concerning the subject matter. This Contract may be amended only by an instrument in writing mutually signed by the parties. The City will have no right to assign this Contract or subcontract the Services required of the City under the contract.
9. **TERMINATION:** This Contract may be terminated by either party by giving thirty (30) calendar days written notice to the other party. Upon such termination, School District shall pay the City a pro rata payment representing that portion of the annual fee earned by the City through the effective date of the termination. Thereafter, neither party shall have any further financial obligation to the other.
10. **INSURANCE:** It is understood and agreed that during the term of this contract and any renewal hereof, the City shall purchase and maintain errors and omissions and general liability insurance at a minimum of the amounts required under the Oklahoma Governmental Tort Claims Act naming the School District, and its officers and employees, as additional insured's and providing insurance coverage for all acts, omissions, and services performed by the City officers as

described in this contract including insurance coverage for claims, suits, damages, fees or expenses (including cost of defense) arising out of any such acts, omissions and services. Further, the City shall provide written proof of said coverage prior to execution of this contract and any time thereafter on request of the School District. The insurance provided by the City shall be deemed primary coverage relating to the acts of the officers and not excess.

11. **SEVERABILITY:** The invalidity or unenforceability of any provisions of this contract shall not affect the validity of enforceability of any other provision of this contract.
12. **GOOD FAITH:** The School Board, the City Manager, their agents and employees agree to cooperate in good faith in fulfilling the terms of this contract. Unforeseen difficulties of questions will be resolved by negotiation between the Superintendent of the School District and the City Manger of the City.

IN WITNESS WHEREOF, the parties have caused duplicate originals of this contract to be signed by their duly authorized officers.

THE CITY OF MUSKOGEE

HILDALE SCHOOL DISTRICT

City Manager, City of Muskogee

President, Board of Education

Attest:

Attest:

City Clerk, City of Muskogee

Clerk, Board of Education

Approved as to form and legality this

30 day of May 2018



City Attorney

Regular City Council

3.

Meeting Date: 06/11/2018
Submitted For: Drew Saffell, Assistant City Manager
Initiator: Robin Orman, Office Administrator
Department: Assistant City Manager
Staff Information Source:

Information

AGENDA ITEM TITLE:

Approval of awarding the highest bid to Dan Leatherman for a five (5) year lease of the City of Muskogee's landfill grazing land, beginning June 1, 2018 and ending May 31, 2023, or take other necessary action. (Mike Stewart)

BACKGROUND:

The landfill grazing lease ends on May 31, 2018. In April 2018, airport staff put the grazing land out for bid. The City received many bids and the highest bid for the landfill property is listed below. The bid tabulation sheet is attached for reference. This bid is complete and meet the requirements of the City of Muskogee.

Landfill Lot 1 – Dan Leatherman \$20,800.00

RECOMMENDED ACTION:

Approve the highest bid for a 5-year lease of the City of Muskogee's landfill grazing land beginning June 1, 2018 and ending May 31, 2023, or take other necessary action.

Fiscal Impact

Attachments

Grazing Lease



Tabulation Sheet
City of Muskogee

Bid Item: Grazing Leases Airport/Old Landfill
Date: 5/3/2018
Department: Muskogee-Davis Regional Airport

Approved by Purchasing: _____

Date: _____

Approved by City Council: _____

Date: _____

Vendors >	Travis O'Neal	Curt Daubs	Triple J Ranch	Jacky Reese	Tommy Thomas	Jim Chappell	Kay Anderson	William Isbell	Matt Ashwood
Airport									
Lot 1 Tract #1	\$3,000.00	No Bid	\$1,800.80	No Bid	No Bid	\$4,843.13	\$4,800.00	\$1,100.00	\$2,250.00
Lot 2 Tract #2	\$3,000.00	\$6,621.00	\$3,524.80	No Bid	No Bid	No Bid	\$4,015.00	\$2,200.00	\$3,300.00
Lot 3 Tract #3,4,5	\$30,001.50	No Bid	\$34,930.00	No Bid	No Bid	No Bid	\$33,187.00	No Bid	No Bid
Lot 4 Tract #6,7	\$12,080.00	No Bid	\$14,523.00	No Bid	No Bid	No Bid	\$16,415.00	\$12,025.00	No Bid
Lot 5 Tract #8	\$1,500.00	No Bid	\$3,040.00	No Bid	No Bid	No Bid	\$3,000.00	No Bid	\$2,850.00
Lot 6 Tract #9	\$4,808.15	\$5,713.00	No Bid	\$5,200.00	\$6,100.00	No Bid	\$5,600.00	No Bid	No Bid
Lot 7 Tract #10	\$300.00	No Bid	No Bid	\$800.00	\$1,500.00	No Bid	\$1,107.00	No Bid	\$680.00
Lot 8 Tract #11,12,13	\$29,200.00	No Bid	\$36,558.00	No Bid	No Bid	No Bid	\$28,636.00	No Bid	\$30,000.00
Lot 9 Tract #14	\$9,703.00	No Bid	\$6,913.80	No Bid	No Bid	\$11,017.84	\$10,585.00	No Bid	\$6,900.00
Old Landfill									
Lot 1 Tract # NA	\$13,725.00	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	\$20,000.00

Witnessed by:

Approved by:



Tabulation Sheet

City of Muskogee

Bid Item: Grazing Leases Airport/Old Landfill
Date: 5/3/2018
Department: Muskogee-Davis Regional Airport

Approved by Purchasing: _____

Approved by City Council: _____

Vendors >	Dan Leatherman								
Airport									
Lot 1 Tract #1	No Bid								
Lot 2 Tract #2	No Bid								
Lot 3 Tract #3,4,5	No Bid								
Lot 4 Tract #6,7	No Bid								
Lot 5 Tract #8	No Bid								
Lot 6 Tract #9	No Bid								
Lot 7 Tract #10	No Bid								
Lot 8 Tract #11,12,13	No Bid								
Lot 9 Tract #14	No Bid								
Old Landfill									
Lot 1 Tract # NA	\$20,800.00								

Witnessed by:

Approved by:

Regular City Council

4.

Meeting Date: 06/11/2018
Initiator: Russ Andis, Purchasing Asst.
Department: Purchasing
Staff Information Source:

Information

AGENDA ITEM TITLE:

Approval of low bid from Hogle Plumbing (Plumbing Contractor) for maintenance and upkeep of all City facilities and buildings, or take other necessary action. (Billy Coffey)

BACKGROUND:

The Facilities Department received and reviewed the bids for the annual contract for the maintenance and upkeep of the plumbing within all City facilities and buildings. Hogle Plumbing was low bid (see attached Tabulation Sheet) at an hourly rate of \$68 for contractor and journeyman, and \$42 for apprentice. Response time is one to four (1-4) hours for emergency calls, and one day or less normal situations. Last year contract was with Last year contract was Hogle Plumbing.

RECOMMENDED ACTION:

Approve the low bid from Hogle Plumbing (Plumbing Contractor) for maintenance and upkeep of all City facilities and buildings.

Fiscal Impact

Attachments

Tabulation Sheet



Tabulation Sheet

City of Muskogee

Bid Item: Plumbing Contractor 2018-19

Date: 5/14/2018 @ 1:30PM

Department: Facilities Maintenance

Approved by Purchasing: _____

Approved by City Council: _____

Vendors	Contractors Hourly Rate		Apprentice Hourly Rate		Journeyman's Hourly Rate		Parts Markup
Hogle Plumbing	68.00		42.00		68.00		20 %
McIntosh Service	92.00		62.00		92.00		30 %
Roto-Rooter	139.00		59.00		139.00		50 %

Witnessed by:

Russ Andrie
Buy Off

Approved by:

Regular City Council

5.

Meeting Date: 06/11/2018
Submitted For: Donnie Wimbley, Purchasing
Initiator: Donnie Wimbley, Purchasing Director
Department: Purchasing
Staff Information Source: Donnie Wimbley

Information

AGENDA ITEM TITLE:

Approval of low bid from B & R Electric (Electrical Contractor) for maintenance and upkeep of all City facilities and buildings, or take other necessary action. (Billy Coffey)

BACKGROUND:

The Facilities Department received and reviewed the bid (only one bid received) for the annual contract for the maintenance and upkeep of the electrical system within all City facilities and buildings. B & R Electric was low bid (see attached Tabulation Sheet) at an hourly rate of \$65 for contractor and journeyman, and \$35 for apprentice. Response time is (1 1/2) hours for emergency calls, and same day normal situations. Last year contract was with B & R Electric.

RECOMMENDED ACTION:

Approve the low bid from B & R Electric (Electrical Contractor) for maintenance and upkeep of all City facilities and buildings.

Fiscal Impact

Attachments

Tabulation Sheet



Tabulation Sheet

City of Muskogee

Bid Item: Electrical Contractor 2018-19
Date: 5/14/2018 @ 2:00 PM
Department: Facilities Maintenance

Approved by Purchasing: _____

Approved by City Council: _____

Vendors	Contractors Hourly Rate		Apprentice Hourly Rate		Journeyman Hourly Rate		Parts Markup
B & R Electric	65.00		35.00		65.00		12%

Witnessed by: Russ Andrie
Ben Off

Approved by: _____

Regular City Council

6.

Meeting Date: 06/11/2018
Submitted For: Donnie Wimbley, Purchasing
Initiator: Donnie Wimbley, Purchasing Director
Department: Purchasing
Staff Information Source: Donnie Wimbley

Information

AGENDA ITEM TITLE:

Approval of low bid from Hix AC Service (Mechanical Contractor) for maintenance and upkeep of all City facilities and buildings, or take other necessary action. (Billy Coffey)

BACKGROUND:

The Facilities Department received and reviewed the bids for the annual contract for the maintenance and upkeep of the mechanical (heat/air) equipment within all City facilities and buildings. Hix AC Service was low bid (see attached Tabulation Sheet) at an hourly rate of \$68 for contractor and journeyman, and \$30 for apprentice. Response time is within six (6) hours for emergency calls, and eight (8) hours for normal situations. Last year contract was with Hix AC Services.

RECOMMENDED ACTION:

Approve the low bid from Hix AC Service (Mechanical Contractor) for maintenance and upkeep of all City facilities and buildings.

Fiscal Impact

Attachments

Tabulation Sheet



Tabulation Sheet

City of Muskogee

Bid Item: Mechanical Contractor 2018-19
Date: 5/14/2018 @ 2:30 PM
Department: Facilities Maintenance

Approved by Purchasing: _____

Approved by City Council: _____

Vendors	Contractor's Hourly Rate		Apprentice Hourly Rate		Journeyman Hourly Rate		Parts Markup
Hogle Company	NO BID		NO BID		NO BID		NO BID
McIntosh Services	92.00		62.00		92.00		30 %
Acme-Reese Air-Conditioning	75.00		40.00		75.00		40 %
HIX AC Service	68.00		30.00		68.00		28 %

Witnessed by: Russ Aydes

Approved by: _____

Regular City Council

7.

Meeting Date: 06/11/2018
Submitted For: Donnie Wimbley, Purchasing
Initiator: Donnie Wimbley, Purchasing Director
Department: Purchasing
Staff Information Source: Donnie Wimbley

Information

AGENDA ITEM TITLE:

Approval of low bid from Johnson Service (Refrigeration Contractor) for maintenance and upkeep of all City facilities and buildings, or take other necessary action. (Billy Coffey)

BACKGROUND:

The Facilities Department received and reviewed the bids for the annual contract for the maintenance and upkeep of the refrigeration equipment within all City facilities and buildings. Johnson Service was low bid (see attached Tabulation Sheet) at an hourly rate of \$80 for contractor, \$40 for journeyman, and \$20 for apprentice. Response time is within one (1) hours for emergency calls, and two (2) hours for normal situations.

RECOMMENDED ACTION:

Approve the low bid from Johnson Service (Refrigeration Contractor) for maintenance and upkeep of all City facilities and buildings.

Fiscal Impact

Attachments

Tabulation Sheet



Tabulation Sheet

City of Muskogee

Bid Item: Refrigeration Contractor 2018-19
Date: 5/14/2018 @ 3:00 PM
Department: Facilities Maintenance

Approved by Purchasing: _____

Approved by City Council: _____

Vendors	Contractor's Hourly Rate		Apprentice Hourly Rate		Journeyman Hourly Rate		Parts Markup
Johnson Service Co.	80.00		20.00		40.00		35 %
McIntosh Service LLC	92.00		62.00		92.00		30 %
HOGLE COMPANY	NO BID		NO BID		NO BID		NO BID

Witnessed by: Russ Archer

Approved by: _____

Regular City Council**8.**

Meeting Date: 06/11/2018
Submitted For: Donnie Wimbley, Purchasing
Initiator: Donnie Wimbley, Purchasing Director
Department: Purchasing
Staff Information Source: Donnie Wimbley

Information**AGENDA ITEM TITLE:**

Approval of Resolution No. 2729 declaring certain items of personal property presently in possession of the City of Muskogee, to be surplus to the needs of the City and authorize the City Manager to dispose of the same as per the attached list, or take other necessary action. (Mike Miller)

BACKGROUND:

City departments have determined that the list of attached items are deficient and have requested these items be declared surplus to the needs of the City of Muskogee. The following department have submitted list:

Assistant City Manager	City Attorney	City Hall
Civic Center	Library	
Public Works/Environment Control	Park & Recreation	Planning Public Works
Admin Office Pollution Control		
Public Works/Solid waster	Public Works/ Street	Public Works/Water
Plant	Police Dept	
IT Department	Pollution Control	

RECOMMENDED ACTION:

Approve a resolution declaring certain items surplus to the needs of the City and authorizing City Manager to dispose of said property.

Fiscal Impact**Attachments**RES2729

RESOLUTION NO. 2729

A RESOLUTION DECLARING CERTAIN ITEMS OF PERSONAL PROPERTY PRESENTLY IN THE POSSESSION OF THE CITY OF MUSKOGEE, TO BE SURPLUS TO THE NEEDS OF THE CITY OF MUSKOGEE AND AUTHORIZING THE CITY MANAGER TO OFFER FOR SELL OR DISPOSE OF THE SAME AS ATTACHED LIST.

WHEREAS, the City of Muskogee, Oklahoma has in its possession certain items of personal property which can no longer be put to good use; and

WHEREAS, the City of Muskogee desires to dispose of items of personal property, which are no longer needed, as surplus properties, according to the provisions of the Charter and the Ordinances of the City;

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

SECTION 1: The property listed herein is hereby declared to be surplus to the needs of the City of Muskogee, Oklahoma.

Assistant City Manager

5 ft. Table
Chair

Cemetery

UNIT	YEAR	MAKE	MODEL	MILEAGE	VIN #
7001	1994	Chevy	1500	50951	1GCEC14K1RZ269762

City Attorney

1-Chair

City Hall

Tourism Building Hwy 69 1120 Sq. Ft.

Civic Center

1-Desk
1-Large Copier

Fleet Management

UNIT	YEAR	MAKE	MODEL	MILEAGE	VIN #
1441	1998	Chevy	Lumina	60776	2G1WL52M3W91645
1433	1997	Ford	Expedition	161493	1FMEU17L2VLB37541

Library

22-Light Fixtures

Public Works/Environmental Control

1993 FORD Model 3930 Serial #BD38993 TRACTOR

2011 BUSHWHACKER Model ST180 Serial #15010 BRUSH HOG

2011 BUSHWHACKER Model ST180 Serial #15009 BRUSH HOG

1970 CURB DRESSER Model 169T Serial #3139

2005 MASSEY FERGUSON Model 481 Serial #9365BN34082 TRACTOR Air Jack (Does not work)

Parks & Recreation

1-Office Chair

Parks & Recreation/Kiwanis Center

1-Copier

Planning

2-Printers HP C7280 all in one (both printers are not printing) Lots of various ink for HP printers

HP 02 Cyan HP 02

Yellow HP 02

Magenta

HP 02 light Magenta

HP 02 Black

2-lamps

Cannon Adding machine

Miscellaneous office pen/pencil holders

Public Works/Airport

UNIT	YEAR	MAKE	MODEL	MILEAGE	VIN #
1979	1992	Chevy	1500	150920	1GCDC14KNE139729
1985	2003	Chevy	3500	93601	1GBJC34U93E310752

Public Works/Water Distribution

UNIT	YEAR	MAKE	MODEL	MILEAGE	VIN #
4400	1998	Dodge	Ram1500	116203	3B7HC16Y1WM2668
4457		Yanmar	Excavator		00804B

Public Works/Admin. Office

1-Copier

Public Works/Solid Waste

60-Three yard dumpsters

10-Two yard dumpsters (not repairable)

8-One yard dumpster

Public Works/Street

Round 75-gallon fuel tank Lincoln

Welder (no leads) Henderson

Sand Spreader Ford F350 Truck

6-Vibrating plate tamps

Backhoe trailer

Asphalt Slurry Machine

Public Works/Street

Round 75-gallon fuel tank Lincoln
Welder (no leads) Henderson
Sand Spreader
Ford F350 Truck
6-Vibrating plate tamps
Backhoe trailer
Asphalt Slurry Machine

Public Works/Traffic

UNIT	YEAR	MAKE	MODEL	MILEAGE	VIN #
2300	2003	Chevy	3500	170146	1GBJC34U93E312789

Public Works/Sanitation

UNIT	YEAR	MAKE	MODEL	MILEAGE	VIN #
180	2002	Chevy	1500	251796	1GCEC14V42Z307792

Public Works/Water Plant**Pallet Number One**

Electric motors (2) Valve
(1)
Siemens Control units (3 boxes)
Misc. electric wires, cords, computer cords (1 box) Misc.
Batteries:
7-small, 7-mid, 5-big Pallet 1 Electric motors (2) Valve (1)

Pallet Number Two

Transformers (11)

Pallet Number Three

Electric timers (6)
Wizards (2) Electric
boxes (2)
Assorted: (16 boxes)
Allen Bradley parts, Electrical parts,
Boards, fuses, Allen Bradley control units

Pallet Number Four

Assorted: (6 boxes)
Electrical parts, boards, fuses, cords, wires, computer boards
Allen Bradley control units (3)

Pallet Number Five

Assorted: (12 boxes) Used
light bulbs
24" heating element, for distiller
100 mL drip style titrator
4 - Amber glass flasks 2500 mL
Stanley 1 million series spotlight
HACH Model DR4000 Spectrophotometer
9 - Beakers 150 MI
Kimax Erlymeyer 6 - Flasks 500 MI
2- 100 mL glass titrators
500 mL glass titrator

HACH Sension 2 2 - pHise meter
 Accumet 50 pH meter
 HACH COD reactor
 500 mL filtering kit
 2-Pyrex funnels
 2-glass panel doors. (One glass broken)
 72-Assorted plastic bottles
 30-gallon tote
 Metal Welding Table
 Hershey Portable Meter Tester
 Ditch Witch Ride-a-long trencher with small Backhoe attachment up front
 Old line locator
 Above ground fuel tanks
 1-unleaded
 1-diesel
 Used oil tank

Purchasing

UNIT	YEAR	MAKE	MODEL	MILEAGE	VIN #
9925	1997	Ford	Taurus	54638	1FALP52U9VG3062

Police Dept

1-Copier
 2-Desks
 2-Chairs

UNIT #	YEAR	MAKE	MODEL	MILEAGE	VIN #
115	2003	Ford	Crown Victoria	149866	2FAFP71W03X133239
116	2003	Ford	Crown Victoria	146115	2FAFP71W93X133241
118	2003	Ford	Crown Victoria	125706	2FAFP71W23X133243
120	2003	Ford	Crown Victoria	150171	2FAFP71W63X133245
122	2003	Ford	Crown Victoria	157000	2FAFP71WX3X13324
124	2003	Ford	Crown Victoria	154558	2FAFP71W33X133249
126	2003	Ford	Crown Victoria	174602	2FAFP71W13X133251
129	2003	Ford	Crown Victoria	169100	2FAFP71W43X130377
154	2003	Ford	Crown Victoria	94286	2FAFP71W43X202658
156	2003	Ford	Crown Victoria	103605	2FAHP71W53X186995
200	2005	Ford	Crown Victoria	148763	2FAFP71W95X135140
201	2005	Ford	Crown Victoria	148043	2FAFP71W05X133731
203	2005	Ford	Crown Victoria	145214	2FAFP71W45X133733
204	2005	Ford	Crown Victoria	132027	2FAFP71W65X133734
205	2005	Ford	Crown Victoria	177596	2FAFP71W85X133735
207	2005	Ford	Crown Victoria	127558	2FAFP71W15X133737
210	2005	Ford	Crown Victoria	167391	2FAFP71W15X133740
211	2005	Ford	Crown Victoria	146207	2FAFP71W35X133741
212	2005	Ford	Crown Victoria	153987	2FAFP71W55X133742
213	2005	Ford	Crown Victoria	139434	2FAFP71W75X133743
214	2005	Ford	Crown Victoria	140875	2FAFP71W95X133744
215	2005	Ford	Crown Victoria	168114	2FAFP71W05X133745
218	2005	Ford	Crown Victoria	172405	2FAFP71W65X133748
219	2005	Ford	Crown Victoria	159330	2FAFP71W85X133749
220	2005	Ford	Crown Victoria	151860	2FAFP71W45X133750
221	2005	Ford	Crown Victoria	175568	2FAFP71W65X133751

222	2005	Ford	Crown Victoria	115805	2FAFP71W85X133752
223	2005	Ford	Crown Victoria	131558	2FAFP71WX5X133753
224	2005	Ford	Crown Victoria	153197	2FAFP71W15X133754
225	2005	Ford	Crown Victoria	171718	2FAFP71W35X133755
226	2005	Ford	Crown Victoria	167797	2FAFP71W05X135141
227	2005	Ford	Crown Victoria	149204	2FAFP71W95X135137
228	2005	Ford	Crown Victoria	157276	2FAFP71W05X135138
229	2005	Ford	Crown Victoria	168774	2FAFP71W25X135139
233	2005	Ford	Crown Victoria	127492	2FAFP71W75X143088

Pollution Control

3-Copiers

Copy Start Model CS-1620 Copier – Functional

Kenmore Dishwasher – not functional Magic Chef

Stove with oven – functional Polaroid Camera &

Case

KROY 80 lettering system (no film to print letters/old) Office Jet

Pro Model K550 Printer

Lindberg Blue M muffle furnace

2 bases and 1 lid that go to composite samplers-no electrical components

4 flow meter sensor probes with cables- all bad/not measuring accurately

Old Mutton Door Whitney flow meter- not functional

YSI 58 D.O. Meter and probes

Cuisinart Blender

John Deere Yard tractor

2000 Kubota with mower

1995 Kubota Model B7-100 HST Tractor

2005 Sterling Flush Truck (Vac-Con) SN 2FZAATDC25AU09963

UNIT	YEAR	MAKE	MODEL	MILEAGE	VIN #
6612	2004	Dodge	Dakota	33563	1D7GL12KX4S634
6647	1995	Bobcat	853		512812920

Information Technology

HP PC Model N8120n Serial #MXF72807YZ

Dell Monitor Model E198FPB Serial #CN-0G256H-74261-88D-04LL-A00

Dell Laptop Model Latitude D830 Serial #BM038F1

Dell Printer Model 3130CN Serial #CYRTYR1

Dell PC Model Optiplex 745 Serial #JV0YPC1

Dell Monitor Model 1907FPVT Serial #CN-0CC388-71618-79C-ACDH

HP Multifunction Serial CN72BB201M

CTX Monitor Model PV510 Serial #1113400610

Dell PC Model Optiplex 790 Serial #8D10QS1

Dell PC Model Optiplex 791 Serial #D28TJS1

Dell PC Model Optiplex 792 Serial #JXGRZQ1

Dell PC Model Optiplex 793 Serial #7SVZKS1

Dell PC Model Optiplex 794 Serial #818NXR1

Cisco Routet Model 4400 Serial #FOC1052F0GN

Watchguard Firewall Model F2064N Serial #253405723

Cisco Router Model 2811 Serial #FTX1050A1HC

Cisco Router Model 2620 Serial #JABO44584ZU

HP Multifunction Office Jet Pro 68 Serial #TH4C96D1KC

Brother Multifunction Model MFC-J430W Serial # U62905A3F448383

Dell Monitor Model 1905FP Serial # CN-0T6116-71618-56B-AQC5

HP PC Model 700-414 Serial #MXX5110Q91

HP Printer Model Envy4500 Serial #CN515253DF HP

Deskjet Printer Model CNO972F1SG
Monitor Model 2009WT Serial #CN-0G433H-74445-970-CU5L
Dell Printer Model 2360 Serial #2QW1KJ1

SECTION 2: The City of Muskogee authorizes the City Manager to sell or otherwise dispose of said real property and personal property listed above.

PASSED AND APPROVED by the City Council of the City of Muskogee, Oklahoma this _____ day of _____, 2018

CITY OF MUSKOGEE, A
municipal corporation,

JOHN R. COBURN, MAYOR

ATTEST

TAMMY L. TRACY, CITY CLERK

APPROVED as to form and legality this _____ day of _____, 2018.

ROY D. TUCKER, CITY ATTORNEY

Regular City Council**9.****Meeting Date:** 06/11/2018**Submitted For:** Roy Tucker, City Attorney**Initiator:** Leslie Arnold,
Attorney Secretary**Department:** City Attorney**Staff Information Source:** City Attorney

Information**AGENDA ITEM TITLE:**

Approval to award a contract to Alliance Benefit Group in the amount of \$39,600.00 per year for three (3) years pursuant to solicited requests for proposals for Third Party Administration Services of the City's Self-Insured Workers Compensation Plan, or take other necessary action. (Roy D. Tucker)

BACKGROUND:

Alliance Benefit Group has been the TPA for the City's Workers Compensation Plan for over 17 years. This year, purchasing solicited competitive proposals. RFP's were sent to 7 different agencies; 6 responses were received. A review committee was created by the City Manager to review the received proposals. The committee was comprised of Leslie Arnold, Roy Tucker, Dakota Jones and Donnie Wimbley. Upon review and consideration, the committee has recommended continuation of services of Alliance Benefit Group.

RECOMMENDED ACTION:

Approve the renewal of agreement with Alliance Benefit Group.

Fiscal Impact**Attachments**

Agreement

Tabulation Sheets

Claims Administration Service Agreement

SERVICE AGREEMENT

THIS SERVICE AGREEMENT is hereby entered into by Alliance Benefit Group, Inc., hereinafter referred to as ABG, and the City Of Muskogee, hereinafter referred to as COM, for services in connection with the self-insurer's obligation under the provisions of the workers' compensation law(s) of the State of Oklahoma.

- 1) It is the intention of the parties hereto that ABG, an independent contractor, shall furnish to COM claims services as follows:
 - a) ABG shall recommend to COM procedures as required for the prompt reporting and recording of all occupational injuries and illnesses.
 - b) ABG shall provide all of its normal claims administration services, including all reports as required by State regulatory agencies. Normal claims administration does not include items defined as allocated claim expense.
 - c) ABG shall administer all claims incurred by COM during the administrative period to determine if such injury was compensable and the actual amount of compensation due.
 - d) ABG shall assist COM in the timely completion of their Own Risk application, the Multiple Injury Trust Fund quarterly reports and other reporting required by statute.
 - e) ABG will submit all indemnity claims to the Child Support Lien Network (CSLN) and will honor the provisions of any Child Support Lien as required by law.
 - f) ABG will submit claims data as required by CMS on behalf of COM as a RRE (Responsible Reporting Employer). ABG will electronically transmit the required data fields to CMS. There is no additional cost to COM; however, if a Medicare set-aside or conditional payment research (CPR) is required, a law firm or third party vendor would be utilized to prepare the set-aside for submission to CMS for approval. This type of expense would be charged to the individual claim file.
 - g) ABG shall provide weekly and monthly accounting of fund disbursements to COM.


- h) ABG shall receive from and distribute funds for COM on behalf of their workers' compensation program.
 - i) ABG will maintain our office in Muskogee and allow COM employees reasonable access to the ABG adjuster, Account Executive or other ABG staff to discuss their claim, answer questions or provide copies of limited file documentation which may be requested by COM employees.
- 2) If COM desires ABG to issue the checks, a zero balance workers' compensation checking account will be established with check signing authority given to ABG. Funds for this account shall be provided by COM. ABG will be responsible for the purchase of any check stock required. If actual bank fees are imposed the fee will be paid by COM. The current banking process may continue with no change or further action required.
- 3) ABG shall recommend physicians, surgeons, and other specialists for treatment of employees sustaining an occupational injury or illness, if desired by COM. It shall review physician's reports, consult with physicians to resolve medical questions, and, if requested by COM, arrange for rehabilitation services. It shall review medical bills submitted on each claim to determine that they are payable under Oklahoma Workers' Compensation Law. COM may continue the current PPO option with WorkNet of Oklahoma or may elect to utilize a similar PPO option with a different company. Fees associated with this process may be billed to the individual claim file or paid separately by COM. The options and related fees are noted in an addendum to this agreement.
- 4) ABG shall report to COM monthly on injuries reported during such period. Such reports shall include accident date, employee name, medical and indemnity paid to date, estimated additional cost, whether the claims are open or closed, and the estimated total cost.
- 5) ABG shall maintain complete files on all reported claims on behalf of COM.
- 6) It is understood and agreed that ABG will not perform, and COM will not request performance of, any services, which may constitute the unauthorized practice of law.
- 7) While unlikely, it is possible an error may occur during the course of adjudicating a claim. If this occurs, ABG will make every reasonable effort to correct the error, but absent any gross negligence, willful misconduct, or criminal intent, ABG will not be held liable for the error.

- 8) This Service Agreement shall be mutually binding upon both parties and shall inure to the benefit of all transferees, assigns, and successors in interest of any kind of the parties hereto. However, no transfer or assignment may be made without prior written notification of a change in ownership. Notification must be provided to the other party within thirty (30) days of the effective date.
- 9) ABG shall furnish to COM all information it has available in making third-party claims, and in reporting claim losses and details to COM's excess insurance carrier as required.
- 10) COM agrees to pay ABG thirty-nine thousand six hundred dollars and no/100ths (\$39,600.00) per year for the services noted herein. This fee shall be paid monthly (\$3,300) and issued out of the claims account by ABG on or around the first check run of each new month.
- 11) This Service Agreement will automatically renew itself for two (2) additional one (1) year terms and will automatically renew for an additional three (3) year term under the same rates, terms and conditions as set forth in this agreement unless these services are re-bid by the COM or the terms of the agreement between COM and ABG are to be renegotiated.
- 12) The terms of this Service Agreement may be modified in writing with the mutual consent of ABG and COM.
- 13) COM and/or the excess carrier shall have the right to audit all COM claim files at any time except that the auditing personnel shall not be associated in any way with a competitor of ABG.
- 14) This Service Agreement is consummated in the State of Oklahoma and all questions pertaining to its validity, construction, and interpretation shall be determined in accordance with the laws of the State of Oklahoma. Should any portion of this agreement be deemed invalid, the validity, and enforcement of the remaining terms and conditions of this agreement shall remain in force.
- 15) In the event of a disagreement between both parties, it is hereby agreed and understood that binding arbitration will be used as the sole legal remedy to resolve any differences and the cost of this process will be shared equally.
- 16) A detailed Fee Schedule and options are attached.

IN WITNESS WHEREOF the parties have duly executed this three (3) year Service Agreement on the ____ day of June in the year 2018. Said execution will commence the initial service period beginning on the 1st day of July in the year 2018.

**Alliance Benefit
Group, Inc.
(ABG)**

**City of Muskogee
(COM)**



Signature



Signature

Jeff Morrison

Printed or Typed Name

Roy Tucker

Printed or Typed Name

President

Title

City Attorney

Title

Cost Summary

Annual claims administration fee:	\$39,600 (\$3,300/month)
PPO access Fee: One time annual fee reimbursable if the PPO does not save more than it costs (see "medical cost control").	\$2,400
PPO Bill Review In network savings of 10% below fee schedule. Bills under \$100 fee scheduled in house at no charge results in net savings to the City of Muskogee (all savings are passed on to the City of Muskogee). *current program	\$6.50 / bill
Subrogation Any recovery is paid 100% to the City of Muskogee.	no charge
Standard reports, account reconciliation, 1099 processing, and coordination of vocational rehabilitation evaluation	no charge
Reporting to excess carrier and filing for reimbursements.	no charge
Own risk permit application completion, child support Lien inquiry, CMS Section 111 reporting and MITF Reporting / submissions	no charge
Attend depositions and trials	no charge
Expert witness testimony Deposition or trial - as Adjuster and/or TPA	no charge
Attend and participate in mediations.	no charge
On site file reviews	no charge
Local Claims Office for employee consultation (discuss claim, provide copies of medical records / bills)	no charge



Tabulation Sheet

City of Muskogee

Bid Item: Worker's Comp Insurance

Date: 4/30/2018

Department: City Attorney's Office

Approved by Purchasing: _____

Approved by City Council: _____

Vendors	Compliance Phase (35pts.)	Analysis Phase (40 pts.)	Finalist Phase (25 pts.)	Total		
Risk Management Services	35	25	15	75		
Claims Administrative Services	35	35	19	89		
HealthSmart	35	25	20	80		
CCMSI	35	20	20	75		
Alliance Benefit Group	35	40	25	100		
Action Claim Service	35	30	25	90		

Witnessed by:

Dakota Jones

Approved by:

Dakota Jones



Tabulation Sheet

City of Muskogee

Bid Item: Worker's Comp Insurance

Date: 4/30/2018

Department: City Attorney's Office

Approved by Purchasing: _____

Approved by City Council: _____

Vendors	Compliance Phase (35pts.)	Analysis Phase (40 pts.)	Finalist Phase (25 pts.)	<i>total</i>		
Risk Management Services	35	20	15	70		
Claims Administrative Services	35	32	19	86		
HealthSmart	35	22	20	77		
CCMSI	35	37	20	92		
Alliance Benefit Group	35	40	25	100		
Action Claim Service	35	19	25	79		

*very expensive!
but budget is answer.*

Witnessed by:

Approved by: _____



Tabulation Sheet

City of Muskogee

Bid Item: Worker's Comp Insurance

Date: 4/30/2018

Department: City Attorney's Office

Approved by Purchasing: _____

Approved by City Council: _____

Vendors	Compliance Phase (35pts.)	Analysis Phase (40 pts.)	Finalist Phase (25 pts.)			
Risk Management Services	35	25	15	75		
Claims Administrative Services	35	30	19	84		
HealthSmart	35	25	20	80		
CCMSI	35	30	20	85		
Alliance Benefit Group	35	35	25	95		
Action Claim Service	35	30	25	90		

Witnessed by:

Approved by:



Tabulation Sheet

City of Muskogee

Bid Item: Worker's Comp Insurance

Date: 4/30/2018

Department: City Attorney's Office

Approved by Purchasing: _____

Approved by City Council: _____

Vendors	Compliance Phase (35pts.)	Analysis Phase (40 pts.)	Finalist Phase (25 pts.)			
Risk Management Services	35	25	18	78		
Claims Administrative Services	35	33	50 20	88		
HealthSmart	35	30 30	17	82		
CCMSI	35	26	20	81		
Alliance Benefit Group	35	38	75 25	98		
Action Claim Service	35	30	25	90		

Witnessed by:

Dorrie Arnold

Approved by:

Regular City Council**10.****Meeting Date:** 06/11/2018**Submitted For:** Gary Garvin, Planning**Initiator:** Tish Callahan,
Planning Asst.**Department:** Planning**Staff Information Source:**

Information**AGENDA ITEM TITLE:**

Approval of awarding contract to the lowest and best bid from Whittinghill Disposal Services, Inc., in the amount of \$2.75 per square foot for the demolition of dilapidated structures project under the Community Development Block Grant Demolition and Clearance Projects Bid Group 39, or take other necessary action. (Tish Callahan)

BACKGROUND:

The City received a total of two (2) bids for the demolition and clearance project Bid Group 39 that were opened and read aloud on May 24, 2018 at 2:00 p.m.

J & S Construction, LLC (Vinta, OK) \$5.00 / sq. ft.

Whittinghill Disposal Service, Inc \$2.75 / sq. ft.

The project consists of the demolition of dilapidated structures located in the qualifying area using the Community Development Block Grant funds. Bid Advertisement notices were mailed to twenty-eight (28) contractors; Advertisement for Bidders was published in the local newspaper two consecutive weeks; twenty days prior to the bid opening date as required. Staff's recommendation is to award the Demolition Bid Group 39 project to Whittinghill Disposal Services, Inc. as the lowest and best bid.

RECOMMENDED ACTION:

Award contract to Whittinghill Disposal Service, Inc., in the amount of \$2.75 per square foot for demolition of dilapidated structures under the Community Development Block Grant Demolition Project Bid Group 39.

Fiscal Impact**FUNDING SOURCE:**

CDBG Grant Funds	\$117,016
CDBG City Match	<u>\$117,016</u>
Total Project funds available	\$234,032

Attachments

ADV FOR BIDDERS
BID TABULATION_39

**PUBLISHED IN THE MUSKOGEE DAILY PHOENIX ON
MAY 4 AND MAY 11, 2018
CITY OF MUSKOGEE, OKLAHOMA**

ADVERTISEMENT FOR BIDDERS

Notice is hereby given that the City of Muskogee will receive sealed bids in the Office of the City Clerk, Muskogee Municipal Building, 229 West Okmulgee, Muskogee, Oklahoma, 74401, up to **2:00 p.m. ON THURSDAY MAY 24, 2018** for furnishing all labor and materials and performing all work necessary for the following project:

**FURNISHING ALL LABOR AND MATERIALS AND PERFORMING
ALL WORK NECESSARY FOR THE DEMOLITION AND REMOVAL
OF REMAINING DEBRIS OF DILAPIDATED STRUCTURES IN
SCATTERED LOCATIONS IN MUSKOGEE.**

Bidders must bid on all items of the contract at a per square foot basis. The work under this contract will be awarded as a single contract to the lowest responsible bidder for the work. No bid may be withdrawn for at least FORTY-FIVE (45) days after the scheduled closing time for receipt of bids.

All bids must include assurances that the following provisions will be complied with:

1. Federal Labor Standards Provisions, US Department of Labor, 29 CFR 5;
2. Section 3 of the Housing and Urban Development Act of 1974, as amended; 12 U.S.C. 1701U, which requires that, to the greatest extent feasible, opportunities for training and employment be given lower-income residents of the project area and contracts for work in substantial part by persons residing in the area of the project;
3. Section 109 of the Housing and Community Development Act of 1974, which assures that no person shall, on the grounds of race, color, natural origin or sex, be excluded from participation in, be denied the benefits of or be subjected to discrimination;
4. Certification of No-Segregated Facilities, which assures the bidder does not maintain or provide any segregated facilities;
5. Equal Opportunity Provisions – Executive Order 11246, as amended, which assures non-discrimination;
6. Minority Business Enterprise and Women Business Enterprise provisions which encourage minority-owned business and women-owned businesses to bid on the project;
7. Assurances that surety companies executing bonds appear on the Treasury Department's list and are authorized to transact business in the State where the project is located.

Bids shall be made in accordance with the Bid Specifications on file and available for examination in the Purchasing Department. Prospective bidders may obtain copies from the Purchasing Department, Third Floor, 229 West Okmulgee, Muskogee, OK

74401 (918) 684-6212. It is also available on the City's website under the Purchasing Department RFP, RFQ & BIDS. Each proposal must be accompanied by a Bidder's Bond, or Cashier's Check upon any solvent Bank or Trust Company, payable without reserve to the City of Muskogee, Oklahoma, in an amount of \$5,000 (FIVE Thousand Dollars). Bid security of the two low bidders will be retained until approval of contract and execution of satisfactory bonds by the successful bidder or until other disposition on the bids is made.

The bonds required for the project will be a Performance Bond in the amount of \$50,000.

The bidder (Proposer) must supply all the information required by the bid and proposal form including completion of affidavits or their bid will be considered incomplete and therefore rejected.

The City may request of any bidder, before their bid is considered for award, that they submit a statement of facts as to their previous experience in performing work of the same character and magnitude, as to their business and technical organization, and financial resources to be used in performing the contemplated work. Each bidder must have such information, together with a recent financial statement, available upon request.

Contractors MUST BE registered in the System for Award Management (SAM), located at www.sam.gov, after obtaining a DUNS number for their entity.

The City of Muskogee reserves the right to evaluate bids, to reject any or all bids, and to waive any informality in any bid.

City of Muskogee, Oklahoma

Donnie Wimbley
Purchasing Manager



Bid Item: Demolition Bid Group 39

Date: 5/24/2018

Department: Planning

Approved by Purchasing: _____

Approved by City Council: _____

[illegible]

Witnessed by:

Witnessed by:
Wesley C. Anderson

Tsk. Callahan

Approved by:

Meeting Date: 06/11/2018

Initiator: Gary Garvin, Planning Director

Information

AGENDA ITEM TITLE:

Hold a Public Hearing and take action on the approval of Ordinance No. 4048-A rezoning the property located at 100 N. York Street, more particularly described in the Ordinance, from "C-1" Local Commercial District to "C-2" General Commercial 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)

LEGAL DESCRIPTION:

LOT 1 BLOCK 1 ,YORK 1ST ADDITION, CITY OF MUSKOGEE, LOCATED IN THE NORTHWEST QUARTER (NW1/4) OF SECTION 31, TOWNSHIP 15 NORTH, RANGE 19 EAST, MUSKOGEE COUNTY, STATE OF OKLAHOMA.

BACKGROUND:

The applicants, Joe and Rosemary Seabolt, are requesting to rezone the property located 100 N. York Street, from "C-1" Local Commercial District to "C-2" General Commercial District to allow a restaurant to be on the property. The "C-2" zone is necessary to allow a restaurant with a drive-thru to be located on the site ("C-1" allows restaurants, but not a restaurant with a drive thru).

The Comprehensive Plan/Land Use Map, adopted by the City of Muskogee, indicates local and general commercial along the York Street corridor. Therefore, the request to rezone to "C-2" General Commercial District complies with the Comprehensive Plan and Land Use Map.

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

June 4, 2018 at 9:00 a.m.: City of Muskogee Planning & Zoning Commission

June 4, 2018, 2017 at 5:30 p.m.: Public Works Committee

June 11, 2018 at 5:30 p.m. Muskogee City Council Meeting

RECOMMENDED STAFF ACTION:

Approve the Ordinance rezoning the property from "C-1" Local Commercial to "C-2" General Commercial, and authorize staff to revise the Official Zoning Map of the City to reflect said change.

Fiscal Impact

Attachments

Ord 4048-A

Notice/Site Plan

ORDINANCE NO. 4048-A

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF MUSKOGEE AS PROVIDED BY CHAPTER 90, SECTION 01-03, OF THE MUSKOGEE CITY CODE, SEPTEMBER 2014, BY RE-ZONING LOT 1, BLOCK 1 IN THE YORK 1st ADDITION, CITY OF MUSKOGEE, LOCATED IN THE NORTHWEST QUARTER (NW1/4) OF SECTION 31, TOWNSHIP 15 NORTH, RANGE 19 EAST, MUSKOGEE COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE OFFICIAL PLAT THEREOF, MUSKOGEE COUNTY, OKLAHOMA, CONTAINING 1.32 ACRES MORE OR LESS, AND PROVIDING FOR SEVERABILITY. (Joe and Rosemary Seabolt, Applicant)

FROM “C-1” LOCAL COMMERCIAL DISTRICT TO

“C-2” GENERAL COMMERCIAL DISTRICT

WHEREAS, the City of Muskogee Planning and Zoning Commission, in a meeting held JUNE 4, 2018, did recommend the approval of the rezoning of the property set out above in the title of the Ordinance, and did authorize the director of the Commission to advise the Council of the City of Muskogee of this recommendation,

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

Section 1

THAT, the official zoning map of the City of Muskogee as provided by Chapter 90, Section 01-03, of the Muskogee City Code, September 2014, is hereby amended by changing the District Classification by rezoning;

LOT 1 BLOCK1 , IN THE YORK 1st ADDITION, CITY OF MUSKOGEE, LOCATED IN THE NORTHWEST QUARTER (NW1/4) OF SECTION 31, TOWNSHIP 15 NORTH, RANGE 19 EAST, MUSKOGEE COUNTY, STATE OF OKLAHOMA FROM “C-1” LOCAL COMMERCIAL DISTRICT TO “C-2” GENERAL COMMERCIAL DISTRICT.

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

Section 2

THAT, the City Clerk is authorized and directed to show such change on the zoning map record.

Section 3

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

Ordinance No. 4048-A

Section 4

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.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA THIS 11TH DAY OF JUNE 2018.

JOHN R. COBURN, MAYOR

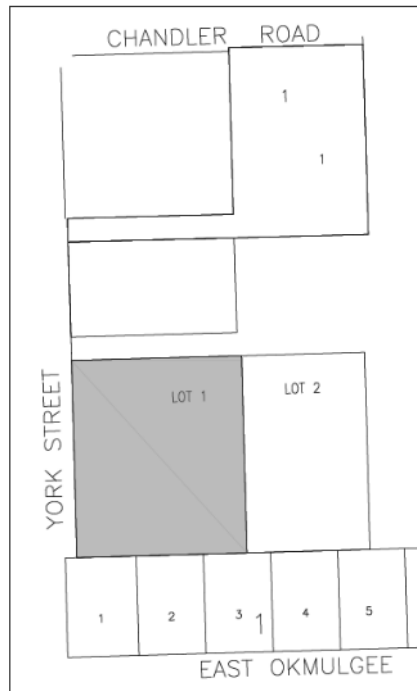
ATTEST:

TAMMY L. TRACY, CITY CLERK
(SEAL)

APPROVED as to form and legality this _____ day of _____, 2018.

ROY D. TUCKER, CITY ATTORNEY

Public Hearing Notice



Proposal: To rezone property located at 100 N. York Street, from “C-1” Local Commercial District to “C-2” General Commercial District. The property is more particularly described as:

Lot 1 in Block 1 of York 1st Additon, City of Muskogee, located in the Northwest Quarter (NW1/4) of Section 31, Township 15 North, Range 19 East, according to the official plat therof, Muskogee Couty, Oklahoma. Containing 1.32 acres, more or less.

Applicant: Joe and Rosemary Seabolt

This notice is provided to property owners within 300 feet of the above site to inform them of the following public hearings regarding the above proposal:

June 4, 2018 at 9:00 a.m.: City of Muskogee Planning & Zoning Commission

June 4, 2018 at 5:30 p.m.: City of Muskogee Public Works Committee

June 11, 2018 at 5:30 p.m.: City Council

All of the public hearings will be held in the Council Chambers, 3rd Floor of the City Municipal Building, 3rd Street and Okmulgee, Muskogee, Oklahoma. The purpose of the public hearing is to discuss the above proposal. You are welcome to attend the meeting and express your opinion. If you have questions about the proposal, or need additional information prior to the public hearing, please contact the Planning Department at 918.684-6232.



(Joe and Rosemary Seabolt, Applicant)

PUBLIC NOTICE

Notice is hereby given that on June 4, 2018, at 9:00 a.m., in the Council Chambers of the Municipal Building, Muskogee, Oklahoma, a public hearing will be conducted by the City of Muskogee Planning & Zoning Commission, on June 4, 2018, at 5:30 p.m., by the Public Works Committee, and on June 11, 2018, at 5:30 p.m., by the City Council to consider an application to rezone property located at 100 N. York Street, from “C-1” *Local Commercial* District to “C-2” General Commercial District. The property is more particularly described as:

Lot 1 in Block 1 of York 1st Additon, City of Muskogee, located in the Northwest Quarter (NW1/4) of Section 31, Township 15 North, Range 19 East, according to the official plat therof, Muskogee Couty, Oklahoma. Containing 1.32 acres, more or less.

And for taking any other actions as authorized by law, of which all interested persons will take notice.

**Mark Luttrull, Chairman
City of Muskogee Planning & Zoning Commission**

Regular City Council

12.

Meeting Date: 06/11/2018

Submitted For: Mike Miller, City Manager

Initiator: Marsha Wiseman,
Admin Assistant

Department: City Manager

Staff Information Source:

Information

AGENDA ITEM TITLE:

Receive presentation of Financial Audit for City of Muskogee Foundation for Fiscal Year 2016-2017.
(Mike Miller)

BACKGROUND:

The City of Muskogee Foundation conducted its annual audit for the last fiscal year. The auditors, Clothier and Company, made no findings and offered an unqualified opinion. It was reviewed and approved by the Foundation Board of Directors. A copy of the audit is attached for review and Donna Clothier will be available to answer any questions.

RECOMMENDED ACTION:

No action.

Fiscal Impact

Attachments

COMF Audit FY16-17

city of muskogee
FOUNDATION



FINANCIAL STATEMENTS

and

INDEPENDENT AUDITORS' REPORT

June 30, 2017



Clothier & Company CPA's P.C.

P.O. Box 1495 * Muskogee, Ok 74402
(918) 687-0189 FAX (918) 687-3594
cccpa@yahoo.com

City of Muskogee Foundation, Inc.
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Clothier & Company CPA's P.C.
cccpa@yahoo.com

P.O. Box 1495
Muskogee, Oklahoma 74402
918-687-0189 FAX 918-687-3594

INDEPENDENT AUDITORS' REPORT

To the Board of Directors
City of Muskogee Foundation, Inc.
Muskogee, Oklahoma

Report on Financial Statements

We have audited the accompanying financial statements of the City of Muskogee Foundation, Inc. (the Foundation), (a nonprofit organization), which comprise the statement of financial position as of June 30, 2017, and the related statements of activities and cash flows for the year then ended, and the related notes to the financial statements.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditors' Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the

circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the City of Muskogee Foundation, Inc. as of June 30, 2017, and the changes in its net assets and its cash flows for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated May 10, 2018, on our consideration of the Foundation's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Foundation's internal control over financial reporting and compliance.



Clothier & Company CPA's
May 10, 2018

City of Muskogee Foundation
Statement of Financial Position
June 30, 2017

ASSETS

Current Assets

Cash and cash equivalents	\$ 43,249
Interest receivable	350,958
Current portion loan receivable	154,411
Total Current Assets	<u>548,618</u>

Fixed Assets

Furniture and equipment	2,036
Accumulated depreciation	(1,933)
Total Fixed Assets	<u>103</u>

Other Assets

Investments	126,815,535
Loan receivable-LT (net allowance)	10,506,596
Less: Current portion loan receivable	(154,411)
Total Other Assets	<u>137,167,720</u>

Total Assets	<u><u>\$ 137,716,441</u></u>
---------------------	------------------------------

LIABILITIES AND NET ASSETS

Current Liabilities

Accounts payable	\$ 41,429
Accrued interest	277,248
Current portion LT debt	1,151,000
Grants payable-current	3,664,191
Total Current Liabilities	<u>5,133,868</u>

Long Term Liabilities

Notes payable-long term	12,995,836
Less: current portion LT debt	(1,151,000)
Grants payable-long term	5,578,162
Total Long Term Liabilities	<u>17,422,998</u>

Net Assets

Temporarily restricted	0
Permanently restricted	0
Unrestricted	107,586,255
Increase (Decrease) in Net Assets	7,573,320
Total Net Assets	<u>115,159,575</u>

Total Liabilities and Net Assets	<u><u>\$ 137,716,441</u></u>
---	------------------------------

See accompanying footnotes and independent auditors' report.

City of Muskogee Foundation
Statement of Activities
June 30, 2017

UNRESTRICTED NET ASSETS

Revenues and Gains

Investment Interest	\$ 2,893,034
Investment Unrealized Gains	7,117,226
Investment Realized Gains	2,693,344
Total Revenues	<u>12,703,604</u>

Program Expenses

Grant Expense	3,408,117
Total Program Expenses	<u>3,408,117</u>

Administrative Expenses

Advertising	40,742
Accounting fees	5,200
Management fees	427,727
Outside contract services	58,443
Insurance expense	5,317
Utilities	125
Interest expense	378,886
Bad Debt	805,320
Depreciation expense	407
Total Administrative Expenses	<u>1,722,167</u>

Total Expenses	<u>5,130,284</u>
-----------------------	------------------

Increase (Decrease) in Net Assets

Temporarily Restricted	0
Permanently Restricted	0
Unrestricted	7,573,320

Beginning Net Assets	107,586,255
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Ending Net Assets	<u><u>\$ 115,159,575</u></u>
--------------------------	------------------------------

See accompanying footnotes and independent auditors' report.

City of Muskogee Foundation
Statement of Cash Flows
June 30, 2017

Cash Flows From Operating Activities:

Increase (Decrease) in Net Assets	\$ 7,573,320
Adjustments to reconcile increase in net assets to net cash provided by operating activities:	
Depreciation and amortization	407
Decrease/(Increase) in:	
Receivables	(299,798)
(Decrease)/Increase in:	
Accounts Payable	2,542
Accrued Expenses	124,134
Grants Payable	<u>(6,333,638)</u>

Net Cash Provided/(Used) by Operating Activities	<u>1,066,967</u>
---	------------------

Cash Flows From Investing Activities:

BancFirst Investments	(4,361,126)
Purchase of fixed assets	<u>0</u>

Net Cash Provided/(Used) by Investing Activities	<u>(4,361,126)</u>
---	--------------------

Cash Flows From Financing Activities:

Proceeds from financing	3,803,364
Payment of principal	<u>(651,000)</u>

Net Cash Provided/(Used) by Financing Activities	<u>3,152,364</u>
---	------------------

Net Increase/(Decrease) in Cash and Cash Equivalents	(141,795)
---	-----------

Cash and Cash Equivalents June 30, 2016	<u>185,044</u>
--	----------------

Cash and Cash Equivalents June 30, 2017	<u><u>\$ 43,249</u></u>
--	-------------------------

Interest expense	<u><u>\$ 378,886</u></u>
------------------	--------------------------

See accompanying footnotes and independent auditors' report.

CITY OF MUSKOGEE FOUNDATION, INC.
NOTES TO THE FINANCIAL STATEMENTS
For the Year Ending June 30, 2017

1. SIGNIFICANT ACCOUNTING POLICIES

The City of Muskogee Foundation (the Foundation) was established as a result of the long term lease of the Muskogee Regional Medical Center (MRMC) operations. MRMC is a public trust under Oklahoma law. The City of Muskogee is the sole beneficiary of this Trust. The Foundation was charged with the management of the funds on behalf of the City of Muskogee. The Foundation's mission is to utilize its resources to work cooperatively with the City of Muskogee to develop, support, promote and improve programs relating to education, arts, culture, community revitalization and beautification, social services, health care, economic development, infrastructure, housing and recreation for the City of Muskogee.

The City of Muskogee is the sole member of the Foundation. As the sole member, it appoints the Board of Directors. The City Council (the City's governing body) appoints 11 of the 13 members of the Board of Directors of the Foundation. The remaining two members serve by virtue of their positions with the city as Mayor and City Manager. Two of the 11 members of the Board appointed by the City Council must be members of the City Council.

Income Taxes

The Foundation was incorporated in the state of Oklahoma on June 24, 2008. Subsequent to incorporation, the Foundation applied for and received tax exempt status under Internal Revenue Service Code Section 501(c)(3). Accordingly, no provision for federal or state income taxes has been made.

The Organization's Forms 990, *Return of Organization Exempt from Income Tax*, for the years ending 2014, 2015, and 2016 are subject to examination by the IRS, generally for three years after they were filed.

Basis of Accounting

The Foundation maintains its books on the accrual basis of accounting, which is in accordance with Generally Accepted Accounting Principles. Under this basis of accounting, revenues are recognized when earned and expenses are recognized when incurred.

Financial Statement Presentation

The Foundation prepares its financial statements in accordance with FASB ASC 958-205-55, *Not-for-Profit Entities-Presentation of Financial Statements-Implementation Guidance and Illustrations*. Under FASB ASC 958-205-55, the Foundation is required to report information regarding its financial position and activities according to three classes of net assets: unrestricted net assets, temporarily restricted net assets, and permanently restricted net assets based on the existence or absence of donor-imposed

CITY OF MUSKOGEE FOUNDATION, INC.

restrictions. Accordingly, net assets of the Foundation, and changes therein, are required to be classified and reported as follows:

Unrestricted net assets – Net assets that are not subjected to donor-imposed stipulations.

Temporarily restricted net assets – Net assets subjected to donor-imposed stipulations that may or will be met, either by actions of the organization and/or passage of time. When a restriction expires, temporarily restricted net assets are reclassified to unrestricted net assets and reported in the statement of activities as net assets released from restrictions.

Permanently restricted net assets – Net assets subjected to donor-imposed stipulations that they be maintained permanently by the organization. Generally, the donors of these assets permit the non-profit entity to use all or part of the income earned on any related investments for general or specific purposes.

In addition, under the provisions of FASB ASC 230, the organization is required to present a statement of cash flows.

2. MARKETABLE SECURITIES

The Foundation has adopted FASB ASC 985-230, *Not-for-Profit Entities-Investments-Debt and Equity Securities*, which requires investments in equity securities with readily determinable fair values and all investments in debt securities to be initially recorded at (a) acquisition cost (net of brokerage and other transaction fees) if purchased, or (b) fair value if received by contribution or by agency transaction. Thereafter, these investments should be reported in the statement of financial position at fair value, and realized and unrealized gains and losses should be reported in the statement of activities.

3. MANAGEMENT AGREEMENT

The Foundation has entered into a management agreement with the Communities Foundation of Oklahoma, (CFO), an Oklahoma nonprofit corporation, to conduct and oversee the day-to-day operations of the Foundation as well as investment management of funds received. Under the terms of the agreement, CFO receives a monthly fee equal to $1/12^{\text{th}}$ of 0.3% times the aggregate market value of the assets of the Foundation as of the last day of each calendar month.

4. INVESTMENTS

The Foundation's investments are composed of stocks, bonds and mutual funds and are carried at fair value. The Foundation uses the Market approach to determine the fair value of its assets. These are considered cash equivalents as they are not donor restricted. The investments are overseen by investment managers. The managers are provided with the investment policy adopted by the Board of Directors and directed to follow that policy. Additionally, the Foundation maintains an investment committee that provides oversight with regard to the investments.

CITY OF MUSKOGEE FOUNDATION, INC.

“Growth and Income” is the Foundation’s overall investment objective. The intent of the objective is to provide both current income and future growth to accommodate the Foundation’s spending policy plus normal inflation, thereby preserving the constant dollar value and purchasing power of the Foundation for future generations.

Investment performance will be reviewed over a five-year time horizon or market cycle, using the most appropriate benchmarks for the types of investments held. The goal of each asset class is to achieve the total return of its benchmark while maintaining a risk level similar to, or less than, that of the benchmark. The overall goal for the Foundation is to achieve a real rate of return after inflation that is equal to the spending rate identified in the spending policy.

The Board expects the Foundation’s asset allocation policy to reflect and be consistent with the investment objectives and risk tolerance expressed throughout the Investment Policy. The following guidelines will be used by the Investment Committee in determining the allocation of the Foundation’s assets:

- Fixed Income – The fixed income equity component, including cash and equivalents, shall normally constitute 35% to 55% of total fund assets.
- Equities – The equity component of the portfolio shall normally constitute 45% to 65% of the total fund assets.

	Fair Value at 6/30/2017	Fair Value at 6/30/2016
Cash and Cash Equivalents	\$459,637	\$189,354
Fixed Income	55,567,009	53,909,501
Equities	70,788,889	68,355,554
Total Investments	<u>\$126,815,535</u>	<u>\$122,454,409</u>

5. GRANT INFORMATION

During the fiscal year ending June 30, 2017 the Foundation approved 31 grants to 23 local applicants and the City of Muskogee totaling \$6,738,709 and wrote off \$3,330,592 in previously approved grants.

6. CASH AND CASH EQUIVALENTS

The investments of the Foundation are carried at their fair values. Under this accounting principle, investments are initially recorded at cost. For reporting purposes, the investments are adjusted to their fair value as determined as of the date of the financial statement presentation, and the difference between cost and fair value is recorded as unrealized gains and losses. For purposes of preparing the statement of cash flows, the Foundation considers all cash and other highly liquid investments with initial maturities of three months or less to be cash equivalents. Investments with maturities outside of three months are considered either short term or long term investments.

CITY OF MUSKOGEE FOUNDATION, INC.

The balance in the checking account at June 30, 2017 was all covered by FDIC.

7. ESTIMATES

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

8. LOAN RECEIVABLE

On March 2, 2012 the Foundation entered into a lease purchase agreement with Independent School District No. 20 of Muskogee County (Muskogee Public Schools) in the amount of \$600,000 for the acquisition and/or installation of equipment from Field Turf USA, Inc. The lease is payable in annual payments of \$72,996.18 for the first payment on June 15, 2013 and \$87,595.41 for the next five payments and a final payment of \$187,718.33 on June 15, 2019. The interest rate is 3.95%. There is no penalty for early payment. The balance as of June 30, 2017 was \$336,020.

On January 30, 2015 the Foundation agreed to loan the City of Muskogee Urban Renewal Authority \$4,000,000 for the purpose of acquiring certain real property located in a blighted area for redevelopment. On January 3, 2016 the loan was revised and the principal increased to \$5,500,000. January 11, 2017 funds in the amount of \$903,456 were transferred to the Urban Renewal Authority. Payments of interest in the amount of \$77,778 (3%) will be made semi-annually for 20 years beginning June 1, 2016 and ending February 27, 2035 at which time the principal of is due in full along with any accrued interest. There is no penalty for early payment. The balance as of June 30, 2017 was \$4,903,456.

On January 30, 2015 the Foundation agreed to loan the Muskogee Redevelopment Authority \$3,500,000 for capital improvement projects under Ordinance No. 3937-A approved in June 2015. Monthly payments of principal and interest (3%) will be made for five years beginning 30 days after the first draw and ending January 30, 2020. The Authority had drawn \$1,812,809 as of June 30, 2017. The Authority has not made the payments in accordance with the loan agreement. The first payment was due June 6, 2015 and each month thereafter.

On March 1, 2015 the Foundation agreed to loan the Muskogee Redevelopment Authority \$4,500,000 to purchase property located near the intersection of State Highway 69 and Shawnee Bypass. Payments of interest in the amount of \$122,680 (3%) will be made annually for five years beginning March 1, 2016 and ending March 1, 2020 at which time the principal and accrued interest are due. There is no penalty for early payment. The Authority had draws totaling \$4,089,336 as of June 30, 2015. At June 30, 2017 the balance on the loan was \$3,514,991.

CITY OF MUSKOGEE FOUNDATION, INC.

On May 6, 2015 the Foundation signed a loan agreement with the Oklahoma Music Hall of Fame and Museum, Inc. in the amount of \$800,000 contingent upon the receipt of the matching funds from the City of Muskogee, for marketing 2016 events, talent deposits and other start-up costs associated with the 2016 Muskogee Music Festival. Additional funds were drawn on July 7, 2016 in the amount of \$95,190 and on March 20, 2017 in the amount of \$65,000 for the 2017 Festival. The entire balance of principal and unpaid interest (2.5%) shall be due and payable in full September 1, 2018. As of June 30, 2017 OMHOF had draws of \$787,686.

The current maturities are as follows:

2018	\$154,411
2019	81,894
2020	5,384,469
2021	0
2022	0
Thereafter	4,903,456
Total	10,524,230
Current portion loan receivables	(154,411)
Loan receivables	<u>\$10,369,819</u>

9. RELATED PARTY TRANSACTIONS

During the fiscal year ending June 30, 2017 the Foundation had the following related party transactions:

- Received from the City of Muskogee interest income of \$289,858
- Paid the City of Muskogee \$3,114,588 in grant monies
- Awarded the City of Muskogee \$1,890,399 in grants.

10. LONG TERM DEBT

The Foundation borrowed \$3,500,000 from BancFirst on January 23, 2015 to fund the Muskogee Redevelopment Authority grant for capital improvements. The loan has a variable interest rate of .25% under the Index, resulting in an initial rate of 3% per annum. The loan is collateralized by the investment account #60-0022-07-3 held by BancFirst Trust and Investment Management. Annual accrued interest payments will be paid beginning January 1, 2016 and all outstanding principal plus all accrued unpaid interest is payable January 23, 2020. There is no penalty for early payment. As of June 30, 2017 the Redevelopment Authority had drawn \$1,813,000.

On January 23, 2015 the Foundation borrowed \$5,400,500 from BancFirst to fund the Muskogee Little Theatre building construction grant. The loan has a variable interest rate of .25% under the Index, resulting in an initial rate of 3% per annum. The loan is collateralized by the investment account #60-0022-05-7 held by BancFirst Trust and Investment Management. The Foundation will pay 10 annual

CITY OF MUSKOGEE FOUNDATION, INC.

principal payments of \$500,000 each and one final principal and interest payment of \$412,682. Payments will begin July 15, 2017 with the final payment July 15, 2025 of all principal and accrued interest not yet paid. There is no penalty for early payment. As of June 30, 2017 the Theatre had received \$4,820,380 in funding from the Foundation toward the building construction.

On January 23, 2015 the Foundation borrowed \$4,000,000 from BancFirst to fund the Urban Renewal Authority grant for the acquisition of property and other ancillary items for property on Shawnee Bypass. January 11, 2017 additional funds in the amount of \$903,456 were transferred to the Urban Renewal Authority. The loan has a variable interest rate of .25% under the Index, resulting in an initial rate of 3% per annum. The loan is collateralized by the investment account #60-0022-04-0 held by BancFirst Trust and Investment Management. The Foundation will pay 9 annual principal payments of \$400,000 each and one final principal and interest payment of \$412,000. Payments will begin July 15, 2016 with the final payment July 15, 2024 of all principal and accrued interest not yet paid. There is no penalty for early payment. The balance as of June 30, 2017 was \$4,103,456.

The Foundation borrowed \$2,510,150 from BancFirst on August 31, 2015 to fund the construction of a new building for the Martin Luther King Center. The loan has a variable interest rate of .25% under the Index, resulting in an initial rate of 3% per annum. The loan is collateralized by the investment account #60-0022-07-3 held by BancFirst Trust and Investment Management. Annual accrued interest payments will be paid beginning August 15, 2016 and all outstanding principal plus all accrued unpaid interest is payable August 15, 2025. There is no penalty for early payment. As of June 30, 2017 the balance was \$2,259,150.

The following is the current maturities and debt service for the above loans that have had draws.

	<u>Current Maturities</u>	<u>Debt Service</u>
2018	\$1,151,000	\$1,413,673
2019	1,151,000	1,393,362
2020	1,151,000	3,292,614
2021	2,964,000	1,313,137
2022	1,151,000	1,291,595
There after	<u>5,427,836</u>	<u>5,372,910</u>
	<u>\$12,995,836</u>	<u>\$14,077,291</u>

11. FOUNDATION AS GRANTOR

The Foundation has pledged assets in the amount of \$6,550,000 for Muskogee Redevelopment Authority's Three River Plaza Project as of June 31, 2017. This will be an \$18.5 million project when completed.

12. SUBSEQUENT EVENTS

Subsequent events have been considered through the date of the Independent Auditors' Report which is the date the financial statements were issued. The Muskogee Redevelopment Authority's loan receivable payment to the Foundation due June 6, 2016 had not been received before these financials were issued.

On October 23, 2017 the Board approved the loan forgiveness for Oklahoma Music Hall of Fame in the amount of \$787,686 plus accrued interest to be charged to grant expense.



Clothier & Company CPA's P.C.
cccpa@yahoo.com

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Muskogee, Oklahoma 74402
918-687-0189 FAX 918-687-3594

**INDEPENDENT AUDITORS' REPORT ON INTERNAL CONTROL OVER FINANCIAL
REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF
FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH *GOVERNMENT
AUDITING STANDARDS***

To the Board of Directors of
City of Muskogee Foundation, Inc.

We have audited, in accordance with the auditing standards generally accepted in the United States of America and standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the City of Muskogee Foundation, Inc. (the Foundation)(a nonprofit organization) which comprise the statement of financial position as of June 30, 2017, and the related statements of activities and cash flows for the year then ended, and the related notes to the financial statements, and have issued our report thereon dated May 10, 2018.

Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Foundation's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Foundation's internal control. Accordingly, we do not express an opinion on the effectiveness of the Foundation's internal control.

A *deficiency in internal controls* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of the internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in the internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Foundation's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grants agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

This purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the organization's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the organization's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

A handwritten signature in cursive script that reads "Clothier & Company CPA's".

Clothier & Company CPA's
May 10, 2018

Regular City Council**13.**

Meeting Date: 06/11/2018
Submitted For: Mike Stewart, Assistant City Manager
Initiator: Robin Orman, Office Administrator
Department: Assistant City Manager
Staff Information Source:

Information**AGENDA ITEM TITLE:**

Consider approval to renew the Cooperative Agreement between the City of Muskogee and Neighbors Building Neighborhoods for FY 2019-2020, or take other necessary action. (Mike Stewart)

BACKGROUND:

The City of Muskogee provided funding of \$25,000 to Neighbors Building Neighborhoods., under an annual contract for FY 2017-2018. That contract includes a provision for submitting a summary of their accomplishments to the City Council. They will present this report to highlight the activities and achievements of NBN. Typically, the City sets aside \$25,000 to fund a cooperative agreement with Neighbors Building Neighborhoods to continue its activities. This amount is included in the budget for FY2018-2019 council has already approved and staff recommends approval of the renewed agreement.

RECOMMENDED ACTION:

Receive report and approve the Cooperative Agreement.

Fiscal Impact**Attachments**

NBN contract

THE CITY OF MUSKOGEE, OKLAHOMA AND NEIGHBORS BUILDING NEIGHBORHOODS, INC. COOPERATIVE AGREEMENT

THIS AGREEMENT is entered into this 1st day of July, 2018, by and between the City of Muskogee, Oklahoma (hereinafter "City") and the Neighbors Building Neighborhoods, Inc. (hereinafter "NBN"), a private not for profit Oklahoma corporation doing business as Muskogee Nonprofit Resource Center.

WHEREAS, NBN was organized as an Oklahoma not for profit corporation in 2001, and

WHEREAS, the City has as one of its stated public purposes an interest in promoting the economic well being of local community organizations, and

WHEREAS, one of the stated purposes of NBN is the enhancement of the ability of local organizations to provide needed services to the community, and

WHEREAS, the purposes of entering into this agreement are to assist in provision of funding for: (1) the administration and operation of the NBN to ensure that its related services and facilities continue to attract the attention of the public as a resource for the development of funding alternatives; (2) to provide grant writing services to the City to enhance the city's ability to apply for and receive grants for which it qualifies; and (3) to create a cooperative partnership between the City and NBN aimed at achieving these goals and objectives, and

WHEREAS, the Council of the City of Muskogee, Oklahoma, has determined that continued operation of NBN fulfills the public purpose of the City in promoting the economic well being and development of the community,

NOW THEREFORE, in consideration of the mutual promises and other good and valuable consideration exchanged herein, the parties hereby acknowledge and agree as follows:

SECTION I. INTENT AND PURPOSE

The intent and purpose of this Agreement is for the City to contract the services of the NBN so that the NBN can effectively implement, train, develop and apply for grants and grant activities on behalf of the City and other not for profit activities that enhance the economic well being of the Muskogee community, as well as, to cooperate with NBN in the development and acceptance of the Shelter Project.

SECTION II. Creation of Independent Contract

The NBN agrees to act as the Independent Contractor of the City in implementing this Agreement in compliance with all Laws and Statutes applicable to the accounting, reporting,

recording, and retention of all revenues and expenditures of funds including to the extent applicable: the Municipal Budget Act, Title 11, Oklahoma Statutes, Chapter 17; the Oklahoma Open Meetings Act, Title 25, Oklahoma Statutes, § 301 et seq; and the Oklahoma Open Records Act, Title 51, Oklahoma Statutes, § 24A.1 et seq. The NBN will report and document revenues and expenditures to insure the City's ability to comply with the above statutes.

SECTION III. Services to be performed by NBN

The NBN shall consistent with the terms of this agreement, encourage, develop, promote, and train not for profit activities in the methods of applying for and administering awarded grants that enhance the economic well being of the City of Muskogee. In addition, NBN will research, find, develop and apply for grants on behalf of the City. In this regard NBN shall apply for grants on behalf of the City only after approval of the City Manager and if required the City Council.

The NBN furthermore, in cooperation with the City, will facilitate the Shelter Project through a Gift Agreement between NBN and Weldon Stout as Trustee of the Shedden Trust.

SECTION IV. Budgeting of Funds

- a. The NBN shall, no later than April 1st, submit an annual budget for approval by the City. The Budget for FY 2018-2019 is attached hereto as Exhibit A.
- b. City Council agrees to allocate funds to the NBN not to exceed in the amount specified in the City's approved Budget for the services to be performed under this Agreement, for fiscal year 2018-2019, said allocation is \$25,000.00. Any claim submitted to the City must be presented in writing and verified in the manner provided by law. No account or claim may be paid by the City unless it has been reviewed and approved by the Muskogee City Council and an entry of the account or claim made in the proper books kept for that purpose. Those approved will be processed and paid within twenty (20) days of submission. Only the expenditures approved as a part of the budget shall be paid based on properly documented claims.
- c. The City Treasurer will be responsible for monitoring compliance with the terms of this Agreement, and will promptly report in writing possible non-compliance to the City Manager.
- d. All revenue not expended by June 30 of the contract year, which the NBN received from the City for services performed under this Agreement, shall be returned to the City by July 15 of the next fiscal year during the term of this Agreement.
- e. Funds designated by the Gift Agreement for the Shelter Project will not be considered part of City Funds, and thus no additional budget shall be required to be to be tendered to the City.

SECTION V. Accountability

The NBN shall maintain integrity of the tax revenues at all times and a general accounting ledger for these funds in a manner sufficient to enable City to comply with appropriate governmental accounting standards.

SECTION VI. Reporting

- a. Annual Expenditures. The NBN shall deliver to the City Treasurer a revenue and expenditure report itemizing the expenditures by categories in an acceptable format.
- a. Reports. Annually NBN shall furnish the City Council a report summarizing accomplishments in sufficient detail of year-to-date activities to allow a determination of value received and goals met as a means of measuring success and return on investment. This report shall be briefed to City Council no later than the second regular Council meeting of the month of May 1st.
- b. Annual Audit. The NBN further agrees to provide the City Treasurer with a copy to the City Clerk of its annual audit within thirty (30) days after the audit report is received by the NBN. The audit shall be an annual examination by an independent Certified Public Accountant of the NBN's financial records made in accordance with generally accepted auditing procedures.

SECTION VII. Maintenance and Disposition of Records

- a. NBN Responsibilities. The NBN shall maintain a record of revenues, expenditures, accounts and transactions fully supported by invoices and appropriate documentation to show that expenditures were made in accordance with the terms of this agreement and the approved budget. These records shall be maintained in accordance with the terms of this agreement and the approved budget. These records shall be maintained in accordance with generally accepted accounting procedures. Copies of all required documents shall be furnished to the City upon request.
- b. City Responsibilities. All records received from the NBN shall be maintained as records of the City with disposition of the records to be as required by law or special resolution of the City Council.

SECTION VIII. Administration

- a. The NBN agrees to employ qualified and competent personnel to implement the intent of this Agreement, and NBN agrees to provide all the management and administrative services the requirements of Section III hereof. Expenses directly attributable to the services provided by the NBN pursuant to this Agreement shall be allocated as part of

the budget process. Expenses which are attributable, directly or indirectly, solely to NBN member services, or other NBN functions outside the scope or purpose of services within the scope of this Agreement shall be allocated to NBN funds and not the funds provided herein.

- b. NBN further agrees to grant City staff access to NBN's files, and other information services and data relative to activities necessary to implement the intent of this Agreement.

SECTION IX. Insurance and Indemnification

NBN agrees to carry public liability insurance with an insurance company or companies authorized for business in the State of Oklahoma, with said companies to have at least an "A" rating by A.M. Best Company, insuring NBN and City against liability for injuries to persons (including wrongful death) and damage to property, with liability limits of not less than \$1,000,000.00 for any one accident involving injury to one or more persons, and not less than \$25,000.00 for property damage resulting from any one claimant. NBN shall furnish City with a certificate of such insurance upon acceptance of this Agreement, which insurance shall provide specified amounts of insurance in no way limits the liability of NBN and NBN shall forever indemnify, defend, and save harmless City, its officials and employees, from all claims, suits, demands, and actions arising from or in any way connected with the execution and implementation of this Agreement, provided however, that the NBN shall not be liable beyond any applicable statute of limitations.

SECTION X. Right of Review

NBN understands and agrees that the purpose of this agreement is to serve the general public; therefore, City shall have the right to review proposals and plans developed by the NBN in carrying out the activities described herein. In case of disagreement between the parties with respect to the provisions of this section, the disagreement shall be resolved by the official act of the governing body of each party.

SECTION XI. Term of Agreement; Termination of Agreement

This agreement shall be for a one (1) year period commencing on execution and ending on June 30, 2019, unless this agreement is terminated prior to each expiration date upon the following condition:

Upon ninety (90) days written notice by one party to the other party, said notice to be sent to:

- a. City Manager

City of Muskogee
PO Box 1927
Muskogee, OK 74402

- b. President
Neighbors Building Neighborhoods
dba Muskogee Nonprofit Resource Center
207 N. 2nd Street
Muskogee, OK 74401

SECTION XII. Non-transferable

NBN agrees not to assign or otherwise transfer this Agreement or rights therein contained without prior written approval of City.

SECTION XIII. Non-discrimination

In connection with the performance of services under this Agreement, the NBN agrees not to discriminate against any employed or applicant for employment because of race, creed, color, national origin, sex, disability or ancestry. The NBN further agrees to take affirmative action to insure that employees are provided equal opportunity in employment, promotion, transfer, rates of pay or other forms of compensation and selection for training.

SECTION XIV. Waiver

The waiver by the City of any breach of any term, condition, or covenant herein contained shall not be deemed a waiver of any subsequent breach of the same, or any other term, condition or covenant.

SECTION XV. Acknowledgement of Assistance

Muskogee NonProfit Resource Center agrees that it shall include the following credit line on all printed promotional and program materials and on the agency's website: With assistance from the City of Muskogee.

IN WITNESS WHEREOF, the parties hereto affix their hands and seals the day and year first above written.

CITY OF MUSKOGEE, OKLAHOMA
A Municipal Corporation

JOHN R. COBURN, Mayor

Attest

TAMMY L. TRACY, City Clerk

Approved as to form and legality as to the City of Muskogee this _____ day of _____,
2018.

ROY D. TUCKER, City Attorney

NEIGHBORS BUILDING NEIGHBORHOODS, INC.

An Oklahoma Non-Profit Corporation

CHAIRMAN OF THE BOARD

Regular City Council

14.

Meeting Date: 06/11/2018

Submitted For: Tammy Tracy, City Clerk

Initiator: Tammy Tracy, City Clerk

Department: City Clerk

Staff Information Source:

Information

AGENDA ITEM TITLE:

Consider approval of the reappointment of Gary Dunlap to serve a three (3) year term on the Muskogee Housing Authority Board, beginning July 1, 2018, and ending on May 31, 2021, or take other necessary action. (Councilor Dan Hall)

BACKGROUND:

Mr. Dunlap's term on the Muskogee Housing Authority Board will expire May 31, 2018. He is requesting reappointment to the Board.

RECOMMENDED ACTION:

Approval of reappointment

Fiscal Impact

Attachments

Gary Dunlap

APPLICATION FOR APPOINTMENT TO A BOARD OR COMMISSION



**CITY OF MUSKOGEE
CITY COUNCIL**

**APPLICATION FOR CITY COUNCIL APPOINTMENT TO A BOARD
OR COMMISSION**

Application Instructions:

- Complete the entire application form (copies of the form are acceptable).
- Applicants are strongly encouraged to attach a current resume or biography.
- Specifically list the names of the boards or commissions to which you are applying (multiple selections are allowed). Paperwork cannot be appropriately processed unless specific boards or commissions are listed.
- Return application along with your resume to:
Office of the City Clerk, 229 W. Okmulgee, Muskogee, OK 74403 or by fax 918-684-6395.
- This form can be obtained electronically at <http://www.cityofmuskogee.com>, or by calling the City Clerk's Office at: (918) 684-6270.

Board(s) or Commission(s) for which you would like to be considered:

MUSKOGEE HOUSING AUTHORITY

Your Full

Legal Name: GARY A. DUNLAP

Your

Preferred Name: GARY DUNLAP

Business Name: RE/MAX of Musk.

Home Address: _____

Job Title/Employment Date: Realtor

City Zip: Muskogee OK 74403

Business Address: 2408 Old Shawnee

Ward: 1 2 3 4

Muskogee OK

Home Phone: _____

Business Phone: 918-683-1221

Cel I Phone: _____

Fax: 918-683-1224

Home Email: _____

Business Email: garydunlap@remax.net

Are you registered to vote in City of Muskogee Elections?

☒ Yes

No

Are you a citizen of the United States?

☒ Yes

No

Personal Information:

The Mayor and Council desire a broad representation of backgrounds on boards and commissions.

Education (high school, name and location of college or university, year graduated, and degree):

Bachelors - Northeastern State Univ 1970 Econ/Bus Admin

APPLICATION FOR APPOINTMENT TO A BOARD OR COMMISSION

Current employment (job description, employment date, supervisor):

Real Estate Broker 1986 →

Previous employment or experience:

Social Work Supervisor DHS 1970-1984
Musk Urban Renewal 1984-1986

Professional Licenses Held (if applicable):

Real Estate Sales

Professional References (name, title, contact phone number):

Memberships in professional or civic organizations (please include offices held and dates of terms):

Military Service Record (including awards, decorations, etc.):

USAR 1966-1972

Have you ever been elected or appointed to any public office, board or commission in the City of Muskogee? No ☒ Yes (If yes, please list with dates served)

Musk Board of Adjustment 2000 - present
Musk Housing Authority 2012 - present

Do you currently hold a public office? Public offices include elected or appointed officials of a municipality (it does not have to be Muskogee it could be any town or city), elected or appointed official of any county or the state or federal government, are a trustee of a public trust, are employed by any entity as a police officer, fire fighter, deputy sheriff, assistant district attorney or similar position or the member of a school board or appointed official of a school system or any other public or similar position.

NO

Do you have any financial or other interests that might present a conflict of interest, or the appearance of such a conflict, if you were to be appointed to the position for which you have applied? No ☒ Yes (If yes, please explain)

APPLICATION FOR APPOINTMENT TO A BOARD OR COMMISSION

Please list any special interests or characteristics which might be important to serve on a Board or Commission:

RELEASE OF INFORMATION

I authorize the use of any information contained in the **APPOINTMENTS APPLICATION** to verify my statements made in the Application. I authorize my past employers, all references, and any other persons to answer all questions asked concerning my ability, character, reputation and previous education or employment record. I release all such persons from any liability or damages on account of having furnished such information. I consent to such investigations as Pam Bates, City Clerk or her authorized representatives may make regarding law enforcement records and my general background.

I certify under penalty of perjury under the laws of the State of Oklahoma, that the above information is true, complete and correct to the best of my knowledge.


Signature of Nominee

5-24-18
Date

Submitted by the Mayor for approval by the City Council this _____ day of _____, 20____

Signature of Sponsor

Regular City Council**15. a.****Meeting Date:** 06/11/2018**Submitted For:** Roy Tucker, City Attorney**Initiator:** Leslie Arnold,
Attorney Secretary**Department:** City Attorney**Staff Information Source:** City Attorney

Information**AGENDA ITEM TITLE:**

Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss the worker's compensation claim of Steve Chick, and if necessary, take appropriate action in open session. (Roy D. Tucker)

BACKGROUND:

The City Attorney desires to discuss with the Mayor and Council the pending workers compensation claim of Steve Chick arising from an injury on 12/18/2017. The City Attorney advises the City Council that the Council should determine that disclosure of confidential communications between the Council and the City Attorney regarding the above referenced item will seriously impair the ability of the City to defend the City's interest, and from that determination, the Council should convene in executive session to discuss this matter.

RECOMMENDED ACTION:

Convene in executive session to discuss the worker's compensation claim of Steve Chick, and if necessary, take appropriate action in open session.

Fiscal Impact**Attachments**

No file(s) attached.

Regular City Council**15. b.**

Meeting Date: 06/11/2018
Initiator: Matthew Beese, Deputy City Attorney
Department: City Attorney
Staff Information Source:

Information**AGENDA ITEM TITLE:**

Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening an Executive Session to discuss the lawsuit styled Glover & Associates Inc. vs City of Muskogee, in the District Court for Muskogee County Oklahoma, Case No. CJ-2017-263, and if necessary, take appropriate action in open session. (Roy D. Tucker)

BACKGROUND:

The City Attorney desires to discuss with the Mayor and Council the litigation filed against the City, by Glover & Associates, on July 31, 2017.

The City Attorney advises the City Council that the Council should determine that disclosure of confidential communications between the Council and the City Attorney regarding the above referenced item will seriously impair the ability of the City to defend the City's interest, and from that determination, the Council should convene in executive session to discuss this matter.

RECOMMENDED ACTION:

Convene in executive session to discuss the litigation filed by Glover & Associates, and if necessary, take appropriate action in open session.

Fiscal Impact**Attachments**

No file(s) attached.
