

The City of Muskogee encourages participation from all its citizens in public meetings. If participation is not possible due to a disability, notify the City Clerk, in writing, at least forty-eight hours prior to the scheduled meeting and necessary accommodations will be made (ADA 28 CFR/36).

(Public Comment during Public Hearing or Agenda item comment)

Council Rules of Decorum limit citizen comments on agenda items and public hearings to five (5) minutes and general comments for non-agenda items to three (3) minutes. Any person desiring to address the Committee during such period is required to sign in with the City Clerk prior to the meeting between 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
Public Works Committee
July 2, 2018
5:30 P.M. - City Council Chambers

1. Consider approval of Public Works Committee minutes of June 18, 2018.
2. Consider approval of Ordinance No. 4050-A accepting the terms and conditions of Amendment No. 5 to the Muskogee War Memorial Park Authority Trust instrument, or take other necessary action. (Councilor Jaime Stout)
3. Consider approval of an Amended Plat of York 1st Addition, consisting of two (2) lots on 2.22 acres, located at 100 N. York Street, or take other necessary action. (Gary D. Garvin)

THE SOUTH 250.00 FEET OF THE NORTH 661.00 FEET OF THE EAST 230.50 FEET OF THE WEST 270.50 FEET OF LOT 3 (NW/4 NW/4) OF SECTION 31, T15N, R19E, OF THE I.B.&M., MUSKOGEE COUNTY, STATE OF OKLAHOMA.

AND

THE EAST 154.50 FEET OF THE WEST 425.00 FEET OF THE SOUTH 250.00 FEET OF THE NORTH 661.00 FEET OF LOT 3 (NW/4 NW/4) IN SECTION 31, T15N, R19E OF THE I.B. & M., MUSKOGEE COUNTY, STATE OF OKLAHOMA.

CONTAINING A TOTAL OF 2.22 ACRES, MORE OR LESS.

AKA, LOTS 1 AND 2, YORK 1ST ADDITION.

RECOGNIZE CITIZENS WISHING TO SPEAK TO CHAIRMAN AND COMMITTEE MEMBERS.

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

Public Works Committee

1.

Meeting Date: 07/02/2018
Initiator: Ashley Wallace, Office Adm 1
Department: City Clerk
Staff Information Source:

Information

AGENDA ITEM TITLE:

Consider approval of Public Works Committee minutes of June 18, 2018.

BACKGROUND:

RECOMMENDED ACTION:

Fiscal Impact

Attachments

06-18-2018 pwmin

MINUTES
PUBLIC WORKS COMMITTEE
June 18, 2018

The Public Works Committee of the City of Muskogee, Oklahoma, met at 5:30 p.m. on Monday, June 18, 2018 in Council Chambers, Third Floor, Municipal Building, with the following in attendance:

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

Absent: Committee Member Marlon Coleman

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

Present: Tammy L. Tracy, City Clerk; Gary Garvin, City Planner; Greg Riley, Public Works Director; Matthew Beese, Assistant City Attorney; Mark Wilkerson, Parks & Recreation Director; Michael O'Dell, Fire Chief; Kelly Plunkett, Human Resources Director; Rex Eskridge, Police Chief; Jean Kingston, Treasurer; Marcie Gilliam, Strategic Financial Analyst

1. Consider approval of Public Works Committee minutes of June 4, 2018.

Motion was made by Committee Member Dan Hall, seconded by Mayor John R. Coburn to approve Public Works Committee minutes of June 4, 2018.

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

Carried - Unanimously

2. Hold a Public Hearing and take action on the approval of Ordinance No. 4049-A rezoning the property located at 11 Beckman Drive, more particularly described in the Ordinance from "R-1" Single-Family Residential to "R-A" Agriculture Residential, 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)

Committee Member Wayne Johnson opened the Public Hearing.

Planning Director Gary Garvin stated the applicants, James and Chelsi Wallingford, are requesting to rezone the property located at 11 Beckman Drive from "R-1" Single-Family Residential to "R-A" Agriculture Residential to allow a garden, large shop, and livestock on the property.

The Comprehensive Plan/Land Use Map, adopted by the City of Muskogee indicates residential within this area. Therefore, the request to rezone to "R-A" Agriculture Residential 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 newspaper twenty (20) days prior to the Public Hearing. A Public Hearing will be held on the following days:

June 18, 2018 at 9:00 a.m.: City of Muskogee Planning & Zoning Commission

June 18, 2018, 2017 at 5:30 p.m.: Public Works Committee

June 25, 2018 at 5:30 p.m. Muskogee City Council Meeting

Committee Member Wayne Johnson closed the Public Hearing.

Motion was made by Deputy Mayor Janey Boydston, seconded by Committee Member Patrick Cale to approve and take action on the approval of Ordinance No. 4049-A rezoning the property located at 11 Beckman Drive, more particularly described in the Ordinance from "R-1" Single-Family Residential to "R-A" Agriculture Residential, and if approved, authorize Staff to revise the Official Zoning Map of the City to reflect said change.

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

NAY: Committee Member Dan Hall

Carried

3. Consider approval of Resolution No. 2730 directing the filing and notification of the publication of Supplement No. 18 to the Muskogee City Code of Ordinances, or take other necessary action. (Tammy L. Tracy)

City Clerk Tammy Tracy stated this codification includes Ordinances through November 2017. This Resolution approves the adoption of the Supplement and she recommends approval.

Motion was made by Mayor John R. Coburn, seconded by Committee Member Dan Hall to approve Resolution No. 2730 directing the filing and notification of the publication of Supplement No. 18 to the Muskogee City Code of Ordinances.

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

Carried - Unanimously

4. Consider approval of Resolution No. 2731 amending Appendix A to the City of Muskogee Code of Ordinances (Wholesale Customers Water Rates), as per the attached, or take other necessary action. (Mike Stewart)

Assistant City Manager Mike Stewart stated the service area of the Wholesale Water Customer shall be located entirely outside the City limits of the City of Muskogee. Each Wholesale Water Customer shall enter into a contract with the City. The contract shall be reviewed annually. At its sole option, the City Council shall

determine if the contract is to be extended. Wholesale Water Customer is defined as a municipality as defined by Article 18 of the Oklahoma Constitution and Title 11 of the Oklahoma Statutes, a rural water district as defined in Title 82, Oklahoma Statutes, or a private water utility whose rates are regulated by the Oklahoma Corporation Commission or a private water corporation.

Motion was made by Committee Member Jaime Stout, seconded by Deputy Mayor Janey Boydston to approve Resolution No. 2731 amending Appendix A to the City of Muskogee Code of Ordinances (Wholesale Customers Water Rates).

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

Carried - Unanimously

5. Consider approval of nine (9) agreements with the following wholesale water users: Rural Water District #1, Rural Water District #2, Rural Water District #5, Rural Water District #6, Rural Water District #9, Haskell Public Works Authority, Okay Public Works Authority, Porter Public Works Authority, and Taft Public Works Authority, and authorize the Mayor and City Clerk to execute the agreements, or take other necessary action. (Roy D. Tucker)

City Attorney Roy Tucker stated every two (2) years outside contracts for wholesale users are reviewed which includes all water districts in the towns that Muskogee services. The City and the Water Districts have finalized agreements to continue the sale of treated water. There is no change to the water usage between these agreements and what our records show. These agreements have the Water District's approval. It also covers the City's ability to provide water and the requirements should there be an inability to serve and it allows for rate adjustment and caps the amount of water that may be sold to each District without the town incurring additional charges. The terms of the agreements are based on the City's fiscal year and it automatically extends one (1) additional year. It may be terminated by either party with 180 days notice. The City reserves the right to adjust the contracts. The actual cost of supplying the water is higher than the amount in the contracts.

Allocations per month:

Porter PWA	8020 units
RWD #5	21,288 units
Haskell PWA	26,070 units
RWD #2	6,684 units
Okay PWA	3,342 units
RWD #6	18,012.80 units
Taft PWA	2,674 units
RWD #9	3,200 units
RWD #1	10,694 units

Motion was made by Deputy Mayor Janey Boydston, seconded by Mayor John R. Coburn to approve nine (9) agreements with the following wholesale water users: Rural Water District #1, Rural Water District #2, Rural Water District #5, Rural Water District #6, Rural Water District #9, Haskell Public Works Authority, Okay Public Works Authority, Porter Public Works Authority, and Taft Public Works Authority, and authorize the Mayor and City Clerk to execute the agreements.

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

Carried - Unanimously

6. Consider approval of amended Council Policy 3-2-1, Classification Titles and Descriptions, or take other necessary action. (Kelly Plunkett)

Human Resource Director Kelly Plunkett stated as required by City Charter, Article IV, Section 4:03, City Council Policy 3-2-1 sets forth a uniform set of rules and regulations covering titles and classifications. This revised policy establishes the provisions for classifying positions not only within the non-unionized group of employees of the City, but for all non-uniformed employees (AFSCME and General Employees.)

Motion was made by Committee Member Jaime Stout, seconded by Mayor John R. Coburn to approve amended Council Policy 3-2-1, Classification Titles and Descriptions.

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

Carried - Unanimously

7. Consider the appointment of Janey Cagle Boyston to serve a two (2) year term on the City of Muskogee Foundation Board, beginning August 1, 2018, and ending July 31, 2020, replacing Patrick Cale, or take other necessary action. (Councilor Wayne Johnson)

Motion was made by Committee Member Jaime Stout, seconded by Committee Member Dan Hall to approve appointment of Janey Cagle Boyston to serve a two (2) year term on the City of Muskogee Foundation Board, beginning August 1, 2018, and ending July 31, 2020, replacing Patrick Cale.

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

Carried - Unanimously

8. Consider the appointment of William Barnes to serve a three (3) year term on the War Memorial Trust Authority beginning July 1, 2018, and ending on August 31, 2021, or take other necessary action. (Mayor Bob Coburn)

Motion was made by Mayor John R. Coburn, seconded by Committee Member Dan Hall to approve the appointment of William Barnes to serve a three (3) year term on the War Memorial Trust Authority beginning July 1, 2018, and ending on August 31, 2021.

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

Carried - Unanimously

RECOGNIZE CITIZENS WISHING TO SPEAK TO CHAIRMAN AND COMMITTEE MEMBERS.

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

Stephen Ezell, 6121 S. 6th Street E., Muskogee, Oklahoma stated the amount of brush and trees that have accumulated along the old soccer fields located at 6th Street East make it difficult to see oncoming traffic which could lead to a bad or even fatal accident.

Committee Member Vann would like to make a motion to suspend a rule allowing him to speak about Juneteenth.

Motion was made by Wayne Johnson, seconded by Patrick Cale to approve a rule allowing Committee Member Vann to speak about Juneteenth.

Committee Member Ivory Vann stated Juneteenth will be held at Elliott park from 12:00 p.m. to 5 p.m. It is an event to celebrate the freeing of the slaves (June 19th.) There will be free food and games and he would like to invite everyone to come out and enjoy the food and activities.

CHAIRMAN WAYNE JOHNSON
PUBLIC WORKS COMMITTEE

Public Works Committee

2.

Meeting Date: 07/02/2018
Initiator: Matthew Beese, Deputy City Attorney
Department: City Attorney
Staff Information Source:

Information

AGENDA ITEM TITLE:

Consider approval of Ordinance No. 4050-A accepting the terms and conditions of Amendment No. 5 to the Muskogee War Memorial Park Authority Trust instrument, or take other necessary action.
(Councilor Jaime Stout)

BACKGROUND:

The Trustees have proposed a modification to the method of appointment of Trust members. Currently, the City Council appoints all nine members of the Trust. The proposed modification will provide six of the appointments to the City Council and three of the appointments to the sitting trustees. The implementation of the modification will occur with the sitting Trustee appointments being every third appointment as part of the established Council appointment rotation beginning with the first sitting Trustees appointment being the next available opening.

RECOMMENDED ACTION:

Approve proposed amendment.

Fiscal Impact

Attachments

4050-A 07-09-2018 Ord. War Memorial
Signed

ORDINANCE NO. 4050-A

AN ORDINANCE ACCEPTING THE TERMS AND CONDITIONS OF AMENDMENT NO. 5 TO THE MUSKOGEE WAR MEMORIAL PARK AUTHORITY TRUST INSTRUMENT

WHEREAS, the Muskogee War Memorial Park Authority was created pursuant to a Trust Indenture dated April 9, 1973, and in which Trust Indenture, the City of Muskogee, Oklahoma, is designated as the exclusive beneficiary; and

WHEREAS, the Muskogee War Memorial Park Authority is a public trust created and existing under the Oklahoma Public Trust Act for the benefit of the City of Muskogee, Oklahoma, and is the owner, lessee or operator of the Muskogee War Memorial Park; and

WHEREAS, The City of Muskogee, On April 9, 1973, did adopt Ordinance No. 975-A, accepting sole and exclusive beneficial interest in the Muskogee War Memorial Park Authority after having found and determined that the said Trust Indenture designated the City of Muskogee, Oklahoma, as its sole and exclusive beneficiary of said Trust, and that it would be in the best interest of the City of Muskogee, Oklahoma, and the promotion of the development of the Muskogee area to accept all of the beneficial interest of said Muskogee War Memorial Park Authority Trust, in accordance with the terms of the aforesaid Trust Indenture; and

WHEREAS, the City of Muskogee, Oklahoma, has reviewed the aforesaid Fifth Amendment to the Trust Indenture, of which a copy of said amendment is attached hereto, marked Exhibit "A" and made a part hereof and being in agreement therewith, finds that the same is in the best interest of the public health, safety and welfare of the Muskogee area.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA, AS FOLLOWS:

Section 1: That the Muskogee War Memorial Park Authority Trust, created by Trust Indenture dated April 9, 1973, herein the City of Muskogee, Oklahoma remains the sole and exclusive designated beneficiary of the Muskogee War Memorial Park Trust, hereby re-accepts the beneficial interest therein and all the terms and provisions of said Trust Indenture, as amended as provided in Amendment Number Five, a copy of which is attached hereto, marked Exhibit "A", and made a part hereof.

Section 2. That the Mayor and City Clerk are hereby authorized, instructed and directed to endorse upon the original of said Fourth Amendment to the Trust Indenture, the approval of the City of Muskogee, Oklahoma, and the City's acceptance and re-acceptance of the beneficial interest therein and to cause the said Fifth Amendment to the Trust Indenture to be recorded in the Office of the County Clerk of the County of Muskogee, Oklahoma, and such other counties as the Muskogee War Memorial Park Authority may do business in.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
MUSKOGEE, OKLAHOMA THIS ____ DAY OF _____, 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

THE TRUSTEES ACCEPT THE TRUST HEREIN MODIFIED AND PROVIDED FOR, AND AGREE TO CARRY OUT THE PROVISIONS OF THIS TRUST INDENTURE ON THEIR PART TO BE PERFORMED.

IN WITNESS HEREOF, the Chairman and trustees have hereunto set their hands executing this instrument in multiple counterparts on this 16th day of May, 2018.

MUSKOGEE WAR MEMORIAL PARK AUTHORITY


Jaime Stout, Chairman


Tom Hampton, Trustee


John Martin, Trustee

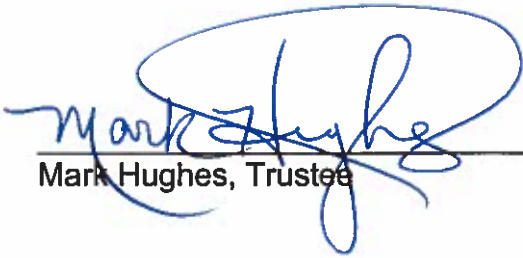
Lanny Cartwright, Trustee


Donald Wardlow, Trustee


David Weston, Trustee


Angie O'Neal, Trustee


Brent Trout, Trustee


Mark Hughes, Trustee


APPROVAL AND CONSENT OF TRUSTEES

The Muskogee War Memorial Park Authority, an Oklahoma Public Trust, acting on behalf of the municipality beneficiary known as the City of Muskogee, Oklahoma, hereby expressly approves and consents and agrees to the above and foregoing FIFTH AMENDMENT to the Trust Indenture of the Muskogee War Memorial Park Authority, this 16th day of May, 2018.

MUSKOGEE WAR MEMORIAL PARK AUTHORITY

By 
Jaime Stout, Chairman

ATTEST:


Tammy L. Tracy, City Clerk

STATE OF OKLAHOMA)
)
MUSKOGEE COUNTY)



Before me, the undersigned Notary Public in and for said state and county, on this 16 day of May, 2018, personally appeared Jaime Stout, Tom Hampton, John Martin, Lanny Cartwright, Donald Wardlow, David Weston, Angie O'Neal, Brent Trout, and Mark Hughes to me known to be the identical persons who subscribed the name of Muskogee War Memorial Park Authority, to the foregoing instrument as its Trustees and acknowledged to me that they executed the same as their free and voluntary acts and deeds and as the free and voluntary act and deed of such corporation for the uses and purposes therein set forth.

Given under my hand and seal of office the day year last above written.

Public Works Committee

3.

Meeting Date: 07/02/2018

Initiator: Gary Garvin, Planning Director

Information

AGENDA ITEM TITLE:

Consider approval of an Amended Plat of York 1st Addition, consisting of two (2) lots on 2.22 acres, located at 100 N. York Street, or take other necessary action. (Gary D. Garvin)

LEGAL DESCRIPTION:

THE SOUTH 250.00 FEET OF THE NORTH 661.00 FEET OF THE EAST 230.50 FEET OF THE WEST 270.50 FEET OF LOT 3 (NW/4 NW/4) OF SECTION 31, T15N, R19E, OF THE I.B.&M., MUSKOGEE COUNTY, STATE OF OKLAHOMA.

AND

THE EAST 154.50 FEET OF THE WEST 425.00 FEET OF THE SOUTH 250.00 FEET OF THE NORTH 661.00 FEET OF LOT 3 (NW/4 NW/4) IN SECTION 31, T15N, R19E OF THE I.B. & M., MUSKOGEE COUNTY, STATE OF OKLAHOMA.

CONTAINING A TOTAL OF 2.22 ACRES, MORE OR LESS.

AKA, LOTS 1 AND 2, YORK 1ST ADDITION.

BACKGROUND:

The applicants, Joe and Rosemary Seabolt, are requesting approval of an Amended Plat of York 1st Addition, consisting of two (2) lots on 2.22 acres. When the property was originally platted in the early 90's, there was a mistake in the legal description. The amended plat is correcting that mistake. The applicant is in the process of selling the property to allow the new owner to build a restaurant on the property.

RECOMMENDED STAFF ACTION:

Approve the Amended Plat of York 1st Addition.

Fiscal Impact

Attachments

Amended Plat of York 1st Addition

[illegible]