

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 APRIL 22, 2024**

*Official action can only be taken on items which appear on the agenda. The public body may adopt, approve, ratify, deny, defer, recommend, amend, strike, or continue any agenda item.*

*When more information is needed to act on an item, the public body may refer the matter to Staff or back to Committee or the recommending body.*

*Under certain circumstances, items are deferred to a specific date or stricken from the agenda entirely.*

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

**APPROVAL OF MINUTES: CITY COUNCIL REGULAR SESSION MARCH 25, 2024, OR TAKE  
OTHER NECESSARY ACTION.**

### **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 Change Order No. 1 for the US-62 Highway and Country Club Road Signalization Project No. 2023004, with TLS Group, Inc., in the amount of \$22,715.32 for quantity overruns, or take other necessary action. (Mike Stewart)
2. Approval to purchase a 2023 Caterpillar 303.5 CR Mini Excavator for the Parks & Recreation Department in the amount of \$66,950.00, utilizing Sourcewell cooperative purchase pricing, or take other necessary action. (Mark Wilkerson)
3. Approval to apply for, and if awarded, accept the 2024 Attorney General's Safe Oklahoma Grant in the amount of \$17,600.00, or take other necessary action. (Johnny Teehee)
4. Approval of amended Council Policy 3-3-3, Vacation Leave Policy, or take other necessary action. (Maggie Eaton)

## REGULAR AGENDA

5. Receive presentation relating to the proposed Tax Increment Districts of the City of Muskogee and Muskogee County, and take other necessary action. (Mike Miller)
6. Hold a Public Hearing regarding the proposed creation of Increment District No. 6, City of Muskogee and the Southside Industrial Park Economic Development Project Plan, or take other necessary action. (Mike Miller)
7. Hold a Public Hearing regarding the proposed creation of Increment District No. 2, Muskogee County and the John T. Griffin Industrial Park Economic Development Project Plan, or take other necessary action. (Mike Miller)
8. Hold a Public Hearing and consider approval of the proposed termination of Increment District No. 1, Muskogee County and the Project Plan Relating to Increment District No. 1, Muskogee County, Oklahoma (Project Faith Increment District), or take other necessary action. (Mike Miller)
9. Consider approval of Ordinance No. 4233-A, an Ordinance of the City of Muskogee, Oklahoma (the "City") approving utilization of apportioned tax revenues authorized by statewide vote adopting Article 10, Section 6C of the Oklahoma Constitution and implemented by the Local Development Act, 62 O.S. §850, et seq.; approving and adopting the Southside Industrial Park Economic Development Project Plan and expressing intent to carry out the Project Plan; ratifying and confirming the actions, recommendations and findings of the Review Committee and the Planning Commission; creating and establishing Increment District No. 6, City of Muskogee; designating and adopting the Increment District boundaries and the Project Area boundaries; adopting certain findings; reserving to the City the authority to make minor amendments to the Project Plan; authorizing the City Council of the City to carry out and administer the Project Plan; establishing a Tax Apportionment Fund; authorizing directions for prospective apportionment of tax increments; establishing an allocation of use for tax increments; declaring apportionment funds to be funds of the City and limiting the pledge of apportioned increments to increments actually apportioned by the City; authorizing the City Council of the City, or a public trust designated thereby, to implement the Project Plan utilizing apportioned tax increments to pay or reimburse project costs directly and/or to issue bonds or notes, if feasible and desirable, to pay project costs and to retire said bonds or notes from apportioned tax increments; providing for severability; declaring an emergency; and containing other provisions related thereto, or take other necessary action. (Mike Miller)
10. Consider approval of Resolution No. 2986, a resolution creating, naming, and establishing the commencement date for Increment District No. 6, City of Muskogee; ratifying and confirming Ordinance No. 4233-A of the City Council of the City of Muskogee, Oklahoma; providing for severability; and containing other provisions related thereto, or take other necessary action. (Mike Miller)
11. Hold a Public Hearing and consider the adoption of Ordinance 4230-A requesting the annexation of a portion of the John T. Griffin Industrial Park as I-2, Heavy Industrial, located within Section 10, Township 14 North, Range 18 East into the city limits of Muskogee, or take other necessary action. (Jody King)

12. Hold a Public Hearing and consider approval of Ordinance No. 4223-A, rezoning the property located at 4340 Eufaula Street, in the City of Muskogee, from I-1 Light Industrial, to R-5 Mobile Home, and if approved, authorize Staff to revise the official zoning map, or take other necessary action. (Jody King)
13. Consider approval of Resolution No. 2980 declaring 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 authorize the City Manager, or his designee, to offer for sale or dispose of the same, all as per the attached list, or take other necessary action. (Dennis Read)
14. Consider approval of Resolution No. 2987 declaring the eligibility of the City of Muskogee to submit an application to the Oklahoma Department of Transportation for use of Transportation Alternatives Program Funds set forth by the Infrastructure Investments and Jobs Act ("IIJA") for the N. 12th Street Sidewalk TAPS Grant Project in the City of Muskogee and authorizing the Mayor of the City of Muskogee to sign the application, or take other necessary action. (Mark Wilkerson)
15. Consider approval of the nomination of Councilor Derrick Reed to serve as Deputy Mayor, or take other necessary action. (Mayor Patrick Cale)
16. Consider approval of claims for all City departments March 2, 2024 through March 29, 2024, or take other necessary action.
17. Consider approval to accept a grant from ODEQ in the amount of \$30,000 for reimbursement of funds expended on the Household Hazardous Waste Collection Event and authorize the City Manager to negotiate and execute an agreement of an Interagency Contract between the Oklahoma Department of Environmental Quality (ODEQ) and the City of Muskogee, for the reimbursement of a Household Hazardous waste event in FY2024. (Mike Stewart)
18. Consider approval to accept a grant from the Muskogee Medical Foundation in the amount of \$16,585.46 to be used for equipment and training for the Muskogee Police Department Medical Support Unit, or take other necessary action. (Johnny Teehee)
19. Consider approval of lowest and best bid from SPATCO Energy Solutions, in the amount of \$852,183.21, for New Central Fueling Station Project No. 2023006, or take other necessary action. (Robert Swepston)
20. Consider approval to award bids for lawn maintenance services for FY2024-2025, tentatively beginning July 1, 2024 through June 30, 2025 for specified city properties, or take other necessary action. (Mark Wilkerson)
21. Consider the appointment of Councilor Jaime Stout to the City of Muskogee Foundation Board, to fill the unexpired term of Councilor Alex Reynolds, beginning April 23, 2024, and ending on July 31, 2024, or take other necessary action. (Councilor Tracy Hoos)

22. Receive report on the appointment of Mayor Patrick Cale to the Economic Development Advisory Board, or take other necessary action. (Mayor Patrick Cale)
23. Discuss and consider approval of the appointment of Deputy Mayor Derrick Reed and Councilor Tracy Hoos to the Economic Development Advisory Committee, or take other necessary action. (Mayor Patrick Cale)
24. Receive report on status of negotiations with Port Muskogee on the contract for Industrial Development services, or take other necessary action. (Katrina Bodenhamer)
25. Discuss and consider the appointment of two (2) City Councilmembers to lead a proactive policy and procedures committee to deal with the homeless population, and homeless persons being dropped off in the City of Muskogee from other areas, as well as, direction on nominating three (3) members from entities being directly impacted by the homeless to serve on the committee, or take other necessary action. (Mike Miller)
26. Consider directing Staff to prepare a budget amendment, transferring funds in the amount of \$455,000.00 from the City's Hotel/Motel Tax Fund, to the Muskogee Tourism Authority, to be restricted for tourism capital expenditures or support for major tourism projects. (Mayor Patrick Cale and Councilmember Jaime Stout)

#### **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.**

27. Consider an Executive Session to discuss and take possible action on the following:
  - a. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss negotiations with the International Association of Firefighters, Local No. 57 and, if necessary, take appropriate action in Open Session. (Maggie Eaton)
  - b. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss negotiations with the Fraternal Order of Police Lodge No. 95 and if necessary, take appropriate action in Open Session. (Maggie Eaton)
  - c. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss negotiations with the American Federation of State, County and Municipal Employees Local No. 2465 and, if necessary, take appropriate action in Open Session. (Maggie Eaton)

ADJOURN

**Regular City Council**

**1.**

**Meeting Date:** 04/22/2024  
**Initiator:** Jennifer Sharp, Admin II  
**Department:** City Clerk  
**Staff Information Source:**

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**Information**

**AGENDA ITEM TITLE:**

APPROVAL OF MINUTES: CITY COUNCIL REGULAR SESSION MARCH 25, 2024, OR TAKE OTHER NECESSARY ACTION.

**BACKGROUND:**

**RECOMMENDED ACTION:**

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**Fiscal Impact**

**Attachments**

3-25-2024 cc min

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# MINUTES

## OF THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA, MET IN REGULAR SESSION IN COUNCIL CHAMBERS OF CITY HALL MARCH 25, 2024

The City Council of the City of Muskogee, Oklahoma, met in Regular Session at 5:30 p.m., on March 25, 2024, in Council Chambers, Municipal Building, 229 W. Okmulgee Ave., Muskogee, Oklahoma, with Mayor Marlon J. Coleman presiding.

Meeting was called to order by Mayor Marlon J. Coleman and the City Clerk called the roll as follows:

Present: Mayor Marlon J. Coleman; Deputy Mayor Derrick Reed; Councilmember Jaime Stout; Councilmember Alex Reynolds; Councilmember Traci McGee; Councilmember Shirley Hilton-Flanary; Councilmember Perline Boyattia-Craig; Councilmember Patrick Cale

Absent: Councilmember Tracy Hoos

Staff Present: Mike Miller, City Manager; Roger Kolman, Assistant City Manager; Katrina Bodenhamer, City Attorney; Tammy L. Tracy, City Clerk; Maggie Eaton, Human Resources Director; Jody Moore, Fire Chief; Avery Rigney, Assistant Public Works Director; Mark Wilkerson, Parks & Recreation Director; Brooke Hall, Asst. Director of Parks & Recreation; Austin Witt, Deputy City Attorney; Jody King, Planning Director; Seth Campbell, Assistant City Attorney

Motion was made by Councilmember Alex Reynolds, seconded by Councilmember Perline Boyattia-Craig to excuse the absence of Councilmember Tracy Hoos.

AYE: Mayor Marlon J. Coleman, Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Alex Reynolds, Councilmember Traci McGee, Councilmember Shirley Hilton-Flanary, Councilmember Perline Boyattia-Craig, Councilmember Patrick Cale

Carried - Unanimously

APPROVAL OF MINUTES: CITY COUNCIL SPECIAL CALL SESSION FEBRUARY 12, 2024, AND CITY COUNCIL REGULAR SESSION FEBRUARY 26, 2024, OR TAKE OTHER NECESSARY ACTION.

Motion was made by Councilmember Patrick Cale, seconded by Councilmember Jaime Stout to approve of Minutes: City Council Special Call Session February 12, 2024, and City Council Regular Session February 26, 2024.

AYE: Mayor Marlon J. Coleman, Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Alex Reynolds, Councilmember Traci McGee, Councilmember Shirley Hilton-Flanary, Councilmember Perline Boyattia-Craig, Councilmember Patrick Cale

Carried - Unanimously

### **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.**

Motion was made by Councilmember Jaime Stout, seconded by Councilmember Patrick Cale to approve Consent Agenda Items one (1) through seven (7) and Item 14.

AYE: Mayor Marlon J. Coleman, Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Alex Reynolds, Councilmember Traci McGee, Councilmember Shirley Hilton-Flanary, Councilmember Perline Boyattia-Craig, Councilmember Patrick Cale

Carried - Unanimously

- 1 Approval of claims for all City departments February 3, 2024 through March 1, 2024, or take other necessary action.
- 2 Approval of an application for an Assistance to Firefighters Grant (AFG) for a Heavy Rescue Vehicle, and if awarded to receive said grant funds, and authorizing the use of the city's matching grant fund of \$85,000 for the required 10% match, or take other necessary action. (Jody Moore)
- 3 Approval of amended City Council Policy 3-1-1, Affirmative Action Plan, for FY 2022-2023, or take other necessary action. (Maggie Eaton)
- 4 Approval of the use of the Muskogee-Davis Regional Airport for a TORA! TORA! TORA! event sponsored by Davis Field Aviation, our FBO operator at the airport, with financial and promotional support from Visit Muskogee, or take other necessary action. (Mike Stewart)

- 5 Approval of the purchase of 112 two-yard dumpsters from Wastequip, for a total amount of \$53,483.00, via the Sourcewell Purchasing Agreement, RFP #040621, or take other necessary action. (Mike Stewart)
- 6 Approval for the City of Muskogee to submit a Notice of Intent to seek potential funding for the Meadows Subdivision Flood Mitigation Study, in the amount of \$150,000.00, and the Citywide Stormwater Management Plan, in the amount of \$500,000.00, to accept said grant funds if awarded, and use of the matching grant funds in the amount of \$187,500 for these grants, or take other necessary action. (Mike Stewart)
- 7 Approval of the lowest and best bid in the amount of \$2,270,998.50, Subtotal Base plus Add Alt. No. 1 Bid, from Cook Consulting, LLC, for Waterline Interconnects Package "D", Project No. 2022024, as recommended by Cowan Group Engineering, or take other necessary action. (Mike Stewart)

### REGULAR AGENDA

- 8 (No Action) Receive report from Main Street Muskogee to discuss and present their annual report, and take other necessary action. (Mike Miller)

Executive Director Courtney Graham presented the Main Street Muskogee annual report with a PowerPoint presentation.

- 9 Consider approval of Ordinance No. 4225-A, an Ordinance amending the City of Muskogee Code of Ordinances, Chapter 90, Zoning Regulations; Article XII, On-Site Development Standards; Section 04-05(a) Fences in Residential Districts, providing for Repealer, Severability, and Setting an Effective Date, or take other necessary action. (Council Member Jamie Stout)

Motion was made by Councilmember Jaime Stout, seconded by Mayor Marlon J. Coleman to approve Ordinance No. 4225-A, an Ordinance amending the City of Muskogee Code of Ordinances, Chapter 90, Zoning Regulations; Article XII, On-Site Development Standards; Section 04-05(a) Fences in Residential Districts, providing for Repealer, Severability, and Setting an Effective Date.

AYE: Mayor Marlon J. Coleman, Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Alex Reynolds, Councilmember Traci McGee, Councilmember Shirley Hilton-Flanary, Councilmember Perline Boyattia-Craig, Councilmember Patrick Cale

Carried - Unanimously

- 10 Consider approval of Ordinance No. 4229-A, an Ordinance amending the City of Muskogee Code of Ordinances, Chapter 2, Administration, Article V, Boards and Commissions, Division 12, Municipal Employees Retirement Board; Section 2-470, Established; Functions and Duties; Meetings; Quorum; Section 2-471, Membership, Election and Qualifications; Section. 2-472, Terms and Representation By Department; Providing for Codification, Repealer, Severability and Setting an Effective Date, or take



other necessary action. (Maggie Eaton)

Motion was made by Councilmember Patrick Cale, seconded by Councilmember Perline Boyattia-Craig to approve Ordinance No. 4229-A, an Ordinance amending the City of Muskogee Code of Ordinances, Chapter 2, Administration, Article V, Boards and Commissions, Division 12, Municipal Employees Retirement Board; Section 2-470, Established; Functions and Duties; Meetings; Quorum; Section 2-471, Membership, Election and Qualifications; Section. 2-472, Terms and Representation By Department; Providing for Codification, Repealer, Severability and Setting an Effective Date.

AYE: Mayor Marlon J. Coleman, Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Alex Reynolds, Councilmember Traci McGee, Councilmember Shirley Hilton-Flanary, Councilmember Perline Boyattia-Craig, Councilmember Patrick Cale

Carried - Unanimously

- 11 Consider approval of Resolution No. 2978, accepting grant funds from the Oklahoma Office of the Attorney General Opioid Abatement Board, to finance Police Department response and abatement activities, and authorize the City Manager, or his designee, to sign all documents relating to the Oklahoma Opioid Abatement Award, or take other necessary action. (Johnny Teehee)

Motion was made by Councilmember Patrick Cale, seconded by Councilmember Perline Boyattia-Craig to approve Resolution No. 2978, accepting grant funds from the Oklahoma Office of the Attorney General Opioid Abatement Board, to finance Police Department response and abatement activities, and authorize the City Manager, or his designee, to sign all documents relating to the Oklahoma Opioid Abatement Award.

AYE: Mayor Marlon J. Coleman, Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Alex Reynolds, Councilmember Traci McGee, Councilmember Shirley Hilton-Flanary, Councilmember Perline Boyattia-Craig, Councilmember Patrick Cale

Carried - Unanimously

- 12 Consider approval of Resolution No. 2976 requesting the annexation of the John T. Griffin Industrial Park, zoned as I-2, Heavy Industrial Zoning Classification, as approved in the 2013 City of Muskogee Comprehensive Plan and Land Use Map, Adopted June 4, 2012, upon annexation, located within Section 10, Township 14 North, Range 18 East, into the City of Muskogee, setting a date for a Public Hearing, and directing Staff to take necessary steps in compliance with State statutes pertaining to the annexation request, or take other necessary action. (Jody King)

Planning Director Jody King stated this will begin the process of annexing the John T. Griffin Industrial Park including seven (7) Muskogee City and County Port Authority-owned parcels. The City has sewer and water infrastructure in place at the industrial site, ready for connection. The annexation has been requested by the Port

Authority as the City's effort to continue using industrial growth in the community to produce high-paying jobs. No other property will be requested. Staff recommended approval.

Motion was made by Councilmember Patrick Cale, seconded by Councilmember Perline Boyattia-Craig to approve Resolution No. 2976 requesting the annexation of the John T. Griffin Industrial Park, zoned as I-2, Heavy Industrial Zoning Classification, as approved in the 2013 City of Muskogee Comprehensive Plan and Land Use Map, Adopted June 4, 2012, upon annexation, located within Section 10, Township 14 North, Range 18 East, into the City of Muskogee, setting a date for a Public Hearing, and directing Staff to take necessary steps in compliance with State statutes pertaining to the annexation request.

AYE: Mayor Marlon J. Coleman, Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Alex Reynolds, Councilmember Traci McGee, Councilmember Shirley Hilton-Flanary, Councilmember Perline Boyattia-Craig, Councilmember Patrick Cale

Carried - Unanimously

- 13 Consider approval of Resolution No. 2977 amending Appendix A, Schedule of Fees and Charges, to the City of Muskogee Code of Ordinances (Wholesale Customers Water Rates), or take other necessary action. (Mike Miller)

City Manager Mike Miller explained while customers have experienced rate increases, wholesale water rates have remained the same. However, with rising costs it is now necessary to consider a rate increase in the upcoming contract renewals with wholesale customers. He stated this was brought before the Public Works Committee and was approved. Staff recommends approval as well.

Motion was made by Councilmember Perline Boyattia-Craig, seconded by Councilmember Alex Reynolds to approve Resolution No. 2977 amending Appendix A, Schedule of Fees and Charges, to the City of Muskogee Code of Ordinances (Wholesale Customers Water Rates).

AYE: Mayor Marlon J. Coleman, Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Alex Reynolds, Councilmember Traci McGee, Councilmember Shirley Hilton-Flanary, Councilmember Perline Boyattia-Craig, Councilmember Patrick Cale

Carried - Unanimously

- 14 (Approved with Consent Agenda) Consider approval of the lowest and best bid from RJR Enterprises, for the Langston Park Splashpad Project, in the base bid amount of \$272,715.50, with an Alternate A-1 Bid of \$18,315.00, for an additional shade structure, for a total of \$291,030.50, or take other necessary action. (Mark Wilkerson)

- 15 Consider approval to apply for and if awarded, accept funds from the FEMA Cybersecurity Grant for Security Information and Event Management (SIEM) software as a sub-recipient in the amount of up to \$21,000.00, including up to \$4,200.00 from the matching grant fund, or take other necessary action. (Chris Cummings)

Motion was made by Councilmember Traci McGee, seconded by Councilmember Perline Boyattia-Craig to approve to apply for and if awarded, accept funds from the FEMA Cybersecurity Grant for Security Information and Event Management (SIEM) software as a sub-recipient in the amount of up to \$21,000.00, including up to \$4,200.00 from the matching grant fund.

AYE: Mayor Marlon J. Coleman, Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Alex Reynolds, Councilmember Traci McGee, Councilmember Shirley Hilton-Flanary, Councilmember Perline Boyattia-Craig, Councilmember Patrick Cale

Carried - Unanimously

- 16 Consider approval to apply for and if awarded, accept funds from the FEMA Cybersecurity Grant for end-user cybersecurity training as a sub-recipient in the amount of up to \$50,000.00, including \$10,000.00 from the matching grant fund, or take other necessary action. (Chris Cummings)

Motion was made by Councilmember Jaime Stout, seconded by Councilmember Alex Reynolds to approve to apply for and if awarded, accept funds from the FEMA Cybersecurity Grant for end-user cybersecurity training as a sub-recipient in the amount of up to \$50,000.00, including \$10,000.00 from the matching grant fund.

AYE: Mayor Marlon J. Coleman, Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Alex Reynolds, Councilmember Traci McGee, Councilmember Shirley Hilton-Flanary, Councilmember Perline Boyattia-Craig, Councilmember Patrick Cale

Carried - Unanimously

- 17 Consider approval to apply for and if awarded, accept funds from the FEMA Cybersecurity Grant for firewall upgrades as a sub-recipient in the amount of up to \$52,000.00, including \$10,400.00 from the matching grant fund, or take other necessary action. (Chris Cummings)

Motion was made by Councilmember Shirley Hilton-Flanary, seconded by Councilmember Alex Reynolds to approve to apply for and if awarded, accept funds from the FEMA Cybersecurity Grant for firewall upgrades as a sub-recipient in the amount of up to \$52,000.00, including \$10,400.00 from the matching grant fund.

AYE: Mayor Marlon J. Coleman, Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Alex Reynolds, Councilmember Traci McGee, Councilmember Shirley Hilton-Flanary, Councilmember Perline Boyattia-Craig, Councilmember Patrick Cale

Carried - Unanimously

- 18 Consider approval to apply for and if awarded, accept funds from the FEMA Cybersecurity Grant for Penetration Testing as a sub-recipient in the amount up to \$5,200.00, including \$1,040.00 from the matching grant fund, or take other necessary action. (Chris Cummings)

Motion was made by Councilmember Shirley Hilton-Flanary, seconded by Councilmember Perline Boyattia-Craig to approve to apply for and if awarded, accept funds from the FEMA Cybersecurity Grant for Penetration Testing as a sub-recipient in the amount up to \$5,200.00, including \$1,040.00 from the matching grant fund.

AYE: Mayor Marlon J. Coleman, Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Alex Reynolds, Councilmember Traci McGee, Councilmember Shirley Hilton-Flanary, Councilmember Perline Boyattia-Craig, Councilmember Patrick Cale

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.**

Darwin England, 7130 S. 40th St W., requested a visit with Councilmembers regarding lawsuits.

Lisa Hickman, 525 S. 3rd St., spoke about an incident on March 20, 2023, in which she believes she was wrongfully charged and arrested.

Mark Hughes, 907 Nelson Dr., spoke against the City's decision to demolish 800 S. 32nd St.

Patricia Kaseca, 5003 Oklahoma St., requested the City Council make animal control fines harsher for offenders.

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

Motion was made by Councilmember Jaime Stout, seconded by Councilmember Shirley Hilton-Flanary to approve to enter into Executive Session.

AYE: Mayor Marlon J. Coleman, Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Alex Reynolds, Councilmember Traci McGee, Councilmember Shirley Hilton-Flanary, Councilmember Perline Boyattia-Craig, Councilmember Patrick Cale

Carried - Unanimously

Council entered into Executive Session at 6:19 p.m.

Council reconvened into Regular Session at 7:05 p.m.

Meeting was called to order by Mayor Marlon J. Coleman, and the City Clerk called the Roll as follows:

Present: Mayor Marlon J. Coleman; Deputy Mayor Derrick Reed; Councilmember Jaime Stout; Councilmember Alex Reynolds; Councilmember Traci McGee; Councilmember Shirley Hilton-Flanary; Councilmember Perline Boyattia-Craig; Councilmember Patrick Cale  
Absent: Councilmember Tracy Hoos

- a Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss the Worker's Compensation Claim Number 10-23-27, and if necessary, take appropriate action in Open Session. (Katrina Bodenhamer)

Motion was made by Councilmember Jaime Stout, seconded by Councilmember Patrick Cale to approve the settlement as discussed in Executive Session for Worker's Compensation Claim Number 10-23-27.

AYE: Mayor Marlon J. Coleman, Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Alex Reynolds, Councilmember Traci McGee, Councilmember Shirley Hilton-Flanary, Councilmember Perline Boyattia-Craig, Councilmember Patrick Cale

Carried - Unanimously

- b (No Action) Pursuant to Section 307 C.11, Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss matters pertaining to a proposed Economic Development Project located in the Southeast Quadrant of the City of Muskogee, including an incentive request, and if necessary, take appropriate action in Open Session. (Mike Miller)
- c Pursuant to Section 307 C.11, Title 25, Oklahoma Statutes, consider convening in Executive Session to confer on matters pertaining to Economic Development concerning real property located within the Northwest Quadrant of the City of Muskogee, and if necessary, take appropriate action in Open Session. (Mike Miller)

Motion was made by Councilmember Perline Boyattia-Craig, seconded by Councilmember Alex Reynolds to approve an Economic Development agreement and authorize the City Manager to execute documents for an Economic Development Project located in the Southeast Quadrant of the City of Muskogee.

AYE: Mayor Marlon J. Coleman, Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Alex Reynolds, Councilmember Shirley Hilton-Flanary, Councilmember Perline Boyattia-Craig, Councilmember Patrick Cale

NAY: Councilmember Traci McGee

Carried

- d (No Action) Pursuant to Section 307 B.4, Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss the status of Case No. CV-2022-991, City of Muskogee vs. Jun Green LLC, filed in the District Court in and for Muskogee County, and if necessary, take appropriate action in Open Session. (Katrina Bodenhamer)
- e (No Action) Pursuant to Section 307 B.4, Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss the status of Case No. CV-2022-157, City of Muskogee vs. Ken Black, filed in the District Court in and for Muskogee County, and if necessary, take appropriate action in Open Session. (Katrina Bodenhamer)
- f (No Action) Pursuant to Section 307 B.4, Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss three (3) lawsuits styled, England v. City of Muskogee, Case No. CV-2007-20; Lacey v. City of Muskogee, Case No. CV-2007-1377; Taft v. City of Muskogee, Case No. CJ-2007-1410, filed in the District Court in and for Muskogee County, Oklahoma, and if necessary, take appropriate action in Open Session. (Katrina Bodenhamer)

ADJOURN

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MARLON J. COLEMAN, MAYOR

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TAMMY L. TRACY, CITY CLERK

**Regular City Council**

**1.**

**Meeting Date:** 04/22/2024

**Submitted For:** Mike Stewart, Public Works

**Initiator:** Ashley Wallace

**Department:** Public Works

**Staff Information Source:**

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**Information**

**AGENDA ITEM TITLE:**

Approval of Change Order No. 1 for the US-62 Highway and Country Club Road Signalization Project No. 2023004, with TLS Group, Inc., in the amount of \$22,715.32 for quantity overruns, or take other necessary action. (Mike Stewart)

**BACKGROUND:**

The change order is related to bid line items that exceeded the engineers' estimates for roadway striping removal, and repairs to one (1) concrete pole base that was damaged by a motorist during the construction process.

**RECOMMENDED ACTION:**

Approve Change Order No.1 in the amount of \$22,715.32 to TLS Group, Inc.

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**Fiscal Impact**

**Attachments**

*No file(s) attached.*

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**Regular City Council**

**2.**

Meeting Date: 04/22/2024  
Submitted For: Mark Wilkerson, Parks & Recreation  
Initiator: Rick Ewing, Assistant Director Parks & Recreation  
Department: Parks & Recreation  
Staff Information Source: Mark Wilkerson

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Information

AGENDA ITEM TITLE:

Approval to purchase a 2023 Caterpillar 303.5 CR Mini Excavator for the Parks & Recreation Department in the amount of \$66,950.00, utilizing Sourcewell cooperative purchase pricing, or take other necessary action. (Mark Wilkerson)

BACKGROUND:

In FY24, a new excavator was budgeted for the Parks & Recreation Department. The department would like to purchase a 2023 Caterpillar 303.5 CR Mini Excavator from Warren Cat in the amount of \$66,950.00, with all standard equipment in addition to the additional features of hydraulic quick coupler, thumb, 18" bucket, and angle blade for backfilling trenches and grading.

This unit is offered to the City of Muskogee under Sourcewell cooperative purchase pricing for a total discount of \$20,366.00 off the list price of \$85,536.00. The optional extended warranty of 84-MO/5000-HR at \$1,780.00 was included with the price. The purchase amount of \$66,950.00 is funded in account 213-7520-452.64-50.

RECOMMENDED ACTION:

Recommend approval to purchase the Caterpillar 303.5 CR Mini Excavator as quoted for the amount of \$66,950.

---

Fiscal Impact

FUNDING SOURCE:

This unit is offered to the City of Muskogee under Sourcewell cooperative purchase pricing for a total discount of \$20,366.00 off the list price of \$85,536.00. The optional extended warranty of 84-MO/5000-HR at \$1,780.00 was included with the price. The purchase amount of \$66,950.00 is funded in account 213-7520-452.64-50.

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Attachments

*No file(s) attached.*

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**Regular City Council**

**3.**

Meeting Date: 04/22/2024

Submitted For: Johnny Teehee, Police

Initiator: Gayle Johnson, Chief Secretary

Department: Police

Staff Information Source:

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Information

AGENDA ITEM TITLE:

Approval to apply for, and if awarded, accept the 2024 Attorney General's Safe Oklahoma Grant in the amount of \$17,600.00, or take other necessary action. (Johnny Teehee)

BACKGROUND:

The Attorney General's Safe Oklahoma Grant Program is a yearly award given to law enforcement jurisdictions. The grant money will be used to purchase two (2) handheld Fentanyl / Methamphetamine Spectrometers, which will be used in the field to test these types of drugs. This is a non-matching grant and will not cost the City of Muskogee any funds.

RECOMMENDED ACTION:

Accept the 2024 Attorney General's Safe Oklahoma Grant Program in the amount of \$17,600.00 or take other necessary action.  
(Johnny Teehee)

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Fiscal Impact

FUNDING SOURCE:

This is grant funded and will not impact the City of Muskogee's fiscal budget.

---

Attachments

*No file(s) attached.*

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**Regular City Council**

**4.**

**Meeting Date:** 04/22/2024  
**Initiator:** Maggie Eaton, Human Resources Director  
**Department:** Personnel  
**Staff Information Source:** Maggie Eaton

---

**Information**

**AGENDA ITEM TITLE:**

Approval of amended Council Policy 3-3-3, Vacation Leave Policy, or take other necessary action.  
(Maggie Eaton)

**BACKGROUND:**

During a review of the existing policy, it was discovered that a word was left off of Section K, subsection 3. The sentence is revised to state "Any potential accruals not initially credited due to an employee being at the maximum of their accrual level are permanently forfeited." We added the correct word to ensure the section matches current and past practices.

**RECOMMENDED ACTION:**

Approve amended City Council Policy 3-3-3 Vacation Leave

---

**Fiscal Impact**

**Attachments**

*No file(s) attached.*

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**Regular City Council**

**5.**

**Meeting Date:** 04/22/2024  
**Submitted For:** Mike Miller, City Manager  
**Initiator:** Judy Villalobos, Executive Assistant  
**Department:** City Manager  
**Staff Information Source:**

**Information**

**AGENDA ITEM TITLE:**

Receive presentation relating to the proposed Tax Increment Districts of the City of Muskogee and Muskogee County, and take other necessary action. (Mike Miller)

**BACKGROUND:**

Port Muskogee, working with City and County officials have identified prospective industrial development opportunities that will create new jobs and bring economic benefits to the City of Muskogee and Muskogee County. However, certain critical infrastructure improvements to roads, utilities, and rail access are necessary to allow the development to move forward. On October 9, 2023, the City Council voted 8-0 to appoint a TIF review committee to make findings and a recommendation on the proposed project. The Council designated Mayor Coleman as chair of the TIF committee. Since then the Committee has met three times, the most recent of which was March 15.

The City Council held a public hearing on these matters on April 8, 2024 at a Special Call Council meeting.

The City proposes to create a tax increment district within the Southside Industrial Park (Increment District No. 6, City of Muskogee), and the County proposed to create a tax increment district within the John T. Griffin Industrial Park (Increment District No. 2, Muskogee County), that will provide a mechanism to capture a portion of the new ad valorem and construction sales tax revenues generated as a result of the projects. The revenues will be used to fund the critical infrastructure improvements. Additionally, the County proposes to terminate its existing Increment District No. 1 within the John T. Griffin Industrial Park, as it pertains to a project that never came to fruition. The termination will allow other potential economic development projects to continue to move forward.

This item and the ones that follow will review the projects and the TIF committee recommendations.

**RECOMMENDED ACTION:**

receive presentation.

**Fiscal Impact**

**Attachments**

- Muskogee TIF Presentation 4/22/24
- Southside Industrial Park Project Plan

- JTG Industrial Park Project Plan
  - Muskogee City TIF 6 Public Hearing Notice
  - Muskogee County TIF 2 Public Hearing Notice
  - Muskogee County TIF 1 Termination Public Hearing Notice
-

# Muskogee Tax Increment Districts

## John T. Griffin Industrial Park (Muskogee County)

## Southside Industrial Park (City of Muskogee)

### City of Muskogee and Muskogee County Joint Public Hearing #2

John T. Griffin Industrial Park (Project Bifrost) Economic Development Project Plan

Southside Industrial Park Economic Development Project Plan

and proposed

Termination of Increment District No. 1, Muskogee County

Creation of Increment District No. 2, Muskogee County

Creation of Increment District No. 6, City of Muskogee

**April 22, 2024**

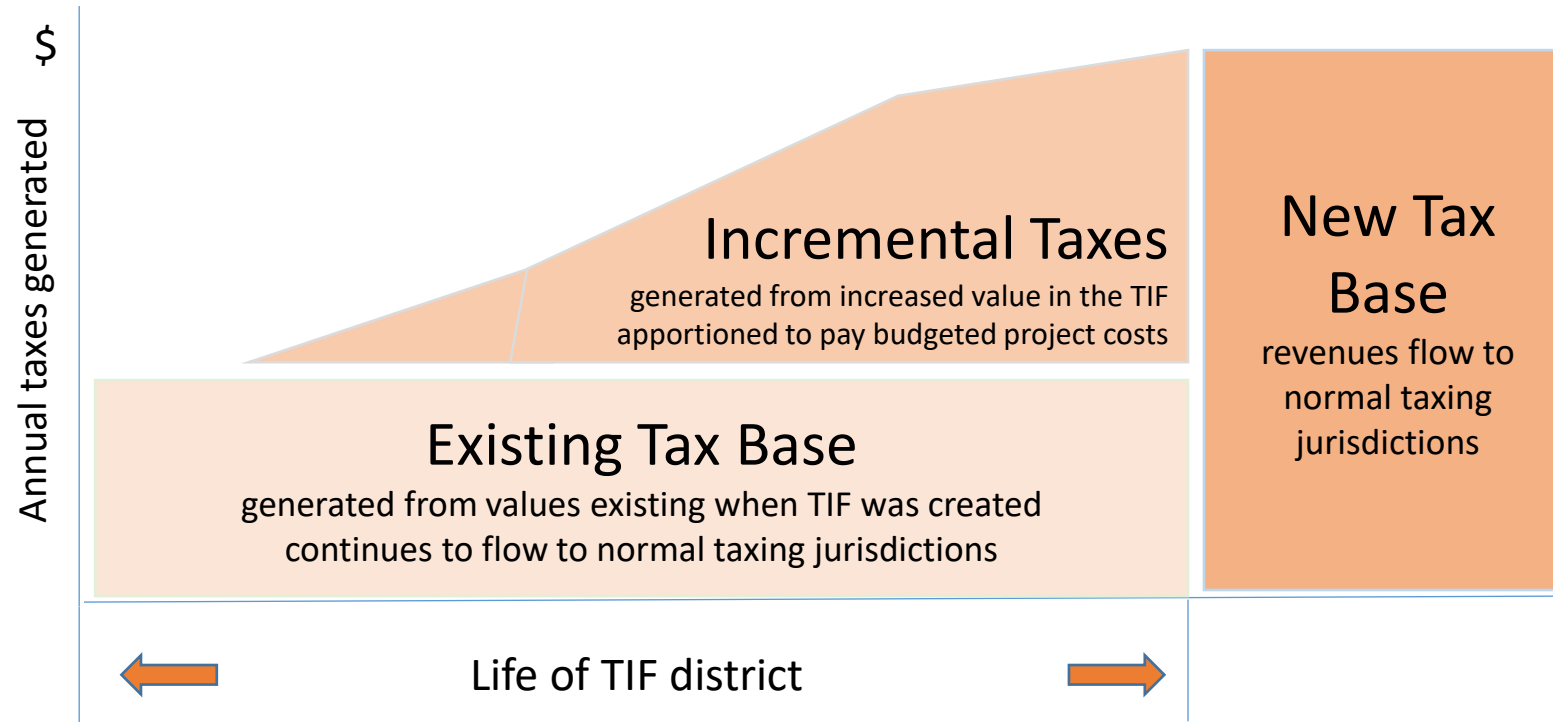
# Muskogee Tax Increment Districts

## What is a TIF?

- Tax Increment Financing District (TIF)
  - Authorized by Article X, Section 6C of Oklahoma Constitution
  - Established pursuant to Local Development Act, Title 62, Oklahoma Statutes, Section 850 *et seq.*
  - Apportions the “increment” of new tax revenue generated within the TIF to finance certain identified project costs
- A TIF is an economic development tool used to incentivize capital investment in undeveloped or underdeveloped property in order to enhance the tax base and create employment opportunities within the City or the County.
- Created by City Ordinance or County Resolution after completion of the TIF Process

# Muskogee Tax Increment Districts

## What is a TIF?



Basic TIF Model – Value Generation and Capture

# Muskogee Tax Increment Districts

## What is the TIF Process?

- Determination of Eligibility
  - Enterprise Area; Historic Preservation Area; Reinvestment Area
- Development of Project Plan
  - Duration (up to 25 full fiscal years from Commencement Date)
  - Capture of TIF Revenues (up to 100% of local tax revenues – ad valorem tax, sales tax, hotel tax, etc.)
    - Existing “baseline” taxes unaffected
  - Boundaries
    - Increment District – area where new tax revenues are captured
    - Project Area – area where project related activities may occur
  - Proposed Project and related Infrastructure Improvements
  - Proposed Allocation of TIF Revenues
- Statutory TIF Review Committee
  - Comprised of representatives of City County, City Planning Commission, County Commissioners, affected taxing jurisdictions and other at-large community members



# Muskogee Tax Increment Districts

## What is the TIF Process?

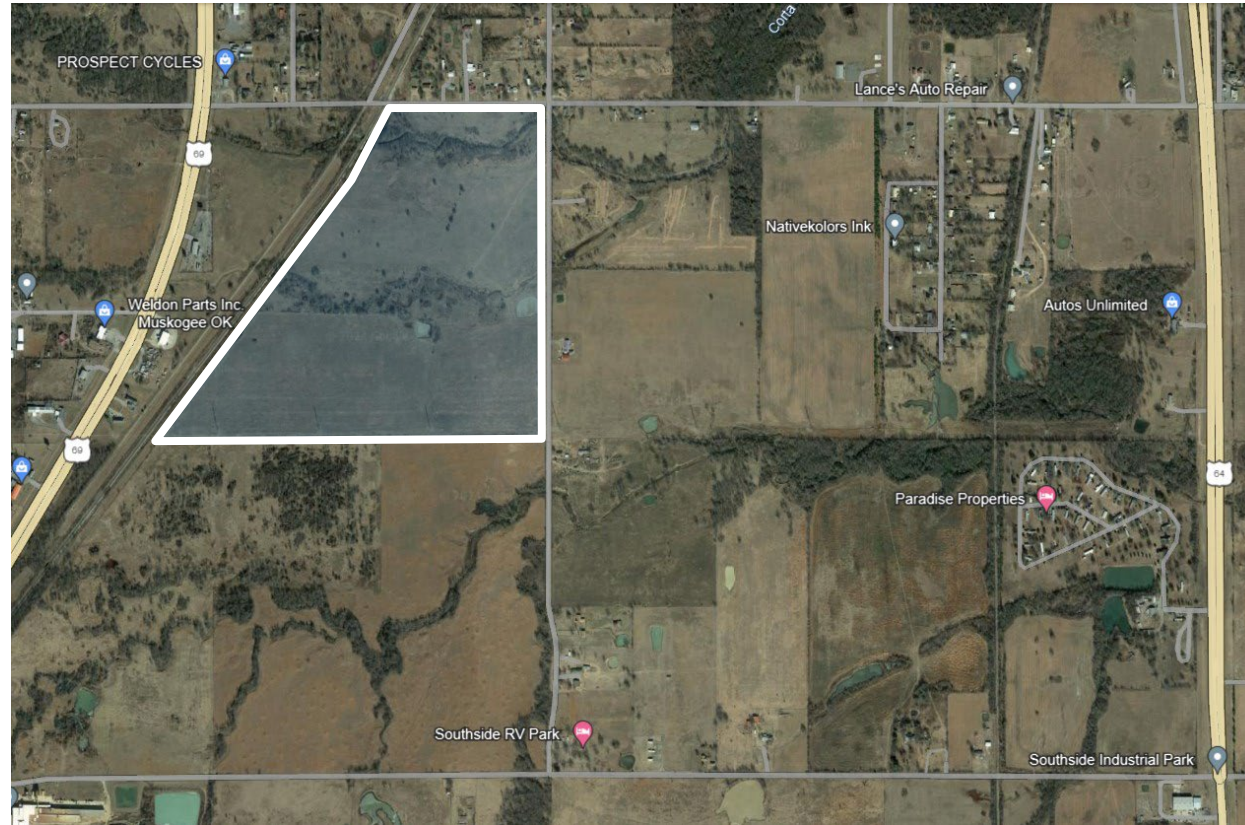
- Affected ad valorem taxing jurisdictions represented on TIF Review Committees
  - Independent School District No. 29 of Muskogee County (Hilldale Public Schools)
  - Independent School District No. 20 of Muskogee County (Muskogee Public Schools)
  - Indian Capital Technology Center Vo-Tech District No. 4
  - Muskogee County
  - Muskogee County Health Department
  - Muskogee County EMS District
  - Eastern Oklahoma Library System
- Project Plan Reviewed by TIF Review Committee
  - Make findings of eligibility and financial impacts on taxing jurisdictions and business activities
  - Make recommendation to City or County regarding approval of Project Plan
- Project Plan Reviewed by City's Planning Commission
  - Make recommendation to City regarding approval of Project Plan
- Hold two Public Hearings
- City Council considers an Ordinance approving Project Plan and creating TIF
- County Commissioners consider a Resolution approving Project Plan and creating TIF

# Increment District No. 1, Muskogee County (Proposed Termination)

- Project Plan Relating to Increment District Number One, Muskogee County, Oklahoma (Project Faith Increment District)
  - Proposed Manufacturing Facility
- General location: South of West 43<sup>rd</sup> Street/Smith Ferry Road, East of U.S. Highway 69 and railroad tracks
- Established in 2015
  - Expires in 2038 (23 year term)
- Captured 100% of ad valorem tax increment until July 1, 2023
  - After July 1, 2023, School District and Vo-Tech levies were excluded from the capture
  - \$0 captured since inception
- Authorized Project Costs: \$10,932,700.00
- Proposed Termination:
  - Terminate provisions of Increment District No. 1
  - Proposed development (Project Faith) did not proceed, and any future development would not be supported by existing parameters of Increment District No. 1

# Increment District No. 1, Muskogee County (Proposed Termination)

## Existing Boundaries



# Proposed New Muskogee Increment Districts

## What are the proposed Projects?

- Project Heart (Southside Industrial Park)
  - Construct a battery-grade lithium refinery
  - Proposed \$1.13 billion capital investment
  - Projected to create hundreds of new jobs
- Project Structure (Southside Industrial Park)
  - Construct a new fabrication facility for an existing Muskogee business
  - Proposed \$20+ million capital investment
  - Projected to create 15-20 new jobs
- Project Bifrost (John T. Griffin Industrial Park)
  - Construct a bitcoin data center
  - Proposed \$200+ million capital investment
  - Projected to create 20 new jobs

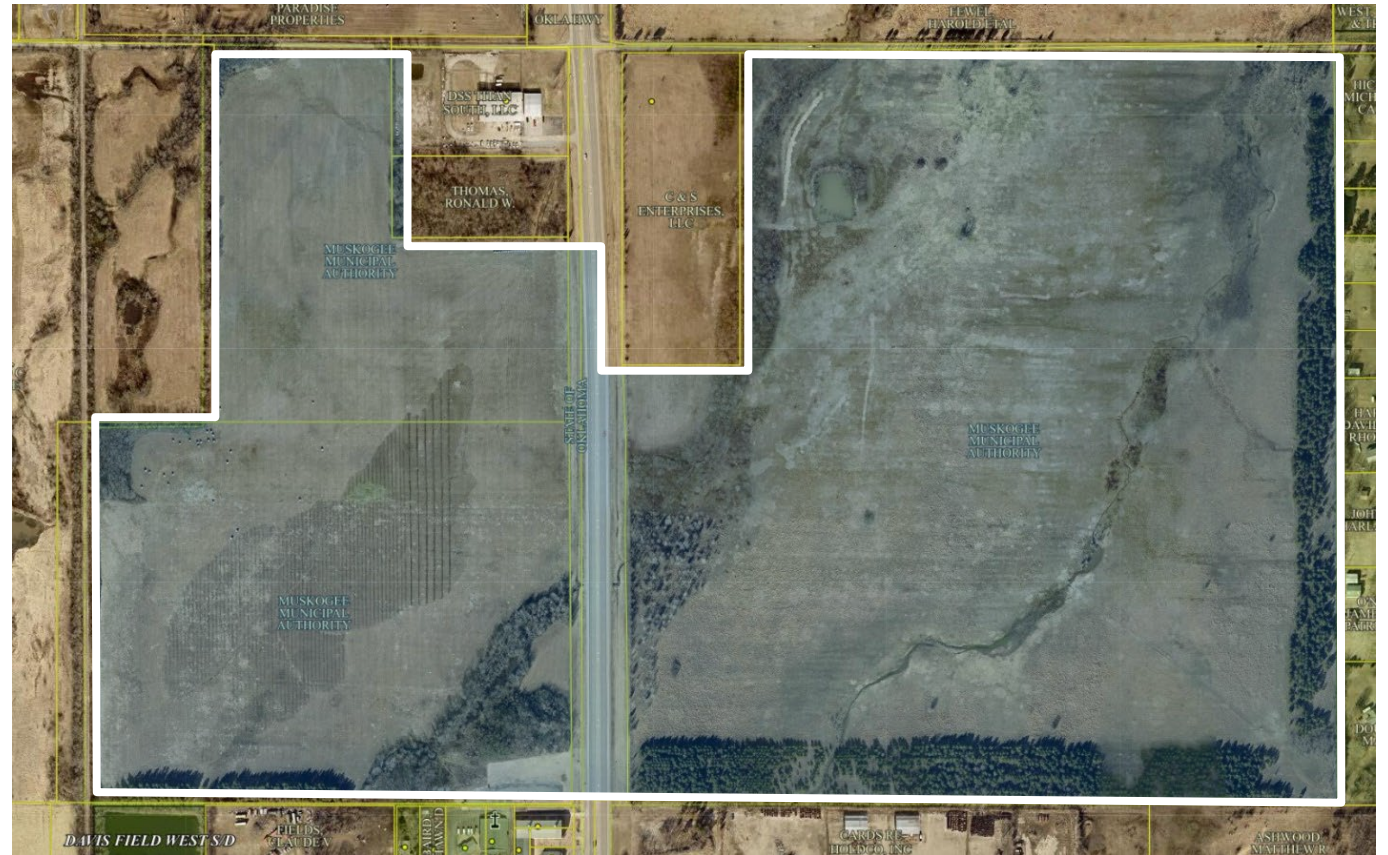
Increment District No. 2,  
Muskogee County  
(Proposed Creation)

Located along the east side of S  
24th Street W, south of W. 43rd  
Street S. and north of W. 53rd  
Street S



# Increment District No. 6, City of Muskogee (Proposed Creation)

Located on the east and west sides of U.S. 64 just south of W. 53rd Street S



Muskogee  
Increment Districts  
Project Area

Bordered on the south by Davis Field Road, on the east by Gulick Street, on the north by OK Highway 165 (W 33rd Street S), and on the west by S 40th Street W



# Proposed New Muskogee Increment Districts

## What are the Identified TIF Project Costs?

- Estimated construction Project Costs totaling \$24,320,873
  - Industrial Road and Utility Improvements(\$18,251,068)
    - \$13,468,400 for 53<sup>rd</sup> Street Improvements from US 69 to US 64
    - \$4,582,668 for Southside Industrial Park East Loop Road and utility improvements
    - \$200,000 for shell pit road to provide construction access to 53<sup>rd</sup> Street
  - Rail Infrastructure Improvements (\$6,069,805)
    - \$3,144,509 for rail line rehabilitation
    - \$2,925,296 for trestle bridge replacement
- Additional potential TIF Costs
  - Organizational Costs (\$200,000 combined for both TIFs)
  - Administration Costs (\$340,000 combined for both TIFs)
  - Financing Costs (not to exceed \$27.1 million)



# Proposed New Muskogee Increment Districts

What are other potential funding sources?

- \$1.2 million grant for trestle bridge replacement project (confirmed)
- \$5.45 million funding assistance from Oklahoma Department of Transportation for 53<sup>rd</sup> Street (requested)
- \$2.0 million funding assistance from Oklahoma P3 Program (requested)
- Potential Project Heart option for expansion could allow for reduction in scope of the SSIP East Loop Road project from \$4.6 million down to approximately \$1.7 million (to be determined)
- Potential local construction sales tax TIF revenue matching funds from Oklahoma Local Development and Enterprise Zone Incentive Leverage Act (62 O.S. §840 *et seq.* (to be requested, estimated at \$3.9 million)

# Proposed New Muskogee Increment Districts

## What are the proposed new TIF details?

- Increment District No. 2, Muskogee County
  - 15 year term (ending not later than December 31, 2039)
  - Capture 100% of new ad valorem increment revenue
    - 50% allocated to TIF Project Costs
    - 50% allocated pro rata to overlying taxing entities (including Muskogee Public Schools)
  - Capture 50% of new construction sales tax increment revenue
    - Other 50% of new sales tax revenue goes to the County (0.65% Sales Tax)
- Increment District No. 6, City of Muskogee
  - 17 year term (ending not later than December 31, 2041)
  - Capture 100% of new ad valorem increment revenue
    - 50% allocated to TIF Project Costs
    - 50% allocated pro rata to overlying taxing entities (including Hilledale Public Schools)
  - Capture 50% of new construction sales tax increment revenue
    - Other 50% of new sales tax revenue goes to the County (0.65% Sales Tax) and the City (4.0% Sales Tax)

# Increment District No. 2, Muskogee County

What are the projected TIF revenues?

- Estimated \$9.54 million aggregate projected Ad Valorem TIF Revenues
  - \$4.77 million allocated to TIF Project Costs
  - \$4.77 million allocated to taxing entities, including \$3.17 million to Muskogee Public Schools
- Estimated \$927,000 aggregate projected Sales Tax Revenues (State and County)
  - TIF Revenues: \$58,500 allocated to TIF Project Costs
  - \$58,500 allocated to Muskogee County (0.65% County Sales Tax)
  - \$810,000 allocated to State of Oklahoma (4.5% State Sales Tax)
    - Potential \$58,500 Leverage Act matching funds contributed to TIF Revenues
- **Total Projected TIF Revenues: \$4.88 million (estimate)**

# Increment District No. 6, City of Muskogee

## What are the projected TIF revenues?

- Estimated \$61.24 million aggregate projected Ad Valorem TIF Revenues
  - \$30.62 million allocated to TIF Project Costs
  - \$30.62 million allocated to taxing entities, including \$20.42 million to Hilldale Public Schools
- Estimated \$15.22 million aggregate projected Sales Tax Revenues (State, County, and City)
  - TIF Revenues: \$3.87 million allocated to TIF Project Costs
  - \$540,600 allocated to Muskogee County (0.65% County Sales Tax)
  - \$3.33 million allocated to City of Muskogee (4.0% City Sales Tax)
  - \$7.49 million allocated to State of Oklahoma (4.5% State Sales Tax)
    - Potential \$3.87 million Leverage Act matching funds contributed to TIF Revenues
- **Total Projected TIF Revenues: \$38.35 million (estimate)**

# Proposed New Muskogee Increment Districts

## What is the oversight of the TIF revenues?

- City/County will apportion TIF revenues pursuant to the respective Project Plan
  - City Manager/County Commissioner Chairman listed as person in charge of implementation
  - City/County will approve public agreements with developers as appropriate
- Assistance in Development Financing for Developers
  - Direct Incentive representing reimbursement of public infrastructure costs incurred by developer(s) on behalf of City or County
  - Pursuant to a public development agreement approved by City/County and/or public trust on behalf of City/County
- Infrastructure Projects undertaken by City/County
  - Public construction contracts (subject to competitive bidding), approved by City/County, subject to City/County annual auditing

# Proposed New Muskogee Increment Districts

## What are the expected impacts of the Projects?

- Impacts on Taxing Entities
  - Increase in population and associated needs (capital infrastructure and service demands)
  - Temporary construction and permanent employment will increase retail spending opportunities within the City and the County, and help generate new local sales tax dollars
    - These retail opportunities result in new spending within the City that will enhance sales and hotel tax collections benefiting City's/County's ability to fund other public improvements
  - Ancillary development (including residential growth) outside of TIF District may generate additional revenue for taxing entities

# Proposed New Muskogee Increment Districts

## What are the expected impacts of the Projects?

- Impacts on Business Activities
  - New business inside Increment District areas will create short-term and long-term employment opportunities
    - Short-term and long-term payroll will likely result in increased retail spending opportunities within the City benefitting local businesses
    - These retail opportunities result in new spending within the City that will enhance opportunities for local merchants to provide additional goods and services

# Proposed New Muskogee Increment Districts

## Remaining Steps

- March 15 – TIF Review Committee Meetings (COMPLETE – RECOMMENDED APPROVAL)
- April 8 – Public Hearing #1 (COMPLETE)
  - Held during the City of Muskogee Special Meeting, Third Floor Counsel Chambers, 229 W. Okmulgee, Muskogee, OK 74401
- April 15 – City of Muskogee Planning Commission Meeting (COMPLETE – RECOMMENDED APPROVAL)
- April 22 – Public Hearing #2 at 5:30pm
  - Held during the City of Muskogee Regular Meeting, Third Floor Counsel Chambers, 229 W. Okmulgee, Muskogee, OK 74401
- April 22 – City of Muskogee Regular Meeting at 5:30pm
  - Consider adoption of TIF Ordinance (creation of Increment District No. 6, City of Muskogee)
- April 29 – Muskogee County Commissioners Regular Meeting at 9:00am
  - Consider adoption of TIF Resolutions (termination of Increment District No. 1, Muskogee County, and creation of Increment District No. 2, Muskogee County)
  - County Commissioner Regular Meeting, Muskogee County Services Building Commissioners' Board Room, 400 West Broadway, St. 010, Muskogee, OK 74401



**SOUTHSIDE INDUSTRIAL PARK  
ECONOMIC DEVELOPMENT PROJECT PLAN**

**Prepared by:**

**CITY OF MUSKOGEE, OKLAHOMA**

**MAYOR AND CITY COUNCIL  
MARLON J. COLEMAN, MAYOR  
DEPUTY MAYOR DERRICK A. REED, WARD 3  
SHIRLEY HILTON-FLANARY, WARD 1  
PATRICK CALE, WARD 1  
JAIME STOUT, WARD 2  
ALEX REYNOLDS, WARD 2  
PERLINE BOYATTIA-CRAIG, WARD 3  
DR. TRACY HOOS, WARD 4  
TRACI MCGEE, WARD 4**

**MIKE MILLER, CITY MANAGER**

**THE PUBLIC FINANCE LAW GROUP PLLC  
5657 N. CLASSEN BOULEVARD, SUITE 100  
OKLAHOMA CITY, OKLAHOMA 73118  
(405) 235-3413**

**INDEX**

I.	DESCRIPTION OF PROJECT .....	1
II.	PROJECT AREA AND INCREMENT DISTRICT BOUNDARIES .....	2
III.	ELIGIBILITY OF PROJECT .....	2
IV.	OBJECTIVES .....	3
V.	FINANCIAL IMPACTS .....	3
VI.	STATEMENT OF PRINCIPAL ACTIONS .....	5
VII.	ESTABLISHMENT OF INCREMENT DISTRICT NO. 6, CITY OF MUSKOGEE .....	6
VIII.	PROJECT AND INCREMENT DISTRICT AUTHORIZATIONS .....	8
IX.	BUDGET OF ESTIMATED PROJECT COSTS TO BE FINANCED FROM INCREMENT DISTRICT NO. 6 .....	8
X.	METHODS OF FINANCING PROJECT COSTS, EXPECTED SOURCES OF REVENUES, AND TIME WHEN COSTS OR MONETARY OBLIGATIONS ARE TO BE INCURRED.....	9
XI.	FINANCING REVENUE SOURCES .....	16
XII.	PUBLIC REVENUE ESTIMATED TO ACCRUE FROM THE PROJECT AND OTHER ECONOMIC IMPACTS.....	17
XIII.	PRIVATE AND PUBLIC INVESTMENTS EXPECTED FOR THE PROJECT .....	18
XIV.	MISCELLANEOUS PROVISIONS .....	18
EXHIBIT “A”	MAP OF INCREMENT DISTRICT NO. 6	
EXHIBIT “B”	INCREMENT DISTRICT LEGAL DESCRIPTION	
EXHIBIT “C”	MAP OF ECONOMIC DEVELOPMENT PROJECT AREA	
EXHIBIT “D”	PROJECT AREA LEGAL DESCRIPTION	
EXHIBIT “E”	PROPOSED DEVELOPMENT IN THE PROJECT AREA AND INCREMENT DISTRICT	
EXHIBIT “F”	PRELIMINARY SITE DEVELOPMENT PLAN	
EXHIBIT “G”	EXISTING USES AND CONDITIONS OF REAL PROPERTY	

**SOUTHSIDE INDUSTRIAL PARK****ECONOMIC DEVELOPMENT PROJECT PLAN****I. DESCRIPTION OF PROJECT**

This Southside Industrial Park Economic Development Project Plan (the “**Project Plan**”) describes an economic development project of the City of Muskogee, Oklahoma (the “**City**”) that brings a significant industrial development to the City. The Project Plan contemplates the creation of a tax increment financing district pursuant to the Local Development Act, 62 O.S. §850, *et seq.* (the “**Local Development Act**”), as authorized pursuant to Article 10, §6C of the Oklahoma Constitution. The purpose of the Increment District (as described herein) is to encourage the prospective development of available parcels within the Muskogee Municipal Authority owned Southside Industrial Park (the “**Southside Industrial Park**”), located along U.S. 64 just south of W. 53<sup>rd</sup> Street S. Southside Industrial Park West, encompassing approximately 82 acres, is under consideration for the development of a facility capable of refining up to 50,000 metric tons of lithium carbonate per year, which would be one of the largest battery-grade lithium refineries in the United States, with a capital investment of approximately \$1.13 billion and creating approximately 850-1,000 new jobs (“**Project Heart**”). Southside Industrial Park East, encompassing approximately 144 acres, is under consideration for construction of a new fabrication facility for an existing Muskogee business looking to expand, with a capital investment of approximately \$20 million and increasing the local workforce by 15-20 positions (“**Project Structure**”), as well as possible expansion of Project Heart, and/or creating up to 6 additional shovel-ready industrial sites. Project Heart, Project Structure, and other potential industrial development projects are collectively referred to as the “**Project**”.

The City recognizes the difficulty in development of the area due to significant costs necessary to upgrade the current infrastructure within and near the Southside Industrial Park in order to support the development of the Project. The goal of the Increment District (as defined herein) is to promote economic development in the City by incentivizing capital investment in undeveloped property in order to enhance the tax base and create employment opportunities within the City. The City proposes to complete (or cause to be completed) certain industrial access road improvements, rail improvements, and/or utility extensions (collectively referred to herein as the “**TIF Projects**”), that will provide service to the Southside Industrial Park, as well as the nearby Port Muskogee John T. Griffin Industrial Park (the “**Griffin Industrial Park**”). Muskogee County, Oklahoma (the “**County**”) has under separate consideration the creation of a county tax increment financing district (the “**Muskogee County TIF**”) to encourage development within the Griffin Industrial Park. Many of the TIF Projects will support development in the Muskogee County TIF, as well as contemplated herein, and the County and the City both recognize the inherent economic benefits in the form of capital investment, job creation, and overall economic impact of development in the Southside Industrial Park and the Griffin Industrial Park. The City has identified an aggregate total of not-to-exceed \$24,360,873.00 in costs associated with the TIF Projects in connection with establishing the Increment District (as defined herein). The associated costs of the TIF Projects, along with the Organizational Costs and the Debt Service Costs (each as further defined herein) are collectively referred to herein as the “**Project Costs**”. Many of the

Project Costs will support development within the Increment District and the Muskogee County TIF, and as such, any of the Project Costs shall be deemed to be authorized Project Costs of both the Increment District and the Muskogee County TIF. The City expects to phase the expenditure of Project Costs in coordination with specific development projects, and intends to apply other available funds as appropriate to offset the costs to the Increment District.

Pursuant to the terms of a development agreement(s) between the City and the prospective developer(s) (as required by the Local Development Act defined herein), the TIF Revenues generated by virtue of the construction sales and use tax, and ad valorem tax levies shall be utilized as a revenue source to fund the costs of the TIF Projects. The TIF Revenues (as defined herein) will be used to pay the costs of the TIF Projects, reimburse the Organizational Costs, and/or pay the Debt Service Costs on obligations issued to pay the same.

Based solely on the proposed Project Heart and Project Structure, the development within the Increment District could result in a potential total initial capital investment of approximately \$1.15 billion (\$655.87 million net taxable value subject to ad valorem taxes, including projected depreciation and annual capital expenditures) and generate approximately \$166.3 million in taxable construction material sales over the term of the Increment District. Please see Exhibit “E” for a more detailed description of projected development within the Increment District. Please see Exhibit “F” for a Preliminary Site Development Plan for the Southside Industrial Park Projects.

## II. PROJECT AREA AND INCREMENT DISTRICT BOUNDARIES

The Increment District is the specific geographic area within which the identified tax increments, which may include City Sales Tax Increment Revenues, County Sales Tax Increment Revenues, and Ad Valorem Increment Revenues, and may also include certain Leverage Act Increment Revenues, each as are defined in Section VII herein, will be generated and utilized as set forth in this Project Plan (referred to herein as the “**Increment District**”). The Project Area is the area within which all project activities, including construction of the supporting public improvements, will take place (referred to herein as the “**Project Area**”). The Increment District is located entirely within the Project Area. Most of the contemplated project activities will occur within the boundaries of the Increment District, however certain project activities may occur outside the boundaries of the Increment District but within the Project Area. A map showing the Increment District is attached as Exhibit “A”. The legal description of the Increment District is set forth in Exhibit “B”. A map showing the Project Area is attached as Exhibit “C”. The legal description of the Project Area is set forth in Exhibit “D”.

## III. ELIGIBILITY OF PROJECT

The Increment District is undeveloped and/or underdeveloped within the meaning of the Local Development Act. The Project Area (including the Increment District) is located within an area identified by the Oklahoma Department of Commerce as an enterprise zone (Tract ID: 40101000600). Consequently, the Increment District is located in an enterprise area (as defined

in Section 853(5) of the Local Development Act) and is therefore eligible for assistance under the Local Development Act. Additionally, the Project, because it will be located within an enterprise zone, represents an eligible project as defined under the Oklahoma Local Development and Enterprise Zone Incentive Leverage Act, 62 O.S. §840, *et seq.* (the “**Leverage Act**”), and therefore may qualify for certain incentive matching payments made by the State of Oklahoma based on sales and use tax increments dedicated to the Increment District.

The Increment District comprises an area where investment, development and economic growth have not occurred, and which requires significant public infrastructure improvements to serve as a catalyst to expand employment opportunities, to attract major investment in the area, and to enhance the tax base.

#### **IV. OBJECTIVES**

The purpose of the Project and the Increment District is to support the achievement of the economic development objectives of the City in order to:

- A. Create a significant industrial development within the City that will act as a catalyst for additional development within the community;
- B. Attract major investment in the area;
- C. Serve as a catalyst for retaining and expanding employment in the area;
- D. Promote economic development to increase tax revenues, raise property values, and improve economic stability;
- E. Preserve and enhance the tax base; and
- F. Make possible investment, development and economic growth which would otherwise be difficult or impossible without the TIF Projects and the apportionment of ad valorem taxes from within the Increment District.

#### **V. FINANCIAL IMPACTS**

The proposed private development will generate tax increments necessary to pay all or a portion of the authorized costs of the TIF Projects. Without the creation of the proposed Increment District, significant development within the Increment District would be unlikely and as a result, any significant increases in construction sales and use taxes and ad valorem taxes would be extremely improbable.

The proposed development project does not create a significant increase in demand for services or costs to the affected taxing entities other than the City and Muskogee County,

Oklahoma, whose public sector costs will be offset by apportioned tax increments as provided in this Project Plan.

The affected ad valorem taxing jurisdictions are Muskogee County, the Muskogee County Health Department, the City of Muskogee, Oklahoma, Eastern Oklahoma District Library System, Muskogee County EMS District, Indian Capital Technology Center Vo-Tech District No. 4, and Independent School District No. 29 of Muskogee County, Oklahoma (Hilldale Public Schools, and referred to herein as the “**School District**”). The general and intangible impacts on the affected taxing jurisdictions from implementation of this Project Plan are positive and include the achievement of the objectives set forth in Section IV of this Project Plan.

The creation of the Increment District will allow the City to apportion the incremental increase in ad valorem tax revenues and construction sales and use tax revenues generated through construction and operation of the industrial developments within the Increment District for the purpose of paying Project Costs, either through direct payment and/or reimbursement and/or paying debt service on tax apportionment bonds or notes (collectively, the “**TIF Bonds**”), which may be issued in one or more series by a public trust created under Title 60, Oklahoma Statutes 2021, Section 176 *et seq.*, for the benefit of the City and/or the County, and including any interest, capitalized interest and other related financing costs. The proceeds of any such TIF Bonds (if issued) shall be utilized for the Project Costs.

It is anticipated that a successful development will result in significant long-term benefits to the affected ad valorem taxing jurisdictions without causing significant (if any) negative impact on the existing tax base during the term of the Increment District. The formation of an Increment District should result in no net loss in existing ad valorem tax revenue to each of the affected ad valorem taxing jurisdictions. The formation of the Increment District will cause the affected ad valorem taxing jurisdictions to forgo a portion of any new incremental ad valorem tax revenue generated from real and personal property values during the term of the Increment District, but will not affect the existing ad valorem tax base within the Increment District. During the term of the Increment District, the 50.0% of Ad Valorem Increment Revenues (as defined herein) apportioned to the affected ad valorem taxing jurisdictions as a specific revenue source are estimated to be approximately \$30.62 million (ranging from \$1.46 million to \$3.06 million per year and based on the proposed development of the Project), and which will be apportioned directly to the affected taxing jurisdictions. Upon expiration of the Increment District, the affected ad valorem taxing jurisdictions could see an aggregate net gain in annual ad valorem tax revenues of approximately \$3.84 million (based on an aggregate taxable property value of approximately \$319.79 million). It is anticipated that the job creation component of the Project may result in a net increase in the total student population for the School District. To offset the potential increase in student population, the Ad Valorem Increment Revenues allocated to the School District are classified as a specific revenue source for capital expenditures (and any related financing costs) for the benefit of the School District. Based on the projections of Ad Valorem Increment Revenues, the School District is expected to receive approximately \$21.59 million in net new taxing revenues over the term of the Increment District.

Potential impacts on the ad valorem taxing jurisdictions include population growth and the demand for services created thereby. The direct impact on each ad valorem taxing jurisdiction is the loss of a portion of the new ad valorem tax increment revenues during the period of

apportionment. An additional impact on the School District is that the valuation of the Increment District will not count for, and will therefore limit, the bonding capacity of the School District. However, the School District does realize additional revenue from other sources on a per pupil basis. These impacts may be mitigated by any increase in valuation of property outside the Increment District (for example, successful development enhances the property values surrounding the Increment District), and by any increase in new housing outside the Increment District (for example, successful development results in net population gain to the City creating demand for new housing).

The formation of an Increment District should result in new, one-time construction sales and use tax collections to the City and the County, as the affected sales tax jurisdictions. Fifty percent (50%) of the construction sales or use taxes will be captured pursuant to this Project Plan. As of the date of this Project Plan, the City levies a 4.0% sales and use tax, and the County levies a 0.65% sales tax. Assuming completion of the proposed Project and no change in the respective tax levies, the City and the County expect to realize approximately \$3,327,100 (City) and \$540,600 (County), respectively, in new, one-time sales and use tax from the Project, based on the assumption that 60% of the cost of real property taxable capital investment represents construction materials subject to sales or use tax. Additionally, the City and the County may realize significant indirect sales and use tax gains outside the Increment District, due to short term construction and long-term employment opportunities. These impacts may be mitigated by any increased costs of providing City and/or County services to the development (police, fire, etc.).

The proposed Project will create an increase in demand for utility services from the City, however the City has sufficient capacity to handle such demand, and the proposed development within the Increment District should generate increases in annual water and sewer utility revenues. Any increase in public sector costs should be more than offset by apportioned tax increments as provided in this Project Plan.

## **VI. STATEMENT OF PRINCIPAL ACTIONS**

Implementation actions for the project, including all necessary, appropriate and supportive steps, will consist of any of the following:

A. Site preparation, planning and construction of public improvements necessary to support the development project;

B. Acquisition by private developers of any additional property interests necessary for the development project including connecting public easements;

C. Negotiation, preparation, execution, and implementation of development agreements, including agreements for financing, demolition, and construction by private developers, as authorized by the Local Development Act. Such agreements may include the granting of incentives for private developers to complete certain improvements within the Project Area;

D. Issuance of tax apportionment bonds or other debt issuance necessary to provide funds for Project Costs;

E. All other actions necessary and appropriate to carry out the development project as authorized by the Local Development Act.

## VII. ESTABLISHMENT OF INCREMENT DISTRICT NO. 6, CITY OF MUSKOGEE

Increment District No. 6, City of Muskogee shall commence as of the date determined by the City Council of the City in accordance with Section 856(B)(2) of the Local Development Act (the “**Commencement Date**”); provided however, the Commencement Date shall not be later than ten (10) years following adoption of this Project Plan. In accordance with the provisions of the Local Development Act, the following incremental revenues shall be apportioned and used to pay (or reimburse the payment of) Project Costs authorized pursuant to Section IX of this Project Plan. The apportionment of the Ad Valorem Increment Revenues, the City Sales Tax Increment Revenues, the County Sales Tax Increment Revenues, and the Leverage Act Increment Revenues (each as defined herein, and collectively referred to as the “**TIF Revenues**”) shall continue for that period required for the payment of the Project Costs, or a period not to exceed approximately seventeen (17) years following the Commencement Date (expected to end December 31, 2041, and referred to as the “**Expiration Date**”), whichever is less:

A. One hundred percent (100.0%) of the total equalized assessed value of real and personal property within the boundaries of the Increment District. The base assessed value (as described in Section 862 of the Local Development Act) of the Increment District shall be calculated as an amount equal to one hundred percent (100.0%) of the initial equalized assessed value of real and personal property within the boundaries of the Increment District. In accordance with the provisions of the Local Development Act, one hundred percent (100%) of the increments of real and personal property ad valorem taxes generated within the Increment District (inclusive of any amounts received from the State of Oklahoma’s Ad Valorem Reimbursement Fund pursuant to Title 62, Section 193 of the Oklahoma Statutes, as reimbursement for exemptions for “qualified manufacturing concerns” pursuant to Article X, Section 6B of the Oklahoma Constitution), in excess of the real and personal property ad valorem taxes generated from the base assessed value of the Increment District, as such increments are determined and defined pursuant to the Local Development Act (collectively, the “**Ad Valorem Increment Revenues**”, and said amount representing one hundred percent (100.0%) of the total new ad valorem tax revenues generated within the boundaries of the Increment District, as determined annually by the Muskogee County Assessor), shall be apportioned as follows: (i) one-half (50.0%) of the Ad Valorem Increment Revenues shall be pledged as security for the payment of the TIF Bonds or otherwise used to pay (or reimburse the payment of) Project Costs authorized pursuant to Section IX of this Project Plan; and (ii) one-half (50.0%) of the Ad Valorem Increment Revenues shall be apportioned to the affecting taxing jurisdictions in proportion to the allocation that the taxing jurisdictions would ordinarily receive from the increased assessed values, in the absence of the Increment District (as set forth in Sections 853(9), 853(14)(i) and 854(4) of the Local Development Act; provided that any portion of the TIF Revenues allocated to the School District shall be for the purpose of



providing a specific revenue source for capital expenditures (and any related financing costs) for the benefit of the School District; and

B. Fifty percent (50%) of the incremental City sales and use tax revenue derived from the construction of the Project (representing an amount equivalent to a two percent (2.0%) sales and use tax based on a total of 4.0% sales and use tax levied by the City as of the date of this Project Plan pursuant to Chapter 74, Article II, Section 74-19 *et seq.*, of the Muskogee Code of Ordinances (the “**Code of Ordinances**”), as such Code of Ordinances may be amended, replaced, extended, superseded, terminated, or otherwise modified from time to time, including with regards to the total amount of applicable City sales and use tax rate (referred to as the “**City Sales Tax Increment Revenues**”); provided that all such City Sales Tax Increment Revenues shall be pledged as security for the payment of the TIF Bonds or otherwise used to pay (or reimburse the payment of) Project Costs authorized pursuant to Section IX of this Project Plan; provided, however, the City Sales Tax Increment Revenues shall only pertain to construction and other capital investment related expenditures within the boundaries of the Increment District, and shall not include any sales and use tax derived from retail sales. The remaining unapportioned fifty percent (50%) incremental sales and use tax (representing an amount equivalent to a two percent (2.0%) sales and use tax based on a total of 4.0% sales and use tax levied by the City as of the date of this Project Plan) shall be retained by the City and utilized on a pro rata basis for any lawful purpose consistent with the aforementioned Code of Ordinances.

C. Fifty percent (50%) of the incremental County sales and use tax revenue derived from the construction of the Project (representing an amount equivalent to a 0.325% sales and use tax based on a total of 0.65% sales and use tax levied by the County as of the date of this Project Plan pursuant to Resolutions of the County dated September 6, 2005, and April 10, 2017 (collectively, the “**County Sales Tax Resolution**”), as such County Sales Tax Resolution may be amended, replaced, extended, superseded, terminated, or otherwise modified from time to time, including with regards to the total amount of applicable County sales tax rate (referred to as the “**County Sales Tax Increment Revenues**”); provided that all such County Sales Tax Increment Revenues shall be pledged as security for the payment of the TIF Bonds or otherwise used to pay (or reimburse the payment of) Project Costs authorized pursuant to Section IX of this Project Plan; provided, however, the County Sales Tax Increment Revenues shall only pertain to construction and other capital investment related expenditures within the boundaries of the Increment District, and shall not include any sales and use tax derived from retail sales. Provided further, the County shall grant its specific consent as required by Section 861(A)(2)(c) of the Local Development Act prior to the capture of any County Sales Tax Increment Revenue derived from the levy of sales and use tax by the County. The remaining unapportioned fifty percent (50%) incremental sales and use tax (representing an amount equivalent to a 0.325% sales and use tax based on a total of 0.65% sales and use tax levied by the County as of the date of this Project Plan) shall be retained by the County and utilized on a pro rata basis for any lawful purpose consistent with the aforementioned County Sales Tax Resolution.

D. One hundred percent (100%) of the incentive matching payments made by the State of Oklahoma pursuant to the Leverage Act, based on sales and use tax increments dedicated to the Increment District, as such amounts are hereinafter determined and defined (collectively, and as more specifically defined in Section X herein, the “**Leverage Act Increment Revenues**”); provided that all of the generated increment shall be pledged as security for the

payment of the TIF Bonds or otherwise used to pay (or reimburse the payment of) Project Costs authorized pursuant to Section IX of this Project Plan.

### **VIII. PROJECT AND INCREMENT DISTRICT AUTHORIZATIONS**

A. Upon adoption of an Ordinance of the City Council of the City approving this Project Plan, the City is hereby designated and authorized as the public entity to carry out and administer the provisions of this Project Plan and to exercise all powers necessary or appropriate thereto, including, without limitation, those powers described in Section 854 of the Local Development Act.

B. The City may create a new public trust with the City named as its beneficiary, and/or designate an existing public trust with the City and/or the County named as its beneficiary (said public trust referred to herein as the “**Authority**”), and said Authority shall be the public entity designated by the City to assist in carrying out and administering the provisions of this Project Plan and authorized to exercise all powers necessary or appropriate thereto pursuant to Title 62, Section 854 of the Local Development Act, except for approval of this Project Plan and those powers enumerated in paragraphs 1, 2, 3, 4, 7, 13, and 16 of that section, which powers shall be reserved to the City.

C. The person in charge of implementation of this Project Plan in accordance with the provisions, authorizations and respective delegations of responsibilities contained herein is Mr. Mike Miller, City Manager. Mr. Miller, or his successor as City Manager, is authorized to empower one or more designees to exercise responsibilities in connection with project implementation.

### **IX. BUDGET OF ESTIMATED PROJECT COSTS TO BE FINANCED FROM INCREMENT DISTRICT NO. 6**

Project Costs to be financed by the apportionment of tax increments from the Increment District include the planning, design, acquisition, site preparation and/or construction of the TIF Projects in an aggregate total amount of \$24,360,873. Certain Project Costs may be funded through the payment of assistance in development financing (as authorized by Section 853(14)(o) of the Local Development Act) to a third party as reimbursement for the payment of such Project Costs. Additional amounts will be financed by the apportionment of tax increments from the Increment District including the following items related to Project Costs in excess of the amounts specifically identified for TIF Project Costs: (a) the direct or incidental administrative costs incurred or to be incurred by or on behalf of the City, the Authority, or other public entities (all as contemplated in Title 62, Section 853(14)(e) of the Local Development Act) in organizing, supervising, implementing and administering this Project Plan, including, but not limited to, payment and/or reimbursement of costs advanced in connection with the preparation and approval of this Project Plan, administrative costs, organizational costs, professional service costs, including those incurred for architectural, planning, engineering, legal and financial advisors and services, and

costs for determining or re-determining the base assessed value of the Increment District (the “**Organizational Costs**”), and (b) interest and other financing costs and fees, including principal, interest (including capitalized interest), associated costs of issuance, reasonably required reserves, and prepayment premium paid on debt service and/or any reimbursement obligation (the “**Debt Service Costs**”). The Organizational Costs associated with the initial creation and implementation of the Increment District are preliminarily estimated to be approximately \$100,000, and the ongoing Organizational Costs are estimated to be \$10,000 per year. The Debt Service Costs associated with the Project Costs are preliminarily estimated to be on the order of \$27,146,030, but depending on available cost sharing opportunities, could be significantly less, as described in Exhibit “E” attached hereto..

The total estimate of Project Costs that may be made available for improvements from apportioned tax revenues shall be \$24,320,873 (including all engineering, construction, planning, and contingency costs). Apportioned tax revenues in excess of the amounts needed for Project Costs may be utilized as necessary to pay the Organizational Costs and the Debt Service Costs, and could total approximately \$27,426,030. The estimated combined total of all eligible Project Costs is \$51,746,903.

**X. METHODS OF FINANCING PROJECT COSTS, EXPECTED SOURCES OF REVENUES, AND TIME WHEN COSTS OR MONETARY OBLIGATIONS ARE TO BE INCURRED**

It is hereby determined that the proposed Project Costs will generally benefit and support development throughout the Project Area, inclusive of the Increment District and the Muskogee County TIF. It is further determined that (i) the TIF Revenues derived from the Increment District may properly be utilized to pay any and all Project Costs within the Project Area; and (ii) it is proper and may be appropriate (at the discretion of the City) to pledge TIF Revenues from the Increment District to the repayment of TIF Bonds. Therefore, with respect to the Increment District:

**A. Methods of Financing.** It is expected that the Project Costs will be paid from proceeds of the Authority’s TIF Bonds. Payment of principal and interest due on the TIF Bonds will be paid from available TIF Revenues. Certain Project Costs may be directly paid by a third party developer or the City and reimbursed from proceeds of the TIF Bonds. Alternately, certain Project Costs may also be directly paid by a third party developer or the City and reimbursed from TIF Revenues in excess of those needed for debt service on the TIF Bonds. Certain other costs of the Project may be paid from such other funds of the City or the Authority as may be lawfully used for the purposes hereinabove stated, including proceeds of certain debt obligations issued by the Authority and secured by a pledge of general sales tax, utility, or other available revenues.

**B. Expected Sources of Revenues.** The payment or reimbursement of Project Costs, including any interest component on reimbursed funds and any principal, interest, and premium on any TIF Bonds, will be made from one or more of the following sources of revenues:

(i) *Ad Valorem Increment Revenues.* In accordance with the provisions of the Local Development Act, the Ad Valorem Increment Revenues are to be apportioned and set aside from all other ad valorem taxes levied within the Increment District, to be used exclusively for:

- (a) the payment of principal, interest and premium, if any, on any TIF Bonds issued pursuant to Section 863 of the Local Development Act (including pledging as security for such payments);
- (b) the payment, if required, of amounts necessary to satisfy or replenish any reserve requirement established with respect to any TIF Bonds;
- (c) the payment of Project Costs incurred in connection with the development, construction, or implementation of the TIF Projects;
- (d) the reimbursement of a third party developer (pursuant to a development agreement with the City or the Authority), the City, or any agency thereof (including the Authority), which has paid Project Costs from funds which were not increments derived from the Increment District, but only to the extent that such sums were actually paid or, in the case of reimbursement of a third party developer, constitute an interest component on sums that were actually paid; and
- (e) the establishment and payment of a specific revenue source for affected taxing entities pursuant to Sections 853(9), 853(14)(i), and 854(4) of the Local Development Act.

Pursuant to the Local Development Act, the Ad Valorem Increment Revenues apportioned hereunder shall be transferred by the Muskogee County Treasurer to a special fund to be known as the “Increment District No. 6 - Apportionment Fund” (hereinafter, the “**Apportionment Fund**”), which fund will be held by and be the property of the City (except that such fund may also be held by the Authority or a trustee acting on behalf of the Authority). No portion of such increments and no portion of the Apportionment Fund shall constitute a part of the general fund of the City. All Ad Valorem Increment Revenues so collected shall be apportioned as follows: (i) one-half (50.0%) of the Ad Valorem Increment Revenues shall be pledged as security for the payment of the TIF Bonds or otherwise used to pay (or reimburse the payment of) Project Costs authorized pursuant to Section IX of this Project Plan; and (ii) one-half (50.0%) of the Ad Valorem Increment Revenues shall be apportioned to the affecting taxing jurisdictions in proportion to the allocation that the taxing jurisdictions would ordinarily receive from the increased assessed values, in the absence of the Increment District (as set forth in Sections 853(9), 853(14)(i) and 854(4) of the Local Development Act; provided that any portion of the TIF Revenues allocated to the School District shall be for the purpose of providing a specific revenue source for capital expenditures (and any related financing costs) for the benefit of the School District.

The apportionment of ad valorem taxes pursuant to this section shall terminate upon the final payment of, or reimbursement for, all project costs incurred in connection with the

projects listed in this Project Plan, and the payment of all outstanding principal, accrued interest, and premium due on the TIF Bonds; provided, however, that in no case shall the apportionment of revenues pursuant hereto extend beyond the Expiration Date.

In the event that any Project Costs remain unpaid, or any portion of the principal of or interest on the TIF Bonds, issued in connection herewith, or any amount due and owing for reimbursement to the City or the Authority or pursuant to a development agreement between the City and a Developer, remains unpaid as of the Expiration Date, then the Increment District shall not terminate until the increment apportioned during the term of the Increment District is actually received by the Apportionment Fund, even if the receipt of such revenues occurs subsequent to the Expiration Date.

(ii) *City Sales Tax Increment Revenues.* In accordance with the provisions of the Local Development Act, the City Sales Tax Increment Revenues are to be apportioned and set aside from all other sales and use taxes levied within the Increment District, to be used exclusively for:

- (a) the payment of principal, interest and premium, if any, on any TIF Bonds issued pursuant to Section 863 of the Local Development Act (including pledging as security for such payments);
- (b) the payment, if required, of amounts necessary to satisfy or replenish any reserve requirement established with respect to any TIF Bonds;
- (c) the payment of Project Costs incurred in connection with the development, construction, or implementation of the TIF Projects; and
- (d) the reimbursement of a third party developer, including any interest component (pursuant to a development agreement with the City and/or the Authority), the City, or any agency thereof (including the Authority), which has paid Project Costs from funds which were not increments derived from the Increment District, but only to the extent that such sums were actually paid or, in the case of reimbursement of a third party developer, constitute an interest component on sums that were actually paid.

Provided, however, the remaining unapportioned incremental sales and use tax revenues derived from the Increment District, as of the date of this Project Plan representing the equivalent of 2.0% of the total 4.0% sales and use tax levied by the City, shall be retained by the City and utilized on a pro rata basis for any lawful purpose consistent with the aforementioned Code of Ordinances. For purposes of determining the incremental portion of the sales and use taxes generated within or sourced to the Increment District, the City Sales Tax Increment Revenues shall only pertain to construction and other capital investment related expenditures within the boundaries of the Increment District, and shall not include any sales and use tax derived from retail sales. Fifty percent (50%) of the incremental City sales and use tax revenue derived from the construction of the Project shall be considered to be the “increment” subject to apportionment by this section. The City shall establish procedures related to the calculation and determination of

construction related sales and use tax revenue qualifying as City Sales Tax Increment Revenues. Such procedures shall stipulate that construction related City Sales Tax Increment Revenues be derived only from new construction activities occurring within the Increment District. The City shall be entitled to rely on certifications of actual construction costs provided by a third party developer(s) or related parties in connection with determining any applicable City Sales Tax Increment Revenues.

Pursuant to the Local Development Act, the City Sales Tax Increment Revenues apportioned hereunder and so collected shall be placed into the Apportionment Fund. No portion of such increments and no portion of the Apportionment Fund shall constitute a part of the general fund of the City. All City Sales Tax Increment Revenues so collected shall be pledged as security for the payment of the TIF Bonds or otherwise used to pay (or reimburse the payment of) Project Costs authorized pursuant to Section IX of this Project Plan, including any interest component (pursuant to a development agreement with the City and/or the Authority).

The apportionment of sales and use taxes pursuant to this section shall terminate upon the final payment of, or reimbursement for, all Project Costs incurred in connection with the projects listed in this Project Plan, and the payment of all outstanding principal, accrued interest, and premium due on the TIF Bonds; provided, however, that in no case shall the apportionment of revenues pursuant hereto extend beyond the Expiration Date.

In the event that any Project Costs remain unpaid, or any portion of the principal or interest on the TIF Bonds, issued in connection herewith, or any amount due and owing for reimbursement to the City or the Authority or pursuant to a development agreement between the City and the Developer, remains unpaid as of the Expiration Date, then the Increment District shall not terminate until the increment apportioned during the term of the Increment District is actually received by the Apportionment Fund, even if the receipt of such revenues occurs subsequent to the Expiration Date.

(iii) *County Sales Tax Increment Revenues.* In accordance with the provisions of the Local Development Act, the County Sales Tax Increment Revenues are to be apportioned and set aside from all other sales taxes levied within the Increment District, to be used exclusively for:

- (a) the payment of principal, interest and premium, if any, on any TIF Bonds issued pursuant to Section 863 of the Local Development Act (including pledging as security for such payments);
- (b) the payment, if required, of amounts necessary to satisfy or replenish any reserve requirement established with respect to any TIF Bonds;
- (c) the payment of Project Costs incurred in connection with the development, construction, or implementation of the TIF Projects; and
- (d) the reimbursement of a third party developer, including any interest component (pursuant to a development agreement with the City and/or the Authority),

the City, or any agency thereof (including the Authority), which has paid Project Costs from funds which were not increments derived from the Increment District, but only to the extent that such sums were actually paid or, in the case of reimbursement of a third party developer, constitute an interest component on sums that were actually paid.

Provided, however, the remaining unapportioned incremental sales and use tax revenues derived from the Increment District, as of the date of this Project Plan representing the equivalent of 0.325% of the total 0.65% sales and use tax levied by the County, shall be retained by the County and utilized on a pro rata basis for any lawful purpose consistent with the aforementioned County Sales Tax Resolution. For purposes of determining the incremental portion of the sales and use taxes generated within or sourced to the Increment District, the County Sales Tax Increment Revenues shall only pertain to construction and other capital investment related expenditures within the boundaries of the Increment District, and shall not include any sales and use tax derived from retail sales. Fifty percent (50%) of the incremental County sales and use tax revenue derived from the construction of the Project shall be considered to be the “increment” subject to apportionment by this section. The County shall establish procedures related to the calculation and determination of construction related sales tax revenue qualifying as County Sales Tax Increment Revenues. Such procedures shall stipulate that construction related County Sales Tax Increment Revenues be derived only from new construction activities occurring within the Increment District. The County shall be entitled to rely on certifications of actual construction costs provided by a third party developer(s) or related parties in connection with determining any applicable County Sales Tax Increment Revenues.

Pursuant to the Local Development Act, the County Sales Tax Increment Revenues apportioned hereunder and so collected shall be transferred to the City for deposit to the Apportionment Fund. No portion of such increments and no portion of the Apportionment Fund shall constitute a part of the general fund of the City. All County Sales Tax Increment Revenues so collected shall be pledged as security for the payment of the TIF Bonds or otherwise used to pay (or reimburse the payment of) Project Costs authorized pursuant to Section IX of this Project Plan, including any interest component (pursuant to a development agreement with the City and/or the Authority).

The apportionment of sales taxes pursuant to this section shall terminate upon the final payment of, or reimbursement for, all Project Costs incurred in connection with the projects listed in this Project Plan, and the payment of all outstanding principal, accrued interest, and premium due on the TIF Bonds; provided, however, that in no case shall the apportionment of revenues pursuant hereto extend beyond the Expiration Date.

In the event that any Project Costs remain unpaid, or any portion of the principal or interest on the TIF Bonds, issued in connection herewith, or any amount due and owing for reimbursement to the City or the Authority or pursuant to a development agreement between the City and the Developer, remains unpaid as of the Expiration Date, then the Increment District shall not terminate until the increment apportioned during the term of

the Increment District is actually received by the Apportionment Fund, even if the receipt of such revenues occurs subsequent to the Expiration Date.

(iv) *Leverage Act Increment Revenues.* In accordance with the provisions of the Local Development Act, the Leverage Act Increment Revenues are to be apportioned and set aside from all other revenues generated within the Increment District, to be used exclusively for:

- (a) the payment of principal, interest and premium, if any, on any TIF Bonds issued pursuant to Section 863 of the Local Development Act (including pledging as security for such payments);
- (b) the payment, if required, of amounts necessary to satisfy or replenish any reserve requirement established with respect to any TIF Bonds;
- (c) the payment of Project Costs incurred in connection with the development, construction, or implementation of the TIF Projects; and
- (d) the reimbursement of a third party developer (pursuant to a development agreement with the City or the Authority), including any interest component (pursuant to a development agreement with the City and/or the Authority), the City, or any agency thereof (including the Authority), which has paid Project Costs from funds which were not increments derived from the Increment District, but only to the extent that such sums were actually paid or, in the case of reimbursement of a third party developer, constitute an interest component on sums that were actually paid.

The City shall establish procedures related to application under the Leverage Act for sales and use tax matching funds. It is hereby recognized that any Leverage Act Increment Revenues represent a substantial economic benefit to the City and the development of the Project, and the City and the Authority shall take all reasonable actions necessary to maximize the Leverage Act Increment Revenues.

Pursuant to the Local Development Act, the Leverage Act Increment Revenues apportioned hereunder and so collected shall be placed into the Apportionment Fund. No portion of such increments and no portion of the Apportionment Fund shall constitute a part of the general fund of the City. All Leverage Act Increment Revenues so collected shall be pledged as security for the payment of the TIF Bonds or otherwise used to pay (or reimburse the payment of) Project Costs authorized pursuant to Section IX of this Project Plan, including any interest component (pursuant to a development agreement with the City and/or the Authority).

The apportionment of matching incentive funds pursuant to this section shall terminate upon the final payment of, or reimbursement for, all Project Costs incurred in connection with the projects listed in this Project Plan, and the payment of all outstanding principal, accrued interest, and premium due on the TIF Bonds; provided, however, that in no case shall the apportionment of revenues pursuant hereto extend beyond the Expiration Date.



In the event that any Project Costs remain unpaid, or any portion of the principal of or interest on the TIF Bonds, issued in connection herewith, or any amount due and owing for reimbursement to the City or the Authority or pursuant to a development agreement between the City and the Developer, remains unpaid as of the Expiration Date, then the Increment District shall not terminate until the increment apportioned during the term of the Increment District is actually received by the Apportionment Fund, even if the receipt of such revenues occurs subsequent to the Expiration Date.

**C. Time When Costs Or Monetary Obligations Are To Be Incurred.** It is estimated that the time frame for incurring most of the Project Costs will be within three to five years from the date of approval of this Project Plan; however, certain Project Costs will not be incurred until appropriate development projects within the Increment District are identified by the City. It is anticipated that most Project Costs will be paid from proceeds of TIF Bonds issued by the Authority, provided however, certain Project Costs may be directly paid or reimbursed from apportioned TIF Revenues.

**D. Flow of Funds; Excess Revenues.**

During the term of the Increment District, TIF Revenues shall be utilized as follows:

- FIRST: The payment of principal, accrued interest, and premium, if any, due on the TIF Bonds;
- SECOND: If applicable, transfers to any debt service reserve established in connection with the TIF Bonds in such amounts as may be necessary to restore the reserve to its prescribed levels;
- THIRD: The payment and/or reimbursement of authorized Project Costs (including any interest component pursuant to a development agreement);
- FOURTH: If applicable, the prepayment of principal on any TIF Bonds until such time as all TIF Bonds are retired; and
- FIFTH: Upon retirement of all TIF Bonds (if any) and payment of all Project Costs (including any interest component pursuant to a development agreement), (a) any remaining Ad Valorem Increment Revenues shall be transferred to the various ad valorem taxing jurisdictions, in the same percentages as originally collected, as determined by reference to the millage levied by each of the various ad valorem taxing jurisdictions for the related tax year, excluding sinking fund levies, (b) any remaining City Sales Tax Increment Revenues shall be transferred to the City for deposit into the General Fund or to the appropriate special fund, and (c) any remaining County Sales Tax Increment Revenues shall be transferred to the County for deposit into the General Fund or to the appropriate special fund, in each case consistent with the provisions of the Local Development Act. Any remaining Leverage Act Increment Revenues shall be treated appropriately as sales and use tax revenue, and shall be transferred as set

forth in (b) and (c) herein, or, if required by the Leverage Act, shall be returned to the State of Oklahoma.

## **XI. FINANCING REVENUE SOURCES**

The TIF Revenues are expected to finance all or a portion of the Project Costs authorized by Section IX. Based on the initial projections of Ad Valorem Increment Revenues for the Project, it is estimated that approximately \$61.24 million could be generated by the incremental increase in ad valorem tax revenue during the term of the Increment District, with approximately \$30.62 million available for allocation to Project Costs and approximately \$30.62 million apportioned to the affected ad valorem taxing jurisdictions. The initial projections of Ad Valorem Increment Revenues are based upon an estimated \$655.87 million aggregate taxable capital investment (including projected depreciation and annual capital expenditures), an 11% assessment rate for real property, a 12% assessment rate for business personal property, and an approximately 10.549% millage levy within the Increment District (based on the 2023 levy rate for property located within School District).

Based on the initial projections of City Sales Tax Increment Revenues for the Project, it is estimated that approximately \$6.654 million could be generated by the incremental increase in sales and use tax revenue during the term of the Increment District, with approximately \$3.327 million available for allocation to Project Costs and approximately \$3.327 million retained by the City. Based on the initial projections of County Sales Tax Increment Revenues for the Project, it is estimated that approximately \$1.081 million could be generated by the incremental increase in sales tax revenue during the term of the Increment District, with approximately \$540,660 available for allocation to Project Costs and approximately \$540,660 retained by the County. The initial projections of incremental sales and use tax revenue are based upon the projected revenues generated within the Increment District from the levy of an aggregate total of four percent (4.0%) City and sixty-five hundredths of one percent (0.65%) County sales tax on new construction within the Increment District generating approximately \$166.35 million in gross taxable sales during the term of the Increment District.

Additional TIF Revenues may be realized through state matching incentive payments made pursuant to the Leverage Act, as set forth in Section X(B)(iv) above (i.e. the Leverage Act Increment Revenues). Based on the initial projections of revenue and the level of apportionment of sales and use tax to Project Costs, state matching payments could make available up to an additional \$3.86 million for Project Costs, although it is possible that only a portion of the taxable transactions may qualify for state matching incentive payments.

The calculation of projected TIF Revenues will be refined based upon (i) the actual effective ad valorem tax rate and base assessed valuation, as determined from time to time by the Muskogee County Assessor and subject to change by voters of the applicable taxing jurisdiction at an election(s) held for such purpose, (ii) the total net capital investment resulting from development within the Increment District, and (iii) the timing of the development.

The realization of the TIF Revenues is directly dependent on the City's ability to attract development proposals on a magnitude contemplated by this Project Plan within the Increment District during the term of the Increment District. The Authority and/or the City may enter into economic development agreements with the prospective Southside Industrial Park tenants or any other parties as required by the Local Development Act.

Certain TIF Projects may be designed and/or constructed by the City. Authorized Project Costs, or the payment of debt service on TIF Bonds issued to pay Project Costs, will be paid from TIF Revenues by the City or the Authority, and may include (i) reimbursement of the City or the Authority for certain public improvements constructed from other available funds, and (ii) assistance in development financing (as authorized by the Local Development Act) to the Developer for certain public infrastructure and/or other site improvements constructed on behalf of the City in furtherance of the purposes of this Project Plan. The financing of the projected private development in the area may be provided by private equity and private mortgage financing, secured by the private developments.

## **XII. PUBLIC REVENUE ESTIMATED TO ACCRUE FROM THE PROJECT AND OTHER ECONOMIC IMPACTS**

The Ad Valorem Increment Revenues, the City Sales Tax Increment Revenues, the County Sales Tax Increment Revenues, and the Leverage Act Increment Revenues (estimated at a total of approximately \$38.35 million over the term of the Increment District based on the Project, including potential Leverage Act matching incentive funds from the State), of which portions will serve as all or a portion of the revenue source for financing the Project Costs authorized by Section IX of this Project Plan, are the public revenues directly attributable to the project defined by establishment of the Increment District. Additionally, the various taxing jurisdictions may realize additional ad valorem tax revenue and/or sales and use tax revenue from additional development outside the boundaries of the Increment District.

Construction of the improvements and subsequent development should have a positive impact on total employment in the City's metropolitan area, including temporary construction jobs and permanent positions at the facilities related to the Project. Indirect impacts (associated with the employment and income which result from the provision of inputs in support of the primary activity), and induced impacts (associated with the wages and jobs resulting from changes in household expenditures which come about through direct and indirect employment) will also result in additional growth in the City's metropolitan area.

This Project Plan includes certain projections and estimates, which are based on the current expectations or beliefs of third party developer(s) and are subject to uncertainty and changes in circumstances. Actual results may vary materially from the expectations contained herein due to changes in economic conditions, market demand and other factors affecting the development of the Project.

### **XIII. PRIVATE AND PUBLIC INVESTMENTS EXPECTED FOR THE PROJECT**

The publicly financed Project Costs in the amount of \$24,320,873, as authorized by this Project Plan, represent approximately 2.07% of the projected total public and private investment for the Project, which including anticipated expenditures by or on behalf of commercial or governmental entities within the Increment District, could exceed \$1.17 billion.

### **XIV. MISCELLANEOUS PROVISIONS**

**A. Zoning Conditions.** The property within the boundaries of the Increment District is primarily zoned for light industrial development. No changes in the ordinances of the City (other than minor zoning adjustments to accommodate the proposed Project) are contemplated under this Project Plan. Development is anticipated to occur in accordance with current zoning requirements, with appropriate adjustments as approved by the City. The proposed project conforms to the comprehensive plan for the City, as amended. A map showing the existing uses and conditions of the real property is included as Exhibit “G”.

**B. Annual Reports.** In accordance with Sections 860 and 867 of the Local Development Act, within ninety (90) days following the end of each fiscal year, the City shall prepare and submit a report to the Oklahoma Department of Commerce and to chief executive officer of each taxing entity that levies ad valorem taxes on property within each Increment District. At the time of submitting the report, the City shall also publish a notice and summary of the report in a newspaper of general circulation.

**EXHIBIT "A"**

**MAP OF INCREMENT DISTRICT NO. 6**

The boundaries of Increment District No. 6, City of Muskogee contain an area comprising the Southside Industrial Park within the City of Muskogee, located on the east and west sides of U.S. 64 just south of W. 53<sup>rd</sup> Street S.



\* Increment District boundaries contained within white border and shaded blue.

**EXHIBIT "B"**

**INCREMENT DISTRICT LEGAL DESCRIPTION**

**INCREMENT DISTRICT NO. 6**

The composite legal description for the Increment District is as follows:

**[TO BE PROVIDED]**

The following Tracts I-III are approximately representative of the Increment District boundaries shown on the map in Exhibit "A".

Tract I (Parcel ID #510028605):

T14N R18E S22 S½ NE NE &; NW NE NE LESS .94 ACRES HIGHWAY &;  
N10 ACRES S½ NE E OF RIGHT OF WAY

Tract II (Parcel ID #510028604):

T14N R18E S22 ALL THAT PART S½ NE LYING E RAILROAD LESS N10  
ACRES LESS .60 ACRES HIGHWAY

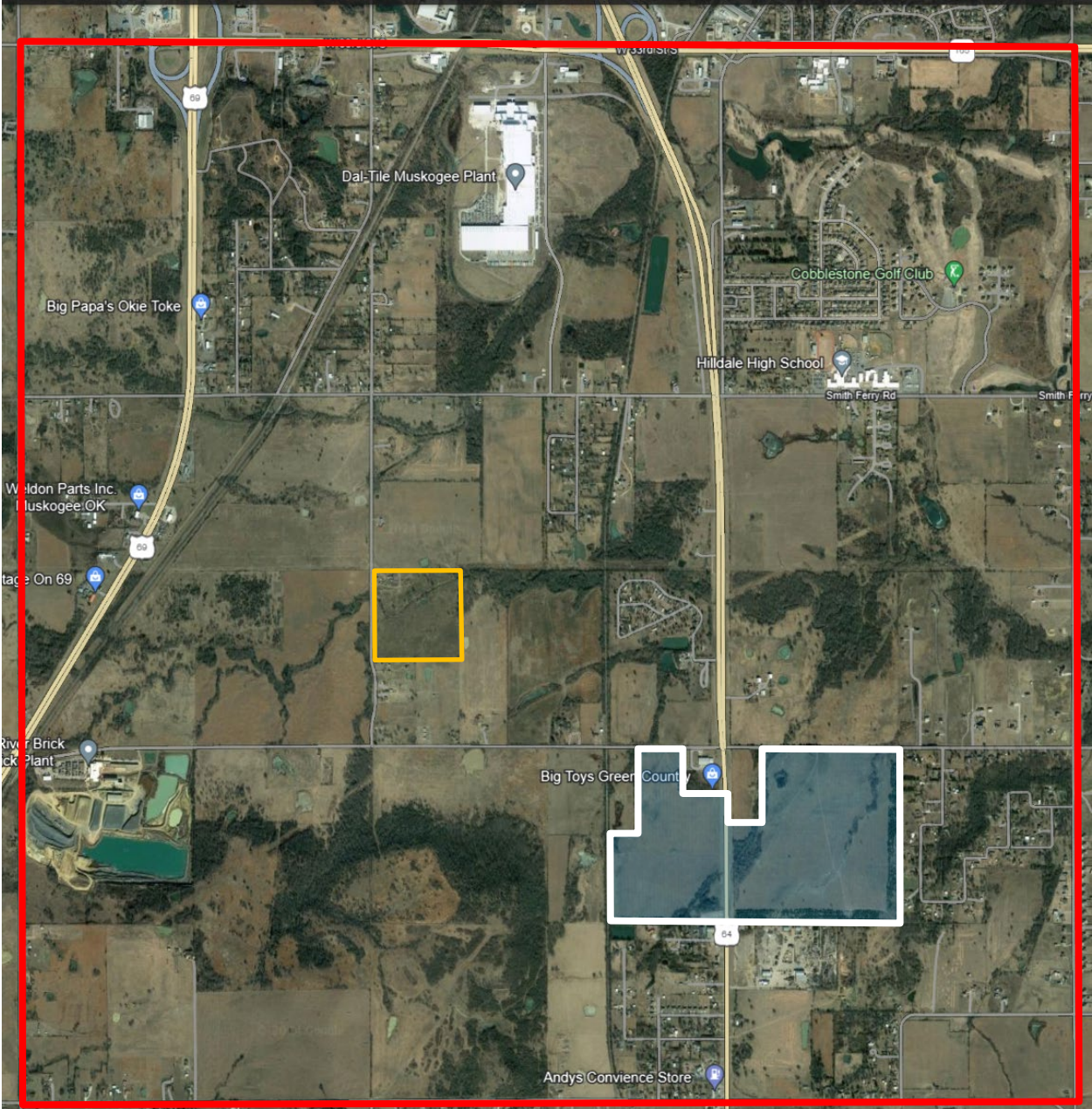
Tract III (Parcel ID #510044598):

T14N R18E S23 NW LESS 5.52 ACRES HIGHWAY &; LESS COMM @ NW/C  
SEC 23, THENCE N88°33'16"E 115 TO P.O.B. THENCE S1°44'27"E 1088.57  
N88°33'16"E 410.17 N1°44'27"W 1088.57 S88°33'16"W 410.17 TO P.O.B.

EXHIBIT "C"

MAP OF ECONOMIC DEVELOPMENT PROJECT AREA

The boundaries of the Project Area associated with Increment District No. 6, City of Muskogee contain an area comprising Sections 9-11, 14-16, and 21-23, Township Fourteen (14) North, Range Eighteen (18) East of the Indian Meridian, Muskogee County, State of Oklahoma. The Project Area is bordered on the south by Davis Field Road, on the east by Gulick Street, on the north by OK Highway 165 (W 33<sup>rd</sup> Street S), and on the west by S 40<sup>th</sup> Street W.



\* Project Area is outlined by red border. Increment District boundaries contained within white border and shaded blue. Muskogee County TIF boundaries shown in orange for reference purposes only.

**EXHIBIT “D”**

**PROJECT AREA LEGAL DESCRIPTION**

**INCREMENT DISTRICT NO. 6 PROJECT AREA**

An area located entirely in Muskogee County, Oklahoma, more particularly described as follows:

Sections Nine (9), Ten (10), Eleven (11), Fourteen (14), Fifteen (15), Sixteen (16), Twenty-one (21), Twenty-two (22), and Twenty-three (23), Township Fourteen (14) North, Range Eighteen (18) East of the Indian Meridian, Muskogee County, State of Oklahoma.



**EXHIBIT “E”****PROPOSED DEVELOPMENT IN THE PROJECT AREA  
AND INCREMENT DISTRICT**

This Southside Industrial Park Economic Development Project Plan describes an economic development project of the City of Muskogee, Oklahoma, that brings a significant industrial development to the City. The Project Plan contemplates the creation of a tax increment financing district pursuant to the Local Development Act. The purpose of the Increment District is to encourage the prospective development of available parcels within the Muskogee Municipal Authority owned Southside Industrial Park, located along U.S. 64 just south of W. 53<sup>rd</sup> Street S. Southside Industrial Park West, encompassing approximately 82 acres, is under consideration for Project Heart, the development of a facility capable of refining up to 50,000 metric tons of lithium carbonate per year, which would be one of the largest battery-grade lithium refineries in the United States, with a capital investment of approximately \$1.13 billion and creating approximately 850-1,000 new jobs. Southside Industrial Park East, encompassing approximately 144 acres, is under consideration for construction of Project Structure, a new fabrication facility for an existing Muskogee business looking to expand, with a capital investment of approximately \$20 million and increasing the local workforce by 15-20 positions, as well as possible expansion of Project Heart, and/or creating up to 6 additional shovel-ready industrial sites.

The City recognizes the difficulty in development of the area due to significant costs necessary to upgrade the current infrastructure within and near the Southside Industrial Park in order to support the development of the Project. The goal of the Increment District is to promote economic development in the City by incentivizing capital investment in undeveloped property in order to enhance the tax base and create employment opportunities within the City. The City proposes to complete (or cause to be completed) certain industrial access road improvements, rail improvements, and/or utility extensions that will provide service to the Southside Industrial Park, as well as the nearby Port Muskogee John T. Griffin Industrial Park. Muskogee County, Oklahoma has under separate consideration the creation of a county tax increment financing district to encourage development within the Griffin Industrial Park. Many of the TIF Projects will support development in the Muskogee County TIF, as well as contemplated herein, and the County and the City both recognize the inherent economic benefits in the form of capital investment, job creation, and overall economic impact of development in the Southside Industrial Park and the Griffin Industrial Park. The City has identified an aggregate total of not-to-exceed \$24,320,873 in costs associated with the TIF Projects in connection with establishing the Increment District (as defined herein). The associated costs of the TIF Projects, along with the Organizational Costs and the Debt Service Costs (each as further defined herein) are collectively referred to herein as the “**Project Costs**”. Many of the Project Costs will support development within the Increment District and the Muskogee County TIF, and as such, any of the Project Costs shall be deemed to be authorized Project Costs of both the Increment District and the Muskogee County TIF. The City expects to phase the expenditure of Project Costs in coordination with specific development projects, and intends to apply other available funds as appropriate to offset the costs to the Increment District.

Pursuant to the terms of a development agreement(s) between the City and the prospective developer(s) (as required by the Local Development Act defined herein), the TIF Revenues

generated by virtue of the construction sales and use tax, and the ad valorem tax levies shall be utilized as a revenue source to fund the costs of the TIF Projects. The TIF Revenues will be used to pay the costs of the TIF Projects, reimburse the Organizational Costs, and/or pay the Debt Service Costs on obligations issued to pay the same.

Based solely on the proposed Project Heart and Project Structure, the development within the Increment District could result in a potential total initial capital investment of approximately \$1.15 billion (\$655.87 million net taxable value subject to ad valorem taxes, including projected depreciation and annual capital expenditures) and generate approximately \$166.3 million in taxable construction material sales over the term of the Increment District. Please see Exhibit “F” for a Preliminary Site Development Plan for the Project.

The estimated \$655.87 million taxable capital investment is based on the following assumptions:

- Project Heart
  - Land Acquisition in 2024 with capital investment of \$1.66 million.
  - Construction of Back-end facility completed by end of 2027 consisting of a \$463.2 million capital investment, consisting of \$229.6 million real property (\$117.13 million projected taxable value) and \$233.6 million equipment (\$119.22 million projected taxable value, depreciated over approximately ten years to a minimum value of 20% of original assessed value). Construction material sales based on 60% of real property taxable investment.
  - Construction of Front-end facility completed by end of 2028 to accommodate 25 ktpa production capacity, consisting of a \$213.17 million capital investment, consisting of \$57.39 million real property (\$29.8 million projected taxable value) and \$155.78 million equipment (\$79.48 million projected taxable value, depreciated over approximately ten years to a minimum value of 20% of original assessed value). Construction material sales based on 60% of real property taxable investment
  - Annual capital expenditure (primarily equipment replacement) beginning in 2033 totaling \$6.9 million in year one (\$5.52 million net taxable value), and escalated by 1% each year.
  - Construction of Front-end facility completed by end of 2031 to accommodate additional 25 ktpa production capacity, consisting of a \$450.94 million capital investment, consisting of \$61.49 million real property (\$31.37 million projected taxable value) and \$389.44 million equipment (\$198.70 million projected taxable value, depreciated over approximately ten years to a minimum value of 20% of original assessed value). Construction material sales based on 60% of real property taxable investment.

- Additional annual capital expenditure (primarily equipment replacement) beginning in 2035 totaling \$4.6 million in year one (\$3.68 million net taxable value), and escalated by 1% each year.
- Project Structure
  - Construction completed by end of 2027 consisting of a \$20 million capital investment, consisting of \$20 million real property (assessed based on 70% of cost). Construction material sales based on 60% of real property taxable investment.

The City has identified TIF Projects totaling \$24,320,873 that will ultimately be necessary in order to service the proposed development within the Increment District. The Project Costs identified in connection with the proposed development of the Increment District are as follows:

- Industrial Road and Utility Improvements (\$18,251,068)
  - \$13,468,400 53<sup>rd</sup> Street Improvements from U.S. 69 to U.S. 64
  - \$4,582,668 Southside Industrial Park East Loop Road, with related utility improvements
  - \$200,000 Shell Pit Road to provide construction access to 53<sup>rd</sup> Street
- Rail Infrastructure Improvements (\$6,069,805)
  - \$3,144,509 Rail line rehabilitation
  - \$2,925,296 Trestle Bridge replacement

Other costs relating to the Increment District, in addition to the costs of the above described TIF Projects, include the following items:

- \$100,000 Organizational Costs of establishing the Increment District
- \$180,000 Estimated administration costs (Organizational Costs) of the Increment District (\$10,000 per year)
- \$27,146,030 Debt Service Costs – Estimated interest and financing costs (assuming approximately 17 year financing at 7% with first 2 years of capitalized interest)

Portions of the above Project Costs may be paid from revenues derived from the creation of the Muskogee County TIF. The Muskogee City-County Port Authority has been awarded a grant in the amount of \$1,200,000 applicable to the Trestle Bridge replacement project. The Port Authority is also actively pursuing approximately \$5,450,000 in Oklahoma Department of Transportation resurfacing funding and approximately \$2,000,000 in State of Oklahoma P3 Program funding that would all be applied to the 53<sup>rd</sup> Street Improvements. Project Heart also has a right of first refusal on the southern portion of Southside Industrial Park East, which may reduce the scope of the SSIP East Loop Road project to approximately \$1,637,376. Additional project funding sources may become available to offset additional portions of certain Project Costs. It is also anticipated that the incremental revenues derived from the Muskogee County TIF will provide additional funds to

support the Project Costs. The preliminary estimates of Muskogee County TIF incremental revenues apportioned for the payment of Project Costs include \$4.77 million in incremental ad valorem revenues, \$58,500 in incremental construction sales and use tax revenues, and \$58,500 in potential incremental Leverage Act matching revenues. These estimates are based on an estimated \$200 million capital investment (\$120 million taxable value) generating \$18 million in construction-related taxable sales.

Assuming the known cost sharing elements are successfully obtained, the total Project Costs are expected to be reduced to \$15,670,873, plus the Organizational Costs (\$280,000) and estimated Debt Service Costs (\$11,872,730), with a projected payoff of approximately 11 years. Further assuming the reduced scope of the Loop Road project, the total Project Costs would be reduced to \$12,725,581, plus the Organizational Costs (\$280,000) and estimated Debt Service Costs (\$8,331,245), with a projected payoff of approximately 9 years.

**EXHIBIT "F"**

**PRELIMINARY SITE DEVELOPMENT PLAN\***

**SOUTHSIDE INDUSTRIAL PARK PROJECTS**

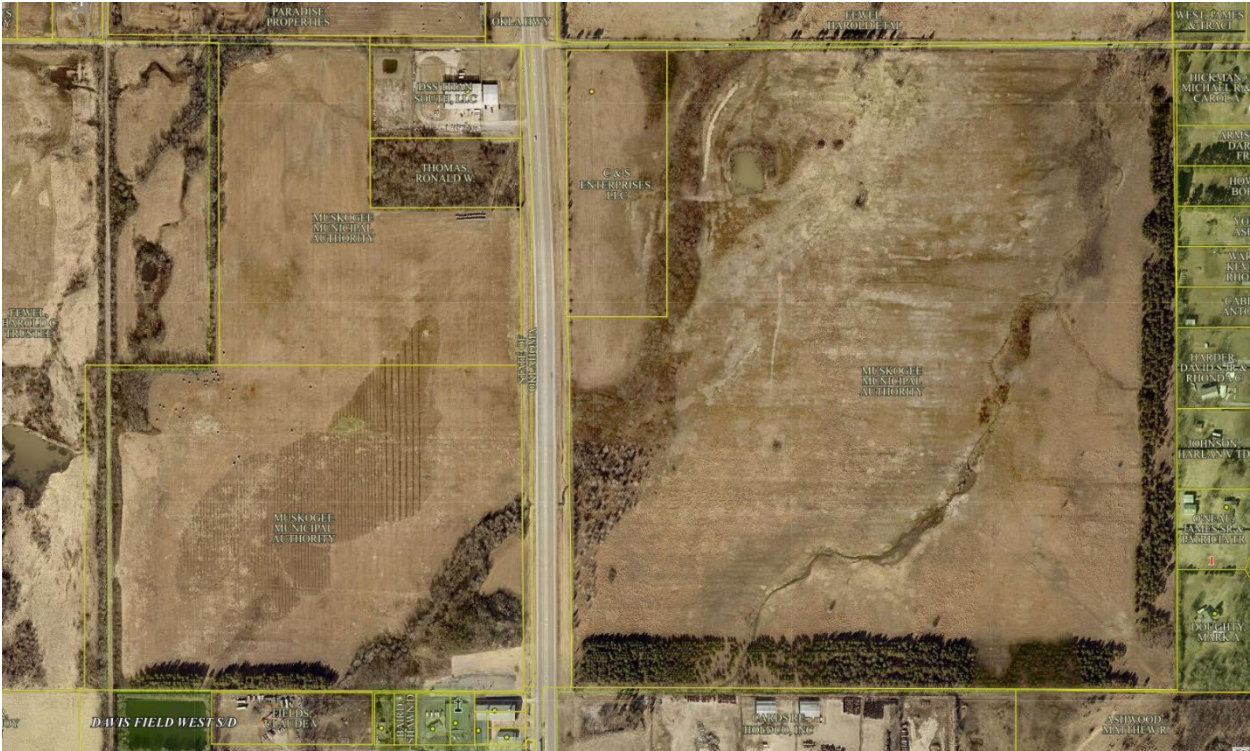


\* Project Heart has the property on the west side of US 64 (yellow line) under contract. Project Heart also has a first right of refusal to purchase the south portion of the 144 acres of Southside Industrial Park East. See following page for Preliminary Layout, which contemplates the full scope of the Loop Road improvements, and is subject to change.



**EXHIBIT "G"**

**EXISTING USES AND CONDITIONS OF REAL PROPERTY**



See following page for the City of Muskogee Land Use Plan. Source: City of Muskogee Comprehensive Plan adopted June 4, 2012 pursuant to Resolution No. 2404 of the City of Muskogee, Oklahoma.

**JOHN T. GRIFFIN INDUSTRIAL PARK (PROJECT BIFROST)  
ECONOMIC DEVELOPMENT PROJECT PLAN**

**Prepared by:**

**MUSKOGEE COUNTY, OKLAHOMA**

**BOARD OF COUNTY COMMISSIONERS  
KEN DOKE, COMMISSIONERS DISTRICT 1  
KEITH HYSLOP, COMMISSIONERS DISTRICT 2  
KENNY PAYNE, COMMISSIONERS DISTRICT 3**

**POLLY IRVING, COUNTY CLERK**

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OKLAHOMA CITY, OKLAHOMA 73118  
(405) 235-3413**



**INDEX**

- I. DESCRIPTION OF PROJECT ..... 1
- II. PROJECT AREA AND INCREMENT DISTRICT BOUNDARIES ..... 2
- III. ELIGIBILITY OF PROJECT ..... 2
- IV. OBJECTIVES ..... 3
- V. FINANCIAL IMPACTS ..... 3
- VI. STATEMENT OF PRINCIPAL ACTIONS ..... 5
- VII. ESTABLISHMENT OF INCREMENT DISTRICT NO. 2,  
MUSKOGEE COUNTY ..... 5
- VIII. PROJECT AND INCREMENT DISTRICT AUTHORIZATIONS ..... 7
- IX. BUDGET OF ESTIMATED PROJECT COSTS TO BE FINANCED  
FROM INCREMENT DISTRICT NO. 2 ..... 7
- X. METHODS OF FINANCING PROJECT COSTS, EXPECTED SOURCES  
OF REVENUES, AND TIME WHEN COSTS OR MONETARY  
OBLIGATIONS ARE TO BE INCURRED ..... 8
- XI. FINANCING REVENUE SOURCES ..... 13
- XII. PUBLIC REVENUE ESTIMATED TO ACCRUE FROM THE PROJECT  
AND OTHER ECONOMIC IMPACTS ..... 15
- XIII. PRIVATE AND PUBLIC INVESTMENTS EXPECTED FOR THE PROJECT ..... 15
- XIV. MISCELLANEOUS PROVISIONS ..... 15
  
- EXHIBIT “A” MAP OF INCREMENT DISTRICT NO. 2
- EXHIBIT “B” INCREMENT DISTRICT LEGAL DESCRIPTION
- EXHIBIT “C” MAP OF ECONOMIC DEVELOPMENT PROJECT AREA
- EXHIBIT “D” PROJECT AREA LEGAL DESCRIPTION
- EXHIBIT “E” PROPOSED DEVELOPMENT IN THE PROJECT AREA  
AND INCREMENT DISTRICT
- EXHIBIT “F” PRELIMINARY SITE DEVELOPMENT PLAN
- EXHIBIT “G” EXISTING USES AND CONDITIONS OF REAL PROPERTY

**JOHN T. GRIFFIN INDUSTRIAL PARK (PROJECT BIFROST)****ECONOMIC DEVELOPMENT PROJECT PLAN****I. DESCRIPTION OF PROJECT**

This John T. Griffin Industrial Park (Project Bifrost) Economic Development Project Plan (the “**Project Plan**”) describes an economic development project of Muskogee County, Oklahoma (the “**County**”) that brings a significant industrial development to the County. The Project Plan contemplates the creation of a tax increment financing district pursuant to the Local Development Act, 62 O.S. §850, *et seq.* (the “**Local Development Act**”), as authorized pursuant to Article 10, §6C of the Oklahoma Constitution. The purpose of the Increment District (as described herein) is to encourage the prospective development of available parcels within the Port Muskogee owned John T. Griffin Industrial Park (the “**Griffin Industrial Park**”), located north of W. 53<sup>rd</sup> Street S between U.S. 64 and U.S. 69. Lot 8 within Griffin Industrial Park, encompassing approximately 40 acres, is under consideration for the development of a digital asset self-mining facility (bitcoin mining) with an initial capital investment of approximately \$200 million, and the potential for further expansion (“**Project Bifrost**”). Project Bifrost and other potential industrial development projects are collectively referred to as the “**Project**”.

The County recognizes the difficulty in development of the area due to significant costs necessary to upgrade the current infrastructure within and near the Griffin Industrial Park in order to support the development of the Project. The goal of the Increment District (as defined herein) is to promote economic development in the County by incentivizing capital investment in undeveloped property in order to enhance the tax base and create employment opportunities within the County. The County proposes to complete (or cause to be completed) certain industrial access road improvements, rail improvements, and/or utility extensions (collectively referred to herein as the “**TIF Projects**”), that will provide service to the Griffin Industrial Park, as well as the nearby City of Muskogee Southside Industrial Park (the “**Southside Industrial Park**”). The City of Muskogee, Oklahoma (the “**City**”) has under separate consideration the creation of a county tax increment financing district (the “**Muskogee City TIF**”) to encourage development within the Southside Industrial Park. Many of the TIF Projects will support development in the Muskogee City TIF, as well as contemplated herein, and the County and the City both recognize the inherent economic benefits in the form of capital investment, job creation, and overall economic impact of development in the Southside Industrial Park and the Griffin Industrial Park. The County has identified an aggregate total of not-to-exceed \$24,360,873.00 in costs associated with the TIF Projects in connection with establishing the Increment District (as defined herein). The associated costs of the TIF Projects, along with the Organizational Costs and the Debt Service Costs (each as further defined herein) are collectively referred to herein as the “**Project Costs**”. Many of the Project Costs will support development within the Increment District and the Muskogee County TIF, and as such, any of the Project Costs shall be deemed to be authorized Project Costs of both the Increment District and the Muskogee County TIF. The County expects to phase the expenditure of Project Costs in coordination with specific development projects, and intends to apply other available funds as appropriate to offset the costs to the Increment District.

Pursuant to the terms of a development agreement(s) between the County and the prospective developer(s) (as required by the Local Development Act defined herein), the TIF Revenues generated by virtue of the construction sales and use tax, and ad valorem tax levies shall be utilized as a revenue source to fund the costs of the TIF Projects. The TIF Revenues (as defined herein) will be used to pay the costs of the TIF Projects, reimburse the Organizational Costs, and/or pay the Debt Service Costs on obligations issued to pay the same.

Based solely on the proposed Project Bifrost, the development within the Increment District could result in a potential total initial capital investment of approximately \$200 million (\$120 million net taxable value subject to ad valorem taxes, including projected depreciation and annual capital expenditures) and generate approximately \$18 million in taxable construction material sales over the term of the Increment District. Please see Exhibit “E” for a more detailed description of projected development within the Increment District. Please see Exhibit “F” for a Preliminary Site Development Plan for the Griffin Industrial Park Projects.

## II. PROJECT AREA AND INCREMENT DISTRICT BOUNDARIES

The Increment District is the specific geographic area within which the identified tax increments, which may include County Sales Tax Increment Revenues, and Ad Valorem Increment Revenues, and may also include certain Leverage Act Increment Revenues, each as are defined in Section VII herein, will be generated and utilized as set forth in this Project Plan (referred to herein as the “**Increment District**”). The Project Area is the area within which all project activities, including construction of the supporting public improvements, will take place (referred to herein as the “**Project Area**”). The Increment District is located entirely within the Project Area. Most of the contemplated project activities will occur within the boundaries of the Increment District, however certain project activities may occur outside the boundaries of the Increment District but within the Project Area. A map showing the Increment District is attached as Exhibit “A”. The legal description of the Increment District is set forth in Exhibit “B”. A map showing the Project Area is attached as Exhibit “C”. The legal description of the Project Area is set forth in Exhibit “D”.

## III. ELIGIBILITY OF PROJECT

The Increment District is undeveloped and/or underdeveloped within the meaning of the Local Development Act. The Project Area (including the Increment District) is located within an area identified by the Oklahoma Department of Commerce as an enterprise zone (Tract ID: 40101000600). Consequently, the Increment District is located in an enterprise area (as defined in Section 853(5) of the Local Development Act) and is therefore eligible for assistance under the Local Development Act. Additionally, the Project, because it will be located within an enterprise zone, represents an eligible project as defined under the Oklahoma Local Development and Enterprise Zone Incentive Leverage Act, 62 O.S. §840, *et seq.* (the “**Leverage Act**”), and therefore may qualify for certain incentive matching payments made by the State of Oklahoma based on sales and use tax increments dedicated to the Increment District.

The Increment District comprises an area where investment, development and economic growth have not occurred, and which requires significant public infrastructure improvements to serve as a catalyst to expand employment opportunities, to attract major investment in the area, and to enhance the tax base.

#### IV. OBJECTIVES

The purpose of the Project and the Increment District is to support the achievement of the economic development objectives of the County in order to:

- A. Create a significant industrial development within the County that will act as a catalyst for additional development within the community;
- B. Attract major investment in the area;
- C. Serve as a catalyst for retaining and expanding employment in the area;
- D. Promote economic development to increase tax revenues, raise property values, and improve economic stability;
- E. Preserve and enhance the tax base; and
- F. Make possible investment, development and economic growth which would otherwise be difficult or impossible without the TIF Projects and the apportionment of ad valorem taxes from within the Increment District.

#### V. FINANCIAL IMPACTS

The proposed private development will generate tax increments necessary to pay all or a portion of the authorized costs of the TIF Projects. Without the creation of the proposed Increment District, significant development within the Increment District would be unlikely and as a result, any significant increases in construction sales and use taxes and ad valorem taxes would be extremely improbable.

The proposed development project does not create a significant increase in demand for services or costs to the affected taxing entities other than the County, whose public sector costs will be offset by apportioned tax increments as provided in this Project Plan.

The affected ad valorem taxing jurisdictions are Muskogee County, the Muskogee County Health Department, Eastern Oklahoma District Library System, Muskogee County EMS District, Indian Capital Technology Center Vo-Tech District No. 4, and Independent School District No. 20 of Muskogee County, Oklahoma (Muskogee Public Schools, and referred to herein as the “**School District**”). The general and intangible impacts on the affected taxing jurisdictions from

implementation of this Project Plan are positive and include the achievement of the objectives set forth in Section IV of this Project Plan.

The creation of the Increment District will allow the County to apportion the incremental increase in ad valorem tax revenues and construction sales and use tax revenues generated through construction and operation of the industrial developments within the Increment District for the purpose of paying Project Costs, either through direct payment and/or reimbursement and/or paying debt service on tax apportionment bonds or notes (collectively, the “**TIF Bonds**”), which may be issued in one or more series by a public trust created under Title 60, Oklahoma Statutes 2021, Section 176 *et seq.*, for the benefit of the County and/or the City, and including any interest, capitalized interest and other related financing costs. The proceeds of any such TIF Bonds (if issued) shall be utilized for the Project Costs.

It is anticipated that a successful development will result in significant long-term benefits to the affected ad valorem taxing jurisdictions without causing significant (if any) negative impact on the existing tax base during the term of the Increment District. The formation of an Increment District should result in no net loss in existing ad valorem tax revenue to each of the affected ad valorem taxing jurisdictions. The formation of the Increment District will cause the affected ad valorem taxing jurisdictions to forgo a portion of any new incremental ad valorem tax revenue generated from real and personal property values during the term of the Increment District, but will not affect the existing ad valorem tax base within the Increment District. During the term of the Increment District, the 50.0% of Ad Valorem Increment Revenues (as defined herein) apportioned to the affected ad valorem taxing jurisdictions as a specific revenue source are estimated to be approximately \$4.77 million (ranging from \$276,200 to \$492,000 per year and based on the proposed development of the Project), and which will be apportioned directly to the affected taxing jurisdictions. Upon expiration of the Increment District, the affected ad valorem taxing jurisdictions could see an aggregate net gain in annual ad valorem tax revenues of approximately \$552,500 (based on an aggregate taxable property value of approximately \$120 million). It is anticipated that the job creation component of the Project may result in a net increase in the total student population for the School District. To offset the potential increase in student population, the Ad Valorem Increment Revenues allocated to the School District are classified as a specific revenue source for capital expenditures (and any related financing costs) for the benefit of the School District. Based on the projections of Ad Valorem Increment Revenues, the School District is expected to receive approximately \$3.36 million in net new taxing revenues over the term of the Increment District.

Potential impacts on the ad valorem taxing jurisdictions include population growth and the demand for services created thereby. The direct impact on each ad valorem taxing jurisdiction is the loss of a portion of the new ad valorem tax increment revenues during the period of apportionment. An additional impact on the School District is that the valuation of the Increment District will not count for, and will therefore limit, the bonding capacity of the School District. However, the School District does realize additional revenue from other sources on a per pupil basis. These impacts may be mitigated by any increase in valuation of property outside the Increment District (for example, successful development enhances the property values surrounding the Increment District), and by any increase in new housing outside the Increment District (for example, successful development results in net population gain to the County creating demand for new housing).

The formation of an Increment District should result in new, one-time construction sales and use tax collections to the County, as the affected sales tax jurisdictions. Fifty percent (50%) of the construction sales or use taxes will be captured pursuant to this Project Plan. As of the date of this Project Plan, the County levies a 0.65% sales tax. Assuming completion of the proposed Project and no change in the respective tax levies, the County expect to realize approximately \$58,500 in new, one-time sales and use tax from the Project, based on the assumption that 60% of the cost of real property taxable capital investment represents construction materials subject to sales or use tax. Additionally, the County may realize significant indirect sales and use tax gains outside the Increment District, due to short term construction and long-term employment opportunities. These impacts may be mitigated by any increased costs of providing County services to the development (law enforcement, fire, etc.).

## VI. STATEMENT OF PRINCIPAL ACTIONS

Implementation actions for the project, including all necessary, appropriate and supportive steps, will consist of any of the following:

A. Site preparation, planning and construction of public improvements necessary to support the development project;

B. Acquisition by private developers of any additional property interests necessary for the development project including connecting public easements;

C. Negotiation, preparation, execution, and implementation of development agreements, including agreements for financing, demolition, and construction by private developers, as authorized by the Local Development Act. Such agreements may include the granting of incentives for private developers to complete certain improvements within the Project Area;

D. Issuance of tax apportionment bonds or other debt issuance necessary to provide funds for Project Costs;

E. All other actions necessary and appropriate to carry out the development project as authorized by the Local Development Act.

## VII. ESTABLISHMENT OF INCREMENT DISTRICT NO. 2, MUSKOGEE COUNTY

Increment District No. 2, Muskogee County shall commence as of the date determined by the Board of County Commissioners in accordance with Section 856(B)(2) of the Local Development Act (the “**Commencement Date**”); provided however, the Commencement Date shall not be later than ten (10) years following adoption of this Project Plan. In accordance with the provisions of the Local Development Act, the following incremental revenues shall be apportioned and used to pay (or reimburse the payment of) Project Costs authorized pursuant to Section IX of this Project Plan. The apportionment of the Ad Valorem Increment Revenues, the

County Sales Tax Increment Revenues, and the Leverage Act Increment Revenues (each as defined herein, and collectively referred to as the “**TIF Revenues**”) shall continue for that period required for the payment of the Project Costs, or a period not to exceed approximately fifteen (15) years following the Commencement Date (expected to end December 31, 2039, and referred to as the “**Expiration Date**”), whichever is less:

A. One hundred percent (100.0%) of the total equalized assessed value of real and personal property within the boundaries of the Increment District. The base assessed value (as described in Section 862 of the Local Development Act) of the Increment District shall be calculated as an amount equal to one hundred percent (100.0%) of the initial equalized assessed value of real and personal property within the boundaries of the Increment District. In accordance with the provisions of the Local Development Act, one hundred percent (100%) of the increments of real and personal property ad valorem taxes generated within the Increment District (inclusive of any amounts received from the State of Oklahoma’s Ad Valorem Reimbursement Fund pursuant to Title 62, Section 193 of the Oklahoma Statutes, as reimbursement for exemptions for “qualified manufacturing concerns” pursuant to Article X, Section 6B of the Oklahoma Constitution), in excess of the real and personal property ad valorem taxes generated from the base assessed value of the Increment District, as such increments are determined and defined pursuant to the Local Development Act (collectively, the “**Ad Valorem Increment Revenues**”, and said amount representing one hundred percent (100.0%) of the total new ad valorem tax revenues generated within the boundaries of the Increment District, as determined annually by the Muskogee County Assessor), shall be apportioned as follows: (i) one-half (50.0%) of the Ad Valorem Increment Revenues shall be pledged as security for the payment of the TIF Bonds or otherwise used to pay (or reimburse the payment of) Project Costs authorized pursuant to Section IX of this Project Plan; and (ii) one-half (50.0%) of the Ad Valorem Increment Revenues shall be apportioned to the affecting taxing jurisdictions in proportion to the allocation that the taxing jurisdictions would ordinarily receive from the increased assessed values, in the absence of the Increment District (as set forth in Sections 853(9), 853(14)(i) and 854(4) of the Local Development Act; provided that any portion of the TIF Revenues allocated to the School District shall be for the purpose of providing a specific revenue source for capital expenditures (and any related financing costs) for the benefit of the School District; and

B. Fifty percent (50%) of the incremental County sales and use tax revenue derived from the construction of the Project (representing an amount equivalent to a 0.325% sales and use tax based on a total of 0.65% sales and use tax levied by the County as of the date of this Project Plan pursuant to Resolutions of the County dated September 6, 2005, and April 10, 2017 (collectively, the “**County Sales Tax Resolution**”), as such County Sales Tax Resolution may be amended, replaced, extended, superseded, terminated, or otherwise modified from time to time, including with regards to the total amount of applicable County sales tax rate (referred to as the “**County Sales Tax Increment Revenues**”); provided that all such County Sales Tax Increment Revenues shall be pledged as security for the payment of the TIF Bonds or otherwise used to pay (or reimburse the payment of) Project Costs authorized pursuant to Section IX of this Project Plan; provided, however, the County Sales Tax Increment Revenues shall only pertain to construction and other capital investment related expenditures within the boundaries of the Increment District, and shall not include any sales and use tax derived from retail sales. Provided further, the County shall grant its specific consent as required by Section 861(A)(2)(c) of the Local Development Act prior to the capture of any County Sales Tax Increment Revenue derived from the

levy of sales and use tax by the County. The remaining unapportioned fifty percent (50%) incremental sales and use tax (representing an amount equivalent to a 0.325% sales and use tax based on a total of 0.65% sales and use tax levied by the County as of the date of this Project Plan) shall be retained by the County and utilized on a pro rata basis for any lawful purpose consistent with the aforementioned County Sales Tax Resolution.

C. One hundred percent (100%) of the incentive matching payments made by the State of Oklahoma pursuant to the Leverage Act, based on sales and use tax increments dedicated to the Increment District, as such amounts are hereinafter determined and defined (collectively, and as more specifically defined in Section X herein, the “**Leverage Act Increment Revenues**”); provided that all of the generated increment shall be pledged as security for the payment of the TIF Bonds or otherwise used to pay (or reimburse the payment of) Project Costs authorized pursuant to Section IX of this Project Plan.

## VIII. PROJECT AND INCREMENT DISTRICT AUTHORIZATIONS

A. Upon adoption of a Resolution of the Board of County Commissioners approving this Project Plan, the County is hereby designated and authorized as the public entity to carry out and administer the provisions of this Project Plan and to exercise all powers necessary or appropriate thereto, including, without limitation, those powers described in Section 854 of the Local Development Act.

B. The County may create a new public trust with the County named as its beneficiary, and/or designate an existing public trust with the County and/or the City named as its beneficiary (said public trust referred to herein as the “**Authority**”), and said Authority shall be the public entity designated by the County to assist in carrying out and administering the provisions of this Project Plan and authorized to exercise all powers necessary or appropriate thereto pursuant to Title 62, Section 854 of the Local Development Act, except for approval of this Project Plan and those powers enumerated in paragraphs 1, 2, 3, 4, 7, 13, and 16 of that section, which powers shall be reserved to the County.

C. The person in charge of implementation of this Project Plan in accordance with the provisions, authorizations and respective delegations of responsibilities contained herein is Mr. Ken Doke, Chairman, Board of County Commissioners. Mr. Doke, or his successor as Chairman, is authorized to empower one or more designees to exercise responsibilities in connection with project implementation.

## IX. BUDGET OF ESTIMATED PROJECT COSTS TO BE FINANCED FROM INCREMENT DISTRICT NO. 2

Project Costs to be financed by the apportionment of tax increments from the Increment District include the planning, design, acquisition, site preparation and/or construction of the TIF Projects in an aggregate total amount of \$24,360,873. Certain Project Costs may be funded through the payment of assistance in development financing (as authorized by Section 853(14)(o) of the



Local Development Act) to a third party as reimbursement for the payment of such Project Costs. Additional amounts will be financed by the apportionment of tax increments from the Increment District including the following items related to Project Costs in excess of the amounts specifically identified for TIF Project Costs: (a) the direct or incidental administrative costs incurred or to be incurred by or on behalf of the County, the Authority, or other public entities (all as contemplated in Title 62, Section 853(14)(e) of the Local Development Act) in organizing, supervising, implementing and administering this Project Plan, including, but not limited to, payment and/or reimbursement of costs advanced in connection with the preparation and approval of this Project Plan, administrative costs, organizational costs, professional service costs, including those incurred for architectural, planning, engineering, legal and financial advisors and services, and costs for determining or re-determining the base assessed value of the Increment District (the “**Organizational Costs**”), and (b) interest and other financing costs and fees, including principal, interest (including capitalized interest), associated costs of issuance, reasonably required reserves, and prepayment premium paid on debt service and/or any reimbursement obligation (the “**Debt Service Costs**”). The Organizational Costs associated with the initial creation and implementation of the Increment District are preliminarily estimated to be approximately \$100,000, and the ongoing Organizational Costs are estimated to be \$10,000 per year. The Debt Service Costs associated with the Project Costs are preliminarily estimated to be on the order of \$27,146,030, but depending on available cost sharing opportunities, could be significantly less, as described in Exhibit “E” attached hereto..

The total estimate of Project Costs that may be made available for improvements from apportioned tax revenues shall be \$24,320,873 (including all engineering, construction, planning, and contingency costs). Apportioned tax revenues in excess of the amounts needed for Project Costs may be utilized as necessary to pay the Organizational Costs and the Debt Service Costs, and could total approximately \$27,406,030. The estimated combined total of all eligible Project Costs is \$51,726,903.

## **X. METHODS OF FINANCING PROJECT COSTS, EXPECTED SOURCES OF REVENUES, AND TIME WHEN COSTS OR MONETARY OBLIGATIONS ARE TO BE INCURRED**

It is hereby determined that the proposed Project Costs will generally benefit and support development throughout the Project Area, inclusive of the Increment District and the Muskogee County TIF. It is further determined that (i) the TIF Revenues derived from the Increment District may properly be utilized to pay any and all Project Costs within the Project Area; and (ii) it is proper and may be appropriate (at the discretion of the County) to pledge TIF Revenues from the Increment District to the repayment of TIF Bonds. Therefore, with respect to the Increment District:

**A. Methods of Financing.** It is expected that the Project Costs will be paid from proceeds of the Authority’s TIF Bonds. Payment of principal and interest due on the TIF Bonds will be paid from available TIF Revenues. Certain Project Costs may be directly paid by a third party developer or the County and reimbursed from proceeds of the TIF Bonds. Alternately, certain Project Costs may also be directly paid by a third party developer or the County and

reimbursed from TIF Revenues in excess of those needed for debt service on the TIF Bonds. Certain other costs of the Project may be paid from such other funds of the County or the Authority as may be lawfully used for the purposes hereinabove stated, including proceeds of certain debt obligations issued by the Authority and secured by a pledge of general sales tax, utility, or other available revenues.

**B. Expected Sources of Revenues.** The payment or reimbursement of Project Costs, including any interest component on reimbursed funds and any principal, interest, and premium on any TIF Bonds, will be made from one or more of the following sources of revenues:

(i) *Ad Valorem Increment Revenues.* In accordance with the provisions of the Local Development Act, the Ad Valorem Increment Revenues are to be apportioned and set aside from all other ad valorem taxes levied within the Increment District, to be used exclusively for:

- (a) the payment of principal, interest and premium, if any, on any TIF Bonds issued pursuant to Section 863 of the Local Development Act (including pledging as security for such payments);
- (b) the payment, if required, of amounts necessary to satisfy or replenish any reserve requirement established with respect to any TIF Bonds;
- (c) the payment of Project Costs incurred in connection with the development, construction, or implementation of the TIF Projects;
- (d) the reimbursement of a third party developer (pursuant to a development agreement with the County or the Authority), the County, or any agency thereof (including the Authority), which has paid Project Costs from funds which were not increments derived from the Increment District, but only to the extent that such sums were actually paid or, in the case of reimbursement of a third party developer, constitute an interest component on sums that were actually paid; and
- (e) the establishment and payment of a specific revenue source for affected taxing entities pursuant to Sections 853(9), 853(14)(i), and 854(4) of the Local Development Act.

Pursuant to the Local Development Act, the Ad Valorem Increment Revenues apportioned hereunder shall be transferred by the Muskogee County Treasurer to a special fund to be known as the “Increment District No. 2 - Apportionment Fund” (hereinafter, the “**Apportionment Fund**”), which fund will be held by and be the property of the County (except that such fund may also be held by the Authority or a trustee acting on behalf of the Authority). No portion of such increments and no portion of the Apportionment Fund shall constitute a part of the general fund of the County. All Ad Valorem Increment Revenues so collected shall be apportioned as follows: (i) one-half (50.0%) of the Ad Valorem Increment Revenues shall be pledged as security for the payment of the TIF Bonds or otherwise used to pay (or reimburse the payment of) Project Costs authorized pursuant to Section IX of this Project Plan; and (ii) one-half (50.0%) of the Ad Valorem

Increment Revenues shall be apportioned to the affecting taxing jurisdictions in proportion to the allocation that the taxing jurisdictions would ordinarily receive from the increased assessed values, in the absence of the Increment District (as set forth in Sections 853(9), 853(14)(i) and 854(4) of the Local Development Act; provided that any portion of the TIF Revenues allocated to the School District shall be for the purpose of providing a specific revenue source for capital expenditures (and any related financing costs) for the benefit of the School District.

The apportionment of ad valorem taxes pursuant to this section shall terminate upon the final payment of, or reimbursement for, all project costs incurred in connection with the projects listed in this Project Plan, and the payment of all outstanding principal, accrued interest, and premium due on the TIF Bonds; provided, however, that in no case shall the apportionment of revenues pursuant hereto extend beyond the Expiration Date.

In the event that any Project Costs remain unpaid, or any portion of the principal or interest on the TIF Bonds, issued in connection herewith, or any amount due and owing for reimbursement to the County or the Authority or pursuant to a development agreement between the County and a Developer, remains unpaid as of the Expiration Date, then the Increment District shall not terminate until the increment apportioned during the term of the Increment District is actually received by the Apportionment Fund, even if the receipt of such revenues occurs subsequent to the Expiration Date.

(ii) *County Sales Tax Increment Revenues.* In accordance with the provisions of the Local Development Act, the County Sales Tax Increment Revenues are to be apportioned and set aside from all other sales taxes levied within the Increment District, to be used exclusively for:

- (a) the payment of principal, interest and premium, if any, on any TIF Bonds issued pursuant to Section 863 of the Local Development Act (including pledging as security for such payments);
- (b) the payment, if required, of amounts necessary to satisfy or replenish any reserve requirement established with respect to any TIF Bonds;
- (c) the payment of Project Costs incurred in connection with the development, construction, or implementation of the TIF Projects; and
- (d) the reimbursement of a third party developer, including any interest component (pursuant to a development agreement with the County and/or the Authority), the County, or any agency thereof (including the Authority), which has paid Project Costs from funds which were not increments derived from the Increment District, but only to the extent that such sums were actually paid or, in the case of reimbursement of a third party developer, constitute an interest component on sums that were actually paid.

Provided, however, the remaining unapportioned incremental sales and use tax revenues derived from the Increment District, as of the date of this Project Plan representing the

equivalent of 0.325% of the total 0.65% sales and use tax levied by the County, shall be retained by the County and utilized on a pro rata basis for any lawful purpose consistent with the aforementioned County Sales Tax Resolution. For purposes of determining the incremental portion of the sales and use taxes generated within or sourced to the Increment District, the County Sales Tax Increment Revenues shall only pertain to construction and other capital investment related expenditures within the boundaries of the Increment District, and shall not include any sales and use tax derived from retail sales. Fifty percent (50%) of the incremental County sales and use tax revenue derived from the construction of the Project shall be considered to be the “increment” subject to apportionment by this section. The County shall establish procedures related to the calculation and determination of construction related sales tax revenue qualifying as County Sales Tax Increment Revenues. Such procedures shall stipulate that construction related County Sales Tax Increment Revenues be derived only from new construction activities occurring within the Increment District. The County shall be entitled to rely on certifications of actual construction costs provided by a third party developer(s) or related parties in connection with determining any applicable County Sales Tax Increment Revenues.

Pursuant to the Local Development Act, the County Sales Tax Increment Revenues apportioned hereunder and so collected shall be transferred for deposit to the Apportionment Fund. No portion of such increments and no portion of the Apportionment Fund shall constitute a part of the general fund of the County. All County Sales Tax Increment Revenues so collected shall be pledged as security for the payment of the TIF Bonds or otherwise used to pay (or reimburse the payment of) Project Costs authorized pursuant to Section IX of this Project Plan, including any interest component (pursuant to a development agreement with the County and/or the Authority).

The apportionment of sales taxes pursuant to this section shall terminate upon the final payment of, or reimbursement for, all Project Costs incurred in connection with the projects listed in this Project Plan, and the payment of all outstanding principal, accrued interest, and premium due on the TIF Bonds; provided, however, that in no case shall the apportionment of revenues pursuant hereto extend beyond the Expiration Date.

In the event that any Project Costs remain unpaid, or any portion of the principal or interest on the TIF Bonds, issued in connection herewith, or any amount due and owing for reimbursement to the County or the Authority or pursuant to a development agreement between the County and the Developer, remains unpaid as of the Expiration Date, then the Increment District shall not terminate until the increment apportioned during the term of the Increment District is actually received by the Apportionment Fund, even if the receipt of such revenues occurs subsequent to the Expiration Date.

(iii) *Leverage Act Increment Revenues.* In accordance with the provisions of the Local Development Act, the Leverage Act Increment Revenues are to be apportioned and set aside from all other revenues generated within the Increment District, to be used exclusively for:

- (a) the payment of principal, interest and premium, if any, on any TIF Bonds issued pursuant to Section 863 of the Local Development Act (including pledging as security for such payments);
- (b) the payment, if required, of amounts necessary to satisfy or replenish any reserve requirement established with respect to any TIF Bonds;
- (c) the payment of Project Costs incurred in connection with the development, construction, or implementation of the TIF Projects; and
- (d) the reimbursement of a third party developer (pursuant to a development agreement with the County or the Authority), including any interest component (pursuant to a development agreement with the County and/or the Authority), the County, or any agency thereof (including the Authority), which has paid Project Costs from funds which were not increments derived from the Increment District, but only to the extent that such sums were actually paid or, in the case of reimbursement of a third party developer, constitute an interest component on sums that were actually paid.

The County shall establish procedures related to application under the Leverage Act for sales and use tax matching funds. It is hereby recognized that any Leverage Act Increment Revenues represent a substantial economic benefit to the County and the development of the Project, and the County and the Authority shall take all reasonable actions necessary to maximize the Leverage Act Increment Revenues.

Pursuant to the Local Development Act, the Leverage Act Increment Revenues apportioned hereunder and so collected shall be placed into the Apportionment Fund. No portion of such increments and no portion of the Apportionment Fund shall constitute a part of the general fund of the County. All Leverage Act Increment Revenues so collected shall be pledged as security for the payment of the TIF Bonds or otherwise used to pay (or reimburse the payment of) Project Costs authorized pursuant to Section IX of this Project Plan, including any interest component (pursuant to a development agreement with the County and/or the Authority).

The apportionment of matching incentive funds pursuant to this section shall terminate upon the final payment of, or reimbursement for, all Project Costs incurred in connection with the projects listed in this Project Plan, and the payment of all outstanding principal, accrued interest, and premium due on the TIF Bonds; provided, however, that in no case shall the apportionment of revenues pursuant hereto extend beyond the Expiration Date.

In the event that any Project Costs remain unpaid, or any portion of the principal or interest on the TIF Bonds, issued in connection herewith, or any amount due and owing for reimbursement to the County or the Authority or pursuant to a development agreement between the County and the Developer, remains unpaid as of the Expiration Date, then the Increment District shall not terminate until the increment apportioned during the term of the Increment District is actually received by the Apportionment Fund, even if the receipt of such revenues occurs subsequent to the Expiration Date.

**C. Time When Costs Or Monetary Obligations Are To Be Incurred.** It is estimated that the time frame for incurring most of the Project Costs will be within three to five years from the date of approval of this Project Plan; however, certain Project Costs will not be incurred until appropriate development projects within the Increment District are identified by the County. It is anticipated that most Project Costs will be paid from proceeds of TIF Bonds issued by the Authority, provided however, certain Project Costs may be directly paid or reimbursed from apportioned TIF Revenues.

**D. Flow of Funds; Excess Revenues.**

During the term of the Increment District, TIF Revenues shall be utilized as follows:

- FIRST: The payment of principal, accrued interest, and premium, if any, due on the TIF Bonds;
- SECOND: If applicable, transfers to any debt service reserve established in connection with the TIF Bonds in such amounts as may be necessary to restore the reserve to its prescribed levels;
- THIRD: The payment and/or reimbursement of authorized Project Costs (including any interest component pursuant to a development agreement);
- FOURTH: If applicable, the prepayment of principal on any TIF Bonds until such time as all TIF Bonds are retired; and
- FIFTH: Upon retirement of all TIF Bonds (if any) and payment of all Project Costs (including any interest component pursuant to a development agreement), (a) any remaining Ad Valorem Increment Revenues shall be transferred to the various ad valorem taxing jurisdictions, in the same percentages as originally collected, as determined by reference to the millage levied by each of the various ad valorem taxing jurisdictions for the related tax year, excluding sinking fund levies, and (b) any remaining County Sales Tax Increment Revenues shall be transferred to the County for deposit into the General Fund or to the appropriate special fund, in each case consistent with the provisions of the Local Development Act. Any remaining Leverage Act Increment Revenues shall be treated appropriately as sales and use tax revenue, and shall be transferred as set forth in (b) herein, or, if required by the Leverage Act, shall be returned to the State of Oklahoma.

**XI. FINANCING REVENUE SOURCES**

The TIF Revenues are expected to finance all or a portion of the Project Costs authorized by Section IX. Based on the initial projections of Ad Valorem Increment Revenues for the Project, it is estimated that approximately \$9.54 million could be generated by the incremental increase in ad valorem tax revenue during the term of the Increment District, with approximately \$4.77 million available for allocation to Project Costs and approximately \$4.77 million apportioned to the

affected ad valorem taxing jurisdictions. The initial projections of Ad Valorem Increment Revenues are based upon an estimated \$120 million aggregate taxable capital investment (including projected depreciation and annual capital expenditures), an 11% assessment rate for real property, a 12% assessment rate for business personal property, and an approximately 10.119% millage levy within the Increment District (based on the 2023 levy rate for property located within School District).

Based on the initial projections of County Sales Tax Increment Revenues for the Project, it is estimated that approximately \$117,000 could be generated by the incremental increase in sales tax revenue during the term of the Increment District, with approximately \$58,500 available for allocation to Project Costs and approximately \$58,500 retained by the County. The initial projections of incremental sales and use tax revenue are based upon the projected revenues generated within the Increment District from the levy of an aggregate total of sixty-five hundredths of one percent (0.65%) County sales tax on new construction within the Increment District generating approximately \$18 million in gross taxable sales during the term of the Increment District.

Additional TIF Revenues may be realized through state matching incentive payments made pursuant to the Leverage Act, as set forth in Section X(B)(iv) above (i.e. the Leverage Act Increment Revenues). Based on the initial projections of revenue and the level of apportionment of sales and use tax to Project Costs, state matching payments could make available up to an additional \$58,500 for Project Costs, although it is possible that only a portion of the taxable transactions may qualify for state matching incentive payments.

The calculation of projected TIF Revenues will be refined based upon (i) the actual effective ad valorem tax rate and base assessed valuation, as determined from time to time by the Muskogee County Assessor and subject to change by voters of the applicable taxing jurisdiction at an election(s) held for such purpose, (ii) the total net capital investment resulting from development within the Increment District, and (iii) the timing of the development.

The realization of the TIF Revenues is directly dependent on the County's ability to attract development proposals on a magnitude contemplated by this Project Plan within the Increment District during the term of the Increment District. The Authority and/or the County may enter into economic development agreements with the prospective Griffin Industrial Park tenants or any other parties as required by the Local Development Act.

Certain TIF Projects may be designed and/or constructed by the County. Authorized Project Costs, or the payment of debt service on TIF Bonds issued to pay Project Costs, will be paid from TIF Revenues by the County or the Authority, and may include (i) reimbursement of the County or the Authority for certain public improvements constructed from other available funds, and (ii) assistance in development financing (as authorized by the Local Development Act) to the Developer for certain public infrastructure and/or other site improvements constructed on behalf of the County in furtherance of the purposes of this Project Plan. The financing of the projected private development in the area may be provided by private equity and private mortgage financing, secured by the private developments.

## **XII. PUBLIC REVENUE ESTIMATED TO ACCRUE FROM THE PROJECT AND OTHER ECONOMIC IMPACTS**

The Ad Valorem Increment Revenues, the County Sales Tax Increment Revenues, and the Leverage Act Increment Revenues (estimated at a total of approximately \$4.88 million over the term of the Increment District based on the Project, including potential Leverage Act matching incentive funds from the State), of which portions will serve as all or a portion of the revenue source for financing the Project Costs authorized by Section IX of this Project Plan, are the public revenues directly attributable to the project defined by establishment of the Increment District. Additionally, the various taxing jurisdictions may realize additional ad valorem tax revenue and/or sales and use tax revenue from additional development outside the boundaries of the Increment District.

Construction of the improvements and subsequent development should have a positive impact on total employment in the County, including temporary construction jobs and permanent positions at the facilities related to the Project. Indirect impacts (associated with the employment and income which result from the provision of inputs in support of the primary activity), and induced impacts (associated with the wages and jobs resulting from changes in household expenditures which come about through direct and indirect employment) will also result in additional growth in the County.

This Project Plan includes certain projections and estimates, which are based on the current expectations or beliefs of third party developer(s) and are subject to uncertainty and changes in circumstances. Actual results may vary materially from the expectations contained herein due to changes in economic conditions, market demand and other factors affecting the development of the Project.

## **XIII. PRIVATE AND PUBLIC INVESTMENTS EXPECTED FOR THE PROJECT**

The publicly financed Project Costs in the amount of \$24,320,873, as authorized by this Project Plan, represent approximately 10.84% of the projected total public and private investment for the Project, which including anticipated expenditures by or on behalf of commercial or governmental entities within the Increment District, could exceed \$200 million.

## **XIV. MISCELLANEOUS PROVISIONS**

**A. Zoning Conditions.** No changes in zoning are contemplated under this Project Plan. A map showing the existing uses and conditions of the real property is included as Exhibit “G”.

**B. Annual Reports.** In accordance with Sections 860 and 867 of the Local Development Act, within ninety (90) days following the end of each fiscal year, the County shall prepare and submit a report to the Oklahoma Department of Commerce and to chief executive officer of each taxing entity that levies ad valorem taxes on property within each Increment



District. At the time of submitting the report, the County shall also publish a notice and summary of the report in a newspaper of general circulation.

**EXHIBIT "A"**

**MAP OF INCREMENT DISTRICT NO. 2**

The boundaries of Increment District No. 2, Muskogee County contain an area within the Griffin Industrial Park in Muskogee County, located along the east side of S 24<sup>th</sup> Street W, south of W. 43<sup>rd</sup> Street S. and north of W. 53<sup>rd</sup> Street S.



\* Increment District boundaries contained within white border and shaded blue.

**EXHIBIT “B”**

**INCREMENT DISTRICT LEGAL DESCRIPTION**

**INCREMENT DISTRICT NO. 2**

The composite legal description for the Increment District is as follows:

An area located entirely in Muskogee County, Oklahoma, more particularly described as follows:

The Northwest Quarter (NW/4) of the Southwest Quarter (SW/4 of Section Fifteen (15), Township Fourteen (14) North, Range Eighteen (18) East of the Indian Meridian, Muskogee County, State of Oklahoma.

The following Tracts I is approximately representative of the Increment District boundaries shown on the map in Exhibit “A”.

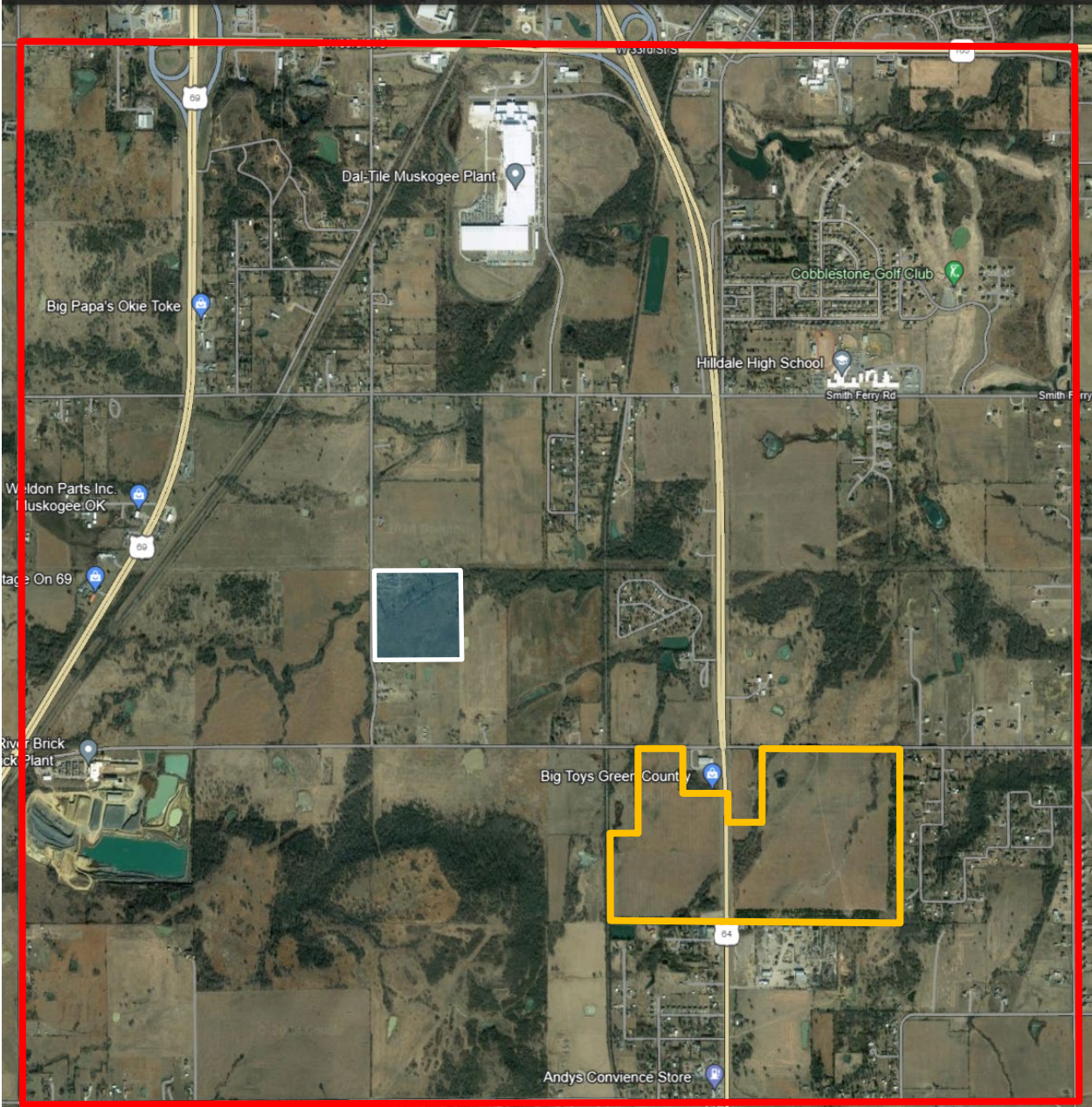
Tract I (Parcel ID #510028508):

T14N R18E S15 NW SW

EXHIBIT "C"

MAP OF ECONOMIC DEVELOPMENT PROJECT AREA

The boundaries of the Project Area associated with Increment District No. 2, Muskogee County contain an area comprising Sections 9-11, 14-16, and 21-23, Township Fourteen (14) North, Range Eighteen (18) East of the Indian Meridian, Muskogee County, State of Oklahoma. The Project Area is bordered on the south by Davis Field Road, on the east by Gulick Street, on the north by OK Highway 165 (W 33<sup>rd</sup> Street S), and on the west by S 40<sup>th</sup> Street W.



\* Project Area is outlined by red border. Increment District boundaries contained within white border and shaded blue. Muskogee City TIF boundaries shown in orange for reference purposes only.

**EXHIBIT “D”**

**PROJECT AREA LEGAL DESCRIPTION**

**INCREMENT DISTRICT NO. 2 PROJECT AREA**

An area located entirely in Muskogee County, Oklahoma, more particularly described as follows:

Sections Nine (9), Ten (10), Eleven (11), Fourteen (14), Fifteen (15), Sixteen (16), Twenty-one (21), Twenty-two (22), and Twenty-three (23), Township Fourteen (14) North, Range Eighteen (18) East of the Indian Meridian, Muskogee County, State of Oklahoma.

**EXHIBIT “E”****PROPOSED DEVELOPMENT IN THE PROJECT AREA  
AND INCREMENT DISTRICT**

This John T. Griffin Industrial Park (Project Bifrost) Economic Development Project Plan describes an economic development project of Muskogee County, Oklahoma, that brings a significant industrial development to the County. The Project Plan contemplates the creation of a tax increment financing district pursuant to the Local Development Act. The purpose of the Increment District is to encourage the prospective development of available parcels within the Port Muskogee owned John T. Griffin Industrial Park, located north of W. 53<sup>rd</sup> Street S between U.S. 64 and U.S. 69. Lot 8 within Griffin Industrial Park, encompassing approximately 40 acres, is under consideration for the development of a digital asset self-mining facility (bitcoin mining) with an initial capital investment of approximately \$200 million, and the potential for further expansion.

The County recognizes the difficulty in development of the area due to significant costs necessary to upgrade the current infrastructure within and near the Griffin Industrial Park in order to support the development of the Project. The goal of the Increment District is to promote economic development in the County by incentivizing capital investment in undeveloped property in order to enhance the tax base and create employment opportunities within the County. The County proposes to complete (or cause to be completed) certain industrial access road improvements, rail improvements, and/or utility extensions that will provide service to the Griffin Industrial Park, as well as the nearby City of Muskogee Southside Industrial Park. The City of Muskogee, Oklahoma has under separate consideration the creation of a city tax increment financing district to encourage development within the Southside Industrial Park. Many of the TIF Projects will support development in the Muskogee City TIF, as well as contemplated herein, and the County and the City both recognize the inherent economic benefits in the form of capital investment, job creation, and overall economic impact of development in the Southside Industrial Park and the Griffin Industrial Park. The County has identified an aggregate total of not-to-exceed \$24,320,873 in costs associated with the TIF Projects in connection with establishing the Increment District (as defined herein). The associated costs of the TIF Projects, along with the Organizational Costs and the Debt Service Costs (each as further defined herein) are collectively referred to herein as the “**Project Costs**”. Many of the Project Costs will support development within the Increment District and the Muskogee City TIF, and as such, any of the Project Costs shall be deemed to be authorized Project Costs of both the Increment District and the Muskogee City TIF. The County expects to phase the expenditure of Project Costs in coordination with specific development projects, and intends to apply other available funds as appropriate to offset the costs to the Increment District.

Pursuant to the terms of a development agreement(s) between the County and the prospective developer(s) (as required by the Local Development Act defined herein), the TIF Revenues generated by virtue of the construction sales and use tax, and the ad valorem tax levies shall be utilized as a revenue source to fund the costs of the TIF Projects. The TIF Revenues will be used to pay the costs of the TIF Projects, reimburse the Organizational Costs, and/or pay the Debt Service Costs on obligations issued to pay the same.

Based solely on the proposed Project Bifrost, the development within the Increment District could result in a potential total initial capital investment of approximately \$200 million (\$120 million net taxable value subject to ad valorem taxes, including projected depreciation and annual capital expenditures) and generate approximately \$18 million in taxable construction material sales over the term of the Increment District. Please see Exhibit “F” for a Preliminary Site Development Plan for the Project.

The estimated \$120 million taxable capital investment is based on the following assumptions:

- Project Bifrost
  - Construction of phase one facilities completed by end of 2024 consisting of a \$115 million capital investment, consisting of \$40 million real property (\$24 million projected taxable value) and \$75 million equipment (\$45 million projected taxable value, depreciated over approximately five years to a minimum value of 20% of original assessed value). Construction material sales based on 60% of real property taxable investment.
  - Construction of phase two facilities completed by end of 2027 consisting of a \$85 million capital investment, consisting of \$10 million real property (\$6 million projected taxable value) and \$75 million equipment (\$45 million projected taxable value, depreciated over approximately five years to a minimum value of 20% of original assessed value). Construction material sales based on 60% of real property taxable investment.

The County has identified TIF Projects totaling \$24,320,873 that will ultimately be necessary in order to service the proposed development within the Increment District. The Project Costs identified in connection with the proposed development of the Increment District are as follows:

- Industrial Road and Utility Improvements (\$18,251,068)
  - \$13,468,400 53<sup>rd</sup> Street Improvements from U.S. 69 to U.S. 64
  - \$4,582,668 Southside Industrial Park East Loop Road, with related utility improvements
  - \$200,000 Shell Pit Road to provide construction access to 53<sup>rd</sup> Street
- Rail Infrastructure Improvements (\$6,069,805)
  - \$3,144,509 Rail line rehabilitation
  - \$2,925,296 Trestle Bridge replacement

Other costs relating to the Increment District, in addition to the costs of the above described TIF Projects, include the following items:

- \$100,000 Organizational Costs of establishing the Increment District
- \$160,000 Estimated administration costs (Organizational Costs) of the Increment District (\$10,000 per year)

- \$27,146,030 Debt Service Costs – Estimated interest and financing costs (assuming approximately 17 year financing at 7% with first 2 years of capitalized interest)

Portions of the above Project Costs may be paid from revenues derived from the creation of the Muskogee City TIF. The Muskogee City-County Port Authority has been awarded a grant in the amount of \$1,200,000 applicable to the Trestle Bridge replacement project. The Port Authority is also actively pursuing approximately \$5,450,000 in Oklahoma Department of Transportation resurfacing funding and approximately \$2,000,000 in State of Oklahoma P3 Program funding that would all be applied to the 53<sup>rd</sup> Street Improvements. Project Heart (an industrial development project contemplated within the Muskogee City TIF) also has a right of first refusal on the southern portion of Southside Industrial Park East, which may reduce the scope of the SSIP East Loop Road project to approximately \$1,637,376. Additional project funding sources may become available to offset additional portions of certain Project Costs. It is also anticipated that the incremental revenues derived from the Muskogee City TIF will provide additional funds to support the Project Costs. The preliminary estimates of Muskogee City TIF incremental revenues apportioned for the payment of Project Costs include \$30.62 million in incremental ad valorem revenues, \$3.867 million in incremental construction sales and use tax revenues, and \$3.867 million in potential incremental Leverage Act matching revenues. These estimates are based on an estimated \$1.15 billion capital investment (\$655.87 million taxable value) generating \$166.3 million in construction-related taxable sales.

Assuming the known cost sharing elements are successfully obtained, the total Project Costs are expected to be reduced to \$15,670,873, plus the Organizational Costs (\$260,000) and estimated Debt Service Costs (\$11,872,730), with a projected payoff of approximately 11 years. Further assuming the reduced scope of the Loop Road project, the total Project Costs would be reduced to \$12,725,581, plus the Organizational Costs (\$260,000) and estimated Debt Service Costs (\$8,331,245), with a projected payoff of approximately 8 years.



**EXHIBIT “F”**

**PRELIMINARY SITE DEVELOPMENT PLAN\***

**GRIFFIN INDUSTRIAL PARK PROJECTS**



\* Subject to change.

**EXHIBIT "G"**

**EXISTING USES AND CONDITIONS OF REAL PROPERTY\***



*Publish: Muskogee Phoenix  
Sunday, March 24, 2024*

## **NOTICE OF PUBLIC HEARINGS**

### **REGARDING THE ADOPTION OF A TAX INCREMENT DISTRICT: INCREMENT DISTRICT NO. 6, CITY OF MUSKOGEE**

#### **SOUTHSIDE INDUSTRIAL PARK ECONOMIC DEVELOPMENT PROJECT IN MUSKOGEE, OKLAHOMA**

**5:30 PM MONDAY, APRIL 8, 2024**

**5:30 PM MONDAY, APRIL 22, 2024**

#### **TO ALL INTERESTED INDIVIDUALS:**

The City of Muskogee, Oklahoma (the “City”) invites and encourages all interested citizens and other interested parties to attend two public hearings scheduled for Monday, April 8, 2024, at 5:30 P.M. (during the scheduled meeting of the City Council of the City of Muskogee, Oklahoma), and Monday, April 22, 2024, at 5:30 P.M. (during the scheduled meeting of the City Council of the City of Muskogee, Oklahoma), both hearings to be held in the Third Floor Council Chambers located at the City of Muskogee Municipal Building, 229 West Okmulgee, Muskogee, Oklahoma 74401.

The purpose of the first hearing shall be for information and questions, and the second hearing shall be for persons to have an opportunity to be heard concerning the proposed creation of a tax increment financing district within the City of Muskogee (referred to herein as the “Increment District”) on the following described tracts, and the Southside Industrial Park Economic Development Project Plan (the “Project Plan”).

#### **Increment District No. 6, City of Muskogee**

The boundaries of the Increment District contain an area comprising the Southside Industrial Park within the City of Muskogee, located on the east and west sides of U.S. 64 just south of W. 53rd Street S. The legal description of the three parcels comprising the Increment District is as follows:

Tract I (Parcel ID #510028605):

T14N R18E S22 S½ NE NE &; NW NE NE LESS .94 ACRES HIGHWAY &; N10 ACRES S½  
NE E OF RIGHT OF WAY

Tract II (Parcel ID #510028604):

T14N R18E S22 ALL THAT PART S½ NE LYING E RAILROAD LESS N10 ACRES LESS .60  
ACRES HIGHWAY

Tract III (Parcel ID #510044598):

T14N R18E S23 NW LESS 5.52 ACRES HIGHWAY &; LESS COMM @ NW/C SEC 23,  
THENCE N88°33'16"E 115 TO P.O.B. THENCE S1°44'27"E 1088.57 N88°33'16"E 410.17  
N1°44'27"W 1088.57 S88°33'16"W 410.17 TO P.O.B.

#### **Project Area**

The boundaries of the Project Area associated with the Increment District contain an area comprising Sections 9-11, 14-16, and 21-23, Township Fourteen (14) North, Range Eighteen (18) East of the Indian Meridian, Muskogee County, State of Oklahoma. The Project Area is bordered on the south by Davis Field Road, on the east by Gulick Street, on the north by OK Highway 165 (W 33rd Street S), and on the west by S 40th Street W. The legal description of the Project Area is as follows:

An area located entirely in Muskogee County, Oklahoma, more particularly described as follows:

Sections Nine (9), Ten (10), Eleven (11), Fourteen (14), Fifteen (15), Sixteen (16), Twenty-one (21), Twenty-two (22), and Twenty-three (23), Township Fourteen (14) North, Range Eighteen (18) East of the Indian Meridian, Muskogee County, State of Oklahoma.

Maps of the proposed Increment District boundaries and Project Area boundaries are provided below. The proposed Increment District is the areas within which Ad Valorem Increment Revenues and Sales Tax Increment Revenues (collectively, the “TIF Revenues”) may be captured and utilized for the payment of Project Costs as described in the Project Plan. The proposed Project Area is the broader area within which project activities, including construction of the supporting public improvements, will take place.

A draft of the Project Plan, which includes an analysis of the project eligibility and financial impacts, may be reviewed by any person interested, in the Office of the City Clerk at the Muskogee Municipal Building, 229 W. Okmulgee, Muskogee, Oklahoma 74401, during normal business hours from 9:00 a.m. to 5:00 p.m., Monday through Friday, and at the following web address: [www.muskogeeonline.org](http://www.muskogeeonline.org).

The Southside Industrial Park Economic Development Project Plan contemplates the creation of a tax increment district that brings significant industrial development to the underdeveloped area comprising the Southside Industrial Park. Southside Industrial Park West, encompassing approximately 82 acres, is under consideration for Project Heart, the development of a facility capable of refining up to 50,000 metric tons of lithium carbonate per year, which would be one of the largest battery-grade lithium refineries in the United States, with a capital investment of approximately \$1.13 billion and creating hundreds of new jobs. Southside Industrial Park East, encompassing approximately 144 acres, is under consideration for construction of Project Structure, a new fabrication facility for an existing Muskogee business looking to expand, with a capital investment of approximately \$20 million and increasing the local workforce by 15-20 positions, as well as possible expansion of Project Heart, and/or creating up to 6 additional shovel-ready industrial sites. The City recognizes the difficulty in development of the area due to significant costs necessary to upgrade the current infrastructure within and near the Southside Industrial Park in order to support the development of the Project. Preliminary projections based on the proposed Project Heart and Project Structure provide a reasonable expectation for the City that collectively, approximately \$1.15 billion (\$655.87 million net taxable value subject to ad valorem taxes, including projected depreciation and annual capital expenditures) could be invested, and generate approximately \$166.3 million in taxable construction material sales over the term of the Increment District. The City has identified certain costs associated with the infrastructure improvements in connection with establishing the Increment District (the “TIF Projects”), including specifically the costs of industrial road and utility improvements, and rail infrastructure improvements necessary to allow development of the Project Area to occur. The proposed Project Costs (as described in the Project Plan) total an aggregate amount not-to-exceed \$24,320,873 construction of improvements, plus an estimated \$280,000 for organizational and administration costs related to the Increment District, plus potential debt service costs not-to-exceed \$27,146,030. The City expects to phase the expenditure of Project Costs in coordination with the project, and intends to apply other available funds as appropriate to offset the costs of the Increment District, including proceeds of a separate proposed Muskogee County tax increment district to be located within the Project Area (John T. Griffin Industrial Park (Project Bifrost) Economic Development Project Plan). The Increment District will capture a portion of the incremental ad valorem tax revenue and the construction sales and use tax revenue generated within the Increment District over the approximately seventeen (17) year term of the Increment District (expiring not later than December 31, 2041). Based on the preliminary development projections, it is anticipated that approximately \$61.24 million in ad valorem tax TIF Revenues will be generated during the term of the Increment District, with approximately \$30.62 million available for the payment of Project Costs, and the balance of approximately \$30.62 million apportioned to Hilldale Public Schools, Muskogee County, Muskogee County Health Department, Muskogee County EMS District, Eastern Oklahoma District Library System, and Indian Capital Technology Center. It is anticipated that approximately \$6.65 million in one-time City construction sales and use tax TIF Revenues and \$1.08 million in one-time Muskogee County

construction sales and use tax TIF Revenues will be generated during the term of the Increment District, with approximately \$3.86 million available for the payment of Project Costs, and the balance of approximately \$3.32 million apportioned to the City and \$540,600 apportioned to the County. Additionally, the Increment District may be eligible to collect certain State of Oklahoma matching funds pursuant to the Oklahoma Local Development and Enterprise Zone Incentive Leverage Act, 62 O.S. §840, *et seq.*, preliminarily estimated at up to \$3.86 million)

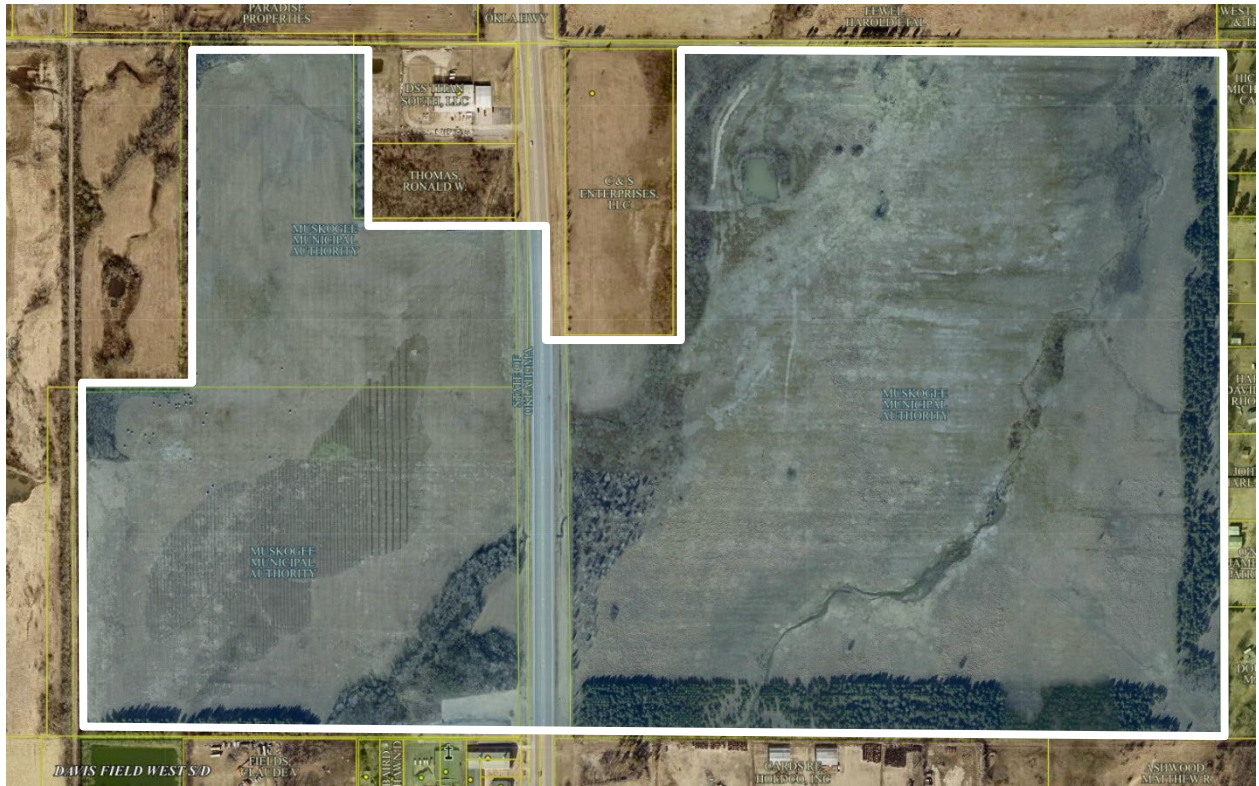
With respect to the City sales tax TIF Revenues, the Project Plan contemplates the capture of one-half (50%) of the incremental revenues (equal to a two percent (2.0%) sales tax out of the currently levied 4.0% City sales tax) during the term of the Increment District. With respect to the County sales tax TIF Revenues, the Project Plan contemplates the capture of one-half (50%) of the incremental revenues (equal to a 0.325% sales tax out of the currently levied 0.65% County sales tax) during the term of the Increment District. With respect to the ad valorem tax TIF Revenues, the Project Plan contemplates the capture of 100% of such revenues during the term of the Increment District, but 50.0% of such revenues will be apportioned to the affected taxing entities, and 50.0% will be utilized for the payment of Project Costs. The Increment District shall commence upon the adoption of the City's TIF Ordinance, and continue for a term of approximately 17 years (expiring December 31, 2041), or the payment of all Project Costs, which ever occurs first.

Incremental increases in ad valorem tax revenue and sales and use tax revenue that are generated within the boundaries of the Increment District will serve as the revenue source for financing the proposed Project Costs, including interest and other costs associated with financing said Project Costs. Said revenues are the public revenues directly attributable to the Project resulting from establishment of the Increment District.

**Tammy Tracy, City Clerk**  
**City of Muskogee, Oklahoma**  
**229 W. Okmulgee**  
**P.O. Box 1927**  
**Muskogee, Oklahoma 74402-1927**  
**Phone: (918) 6846270**  
**Email: [info@cityofmuskogee.com](mailto:info@cityofmuskogee.com)**

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MAP OF INCREMENT DISTRICT NO. 6 BOUNDARIES



MAP OF PROJECT AREA BOUNDARIES



*Publish: Muskogee Phoenix  
Sunday, March 24, 2024*

## **NOTICE OF PUBLIC HEARINGS**

### **REGARDING THE ADOPTION OF A TAX INCREMENT DISTRICT: INCREMENT DISTRICT NO. 2, MUSKOGEE COUNTY**

#### **JOHN T. GRIFFIN INDUSTRIAL PARK ECONOMIC DEVELOPMENT PROJECT IN MUSKOGEE COUNTY, OKLAHOMA**

**5:30 PM MONDAY, APRIL 8, 2024**

**5:30 PM MONDAY, APRIL 22, 2024**

#### **TO ALL INTERESTED INDIVIDUALS:**

Muskogee County, Oklahoma (the “County”) invites and encourages all interested citizens and other interested parties to attend two public hearings scheduled for Monday, April 8, 2024, at 5:30 P.M. (during the scheduled meeting of the City Council of the City of Muskogee, Oklahoma), and Monday, April 22, 2024, at 5:30 P.M. (during the scheduled meeting of the City Council of the City of Muskogee, Oklahoma), both hearings to be held in the Third Floor Council Chambers located at the City of Muskogee Municipal Building, 229 West Okmulgee, Muskogee, Oklahoma 74401.

The purpose of the first hearing shall be for information and questions, and the second hearing shall be for persons to have an opportunity to be heard concerning the proposed creation of a tax increment financing district within Muskogee County (referred to herein as the “Increment District”) on the following described tracts, and the John T. Griffin Industrial Park (Project Bifrost) Economic Development Project Plan (the “Project Plan”).

#### **Increment District No. 2, Muskogee County**

The boundaries of the Increment District contain an area comprising a portion of the John T. Griffin Industrial Park in Muskogee County, located along the east side of S 24th Street W, south of W. 43rd Street S. and north of W. 53rd Street S. The legal description of the Increment District is as follows:

An area located entirely in Muskogee County, Oklahoma, more particularly described as follows:

The Northwest Quarter (NW/4) of the Southwest Quarter (SW/4 of Section Fifteen (15), Township Fourteen (14) North, Range Eighteen (18) East of the Indian Meridian, Muskogee County, State of Oklahoma.

#### **Project Area**

The boundaries of the Project Area associated with the Increment District contain an area comprising Sections 9-11, 14-16, and 21-23, Township Fourteen (14) North, Range Eighteen (18) East of the Indian Meridian, Muskogee County, State of Oklahoma. The Project Area is bordered on the south by Davis Field Road, on the east by Gulick Street, on the north by OK Highway 165 (W 33rd Street S), and on the west by S 40th Street W. The legal description of the Project Area is as follows:

An area located entirely in Muskogee County, Oklahoma, more particularly described as follows:

Sections Nine (9), Ten (10), Eleven (11), Fourteen (14), Fifteen (15), Sixteen (16), Twenty-one (21), Twenty-two (22), and Twenty-three (23), Township Fourteen (14) North, Range Eighteen (18) East of the Indian Meridian, Muskogee County, State of Oklahoma.

Maps of the proposed Increment District boundaries and Project Area boundaries are provided below. The proposed Increment District is the areas within which Ad Valorem Increment Revenues and Sales Tax



Increment Revenues (collectively, the “TIF Revenues”) may be captured and utilized for the payment of Project Costs as described in the Project Plan. The proposed Project Area is the broader area within which project activities, including construction of the supporting public improvements, will take place.

A draft of the Project Plan, which includes an analysis of the project eligibility and financial impacts, may be reviewed by any person interested, in the Office of the County Clerk at the Muskogee County Administration Building, 400 West Broadway Street, Muskogee, Oklahoma 74401, during normal business hours from 9:00 a.m. to 5:00 p.m., Monday through Friday, and at the following web address: [www.muskogee.okcounties.org](http://www.muskogee.okcounties.org).

The John T. Griffin Industrial Park (Project Bifrost) Economic Development Project Plan contemplates the creation of a tax increment district that brings significant industrial development to an underdeveloped area comprising a portion of the Griffin Industrial Park, specifically Project Bifrost, an approximately 40 acre site owned by the Polaris Technology, Inc., who proposes to develop a digital asset self-mining facility (bitcoin mining) with an initial capital investment of approximately \$200 million, and the potential for further expansion. The County recognizes the difficulty in development of the area due to significant costs necessary to upgrade the current infrastructure within and near the Griffin Industrial Park in order to support the development of the Project. Preliminary projections based on the proposed Project Bifrost provide a reasonable expectation for the County that collectively, approximately \$200 million (\$120 million net taxable value subject to ad valorem taxes, including projected depreciation and annual capital expenditures) could be invested, and generate approximately \$18 million in taxable construction material sales over the term of the Increment District. The County has identified certain costs associated with the infrastructure improvements in connection with establishing the Increment District (the “TIF Projects”), including specifically the costs of industrial road and utility improvements, and rail infrastructure improvements necessary to allow development of the Project Area to occur. The proposed Project Costs (as described in the Project Plan) total an aggregate amount not-to-exceed \$24,320,873 construction of improvements, plus an estimated \$260,000 for organizational and administration costs related to the Increment District, plus potential debt service costs not-to-exceed \$27,146,030. The County expects to phase the expenditure of Project Costs in coordination with the project, and intends to apply other available funds as appropriate to offset the costs of the Increment District, including proceeds of a separate proposed City of Muskogee tax increment district to be located within the Project Area (Southside Industrial Park Economic Development Project Plan). The Increment District will capture a portion of the incremental ad valorem tax revenue and the construction sales and use tax revenue generated within the Increment District over the approximately fifteen (15) year term of the Increment District (expiring not later than December 31, 2039). Based on the preliminary development projections, it is anticipated that approximately \$9.54 million in ad valorem tax TIF Revenues will be generated during the term of the Increment District, with approximately \$4.77 million available for the payment of Project Costs, and the balance of approximately \$4.77 million apportioned to Muskogee Public Schools, Muskogee County, Muskogee County Health Department, Muskogee County EMS District, Eastern Oklahoma District Library System, and Indian Capital Technology Center. It is anticipated that approximately \$117,000 in one-time Muskogee County construction sales and use tax TIF Revenues will be generated during the term of the Increment District, with approximately \$58,500 available for the payment of Project Costs, and the balance of approximately \$58,500 apportioned to the County. Additionally, the Increment District may be eligible to collect certain State of Oklahoma matching funds pursuant to the Oklahoma Local Development and Enterprise Zone Incentive Leverage Act, 62 O.S. §840, *et seq.*, preliminarily estimated at up to \$58,500)

With respect to the County sales tax TIF Revenues, the Project Plan contemplates the capture of one-half (50%) of the incremental revenues (equal to a 0.325% sales tax out of the currently levied 0.65% County sales tax) during the term of the Increment District. With respect to the ad valorem tax TIF Revenues, the Project Plan contemplates the capture of 100% of such revenues during the term of the Increment District, but 50.0% of such revenues will be apportioned to the affected taxing entities, and 50.0% will be utilized for the payment of Project Costs. The Increment District shall commence upon the adoption of the County’s

TIF Resolution, and continue for a term of approximately 15 years (expiring December 31, 2039), or the payment of all Project Costs, which ever occurs first.

Incremental increases in ad valorem tax revenue and sales and use tax revenue that are generated within the boundaries of the Increment District will serve as the revenue source for financing the proposed Project Costs, including interest and other costs associated with financing said Project Costs. Said revenues are the public revenues directly attributable to the Project resulting from establishment of the Increment District.

**Polly Irving, County Clerk**  
**Muskogee County, Oklahoma**  
**400 W. Broadway**  
**P.O. Box 1008 (74402)**  
**Muskogee, Oklahoma 74401**  
**Phone: (918) 682-2169**  
**Email: [Polly.clerk@gmail.com](mailto:Polly.clerk@gmail.com)**

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MAP OF INCREMENT DISTRICT NO. 2 BOUNDARIES



MAP OF PROJECT AREA BOUNDARIES



*Publish: Muskogee Phoenix  
Sunday, March 24, 2024*

## **NOTICE OF PUBLIC HEARINGS**

### **REGARDING THE TERMINATION OF A TAX INCREMENT DISTRICT: INCREMENT DISTRICT NO. 1, MUSKOGEE COUNTY**

#### **PROJECT PLAN RELATING TO INCREMENT DISTRICT NUMBER ONE, MUSKOGEE COUNTY, OKLAHOMA (PROJECT FAITH INCREMENT DISTRICT) IN MUSKOGEE COUNTY, OKLAHOMA**

**5:30 PM MONDAY, APRIL 8, 2024  
5:30 PM MONDAY, APRIL 22, 2024**

#### **TO ALL INTERESTED INDIVIDUALS:**

Muskogee County, Oklahoma (the “County”) invites and encourages all interested citizens and other interested parties to attend two public hearings scheduled for Monday, April 8, 2024, at 5:30 P.M. (during the scheduled meeting of the City Council of the City of Muskogee, Oklahoma), and Monday, April 22, 2024, at 5:30 P.M. (during the scheduled meeting of the City Council of the City of Muskogee, Oklahoma), both hearings to be held in the Third Floor Council Chambers located at the City of Muskogee Municipal Building, 229 West Okmulgee, Muskogee, Oklahoma 74401.

The purpose of the first hearing shall be for information and questions, and the second hearing shall be for persons to have an opportunity to be heard concerning the proposed termination of Increment District No. 1, Muskogee County (referred to herein as the “Increment District”), and the Project Plan Relating to Increment District Number One, Muskogee County, Oklahoma (Project Faith Increment District) (the “Project Plan”). The Increment District was originally established by Resolution of the County Commissioners (the “TIF #1 Resolution”).

#### **Increment District No. 1**

The legal description of the boundaries of Increment District No. 1 (as provided in the Project Plan) is that part of the Northeast Quarter (NE/4) and that part of the Northwest Quarter (NW/4), lying east of the Railroad Right-of-Way in Section Sixteen (16), Township Fourteen (14) North, Range Eighteen (18) East of the Indian Base & Meridian, Muskogee County, State of Oklahoma. The property address for the location of the Increment District is 2500 West 43<sup>rd</sup> Street/Smith Ferry Road, Muskogee, Oklahoma.

The Project Plan and TIF #1 Resolution, along with the findings of the County’s TIF Review Committee, may be reviewed by any person interested, in the Office of the County Clerk at the Muskogee County Administration Building, 400 West Broadway Street, Muskogee, Oklahoma 74401, during normal business hours from 9:00 a.m. to 5:00 p.m., Monday through Friday, and at the following web address: [www.muskogee.okcounties.org](http://www.muskogee.okcounties.org).

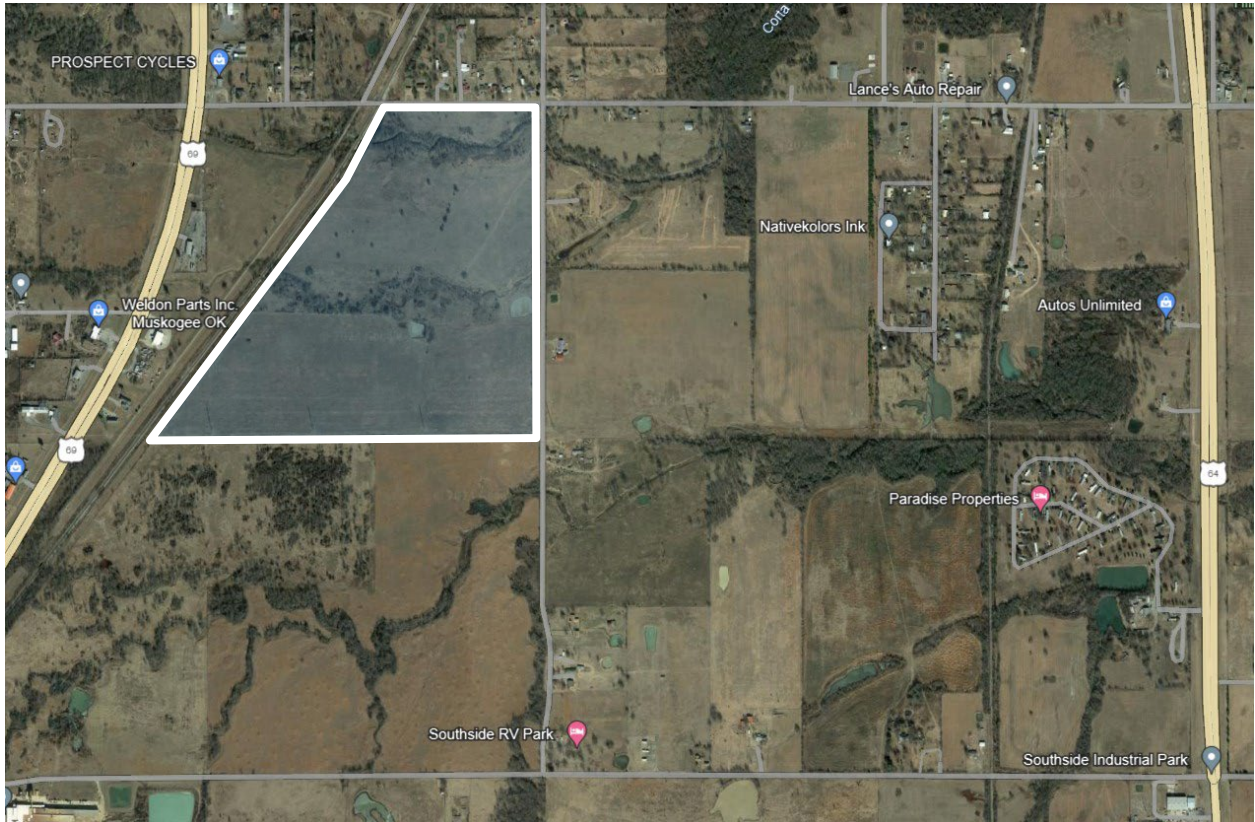
The Increment District was established in 2015 and expires in 2038. Ad Valorem Increment Revenues are allocated 100% to Project Costs until July 1, 2023, and thereafter only approximately 22.8% of Ad Valorem Increment Revenues are allocated to Project Costs (excluding the levies allocable to Hilldale Public Schools and Indian Capital Vo-Tech). The Increment District has not collected any Ad Valorem Increment Revenues to date. The Project Plan authorizes total Project Costs in the amount of \$10.93 million. The contemplated project did not come to fruition, and the property is owned by Port Muskogee.

The County has determined that the parameters of the existing Increment District will no longer support the proposed economic development contemplated in the Project Plan, and said project will not be undertaken in the foreseeable future without the provision of adequate infrastructure improvements to

support development within the Increment District. The termination of the Increment District will permit any increased valuation (above the baseline value established for the Increment District) to accrue to the benefit of the taxing jurisdictions within the Increment District, and will facilitate the provision of other economic development incentives (where appropriate), including the creation of future tax increment districts.

**Polly Irving, County Clerk**  
**Muskogee County, Oklahoma**  
**400 W. Broadway**  
**P.O. Box 1008 (74402)**  
**Muskogee, Oklahoma 74401**  
**Phone: (918) 682-2169**  
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MAP OF INCREMENT DISTRICT NO. 1 BOUNDARIES



**Regular City Council**

**6.**

**Meeting Date:** 04/22/2024  
**Submitted For:** Mike Miller, City Manager  
**Initiator:** Judy Villalobos, Executive Assistant  
**Department:** City Manager  
**Staff Information Source:**

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**Information**

**AGENDA ITEM TITLE:**

Hold a Public Hearing regarding the proposed creation of Increment District No. 6, City of Muskogee and the Southside Industrial Park Economic Development Project Plan, or take other necessary action. (Mike Miller)

**BACKGROUND:**

Port Muskogee, working with City and County officials have identified prospective industrial development opportunities that will create new jobs and bring economic benefits to the City of Muskogee and Muskogee County. However, certain critical infrastructure improvements to roads, utilities, and rail access are necessary to allow the development to move forward. On October 9, 2023, the City Council voted 8-0 to appoint a TIF review committee to make findings and a recommendation on the proposed project. The Council designated Mayor Coleman as chair of the TIF committee. Since then the Committee has met three times, the most recent of which was March 15. The City proposes to create a tax increment district within the Southside Industrial Park (Increment District No. 6, City of Muskogee), and the County proposed to create a tax increment district within the John T. Griffin Industrial Park (Increment District No. 2, Muskogee County), that will provide a mechanism to capture a portion of the new ad valorem and construction sales tax revenues generated as a result of the projects. The revenues will be used to fund the critical infrastructure improvements. Additionally, the County proposes to terminate its existing Increment District No. 1 within the John T. Griffin Industrial Park, as it pertains to a project that never came to fruition. The termination will allow other potential economic development projects to continue to move forward. This item and others on this agenda will review the projects and the TIF committee recommendations.

**RECOMMENDED ACTION:**

Hear from the public.

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**Fiscal Impact**

**Attachments**

*No file(s) attached.*

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**Regular City Council**

7.

**Meeting Date:** 04/22/2024  
**Submitted For:** Mike Miller, City Manager  
**Initiator:** Judy Villalobos, Executive Assistant  
**Department:** City Manager  
**Staff Information Source:**

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**Information**

**AGENDA ITEM TITLE:**

Hold a Public Hearing regarding the proposed creation of Increment District No. 2, Muskogee County and the John T. Griffin Industrial Park Economic Development Project Plan, or take other necessary action. (Mike Miller)

**BACKGROUND:**

Port Muskogee, working with City and County officials have identified prospective industrial development opportunities that will create new jobs and bring economic benefits to the City of Muskogee and Muskogee County. However, certain critical infrastructure improvements to roads, utilities, and rail access are necessary to allow the development to move forward. On October 9, 2023, the City Council voted 8-0 to appoint a TIF review committee to make findings and a recommendation on the proposed project. The Council designated Mayor Coleman as chair of the TIF committee. Since then the Committee has met three times, the most recent of which was March 15. The City proposes to create a tax increment district within the Southside Industrial Park (Increment District No. 6, City of Muskogee), and the County proposed to create a tax increment district within the John T. Griffin Industrial Park (Increment District No. 2, Muskogee County), that will provide a mechanism to capture a portion of the new ad valorem and construction sales tax revenues generated as a result of the projects. The revenues will be used to fund the critical infrastructure improvements. Additionally, the County proposes to terminate its existing Increment District No. 1 within the John T. Griffin Industrial Park, as it pertains to a project that never came to fruition. The termination will allow other potential economic development projects to continue to move forward. This item and others on this agenda will review the projects and the TIF committee recommendations.

**RECOMMENDED ACTION:**

Hold a public hearing.

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**Fiscal Impact**

**Attachments**

*No file(s) attached.*

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**Regular City Council**

**8.**

**Meeting Date:** 04/22/2024  
**Submitted For:** Mike Miller, City Manager  
**Initiator:** Judy Villalobos, Executive Assistant  
**Department:** City Manager  
**Staff Information Source:**

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**Information**

**AGENDA ITEM TITLE:**

Hold a Public Hearing and consider approval of the proposed termination of Increment District No. 1, Muskogee County and the Project Plan Relating to Increment District No. 1, Muskogee County, Oklahoma (Project Faith Increment District), or take other necessary action. (Mike Miller)

**BACKGROUND:**

Port Muskogee, working with City and County officials have identified prospective industrial development opportunities that will create new jobs and bring economic benefits to the City of Muskogee and Muskogee County. However, certain critical infrastructure improvements to roads, utilities, and rail access are necessary to allow the development to move forward. The City proposes to create a tax increment district within the Southside Industrial Park (Increment District No. 6, City of Muskogee), and the County proposed to create a tax increment district within the John T. Griffin Industrial Park (Increment District No. 2, Muskogee County), that will provide a mechanism to capture a portion of the new ad valorem and construction sales tax revenues generated as a result of the projects. The revenues will be used to fund critical infrastructure improvements. Additionally, the County proposes to terminate its existing Increment District No. 1 within the John T. Griffin Industrial Park, which pertains to a project that never came to fruition. The termination will allow other potential economic development projects to continue to move forward.

**RECOMMENDED ACTION:**

Approval

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**Fiscal Impact**

**Attachments**

*No file(s) attached.*

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**Regular City Council**

9.

**Meeting Date:** 04/22/2024  
**Submitted For:** Mike Miller, City Manager  
**Initiator:** Judy Villalobos, Executive Assistant  
**Department:** City Manager  
**Staff Information Source:**

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**Information**

**AGENDA ITEM TITLE:**

Consider approval of Ordinance No. 4233-A, an Ordinance of the City of Muskogee, Oklahoma (the “City”) approving utilization of apportioned tax revenues authorized by statewide vote adopting Article 10, Section 6C of the Oklahoma Constitution and implemented by the Local Development Act, 62 O.S. §850, et seq.; approving and adopting the Southside Industrial Park Economic Development Project Plan and expressing intent to carry out the Project Plan; ratifying and confirming the actions, recommendations and findings of the Review Committee and the Planning Commission; creating and establishing Increment District No. 6, City of Muskogee; designating and adopting the Increment District boundaries and the Project Area boundaries; adopting certain findings; reserving to the City the authority to make minor amendments to the Project Plan; authorizing the City Council of the City to carry out and administer the Project Plan; establishing a Tax Apportionment Fund; authorizing directions for prospective apportionment of tax increments; establishing an allocation of use for tax increments; declaring apportionment funds to be funds of the City and limiting the pledge of apportioned increments to increments actually apportioned by the City; authorizing the City Council of the City, or a public trust designated thereby, to implement the Project Plan utilizing apportioned tax increments to pay or reimburse project costs directly and/or to issue bonds or notes, if feasible and desirable, to pay project costs and to retire said bonds or notes from apportioned tax increments; providing for severability; declaring an emergency; and containing other provisions related thereto, or take other necessary action. (Mike Miller)

**BACKGROUND:**

Port Muskogee, working with City and County officials have identified prospective industrial development opportunities that will create new jobs and bring economic benefits to the City of Muskogee and Muskogee County. However, certain critical infrastructure improvements to roads, utilities, and rail access are necessary to allow the development to move forward. On October 9, 2023, the City Council voted 8-0 to appoint a TIF review committee to make findings and a recommendation on the proposed project. The Council designated Mayor Coleman as chair of the TIF committee. Since then the Committee has met three times, the most recent of which was March 15.

The City proposes to create a tax increment district within the Southside Industrial Park (Increment District No. 6, City of Muskogee), and the County proposed to create a tax increment district within the John T. Griffin Industrial Park (Increment District No. 2, Muskogee County), that will provide a mechanism to capture a portion of the new ad valorem and construction sales tax revenues generated as a result of the projects. The revenues will be used to fund the critical infrastructure improvements. Additionally, the County proposes to terminate its existing Increment District No. 1 within the John T. Griffin Industrial Park, as it pertains to a project that never came to fruition. The termination will allow other potential economic development projects to continue to move forward.

This item and the ones that follow will review the projects and the TIF committee recommendations.

**RECOMMENDED ACTION:**

Approve

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**Fiscal Impact**

**Attachments**

DRAFT: TIF #6 ORDINANCE

- Southside Industrial Park Project Plan (Ordinance Exhibit A)
  - Resolution No. 2984
  - TIF Resolution (Review Committee) (Ordinance Exhibit E)
  - Form of Muskogee County Resolution Approving Sales Tax for TIF (Ordinance Exhibit F)
-

# DRAFT

PURSUANT TO THE LEGAL NOTICE AS IS REQUIRED BY THE OKLAHOMA OPEN MEETING ACT INCLUDING THE POSTING OF NOTICE AND AGENDA AS IS REQUIRED BY THE TERMS THEREOF, THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA, MET IN REGULAR SESSION ON THE 22<sup>ND</sup> DAY OF APRIL, 2024, AT 5:30 O'CLOCK P.M.

PRESENT:

ABSENT:

(OTHER PROCEEDINGS)

Thereupon, the following Ordinance was introduced and caused to be read by Title by the City Clerk. Councilmember \_\_\_\_\_ moved passage of the Ordinance and Councilmember \_\_\_\_\_ seconded the motion. The motion carrying with it the approval of said Ordinance was approved by the following vote:

AYE:

NAY:

THEREUPON, Councilmember \_\_\_\_\_ moved that an emergency be declared and that the Ordinance become effective immediately. Councilmember \_\_\_\_\_ seconded the motion. The motion was adopted by the following vote:

AYE:

NAY:

The Ordinance so approved is as follows:

[Ordinance No. 4233-A begins on following page]

ORDINANCE NO. 4233-A

AN ORDINANCE OF THE CITY OF MUSKOGEE, OKLAHOMA (THE "CITY") APPROVING UTILIZATION OF APPORTIONED TAX REVENUES AUTHORIZED BY STATEWIDE VOTE ADOPTING ARTICLE 10, SECTION 6C OF THE OKLAHOMA CONSTITUTION AND IMPLEMENTED BY THE LOCAL DEVELOPMENT ACT, 62 O.S. §850, ET SEQ.; APPROVING AND ADOPTING THE SOUTHSIDE INDUSTRIAL PARK ECONOMIC DEVELOPMENT PROJECT PLAN AND EXPRESSING INTENT TO CARRY OUT THE PROJECT PLAN; RATIFYING AND CONFIRMING THE ACTIONS, RECOMMENDATIONS AND FINDINGS OF THE REVIEW COMMITTEE AND THE PLANNING COMMISSION; CREATING AND ESTABLISHING INCREMENT DISTRICT NO. 6, CITY OF MUSKOGEE; DESIGNATING AND ADOPTING THE INCREMENT DISTRICT BOUNDARIES AND THE PROJECT AREA BOUNDARIES; ADOPTING CERTAIN FINDINGS; RESERVING TO THE CITY THE AUTHORITY TO MAKE MINOR AMENDMENTS TO THE PROJECT PLAN; AUTHORIZING THE CITY COUNCIL OF THE CITY TO CARRY OUT AND ADMINISTER THE PROJECT PLAN; ESTABLISHING A TAX APPORTIONMENT FUND; AUTHORIZING DIRECTIONS FOR PROSPECTIVE APPORTIONMENT OF TAX INCREMENTS; ESTABLISHING AN ALLOCATION OF USE FOR TAX INCREMENTS; DECLARING APPORTIONMENT FUNDS TO BE FUNDS OF THE CITY AND LIMITING THE PLEDGE OF APPORTIONED INCREMENTS TO INCREMENTS ACTUALLY APPORTIONED BY THE CITY; AUTHORIZING THE CITY COUNCIL OF THE CITY, OR A PUBLIC TRUST DESIGNATED THEREBY, TO IMPLEMENT THE PROJECT PLAN UTILIZING APPORTIONED TAX INCREMENTS TO PAY OR REIMBURSE PROJECT COSTS DIRECTLY AND/OR TO ISSUE BONDS OR NOTES, IF FEASIBLE AND DESIRABLE, TO PAY PROJECT COSTS AND TO RETIRE SAID BONDS OR NOTES FROM APPORTIONED TAX INCREMENTS; PROVIDING FOR SEVERABILITY; DECLARING AN EMERGENCY; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

WHEREAS, by statewide vote, the people of the State of Oklahoma adopted Article 10, §6C as an amendment to the Constitution of the State of Oklahoma to allow the Legislature to authorize cities, towns and counties to use local taxes for specific public investments, for assistance in development financing and as a revenue source for other public entities in the area, and to direct the apportionment of local taxes to plan, finance and carry out development of areas determined by the governing body of the city, town or county to be unproductive, undeveloped, underdeveloped or blighted; and

WHEREAS, the Legislature has enacted the Local Development Act, 62 Okla. Stat. §850, *et seq.* (the "Local Development Act"), for purpose of furthering the provisions of Article 10, §6C of the Oklahoma Constitution; and

WHEREAS, the Southside Industrial Park Economic Development Project Plan (the "Project Plan") supports the achievement of the economic development objectives of the City of

Muskogee, Oklahoma (the “City”) in accordance with previously approved strategies and plans to incentivize capital investment in facilities to serve as a catalyst for expanding employment in the area, attract major investment in the area, preserve and enhance the tax base and make possible investment, development, and economic growth that would be difficult or impossible without the project and the apportionment of ad valorem and construction sales and use taxes from within the Increment District; and

WHEREAS, the Project Plan calls for the creation of Increment District No. 6, City of Muskogee (the “Increment District”); and

WHEREAS, the Planning Commission of the City (the “Planning Commission”) has adopted its Resolution (attached hereto as Exhibit “D”) declaring that the Project Plan is in compliance with the Comprehensive Plan of the City and recommending the approval of the Project Plan to the City Council of the City; and

WHEREAS, the Tax Increment District Review Committee (the “Review Committee”), comprised of individuals representing each of the taxing jurisdictions in which the proposed increment district is located, as well as the public at large, has considered the financial impacts of the proposed Project Plan on each such taxing jurisdiction and has found that the proposed project will have a positive financial impact on the affected taxing entities and existing business activities within the Increment District; and

WHEREAS, the affected taxing entities comprising the Review Committee include the City; Muskogee County, Oklahoma (the “County”); Muskogee County Health Department; Hilldale Independent School District No. 29 (the “School District”); Indian Capital Technology Center Vo-Tech District No. 4; Eastern Oklahoma District Library System; and Muskogee County EMS; and

WHEREAS, the Review Committee has reviewed the proposed Increment District in accordance with the criteria specified in the Local Development Act, and has found that the proposed Increment District is undeveloped within the meaning of Article 10, §6C of the Oklahoma Constitution and the Local Development Act, and is located within a designated enterprise zone and therefore constitutes an enterprise area (as defined in Section 853(5) of the Act) and is therefore eligible for assistance under the Local Development Act; and

WHEREAS, the Review Committee has found that approval of the Project Plan is appropriate and has recommended its approval to the City Council of the City, evidenced by its Resolution (attached hereto as Exhibit “E”); and

WHEREAS, the Board of County Commissioners of Muskogee County, Oklahoma (the “County”) will consider its Resolution declaring support for the Project Plan and authorizing the apportionment of certain County sales and use tax increments in connection therewith, which Resolution shall be incorporated herein and attached hereto as Exhibit “F”; and

WHEREAS, tax apportionment financing is a necessary component in generating economic development in the proposed project area and the Increment District; and

WHEREAS, investment, development and economic growth will be difficult within the proposed project area and proposed Increment District, but possible if the Project Plan is adopted; and

WHEREAS, the Project Plan will use the tools provided by the Local Development Act only in an area where investment, development and economic growth would not otherwise occur, and

WHEREAS, the Project Plan provides tools that will supplement and not supplant or replace nominal public functions and services; and

WHEREAS, the establishment of the Increment District will be used in conjunction with existing programs and other locally implemented economic development efforts in order to encourage economic development in the proposed project area; and

WHEREAS, the boundaries of the Increment District do not dissect any similar area or create an unfair competitive advantage; and

WHEREAS, the City Council of the City recognizes the need for residential and neighborhood treatment as well as commercial/industrial development; and

WHEREAS, maximum effort has been made to allow full public knowledge and participation in the application of the Local Development Act in the review and approval of the Project Plan, including creation of the Increment District; and

WHEREAS, all required notices have been given and all required hearings have been held in connection with the proposed Project Plan, as prescribed in the Local Development Act, the Oklahoma Open Meeting Act, 25 Okla. Stat. §301 *et seq.*, and other applicable law; and

WHEREAS, implementation of the Project Plan will be facilitated by designation of a public trust with the City and/or Muskogee County, Oklahoma, as its beneficiary (referred to herein as the “Authority”), to assist the City in carrying out and administering the Project Plan and exercising all powers necessary thereto except those powers reserved by the City herein; and

WHEREAS, implementation of the Project Plan will be facilitated by reserving to the City the authority to make minor amendments to the Project Plan, as provided in the Local Development Act; and

WHEREAS, implementation of the Project Plan will be facilitated by authorizing the Authority to pay or reimburse authorized Project Costs pursuant to Section IX of the Project Plan from apportioned tax increments, and/or issue its tax apportionment notes or bonds (referred to herein as the “TIF Bonds”) payable from apportioned tax increments; and

WHEREAS, it is in the best interests of the City and its citizens to approve the Project Plan, including the establishment of the Increment District.

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

Section 1. Utilization of Local Development Act. In order to undertake redevelopment of an undeveloped or underdeveloped area within the City, the City elects to utilize Article 10, §6C of the Constitution of the State of Oklahoma, adopted by statewide vote and implemented by the Local Development Act, which authorizes the use of local taxes for specific public investments, assistance in development financing and as a revenue source for other public entities in the area and which provides for the direction of apportionment of local taxes to plan, finance, and carry out development of unproductive, undeveloped, underdeveloped, or blighted areas as determined by the governing body of a city, town, or county.

Section 2. Project Plan Approval. The Project Plan is hereby approved and adopted as recommended by the Planning Commission and the Review Committee. As used in this Ordinance, “Southside Industrial Park Economic Development Project Plan” or “Project Plan” shall mean the document entitled “Southside Industrial Park Economic Development Project Plan” dated March 15, 2024, adopted this April 22, 2024, and attached hereto as Exhibit “A”. It is the intent of the City to carry out the Project Plan as provided by this Ordinance.

Section 3. Ratification of Actions. All actions, findings and recommendations made or taken in connection with the Project Plan by the Planning Commission and the Review Committee are hereby ratified and confirmed, including, but not limited to, the designation and selection of representatives to the Review Committee from the taxing jurisdictions and the public at large, recommendations for approval, and the findings of conformance with the Comprehensive Plan, eligibility of the Increment District and financial impact upon the taxing jurisdictions.

Section 4. Increment District Creation. There is hereby created an Increment District. For identification purposes, the name of the Increment District shall be “Increment District No. 6, City of Muskogee”. The Increment District shall commence as of the date determined by the City Council of the City in accordance with Section 856(B)(2) of the Local Development Act (the “Commencement Date”); provided however, the Commencement Date shall not be later than ten (10) years following adoption of the Project Plan and this Ordinance. The City Council will evidence the Commencement Date, designation, and naming of the Increment District by adoption of its Resolution at such time as shall be determined by the City Council of the City.

Section 5. Increment District and Project Area Boundaries. The boundaries of Increment District No. 6, City of Muskogee contain an area comprising the Southside Industrial Park within the City of Muskogee, located on the east and west sides of U.S. 64 just south of W. 53<sup>rd</sup> Street S, all within the City of Muskogee, Oklahoma, and the specific Increment District legal description is hereby designated and adopted as described in Exhibit “B”. The boundaries of the Project Area (the area within which project activities will take place, including construction of the supporting public improvements) contain an area comprising approximately 9 square miles, roughly bordered on the south by Davis Field Road, on the east by Gulick Street, on the north by OK Highway 165 (W 33<sup>rd</sup> Street S), and on the west by S 40<sup>th</sup> Street W, and the specific Project Area legal description is hereby designated and adopted as described in Exhibit “C”.

Section 6. Findings. The City Council hereby finds that:

- (a) The Increment District is located within a reinvestment area as defined by the Local Development Act;



- (b) The proposed improvements and incentives (as set forth in the Project Plan) within the Increment District are likely to enhance the value of other real property in the area and to promote the general public interest;
- (c) The guidelines of paragraphs 1 and 2 of Section 852 of the Local Development Act shall be followed;
- (d) The aggregate net assessed value of the taxable property in all increment districts within the City, as determined pursuant to Section 862 of the Local Development Act, does not exceed 35% of the total net assessed value of taxable property within the City;
- (e) The aggregate net assessed value of the taxable property in all increment districts within the City, as determined pursuant to Section 862 of the Local Development Act, does not exceed 25% of the total assessed net value of any affected school districts located within the City;
- (f) The land area of all increment districts within the City does not exceed 25% of the total land area of the City;
- (g) The Project Plan is feasible and conforms to the Comprehensive Plan of the City, as amended; and
- (h) The approval of the Project Plan is likely to significantly benefit contiguous or nearby enterprise zone census tracts, and therefore shall be eligible for the state local government matching payment authorized pursuant to the Oklahoma Local Development and Enterprise Zone Incentive Leverage Act, 62 O.S. §840, *et seq.* (the “Leverage Act”).

Section 7. Right to Amend Project Plan. The City reserves to itself the authority to make minor amendments to the Project Plan in accordance with the definition provided in Section 858(D) of the Local Development Act. Notwithstanding the foregoing, the Review Committee may be reconvened at the direction of the City Council at any time following adoption of this Ordinance to consider and recommend any appropriate amendments to the Project Plan.

Section 8. City and Authority the Designated Public Entities. The City Council of the City is hereby designated and authorized as the public entity to carry out and administer the provisions of the Project Plan and to exercise all powers necessary or appropriate thereto, including, without limitation, those powers described in Section 854 of the Local Development Act. Upon designation by the City Council of the City, the Authority shall assist in carrying out and administering the provisions of the Project Plan and shall be authorized to exercise all powers necessary or appropriate thereto pursuant to Section 854 of the Local Development Act, except for approval of the Project Plan and those powers enumerated in paragraphs 1, 2, 3, 4, 7, 13, and 16 of that section, which powers shall be reserved to the City Council of the City.

Section 9. Tax Apportionment Fund. There is hereby created a fund called the “Increment District No. 6, City of Muskogee, Tax Apportionment Fund” (referred to herein as the “Apportionment Fund”), which fund will be held by and be the property of the City (except that such fund may also be held by the Authority or a trustee acting on behalf of the Authority). All monies apportioned pursuant to Section 10 shall be deposited in the Apportionment Fund. No

portion of the TIF Revenues described in Section 10 and no portion of the Apportionment Fund shall constitute a part of the general fund of the City.

Section 10. Apportionment of Tax Increments.

(a) The apportionment of the Ad Valorem Increment Revenues, the City Sales Tax Increment Revenues, the County Sales Tax Increment Revenues, and the Leverage Act Increment Revenues (each as defined herein, and collectively referred to as the “TIF Revenues”) shall continue for that period required for the payment of the Project Costs, or a period not to exceed approximately seventeen (17) years following the Commencement Date (expected to end December 31, 2041, and referred to as the “Expiration Date”), whichever is less.

(b) The apportionment of the TIF Revenues pursuant to this section shall terminate upon the final payment of, or reimbursement for, all Project Costs incurred in connection with the projects listed in the Project Plan, and the payment of all outstanding principal, accrued interest, and premium due on the TIF Bonds; provided, however, that in no case shall the apportionment of revenues pursuant hereto extend beyond the Expiration Date.

(c) In the event that any portion of the principal of or interest on the TIF Bonds, issued in connection herewith, or any amount due and owing for payment or reimbursement under a development agreement entered into by the City, remains unpaid as of the Expiration Date, then the Increment District shall not terminate until the increment apportioned during the term of the Increment District is actually received by the Apportionment Fund, even if the receipt of such revenues occurs subsequent to the Expiration Date.

(d) *Ad Valorem Increment Revenues (TIF Revenues).* In accordance with the provisions of the Local Development Act, one hundred percent (100%) of the increments of real and personal property ad valorem taxes generated within the Increment District, in excess of the real and personal property ad valorem taxes generated from the base assessed value of the Increment District, as such increments are determined and defined pursuant to the Local Development Act (collectively, the “Ad Valorem Increment Revenues”), are to be apportioned and set aside from all other ad valorem taxes levied within the Increment District, to be used exclusively for:

(i) the payment of principal, interest and premium, if any, on any TIF Bonds issued pursuant to Section 863 of the Local Development Act (including pledging as security for such payments);

(ii) the payment, if required, of amounts necessary to satisfy or replenish any reserve requirement established with respect to any TIF Bonds;

(iii) the payment of Project Costs incurred in connection with the development, construction, or implementation of the TIF Projects;

(iv) the reimbursement of a third party developer (pursuant to a development agreement with the City or the Authority), the City, or any agency thereof (including the Authority), which has paid Project Costs from funds which were not

increments derived from the Increment District, but only to the extent that such sums were actually paid or, in the case of reimbursement of third party developer, constitute an interest component on sums that were actually paid; and

(v) the establishment and payment of a specific revenue source for affected taxing entities pursuant to Sections 853(9), 853(14)(i), and 854(4) of the Local Development Act.

Pursuant to the Local Development Act, the Ad Valorem Increment Revenues (as determined annually by the Muskogee County Assessor) apportioned hereunder and so collected shall be placed into the Apportionment Fund. All Ad Valorem Increment Revenues so collected shall be apportioned as follows: (i) fifty percent (50.0%) of the Ad Valorem Increment Revenues shall be pledged as security for the payment of the TIF Bonds or otherwise used to pay (or reimburse the payment of) Project Costs authorized pursuant to Section IX of this Project Plan; and (ii) fifty percent (50.0%) of the Ad Valorem Increment Revenues shall be apportioned to the affecting taxing jurisdictions in proportion to the allocation that the taxing jurisdictions would ordinarily receive from the increased assessed values, in the absence of the Increment District (as set forth in Sections 853(9), 853(14)(i) and 854(4) of the Local Development Act; provided that any portion of the TIF Revenues allocated to the School District shall be for the purpose of providing a specific revenue source for capital expenditures (and any related financing costs) for the benefit of the School District.

(e) *City Sales Tax Increment Revenues (TIF Revenues)*. In accordance with the provisions of the Local Development Act, fifty percent (50%) of the incremental sales and use tax revenue (representing an amount equivalent to a two percent (2.0%) sales and use tax based on a total of 4.0% sales and use tax levied by the City as of the date of this Ordinance pursuant Chapter 74, Article II, Section 74-19 *et seq.*, of the Muskogee Code of Ordinances (the “Code of Ordinances”), as such Code of Ordinances may be amended, replaced, extended, superseded, terminated, or otherwise modified from time to time, including with regards to the total amount of applicable City sales and use tax rate) generated within the Increment District, as such increments are determined and defined pursuant to the Local Development Act (collectively, the “Sales Tax Increment Revenues”), are to be apportioned and set aside from all other sales and use taxes levied within the Increment District; provided, however, the Sales Tax Increment Revenues shall only pertain to construction and other capital investment related expenditures within the boundaries of the Increment District, and shall not include any sales and use tax derived from retail sales. The Sales Tax Increment Revenues are to be used exclusively for:

(i) the payment of principal, interest and premium, if any, on any TIF Bonds issued pursuant to Section 863 of the Local Development Act (including pledging as security for such payments);

(ii) the payment, if required, of amounts necessary to satisfy or replenish any reserve requirement established with respect to any TIF Bonds;

(iii) the payment of Project Costs incurred in connection with the development, construction, or implementation of the TIF Projects; and

(iv) the reimbursement of a third party developer (pursuant to a development agreement with the City or the Authority), including any interest component (pursuant to a development agreement with the City and/or the Authority), the City, or any agency thereof (including the Authority), which has paid Project Costs from funds which were not increments derived from the Increment District, but only to the extent that such sums were actually paid or, in the case of reimbursement of a third party developer, constitute an interest component on sums that were actually paid.

Provided, however, the remaining unapportioned incremental sales and use tax revenues derived from the Increment District, as of the date of this Ordinance representing the equivalent of 2.0% of the total 4.0% sales and use tax levied by the City, shall be retained by the City and utilized for any lawful purpose consistent with the aforementioned Code of Ordinances. For purposes of determining the incremental portion of the sales and use taxes generated within or sourced to the Increment District, the City Sales Tax Increment Revenues shall only pertain to construction and other capital investment related expenditures within the boundaries of the Increment District, and shall not include any sales and use tax derived from retail sales. Fifty percent (50%) of the sales and use tax generated within or sourced to the Increment District and received by the City which are derived from the construction of the Project shall be considered to be the “increment” subject to apportionment by this section. The City shall establish procedures related to the calculation and determination of construction related sales and use tax revenue qualifying as City Sales Tax Increment Revenues. Such procedures shall stipulate that construction related City Sales Tax Increment Revenues be derived only from new construction activities occurring within the Increment District. The City shall be entitled to rely on certifications of actual construction costs provided by a third party developer(s) or related parties in connection with determining any applicable City Sales Tax Increment Revenues.

Pursuant to the Local Development Act, the City Sales Tax Increment Revenues apportioned hereunder and so collected shall be placed into the Apportionment Fund and shall be pledged as security for the payment of the TIF Bonds or otherwise used to pay (or reimburse the payment of) Project Costs authorized pursuant to Section IX of the Project Plan, including any interest component (pursuant to a development agreement with the City and/or the Authority).

(f) *County Sales Tax Increment Revenues (TIF Revenues)*. In accordance with the provisions of the Local Development Act, fifty percent (50%) of the incremental sales and use tax revenue (representing an amount equivalent to a 0.325% sales and use tax based on a total of 0.65% sales and use tax levied by the County as of the date of this Ordinance pursuant to Resolutions of the County dated September 6, 2005, and April 10, 2017, respectively (collectively, the “County Sales Tax Resolution”), as such County Sales Tax Resolution may be amended, replaced, extended, superseded, terminated, or otherwise modified from time to time, including with regards to the total amount of applicable County sales and use tax rate) generated within the Increment District, as such increments

are determined and defined pursuant to the Local Development Act (collectively, the “Sales Tax Increment Revenues”), are to be apportioned and set aside from all other sales and use taxes levied within the Increment District; provided, however, the Sales Tax Increment Revenues shall only pertain to construction and other capital investment related expenditures within the boundaries of the Increment District, and shall not include any sales and use tax derived from retail sales. The County Sales Tax Increment Revenues are to be used exclusively for:

- (i) the payment of principal, interest and premium, if any, on any TIF Bonds issued pursuant to Section 863 of the Local Development Act (including pledging as security for such payments);
- (ii) the payment, if required, of amounts necessary to satisfy or replenish any reserve requirement established with respect to any TIF Bonds;
- (iii) the payment of Project Costs incurred in connection with the development, construction, or implementation of the TIF Projects; and
- (iv) the reimbursement of a third party developer (pursuant to a development agreement with the City or the Authority), including any interest component (pursuant to a development agreement with the City and/or the Authority), the City, or any agency thereof (including the Authority), which has paid Project Costs from funds which were not increments derived from the Increment District, but only to the extent that such sums were actually paid or, in the case of reimbursement of a third party developer, constitute an interest component on sums that were actually paid.

Provided, however, the remaining unapportioned incremental sales and use tax revenues derived from the Increment District, as of the date of this Project Plan representing the equivalent of 0.325% of the total 0.65% sales and use tax levied by the County, shall be retained by the County and utilized on a pro rata basis for any lawful purpose consistent with the aforementioned County Sales Tax Resolution. For purposes of determining the incremental portion of the sales and use taxes generated within or sourced to the Increment District, the County Sales Tax Increment Revenues shall only pertain to construction and other capital investment related expenditures within the boundaries of the Increment District, and shall not include any sales and use tax derived from retail sales. Fifty percent (50%) of the sales and use tax generated within or sourced to the Increment District and received by the County which are derived from the construction of the Project shall be considered to be the “increment” subject to apportionment by this section. The County shall establish procedures related to the calculation and determination of construction related sales and use tax revenue qualifying as County Sales Tax Increment Revenues, which procedures may be substantially the same as, and/or rely upon, the City’s procedures for making the same determination. Such procedures shall stipulate that construction related County Sales Tax Increment Revenues be derived only from new construction activities occurring within the Increment District. The County shall be entitled to rely on certifications of actual construction costs provided by a third party developer(s) or related parties in connection with determining any applicable County Sales Tax Increment Revenues.

Pursuant to the Local Development Act, the County Sales Tax Increment Revenues apportioned hereunder and so collected shall be transferred to the City for deposit to the Apportionment Fund. No portion of such increments and no portion of the Apportionment Fund shall constitute a part of the general fund of the City. All County Sales Tax Increment Revenues so collected shall be pledged as security for the payment of the TIF Bonds or otherwise used to pay (or reimburse the payment of) Project Costs authorized pursuant to Section IX of the Project Plan, including any interest component (pursuant to a development agreement with the City and/or the Authority).

In accordance with the requirements of Section 861(A)(2)(c) of the Local Development Act, the County must specifically consent to the capture of the County Sales Tax Increment Revenues, subject to the limitations expressed herein. Such consent shall be evidenced by a Resolution of the Board of County Commissioners of Muskogee County and attached hereto as Exhibit "F".

(g) *Leverage Act Increment Revenues (TIF Revenues)*. In accordance with the provisions of the Local Development Act, one hundred percent (100%) of the incentive matching payments made by the State of Oklahoma pursuant to the Leverage Act, based on construction sales and use tax increments dedicated to the Increment District, as such amounts are hereinafter determined and defined (collectively, the "Leverage Act Increment Revenues"), are to be apportioned and set aside from all other taxes levied within the Increment District. The Leverage Act Increment Revenues are to be used exclusively for:

- (v) the payment of principal, interest and premium, if any, on any TIF Bonds issued pursuant to Section 863 of the Local Development Act (including pledging as security for such payments);
- (vi) the payment, if required, of amounts necessary to satisfy or replenish any reserve requirement established with respect to any TIF Bonds;
- (vii) the payment of Project Costs incurred in connection with the development, construction, or implementation of the TIF Projects; and
- (viii) the reimbursement of a third party developer (pursuant to a development agreement with the City or the Authority), including any interest component (pursuant to a development agreement with the City and/or the Authority), the City, or any agency thereof (including the Authority), which has paid Project Costs from funds which were not increments derived from the Increment District, but only to the extent that such sums were actually paid or, in the case of reimbursement of a third party developer, constitute an interest component on sums that were actually paid.

The City shall establish procedures related to application under the Leverage Act for construction sales and use tax matching funds. It is hereby recognized that any Leverage Act Increment Revenues represent a substantial economic benefit to the City and the development of the Project, and the City and the Authority shall take all reasonable actions necessary to maximize the Leverage Act Increment Revenues.

Pursuant to the Local Development Act, the Leverage Act Increment Revenues apportioned hereunder and so collected shall be placed into the Apportionment Fund and shall be pledged as security for the payment of the TIF Bonds or otherwise used to pay (or reimburse the payment of) Project Costs authorized pursuant to Section IX of the Project Plan, including any interest component (pursuant to a development agreement with the City and/or the Authority).

(h) *Use of TIF Revenues.* During the term of the Increment District, TIF Revenues (excluding such portions allocated to affected taxing entities) shall be utilized as follows:

- (i) The payment of principal, accrued interest, and premium, if any, due on the TIF Bonds;
- (ii) If applicable, transfers to any debt service reserve established in connection with the TIF Bonds in such amounts as may be necessary to restore the reserve to its prescribed levels;
- (iii) The payment and/or reimbursement of authorized Project Costs (including any interest component pursuant to a development agreement);
- (iv) If applicable, the prepayment of principal on any TIF Bonds until such time as all TIF Bonds are retired; and
- (v) Upon retirement of all TIF Bonds (if any) and payment of all Project Costs (including any interest component pursuant to a development agreement), (a) any remaining Ad Valorem Increment Revenues shall be transferred to the various ad valorem taxing jurisdictions, in the same percentages as originally collected, as determined by reference to the millage levied by each of the various ad valorem taxing jurisdictions for the related tax year, excluding sinking fund levies, (b) any remaining City Sales Tax Increment Revenues shall be transferred to the City for deposit into the General Fund or to the appropriate special fund, and (c) any remaining County Sales Tax Increment Revenues shall be transferred to the County for deposit into the General Fund or to the appropriate special fund, in each case consistent with the provisions of the Local Development Act. Any remaining Leverage Act Increment Revenues either shall be treated appropriately as sales and use tax revenue, and shall be transferred as set forth in (b) and (c) herein, or, if required by the Leverage Act, shall be returned to the State of Oklahoma.

Section 11. Increments Constitute City Funds; Uses. From and after apportionment, the apportioned increments shall constitute funds of the City (except that such funds may also be held by the Authority or a trustee acting on behalf of the Authority). Apportioned increments may be used for the payment of Project Costs; provided, however, the pledge of apportioned increments toward payment of such Project Costs shall be limited to increments actually apportioned by the City and any security instruments shall provide that except as provided for in this Ordinance, the City has no legal obligation or promise to apportion additional increments in future years. The City and the Authority (as and when designated by the City) shall have the authorization to carry

out certain provisions of the Project Plan, as authorized in Section VIII of the Project Plan, to incur and pay or reimburse Project Costs (including any interest, capitalized interest, and other related financing costs) pursuant to Section IX of the Project Plan and also, if feasible and desirable, to issue tax apportionment bonds or notes, incur the costs of issuance of such bonds, and accumulate appropriate reserves, if any, in connection with such bonds, and to retire said bonds or notes from apportioned tax increments, all in accordance with the provisions of the Project Plan. The Authority may (upon designation by the City) also be authorized to irrevocably pledge all or any part of the apportioned TIF Revenues and/or other available revenue for the payment of the TIF Bonds, or for the payment (or reimbursement) of Project Costs. In authorizing the irrevocable pledging of such TIF Revenues, it is the express intention of the City Council that the Increment District will remain in place until all of the outstanding principal, accrued interest and premium, if any, on any such TIF Bonds have been paid in full. Notwithstanding such intention, the City, by these provisions, does not waive any right which it has now or may have in the future, to repeal, modify or amend this Ordinance, by subsequent action of the City Council, as provided in Section 856(C) of the Local Development Act. In adopting this Ordinance, the City does not purport to create any contractual obligation extending beyond the City's current or any subsequent fiscal year with regard to the establishment or maintenance of the Increment District, or the apportionment of the TIF Revenues; provided, however, that the City may, on a year-to-year basis, agree to transfer to the Apportionment Fund, as appropriate, any apportioned increments which it receives. All TIF Bonds so issued shall state that such bond or note is not a debt, general or special, liability or obligation of the City, Muskogee County, or the State of Oklahoma or any other agency or authority of such entities, other than the Authority. The bond or note shall further state to the effect that:

- (a) The issuance of such bond or note does not give rise to a charge against the general credit or taxing powers of the City, or a claim on the revenues or resources of the State of Oklahoma, and
- (b) Such bond or note is a special, limited obligation of the Authority, payable solely from the income, revenues and receipts derived or to be derived from the proceeds of certain tax increments paid over to the Authority and the funds and accounts held pursuant to the terms of any indenture or agreement authorizing the issuance of such bonds or notes.

Section 12. Severability. If any term, section, subsection, sentence, clause, phrase or portion of this Ordinance or the Project Plan approved hereby is for any reason held invalid or unconstitutional, such term, section, subsection, sentence, clause, phrase or portion shall not affect the validity of the remaining portions of this Ordinance.

Section 13. Emergency. It is immediately necessary for the preservation of the public health, peace and safety of the City of Muskogee, Oklahoma, and the inhabitants thereof that the provisions of this Ordinance become operative immediately and therefore, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect immediately from and after its passage and approval.

Section 14. Necessary Action. The Mayor or Vice Mayor and City Clerk or Deputy City Clerk be and hereby are authorized and empowered to execute and deliver for and on behalf of the



City any and all other documents or instruments reasonably necessary to accomplish the implementation of the Project Plan.

[Remainder of Page Left Blank Intentionally]

PASSED AND APPROVED AND THE EMERGENCY CLAUSE RULED UPON SEPARATELY THIS 22<sup>ND</sup> DAY OF APRIL, 2024.

CITY OF MUSKOGEE, OKLAHOMA

(SEAL)

By: \_\_\_\_\_  
PATRICK CALE, MAYOR

ATTEST:

By: \_\_\_\_\_  
TAMMY L. TRACY, CITY CLERK

APPROVED AS TO FORM AND LEGALITY THIS 22<sup>ND</sup> DAY OF APRIL, 2024.

\_\_\_\_\_  
KATRINA BODENHAMER, CITY ATTORNEY

STATE OF OKLAHOMA    )  
  )SS  
COUNTY OF MUSKOGEE )

I, the undersigned, City Clerk of the City of Muskogee, Oklahoma, do hereby certify that the above and foregoing is a true, full and correct copy of an excerpt from the minutes of a meeting of the City Council of said City held on the date above stated, all as recorded in the official minutes of such meeting. I further certify that the “Open Meeting Law” was complied with for such meeting.

GIVEN UNDER MY HAND THIS 22<sup>ND</sup> DAY OF APRIL, 2024.

(SEAL)

\_\_\_\_\_  
City Clerk

**EXHIBIT “A”**

**SOUTHSIDE INDUSTRIAL PARK  
ECONOMIC DEVELOPMENT PROJECT PLAN**

[On file with the City Clerk of the City of Muskogee, Oklahoma]

**EXHIBIT "B"**

**INCREMENT DISTRICT LEGAL DESCRIPTION**

**INCREMENT DISTRICT NO. 6, CITY OF MUSKOGEE**

The composite legal description for the Increment District is as follows:

**[TO BE PROVIDED]**

The following Tracts I-III are approximately representative of the Increment District boundaries shown on the map in Exhibit "A".

Tract I (Parcel ID #510028605):

T14N R18E S22 S½ NE NE &; NW NE NE LESS .94 ACRES HIGHWAY &;  
N10 ACRES S½ NE E OF RIGHT OF WAY

Tract II (Parcel ID #510028604):

T14N R18E S22 ALL THAT PART S½ NE LYING E RAILROAD LESS N10  
ACRES LESS .60 ACRES HIGHWAY

Tract III (Parcel ID #510044598):

T14N R18E S23 NW LESS 5.52 ACRES HIGHWAY &; LESS COMM @ NW/C  
SEC 23, THENCE N88°33'16"E 115 TO P.O.B. THENCE S1°44'27"E 1088.57  
N88°33'16"E 410.17 N1°44'27"W 1088.57 S88°33'16"W 410.17 TO P.O.B.

**EXHIBIT “C”**

**PROJECT AREA LEGAL DESCRIPTION**

**INCREMENT DISTRICT NO. 6, CITY OF MUSKOGEE PROJECT AREA**

An area located entirely in Muskogee County, Oklahoma, more particularly described as follows:

Sections Nine (9), Ten (10), Eleven (11), Fourteen (14), Fifteen (15), Sixteen (16), Twenty-one (21), Twenty-two (22), and Twenty-three (23), Township Fourteen (14) North, Range Eighteen (18) East of the Indian Meridian, Muskogee County, State of Oklahoma.

**EXHIBIT “D”**

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF MUSKOGEE**

Resolution dated April 15, 2024

[Copy on file with the City Clerk of the City of Muskogee, Oklahoma]

**EXHIBIT “E”**

**RESOLUTION OF THE TAX INCREMENT DISTRICT REVIEW COMMITTEE**

Resolution dated March 15, 2024

[Copy on file with the City Clerk of the City of Muskogee, Oklahoma]



**EXHIBIT “F”**

**RESOLUTION OF THE MUSKOGEE COUNTY BOARD OF COMMISSIONERS**

Resolution dated \_\_\_\_\_, 2024

[Copy on file with the City Clerk of the City of Muskogee, Oklahoma]

**SOUTHSIDE INDUSTRIAL PARK  
ECONOMIC DEVELOPMENT PROJECT PLAN**

**Prepared by:**

**CITY OF MUSKOGEE, OKLAHOMA**

**MAYOR AND CITY COUNCIL  
MARLON J. COLEMAN, MAYOR  
DEPUTY MAYOR DERRICK A. REED, WARD 3  
SHIRLEY HILTON-FLANARY, WARD 1  
PATRICK CALE, WARD 1  
JAIME STOUT, WARD 2  
ALEX REYNOLDS, WARD 2  
PERLINE BOYATTIA-CRAIG, WARD 3  
DR. TRACY HOOS, WARD 4  
TRACI MCGEE, WARD 4**

**MIKE MILLER, CITY MANAGER**

**THE PUBLIC FINANCE LAW GROUP PLLC  
5657 N. CLASSEN BOULEVARD, SUITE 100  
OKLAHOMA CITY, OKLAHOMA 73118  
(405) 235-3413**

**INDEX**

I.	DESCRIPTION OF PROJECT .....	1
II.	PROJECT AREA AND INCREMENT DISTRICT BOUNDARIES .....	2
III.	ELIGIBILITY OF PROJECT .....	2
IV.	OBJECTIVES .....	3
V.	FINANCIAL IMPACTS .....	3
VI.	STATEMENT OF PRINCIPAL ACTIONS .....	5
VII.	ESTABLISHMENT OF INCREMENT DISTRICT NO. 6, CITY OF MUSKOGEE .....	6
VIII.	PROJECT AND INCREMENT DISTRICT AUTHORIZATIONS .....	8
IX.	BUDGET OF ESTIMATED PROJECT COSTS TO BE FINANCED FROM INCREMENT DISTRICT NO. 6 .....	8
X.	METHODS OF FINANCING PROJECT COSTS, EXPECTED SOURCES OF REVENUES, AND TIME WHEN COSTS OR MONETARY OBLIGATIONS ARE TO BE INCURRED.....	9
XI.	FINANCING REVENUE SOURCES .....	16
XII.	PUBLIC REVENUE ESTIMATED TO ACCRUE FROM THE PROJECT AND OTHER ECONOMIC IMPACTS.....	17
XIII.	PRIVATE AND PUBLIC INVESTMENTS EXPECTED FOR THE PROJECT .....	18
XIV.	MISCELLANEOUS PROVISIONS .....	18
EXHIBIT “A”	MAP OF INCREMENT DISTRICT NO. 6	
EXHIBIT “B”	INCREMENT DISTRICT LEGAL DESCRIPTION	
EXHIBIT “C”	MAP OF ECONOMIC DEVELOPMENT PROJECT AREA	
EXHIBIT “D”	PROJECT AREA LEGAL DESCRIPTION	
EXHIBIT “E”	PROPOSED DEVELOPMENT IN THE PROJECT AREA AND INCREMENT DISTRICT	
EXHIBIT “F”	PRELIMINARY SITE DEVELOPMENT PLAN	
EXHIBIT “G”	EXISTING USES AND CONDITIONS OF REAL PROPERTY	

**SOUTHSIDE INDUSTRIAL PARK****ECONOMIC DEVELOPMENT PROJECT PLAN****I. DESCRIPTION OF PROJECT**

This Southside Industrial Park Economic Development Project Plan (the “**Project Plan**”) describes an economic development project of the City of Muskogee, Oklahoma (the “**City**”) that brings a significant industrial development to the City. The Project Plan contemplates the creation of a tax increment financing district pursuant to the Local Development Act, 62 O.S. §850, *et seq.* (the “**Local Development Act**”), as authorized pursuant to Article 10, §6C of the Oklahoma Constitution. The purpose of the Increment District (as described herein) is to encourage the prospective development of available parcels within the Muskogee Municipal Authority owned Southside Industrial Park (the “**Southside Industrial Park**”), located along U.S. 64 just south of W. 53<sup>rd</sup> Street S. Southside Industrial Park West, encompassing approximately 82 acres, is under consideration for the development of a facility capable of refining up to 50,000 metric tons of lithium carbonate per year, which would be one of the largest battery-grade lithium refineries in the United States, with a capital investment of approximately \$1.13 billion and creating approximately 850-1,000 new jobs (“**Project Heart**”). Southside Industrial Park East, encompassing approximately 144 acres, is under consideration for construction of a new fabrication facility for an existing Muskogee business looking to expand, with a capital investment of approximately \$20 million and increasing the local workforce by 15-20 positions (“**Project Structure**”), as well as possible expansion of Project Heart, and/or creating up to 6 additional shovel-ready industrial sites. Project Heart, Project Structure, and other potential industrial development projects are collectively referred to as the “**Project**”.

The City recognizes the difficulty in development of the area due to significant costs necessary to upgrade the current infrastructure within and near the Southside Industrial Park in order to support the development of the Project. The goal of the Increment District (as defined herein) is to promote economic development in the City by incentivizing capital investment in undeveloped property in order to enhance the tax base and create employment opportunities within the City. The City proposes to complete (or cause to be completed) certain industrial access road improvements, rail improvements, and/or utility extensions (collectively referred to herein as the “**TIF Projects**”), that will provide service to the Southside Industrial Park, as well as the nearby Port Muskogee John T. Griffin Industrial Park (the “**Griffin Industrial Park**”). Muskogee County, Oklahoma (the “**County**”) has under separate consideration the creation of a county tax increment financing district (the “**Muskogee County TIF**”) to encourage development within the Griffin Industrial Park. Many of the TIF Projects will support development in the Muskogee County TIF, as well as contemplated herein, and the County and the City both recognize the inherent economic benefits in the form of capital investment, job creation, and overall economic impact of development in the Southside Industrial Park and the Griffin Industrial Park. The City has identified an aggregate total of not-to-exceed \$24,360,873.00 in costs associated with the TIF Projects in connection with establishing the Increment District (as defined herein). The associated costs of the TIF Projects, along with the Organizational Costs and the Debt Service Costs (each as further defined herein) are collectively referred to herein as the “**Project Costs**”. Many of the

Project Costs will support development within the Increment District and the Muskogee County TIF, and as such, any of the Project Costs shall be deemed to be authorized Project Costs of both the Increment District and the Muskogee County TIF. The City expects to phase the expenditure of Project Costs in coordination with specific development projects, and intends to apply other available funds as appropriate to offset the costs to the Increment District.

Pursuant to the terms of a development agreement(s) between the City and the prospective developer(s) (as required by the Local Development Act defined herein), the TIF Revenues generated by virtue of the construction sales and use tax, and ad valorem tax levies shall be utilized as a revenue source to fund the costs of the TIF Projects. The TIF Revenues (as defined herein) will be used to pay the costs of the TIF Projects, reimburse the Organizational Costs, and/or pay the Debt Service Costs on obligations issued to pay the same.

Based solely on the proposed Project Heart and Project Structure, the development within the Increment District could result in a potential total initial capital investment of approximately \$1.15 billion (\$655.87 million net taxable value subject to ad valorem taxes, including projected depreciation and annual capital expenditures) and generate approximately \$166.3 million in taxable construction material sales over the term of the Increment District. Please see Exhibit “E” for a more detailed description of projected development within the Increment District. Please see Exhibit “F” for a Preliminary Site Development Plan for the Southside Industrial Park Projects.

## II. PROJECT AREA AND INCREMENT DISTRICT BOUNDARIES

The Increment District is the specific geographic area within which the identified tax increments, which may include City Sales Tax Increment Revenues, County Sales Tax Increment Revenues, and Ad Valorem Increment Revenues, and may also include certain Leverage Act Increment Revenues, each as are defined in Section VII herein, will be generated and utilized as set forth in this Project Plan (referred to herein as the “**Increment District**”). The Project Area is the area within which all project activities, including construction of the supporting public improvements, will take place (referred to herein as the “**Project Area**”). The Increment District is located entirely within the Project Area. Most of the contemplated project activities will occur within the boundaries of the Increment District, however certain project activities may occur outside the boundaries of the Increment District but within the Project Area. A map showing the Increment District is attached as Exhibit “A”. The legal description of the Increment District is set forth in Exhibit “B”. A map showing the Project Area is attached as Exhibit “C”. The legal description of the Project Area is set forth in Exhibit “D”.

## III. ELIGIBILITY OF PROJECT

The Increment District is undeveloped and/or underdeveloped within the meaning of the Local Development Act. The Project Area (including the Increment District) is located within an area identified by the Oklahoma Department of Commerce as an enterprise zone (Tract ID: 40101000600). Consequently, the Increment District is located in an enterprise area (as defined

in Section 853(5) of the Local Development Act) and is therefore eligible for assistance under the Local Development Act. Additionally, the Project, because it will be located within an enterprise zone, represents an eligible project as defined under the Oklahoma Local Development and Enterprise Zone Incentive Leverage Act, 62 O.S. §840, *et seq.* (the “**Leverage Act**”), and therefore may qualify for certain incentive matching payments made by the State of Oklahoma based on sales and use tax increments dedicated to the Increment District.

The Increment District comprises an area where investment, development and economic growth have not occurred, and which requires significant public infrastructure improvements to serve as a catalyst to expand employment opportunities, to attract major investment in the area, and to enhance the tax base.

#### **IV. OBJECTIVES**

The purpose of the Project and the Increment District is to support the achievement of the economic development objectives of the City in order to:

- A. Create a significant industrial development within the City that will act as a catalyst for additional development within the community;
- B. Attract major investment in the area;
- C. Serve as a catalyst for retaining and expanding employment in the area;
- D. Promote economic development to increase tax revenues, raise property values, and improve economic stability;
- E. Preserve and enhance the tax base; and
- F. Make possible investment, development and economic growth which would otherwise be difficult or impossible without the TIF Projects and the apportionment of ad valorem taxes from within the Increment District.

#### **V. FINANCIAL IMPACTS**

The proposed private development will generate tax increments necessary to pay all or a portion of the authorized costs of the TIF Projects. Without the creation of the proposed Increment District, significant development within the Increment District would be unlikely and as a result, any significant increases in construction sales and use taxes and ad valorem taxes would be extremely improbable.

The proposed development project does not create a significant increase in demand for services or costs to the affected taxing entities other than the City and Muskogee County,

Oklahoma, whose public sector costs will be offset by apportioned tax increments as provided in this Project Plan.

The affected ad valorem taxing jurisdictions are Muskogee County, the Muskogee County Health Department, the City of Muskogee, Oklahoma, Eastern Oklahoma District Library System, Muskogee County EMS District, Indian Capital Technology Center Vo-Tech District No. 4, and Independent School District No. 29 of Muskogee County, Oklahoma (Hilldale Public Schools, and referred to herein as the “**School District**”). The general and intangible impacts on the affected taxing jurisdictions from implementation of this Project Plan are positive and include the achievement of the objectives set forth in Section IV of this Project Plan.

The creation of the Increment District will allow the City to apportion the incremental increase in ad valorem tax revenues and construction sales and use tax revenues generated through construction and operation of the industrial developments within the Increment District for the purpose of paying Project Costs, either through direct payment and/or reimbursement and/or paying debt service on tax apportionment bonds or notes (collectively, the “**TIF Bonds**”), which may be issued in one or more series by a public trust created under Title 60, Oklahoma Statutes 2021, Section 176 *et seq.*, for the benefit of the City and/or the County, and including any interest, capitalized interest and other related financing costs. The proceeds of any such TIF Bonds (if issued) shall be utilized for the Project Costs.

It is anticipated that a successful development will result in significant long-term benefits to the affected ad valorem taxing jurisdictions without causing significant (if any) negative impact on the existing tax base during the term of the Increment District. The formation of an Increment District should result in no net loss in existing ad valorem tax revenue to each of the affected ad valorem taxing jurisdictions. The formation of the Increment District will cause the affected ad valorem taxing jurisdictions to forgo a portion of any new incremental ad valorem tax revenue generated from real and personal property values during the term of the Increment District, but will not affect the existing ad valorem tax base within the Increment District. During the term of the Increment District, the 50.0% of Ad Valorem Increment Revenues (as defined herein) apportioned to the affected ad valorem taxing jurisdictions as a specific revenue source are estimated to be approximately \$30.62 million (ranging from \$1.46 million to \$3.06 million per year and based on the proposed development of the Project), and which will be apportioned directly to the affected taxing jurisdictions. Upon expiration of the Increment District, the affected ad valorem taxing jurisdictions could see an aggregate net gain in annual ad valorem tax revenues of approximately \$3.84 million (based on an aggregate taxable property value of approximately \$319.79 million). It is anticipated that the job creation component of the Project may result in a net increase in the total student population for the School District. To offset the potential increase in student population, the Ad Valorem Increment Revenues allocated to the School District are classified as a specific revenue source for capital expenditures (and any related financing costs) for the benefit of the School District. Based on the projections of Ad Valorem Increment Revenues, the School District is expected to receive approximately \$21.59 million in net new taxing revenues over the term of the Increment District.

Potential impacts on the ad valorem taxing jurisdictions include population growth and the demand for services created thereby. The direct impact on each ad valorem taxing jurisdiction is the loss of a portion of the new ad valorem tax increment revenues during the period of

apportionment. An additional impact on the School District is that the valuation of the Increment District will not count for, and will therefore limit, the bonding capacity of the School District. However, the School District does realize additional revenue from other sources on a per pupil basis. These impacts may be mitigated by any increase in valuation of property outside the Increment District (for example, successful development enhances the property values surrounding the Increment District), and by any increase in new housing outside the Increment District (for example, successful development results in net population gain to the City creating demand for new housing).

The formation of an Increment District should result in new, one-time construction sales and use tax collections to the City and the County, as the affected sales tax jurisdictions. Fifty percent (50%) of the construction sales or use taxes will be captured pursuant to this Project Plan. As of the date of this Project Plan, the City levies a 4.0% sales and use tax, and the County levies a 0.65% sales tax. Assuming completion of the proposed Project and no change in the respective tax levies, the City and the County expect to realize approximately \$3,327,100 (City) and \$540,600 (County), respectively, in new, one-time sales and use tax from the Project, based on the assumption that 60% of the cost of real property taxable capital investment represents construction materials subject to sales or use tax. Additionally, the City and the County may realize significant indirect sales and use tax gains outside the Increment District, due to short term construction and long-term employment opportunities. These impacts may be mitigated by any increased costs of providing City and/or County services to the development (police, fire, etc.).

The proposed Project will create an increase in demand for utility services from the City, however the City has sufficient capacity to handle such demand, and the proposed development within the Increment District should generate increases in annual water and sewer utility revenues. Any increase in public sector costs should be more than offset by apportioned tax increments as provided in this Project Plan.

## **VI. STATEMENT OF PRINCIPAL ACTIONS**

Implementation actions for the project, including all necessary, appropriate and supportive steps, will consist of any of the following:

A. Site preparation, planning and construction of public improvements necessary to support the development project;

B. Acquisition by private developers of any additional property interests necessary for the development project including connecting public easements;

C. Negotiation, preparation, execution, and implementation of development agreements, including agreements for financing, demolition, and construction by private developers, as authorized by the Local Development Act. Such agreements may include the granting of incentives for private developers to complete certain improvements within the Project Area;



D. Issuance of tax apportionment bonds or other debt issuance necessary to provide funds for Project Costs;

E. All other actions necessary and appropriate to carry out the development project as authorized by the Local Development Act.

## VII. ESTABLISHMENT OF INCREMENT DISTRICT NO. 6, CITY OF MUSKOGEE

Increment District No. 6, City of Muskogee shall commence as of the date determined by the City Council of the City in accordance with Section 856(B)(2) of the Local Development Act (the “**Commencement Date**”); provided however, the Commencement Date shall not be later than ten (10) years following adoption of this Project Plan. In accordance with the provisions of the Local Development Act, the following incremental revenues shall be apportioned and used to pay (or reimburse the payment of) Project Costs authorized pursuant to Section IX of this Project Plan. The apportionment of the Ad Valorem Increment Revenues, the City Sales Tax Increment Revenues, the County Sales Tax Increment Revenues, and the Leverage Act Increment Revenues (each as defined herein, and collectively referred to as the “**TIF Revenues**”) shall continue for that period required for the payment of the Project Costs, or a period not to exceed approximately seventeen (17) years following the Commencement Date (expected to end December 31, 2041, and referred to as the “**Expiration Date**”), whichever is less:

A. One hundred percent (100.0%) of the total equalized assessed value of real and personal property within the boundaries of the Increment District. The base assessed value (as described in Section 862 of the Local Development Act) of the Increment District shall be calculated as an amount equal to one hundred percent (100.0%) of the initial equalized assessed value of real and personal property within the boundaries of the Increment District. In accordance with the provisions of the Local Development Act, one hundred percent (100%) of the increments of real and personal property ad valorem taxes generated within the Increment District (inclusive of any amounts received from the State of Oklahoma’s Ad Valorem Reimbursement Fund pursuant to Title 62, Section 193 of the Oklahoma Statutes, as reimbursement for exemptions for “qualified manufacturing concerns” pursuant to Article X, Section 6B of the Oklahoma Constitution), in excess of the real and personal property ad valorem taxes generated from the base assessed value of the Increment District, as such increments are determined and defined pursuant to the Local Development Act (collectively, the “**Ad Valorem Increment Revenues**”, and said amount representing one hundred percent (100.0%) of the total new ad valorem tax revenues generated within the boundaries of the Increment District, as determined annually by the Muskogee County Assessor), shall be apportioned as follows: (i) one-half (50.0%) of the Ad Valorem Increment Revenues shall be pledged as security for the payment of the TIF Bonds or otherwise used to pay (or reimburse the payment of) Project Costs authorized pursuant to Section IX of this Project Plan; and (ii) one-half (50.0%) of the Ad Valorem Increment Revenues shall be apportioned to the affecting taxing jurisdictions in proportion to the allocation that the taxing jurisdictions would ordinarily receive from the increased assessed values, in the absence of the Increment District (as set forth in Sections 853(9), 853(14)(i) and 854(4) of the Local Development Act; provided that any portion of the TIF Revenues allocated to the School District shall be for the purpose of

providing a specific revenue source for capital expenditures (and any related financing costs) for the benefit of the School District; and

B. Fifty percent (50%) of the incremental City sales and use tax revenue derived from the construction of the Project (representing an amount equivalent to a two percent (2.0%) sales and use tax based on a total of 4.0% sales and use tax levied by the City as of the date of this Project Plan pursuant to Chapter 74, Article II, Section 74-19 *et seq.*, of the Muskogee Code of Ordinances (the “**Code of Ordinances**”), as such Code of Ordinances may be amended, replaced, extended, superseded, terminated, or otherwise modified from time to time, including with regards to the total amount of applicable City sales and use tax rate (referred to as the “**City Sales Tax Increment Revenues**”); provided that all such City Sales Tax Increment Revenues shall be pledged as security for the payment of the TIF Bonds or otherwise used to pay (or reimburse the payment of) Project Costs authorized pursuant to Section IX of this Project Plan; provided, however, the City Sales Tax Increment Revenues shall only pertain to construction and other capital investment related expenditures within the boundaries of the Increment District, and shall not include any sales and use tax derived from retail sales. The remaining unapportioned fifty percent (50%) incremental sales and use tax (representing an amount equivalent to a two percent (2.0%) sales and use tax based on a total of 4.0% sales and use tax levied by the City as of the date of this Project Plan) shall be retained by the City and utilized on a pro rata basis for any lawful purpose consistent with the aforementioned Code of Ordinances.

C. Fifty percent (50%) of the incremental County sales and use tax revenue derived from the construction of the Project (representing an amount equivalent to a 0.325% sales and use tax based on a total of 0.65% sales and use tax levied by the County as of the date of this Project Plan pursuant to Resolutions of the County dated September 6, 2005, and April 10, 2017 (collectively, the “**County Sales Tax Resolution**”), as such County Sales Tax Resolution may be amended, replaced, extended, superseded, terminated, or otherwise modified from time to time, including with regards to the total amount of applicable County sales tax rate (referred to as the “**County Sales Tax Increment Revenues**”); provided that all such County Sales Tax Increment Revenues shall be pledged as security for the payment of the TIF Bonds or otherwise used to pay (or reimburse the payment of) Project Costs authorized pursuant to Section IX of this Project Plan; provided, however, the County Sales Tax Increment Revenues shall only pertain to construction and other capital investment related expenditures within the boundaries of the Increment District, and shall not include any sales and use tax derived from retail sales. Provided further, the County shall grant its specific consent as required by Section 861(A)(2)(c) of the Local Development Act prior to the capture of any County Sales Tax Increment Revenue derived from the levy of sales and use tax by the County. The remaining unapportioned fifty percent (50%) incremental sales and use tax (representing an amount equivalent to a 0.325% sales and use tax based on a total of 0.65% sales and use tax levied by the County as of the date of this Project Plan) shall be retained by the County and utilized on a pro rata basis for any lawful purpose consistent with the aforementioned County Sales Tax Resolution.

D. One hundred percent (100%) of the incentive matching payments made by the State of Oklahoma pursuant to the Leverage Act, based on sales and use tax increments dedicated to the Increment District, as such amounts are hereinafter determined and defined (collectively, and as more specifically defined in Section X herein, the “**Leverage Act Increment Revenues**”); provided that all of the generated increment shall be pledged as security for the

payment of the TIF Bonds or otherwise used to pay (or reimburse the payment of) Project Costs authorized pursuant to Section IX of this Project Plan.

### **VIII. PROJECT AND INCREMENT DISTRICT AUTHORIZATIONS**

A. Upon adoption of an Ordinance of the City Council of the City approving this Project Plan, the City is hereby designated and authorized as the public entity to carry out and administer the provisions of this Project Plan and to exercise all powers necessary or appropriate thereto, including, without limitation, those powers described in Section 854 of the Local Development Act.

B. The City may create a new public trust with the City named as its beneficiary, and/or designate an existing public trust with the City and/or the County named as its beneficiary (said public trust referred to herein as the “**Authority**”), and said Authority shall be the public entity designated by the City to assist in carrying out and administering the provisions of this Project Plan and authorized to exercise all powers necessary or appropriate thereto pursuant to Title 62, Section 854 of the Local Development Act, except for approval of this Project Plan and those powers enumerated in paragraphs 1, 2, 3, 4, 7, 13, and 16 of that section, which powers shall be reserved to the City.

C. The person in charge of implementation of this Project Plan in accordance with the provisions, authorizations and respective delegations of responsibilities contained herein is Mr. Mike Miller, City Manager. Mr. Miller, or his successor as City Manager, is authorized to empower one or more designees to exercise responsibilities in connection with project implementation.

### **IX. BUDGET OF ESTIMATED PROJECT COSTS TO BE FINANCED FROM INCREMENT DISTRICT NO. 6**

Project Costs to be financed by the apportionment of tax increments from the Increment District include the planning, design, acquisition, site preparation and/or construction of the TIF Projects in an aggregate total amount of \$24,360,873. Certain Project Costs may be funded through the payment of assistance in development financing (as authorized by Section 853(14)(o) of the Local Development Act) to a third party as reimbursement for the payment of such Project Costs. Additional amounts will be financed by the apportionment of tax increments from the Increment District including the following items related to Project Costs in excess of the amounts specifically identified for TIF Project Costs: (a) the direct or incidental administrative costs incurred or to be incurred by or on behalf of the City, the Authority, or other public entities (all as contemplated in Title 62, Section 853(14)(e) of the Local Development Act) in organizing, supervising, implementing and administering this Project Plan, including, but not limited to, payment and/or reimbursement of costs advanced in connection with the preparation and approval of this Project Plan, administrative costs, organizational costs, professional service costs, including those incurred for architectural, planning, engineering, legal and financial advisors and services, and

costs for determining or re-determining the base assessed value of the Increment District (the “**Organizational Costs**”), and (b) interest and other financing costs and fees, including principal, interest (including capitalized interest), associated costs of issuance, reasonably required reserves, and prepayment premium paid on debt service and/or any reimbursement obligation (the “**Debt Service Costs**”). The Organizational Costs associated with the initial creation and implementation of the Increment District are preliminarily estimated to be approximately \$100,000, and the ongoing Organizational Costs are estimated to be \$10,000 per year. The Debt Service Costs associated with the Project Costs are preliminarily estimated to be on the order of \$27,146,030, but depending on available cost sharing opportunities, could be significantly less, as described in Exhibit “E” attached hereto..

The total estimate of Project Costs that may be made available for improvements from apportioned tax revenues shall be \$24,320,873 (including all engineering, construction, planning, and contingency costs). Apportioned tax revenues in excess of the amounts needed for Project Costs may be utilized as necessary to pay the Organizational Costs and the Debt Service Costs, and could total approximately \$27,426,030. The estimated combined total of all eligible Project Costs is \$51,746,903.

**X. METHODS OF FINANCING PROJECT COSTS, EXPECTED SOURCES OF REVENUES, AND TIME WHEN COSTS OR MONETARY OBLIGATIONS ARE TO BE INCURRED**

It is hereby determined that the proposed Project Costs will generally benefit and support development throughout the Project Area, inclusive of the Increment District and the Muskogee County TIF. It is further determined that (i) the TIF Revenues derived from the Increment District may properly be utilized to pay any and all Project Costs within the Project Area; and (ii) it is proper and may be appropriate (at the discretion of the City) to pledge TIF Revenues from the Increment District to the repayment of TIF Bonds. Therefore, with respect to the Increment District:

**A. Methods of Financing.** It is expected that the Project Costs will be paid from proceeds of the Authority’s TIF Bonds. Payment of principal and interest due on the TIF Bonds will be paid from available TIF Revenues. Certain Project Costs may be directly paid by a third party developer or the City and reimbursed from proceeds of the TIF Bonds. Alternately, certain Project Costs may also be directly paid by a third party developer or the City and reimbursed from TIF Revenues in excess of those needed for debt service on the TIF Bonds. Certain other costs of the Project may be paid from such other funds of the City or the Authority as may be lawfully used for the purposes hereinabove stated, including proceeds of certain debt obligations issued by the Authority and secured by a pledge of general sales tax, utility, or other available revenues.

**B. Expected Sources of Revenues.** The payment or reimbursement of Project Costs, including any interest component on reimbursed funds and any principal, interest, and premium on any TIF Bonds, will be made from one or more of the following sources of revenues:

(i) *Ad Valorem Increment Revenues.* In accordance with the provisions of the Local Development Act, the Ad Valorem Increment Revenues are to be apportioned and set aside from all other ad valorem taxes levied within the Increment District, to be used exclusively for:

- (a) the payment of principal, interest and premium, if any, on any TIF Bonds issued pursuant to Section 863 of the Local Development Act (including pledging as security for such payments);
- (b) the payment, if required, of amounts necessary to satisfy or replenish any reserve requirement established with respect to any TIF Bonds;
- (c) the payment of Project Costs incurred in connection with the development, construction, or implementation of the TIF Projects;
- (d) the reimbursement of a third party developer (pursuant to a development agreement with the City or the Authority), the City, or any agency thereof (including the Authority), which has paid Project Costs from funds which were not increments derived from the Increment District, but only to the extent that such sums were actually paid or, in the case of reimbursement of a third party developer, constitute an interest component on sums that were actually paid; and
- (e) the establishment and payment of a specific revenue source for affected taxing entities pursuant to Sections 853(9), 853(14)(i), and 854(4) of the Local Development Act.

Pursuant to the Local Development Act, the Ad Valorem Increment Revenues apportioned hereunder shall be transferred by the Muskogee County Treasurer to a special fund to be known as the “Increment District No. 6 - Apportionment Fund” (hereinafter, the “**Apportionment Fund**”), which fund will be held by and be the property of the City (except that such fund may also be held by the Authority or a trustee acting on behalf of the Authority). No portion of such increments and no portion of the Apportionment Fund shall constitute a part of the general fund of the City. All Ad Valorem Increment Revenues so collected shall be apportioned as follows: (i) one-half (50.0%) of the Ad Valorem Increment Revenues shall be pledged as security for the payment of the TIF Bonds or otherwise used to pay (or reimburse the payment of) Project Costs authorized pursuant to Section IX of this Project Plan; and (ii) one-half (50.0%) of the Ad Valorem Increment Revenues shall be apportioned to the affecting taxing jurisdictions in proportion to the allocation that the taxing jurisdictions would ordinarily receive from the increased assessed values, in the absence of the Increment District (as set forth in Sections 853(9), 853(14)(i) and 854(4) of the Local Development Act; provided that any portion of the TIF Revenues allocated to the School District shall be for the purpose of providing a specific revenue source for capital expenditures (and any related financing costs) for the benefit of the School District.

The apportionment of ad valorem taxes pursuant to this section shall terminate upon the final payment of, or reimbursement for, all project costs incurred in connection with the

projects listed in this Project Plan, and the payment of all outstanding principal, accrued interest, and premium due on the TIF Bonds; provided, however, that in no case shall the apportionment of revenues pursuant hereto extend beyond the Expiration Date.

In the event that any Project Costs remain unpaid, or any portion of the principal of or interest on the TIF Bonds, issued in connection herewith, or any amount due and owing for reimbursement to the City or the Authority or pursuant to a development agreement between the City and a Developer, remains unpaid as of the Expiration Date, then the Increment District shall not terminate until the increment apportioned during the term of the Increment District is actually received by the Apportionment Fund, even if the receipt of such revenues occurs subsequent to the Expiration Date.

(ii) *City Sales Tax Increment Revenues.* In accordance with the provisions of the Local Development Act, the City Sales Tax Increment Revenues are to be apportioned and set aside from all other sales and use taxes levied within the Increment District, to be used exclusively for:

- (a) the payment of principal, interest and premium, if any, on any TIF Bonds issued pursuant to Section 863 of the Local Development Act (including pledging as security for such payments);
- (b) the payment, if required, of amounts necessary to satisfy or replenish any reserve requirement established with respect to any TIF Bonds;
- (c) the payment of Project Costs incurred in connection with the development, construction, or implementation of the TIF Projects; and
- (d) the reimbursement of a third party developer, including any interest component (pursuant to a development agreement with the City and/or the Authority), the City, or any agency thereof (including the Authority), which has paid Project Costs from funds which were not increments derived from the Increment District, but only to the extent that such sums were actually paid or, in the case of reimbursement of a third party developer, constitute an interest component on sums that were actually paid.

Provided, however, the remaining unapportioned incremental sales and use tax revenues derived from the Increment District, as of the date of this Project Plan representing the equivalent of 2.0% of the total 4.0% sales and use tax levied by the City, shall be retained by the City and utilized on a pro rata basis for any lawful purpose consistent with the aforementioned Code of Ordinances. For purposes of determining the incremental portion of the sales and use taxes generated within or sourced to the Increment District, the City Sales Tax Increment Revenues shall only pertain to construction and other capital investment related expenditures within the boundaries of the Increment District, and shall not include any sales and use tax derived from retail sales. Fifty percent (50%) of the incremental City sales and use tax revenue derived from the construction of the Project shall be considered to be the “increment” subject to apportionment by this section. The City shall establish procedures related to the calculation and determination of

construction related sales and use tax revenue qualifying as City Sales Tax Increment Revenues. Such procedures shall stipulate that construction related City Sales Tax Increment Revenues be derived only from new construction activities occurring within the Increment District. The City shall be entitled to rely on certifications of actual construction costs provided by a third party developer(s) or related parties in connection with determining any applicable City Sales Tax Increment Revenues.

Pursuant to the Local Development Act, the City Sales Tax Increment Revenues apportioned hereunder and so collected shall be placed into the Apportionment Fund. No portion of such increments and no portion of the Apportionment Fund shall constitute a part of the general fund of the City. All City Sales Tax Increment Revenues so collected shall be pledged as security for the payment of the TIF Bonds or otherwise used to pay (or reimburse the payment of) Project Costs authorized pursuant to Section IX of this Project Plan, including any interest component (pursuant to a development agreement with the City and/or the Authority).

The apportionment of sales and use taxes pursuant to this section shall terminate upon the final payment of, or reimbursement for, all Project Costs incurred in connection with the projects listed in this Project Plan, and the payment of all outstanding principal, accrued interest, and premium due on the TIF Bonds; provided, however, that in no case shall the apportionment of revenues pursuant hereto extend beyond the Expiration Date.

In the event that any Project Costs remain unpaid, or any portion of the principal or interest on the TIF Bonds, issued in connection herewith, or any amount due and owing for reimbursement to the City or the Authority or pursuant to a development agreement between the City and the Developer, remains unpaid as of the Expiration Date, then the Increment District shall not terminate until the increment apportioned during the term of the Increment District is actually received by the Apportionment Fund, even if the receipt of such revenues occurs subsequent to the Expiration Date.

(iii) *County Sales Tax Increment Revenues.* In accordance with the provisions of the Local Development Act, the County Sales Tax Increment Revenues are to be apportioned and set aside from all other sales taxes levied within the Increment District, to be used exclusively for:

- (a) the payment of principal, interest and premium, if any, on any TIF Bonds issued pursuant to Section 863 of the Local Development Act (including pledging as security for such payments);
- (b) the payment, if required, of amounts necessary to satisfy or replenish any reserve requirement established with respect to any TIF Bonds;
- (c) the payment of Project Costs incurred in connection with the development, construction, or implementation of the TIF Projects; and
- (d) the reimbursement of a third party developer, including any interest component (pursuant to a development agreement with the City and/or the Authority),

the City, or any agency thereof (including the Authority), which has paid Project Costs from funds which were not increments derived from the Increment District, but only to the extent that such sums were actually paid or, in the case of reimbursement of a third party developer, constitute an interest component on sums that were actually paid.

Provided, however, the remaining unapportioned incremental sales and use tax revenues derived from the Increment District, as of the date of this Project Plan representing the equivalent of 0.325% of the total 0.65% sales and use tax levied by the County, shall be retained by the County and utilized on a pro rata basis for any lawful purpose consistent with the aforementioned County Sales Tax Resolution. For purposes of determining the incremental portion of the sales and use taxes generated within or sourced to the Increment District, the County Sales Tax Increment Revenues shall only pertain to construction and other capital investment related expenditures within the boundaries of the Increment District, and shall not include any sales and use tax derived from retail sales. Fifty percent (50%) of the incremental County sales and use tax revenue derived from the construction of the Project shall be considered to be the “increment” subject to apportionment by this section. The County shall establish procedures related to the calculation and determination of construction related sales tax revenue qualifying as County Sales Tax Increment Revenues. Such procedures shall stipulate that construction related County Sales Tax Increment Revenues be derived only from new construction activities occurring within the Increment District. The County shall be entitled to rely on certifications of actual construction costs provided by a third party developer(s) or related parties in connection with determining any applicable County Sales Tax Increment Revenues.

Pursuant to the Local Development Act, the County Sales Tax Increment Revenues apportioned hereunder and so collected shall be transferred to the City for deposit to the Apportionment Fund. No portion of such increments and no portion of the Apportionment Fund shall constitute a part of the general fund of the City. All County Sales Tax Increment Revenues so collected shall be pledged as security for the payment of the TIF Bonds or otherwise used to pay (or reimburse the payment of) Project Costs authorized pursuant to Section IX of this Project Plan, including any interest component (pursuant to a development agreement with the City and/or the Authority).

The apportionment of sales taxes pursuant to this section shall terminate upon the final payment of, or reimbursement for, all Project Costs incurred in connection with the projects listed in this Project Plan, and the payment of all outstanding principal, accrued interest, and premium due on the TIF Bonds; provided, however, that in no case shall the apportionment of revenues pursuant hereto extend beyond the Expiration Date.

In the event that any Project Costs remain unpaid, or any portion of the principal or interest on the TIF Bonds, issued in connection herewith, or any amount due and owing for reimbursement to the City or the Authority or pursuant to a development agreement between the City and the Developer, remains unpaid as of the Expiration Date, then the Increment District shall not terminate until the increment apportioned during the term of



the Increment District is actually received by the Apportionment Fund, even if the receipt of such revenues occurs subsequent to the Expiration Date.

(iv) *Leverage Act Increment Revenues.* In accordance with the provisions of the Local Development Act, the Leverage Act Increment Revenues are to be apportioned and set aside from all other revenues generated within the Increment District, to be used exclusively for:

- (a) the payment of principal, interest and premium, if any, on any TIF Bonds issued pursuant to Section 863 of the Local Development Act (including pledging as security for such payments);
- (b) the payment, if required, of amounts necessary to satisfy or replenish any reserve requirement established with respect to any TIF Bonds;
- (c) the payment of Project Costs incurred in connection with the development, construction, or implementation of the TIF Projects; and
- (d) the reimbursement of a third party developer (pursuant to a development agreement with the City or the Authority), including any interest component (pursuant to a development agreement with the City and/or the Authority), the City, or any agency thereof (including the Authority), which has paid Project Costs from funds which were not increments derived from the Increment District, but only to the extent that such sums were actually paid or, in the case of reimbursement of a third party developer, constitute an interest component on sums that were actually paid.

The City shall establish procedures related to application under the Leverage Act for sales and use tax matching funds. It is hereby recognized that any Leverage Act Increment Revenues represent a substantial economic benefit to the City and the development of the Project, and the City and the Authority shall take all reasonable actions necessary to maximize the Leverage Act Increment Revenues.

Pursuant to the Local Development Act, the Leverage Act Increment Revenues apportioned hereunder and so collected shall be placed into the Apportionment Fund. No portion of such increments and no portion of the Apportionment Fund shall constitute a part of the general fund of the City. All Leverage Act Increment Revenues so collected shall be pledged as security for the payment of the TIF Bonds or otherwise used to pay (or reimburse the payment of) Project Costs authorized pursuant to Section IX of this Project Plan, including any interest component (pursuant to a development agreement with the City and/or the Authority).

The apportionment of matching incentive funds pursuant to this section shall terminate upon the final payment of, or reimbursement for, all Project Costs incurred in connection with the projects listed in this Project Plan, and the payment of all outstanding principal, accrued interest, and premium due on the TIF Bonds; provided, however, that in no case shall the apportionment of revenues pursuant hereto extend beyond the Expiration Date.

In the event that any Project Costs remain unpaid, or any portion of the principal of or interest on the TIF Bonds, issued in connection herewith, or any amount due and owing for reimbursement to the City or the Authority or pursuant to a development agreement between the City and the Developer, remains unpaid as of the Expiration Date, then the Increment District shall not terminate until the increment apportioned during the term of the Increment District is actually received by the Apportionment Fund, even if the receipt of such revenues occurs subsequent to the Expiration Date.

**C. Time When Costs Or Monetary Obligations Are To Be Incurred.** It is estimated that the time frame for incurring most of the Project Costs will be within three to five years from the date of approval of this Project Plan; however, certain Project Costs will not be incurred until appropriate development projects within the Increment District are identified by the City. It is anticipated that most Project Costs will be paid from proceeds of TIF Bonds issued by the Authority, provided however, certain Project Costs may be directly paid or reimbursed from apportioned TIF Revenues.

**D. Flow of Funds; Excess Revenues.**

During the term of the Increment District, TIF Revenues shall be utilized as follows:

- FIRST: The payment of principal, accrued interest, and premium, if any, due on the TIF Bonds;
- SECOND: If applicable, transfers to any debt service reserve established in connection with the TIF Bonds in such amounts as may be necessary to restore the reserve to its prescribed levels;
- THIRD: The payment and/or reimbursement of authorized Project Costs (including any interest component pursuant to a development agreement);
- FOURTH: If applicable, the prepayment of principal on any TIF Bonds until such time as all TIF Bonds are retired; and
- FIFTH: Upon retirement of all TIF Bonds (if any) and payment of all Project Costs (including any interest component pursuant to a development agreement), (a) any remaining Ad Valorem Increment Revenues shall be transferred to the various ad valorem taxing jurisdictions, in the same percentages as originally collected, as determined by reference to the millage levied by each of the various ad valorem taxing jurisdictions for the related tax year, excluding sinking fund levies, (b) any remaining City Sales Tax Increment Revenues shall be transferred to the City for deposit into the General Fund or to the appropriate special fund, and (c) any remaining County Sales Tax Increment Revenues shall be transferred to the County for deposit into the General Fund or to the appropriate special fund, in each case consistent with the provisions of the Local Development Act. Any remaining Leverage Act Increment Revenues shall be treated appropriately as sales and use tax revenue, and shall be transferred as set

forth in (b) and (c) herein, or, if required by the Leverage Act, shall be returned to the State of Oklahoma.

## **XI. FINANCING REVENUE SOURCES**

The TIF Revenues are expected to finance all or a portion of the Project Costs authorized by Section IX. Based on the initial projections of Ad Valorem Increment Revenues for the Project, it is estimated that approximately \$61.24 million could be generated by the incremental increase in ad valorem tax revenue during the term of the Increment District, with approximately \$30.62 million available for allocation to Project Costs and approximately \$30.62 million apportioned to the affected ad valorem taxing jurisdictions. The initial projections of Ad Valorem Increment Revenues are based upon an estimated \$655.87 million aggregate taxable capital investment (including projected depreciation and annual capital expenditures), an 11% assessment rate for real property, a 12% assessment rate for business personal property, and an approximately 10.549% millage levy within the Increment District (based on the 2023 levy rate for property located within School District).

Based on the initial projections of City Sales Tax Increment Revenues for the Project, it is estimated that approximately \$6.654 million could be generated by the incremental increase in sales and use tax revenue during the term of the Increment District, with approximately \$3.327 million available for allocation to Project Costs and approximately \$3.327 million retained by the City. Based on the initial projections of County Sales Tax Increment Revenues for the Project, it is estimated that approximately \$1.081 million could be generated by the incremental increase in sales tax revenue during the term of the Increment District, with approximately \$540,660 available for allocation to Project Costs and approximately \$540,660 retained by the County. The initial projections of incremental sales and use tax revenue are based upon the projected revenues generated within the Increment District from the levy of an aggregate total of four percent (4.0%) City and sixty-five hundredths of one percent (0.65%) County sales tax on new construction within the Increment District generating approximately \$166.35 million in gross taxable sales during the term of the Increment District.

Additional TIF Revenues may be realized through state matching incentive payments made pursuant to the Leverage Act, as set forth in Section X(B)(iv) above (i.e. the Leverage Act Increment Revenues). Based on the initial projections of revenue and the level of apportionment of sales and use tax to Project Costs, state matching payments could make available up to an additional \$3.86 million for Project Costs, although it is possible that only a portion of the taxable transactions may qualify for state matching incentive payments.

The calculation of projected TIF Revenues will be refined based upon (i) the actual effective ad valorem tax rate and base assessed valuation, as determined from time to time by the Muskogee County Assessor and subject to change by voters of the applicable taxing jurisdiction at an election(s) held for such purpose, (ii) the total net capital investment resulting from development within the Increment District, and (iii) the timing of the development.

The realization of the TIF Revenues is directly dependent on the City's ability to attract development proposals on a magnitude contemplated by this Project Plan within the Increment District during the term of the Increment District. The Authority and/or the City may enter into economic development agreements with the prospective Southside Industrial Park tenants or any other parties as required by the Local Development Act.

Certain TIF Projects may be designed and/or constructed by the City. Authorized Project Costs, or the payment of debt service on TIF Bonds issued to pay Project Costs, will be paid from TIF Revenues by the City or the Authority, and may include (i) reimbursement of the City or the Authority for certain public improvements constructed from other available funds, and (ii) assistance in development financing (as authorized by the Local Development Act) to the Developer for certain public infrastructure and/or other site improvements constructed on behalf of the City in furtherance of the purposes of this Project Plan. The financing of the projected private development in the area may be provided by private equity and private mortgage financing, secured by the private developments.

## **XII. PUBLIC REVENUE ESTIMATED TO ACCRUE FROM THE PROJECT AND OTHER ECONOMIC IMPACTS**

The Ad Valorem Increment Revenues, the City Sales Tax Increment Revenues, the County Sales Tax Increment Revenues, and the Leverage Act Increment Revenues (estimated at a total of approximately \$38.35 million over the term of the Increment District based on the Project, including potential Leverage Act matching incentive funds from the State), of which portions will serve as all or a portion of the revenue source for financing the Project Costs authorized by Section IX of this Project Plan, are the public revenues directly attributable to the project defined by establishment of the Increment District. Additionally, the various taxing jurisdictions may realize additional ad valorem tax revenue and/or sales and use tax revenue from additional development outside the boundaries of the Increment District.

Construction of the improvements and subsequent development should have a positive impact on total employment in the City's metropolitan area, including temporary construction jobs and permanent positions at the facilities related to the Project. Indirect impacts (associated with the employment and income which result from the provision of inputs in support of the primary activity), and induced impacts (associated with the wages and jobs resulting from changes in household expenditures which come about through direct and indirect employment) will also result in additional growth in the City's metropolitan area.

This Project Plan includes certain projections and estimates, which are based on the current expectations or beliefs of third party developer(s) and are subject to uncertainty and changes in circumstances. Actual results may vary materially from the expectations contained herein due to changes in economic conditions, market demand and other factors affecting the development of the Project.

### **XIII. PRIVATE AND PUBLIC INVESTMENTS EXPECTED FOR THE PROJECT**

The publicly financed Project Costs in the amount of \$24,320,873, as authorized by this Project Plan, represent approximately 2.07% of the projected total public and private investment for the Project, which including anticipated expenditures by or on behalf of commercial or governmental entities within the Increment District, could exceed \$1.17 billion.

### **XIV. MISCELLANEOUS PROVISIONS**

**A. Zoning Conditions.** The property within the boundaries of the Increment District is primarily zoned for light industrial development. No changes in the ordinances of the City (other than minor zoning adjustments to accommodate the proposed Project) are contemplated under this Project Plan. Development is anticipated to occur in accordance with current zoning requirements, with appropriate adjustments as approved by the City. The proposed project conforms to the comprehensive plan for the City, as amended. A map showing the existing uses and conditions of the real property is included as Exhibit “G”.

**B. Annual Reports.** In accordance with Sections 860 and 867 of the Local Development Act, within ninety (90) days following the end of each fiscal year, the City shall prepare and submit a report to the Oklahoma Department of Commerce and to chief executive officer of each taxing entity that levies ad valorem taxes on property within each Increment District. At the time of submitting the report, the City shall also publish a notice and summary of the report in a newspaper of general circulation.

**EXHIBIT "A"**

**MAP OF INCREMENT DISTRICT NO. 6**

The boundaries of Increment District No. 6, City of Muskogee contain an area comprising the Southside Industrial Park within the City of Muskogee, located on the east and west sides of U.S. 64 just south of W. 53<sup>rd</sup> Street S.



\* Increment District boundaries contained within white border and shaded blue.

**EXHIBIT "B"**

**INCREMENT DISTRICT LEGAL DESCRIPTION**

**INCREMENT DISTRICT NO. 6**

The composite legal description for the Increment District is as follows:

[TO BE PROVIDED]

The following Tracts I-III are approximately representative of the Increment District boundaries shown on the map in Exhibit "A".

Tract I (Parcel ID #510028605):

T14N R18E S22 S½ NE NE &; NW NE NE LESS .94 ACRES HIGHWAY &;  
N10 ACRES S½ NE E OF RIGHT OF WAY

Tract II (Parcel ID #510028604):

T14N R18E S22 ALL THAT PART S½ NE LYING E RAILROAD LESS N10  
ACRES LESS .60 ACRES HIGHWAY

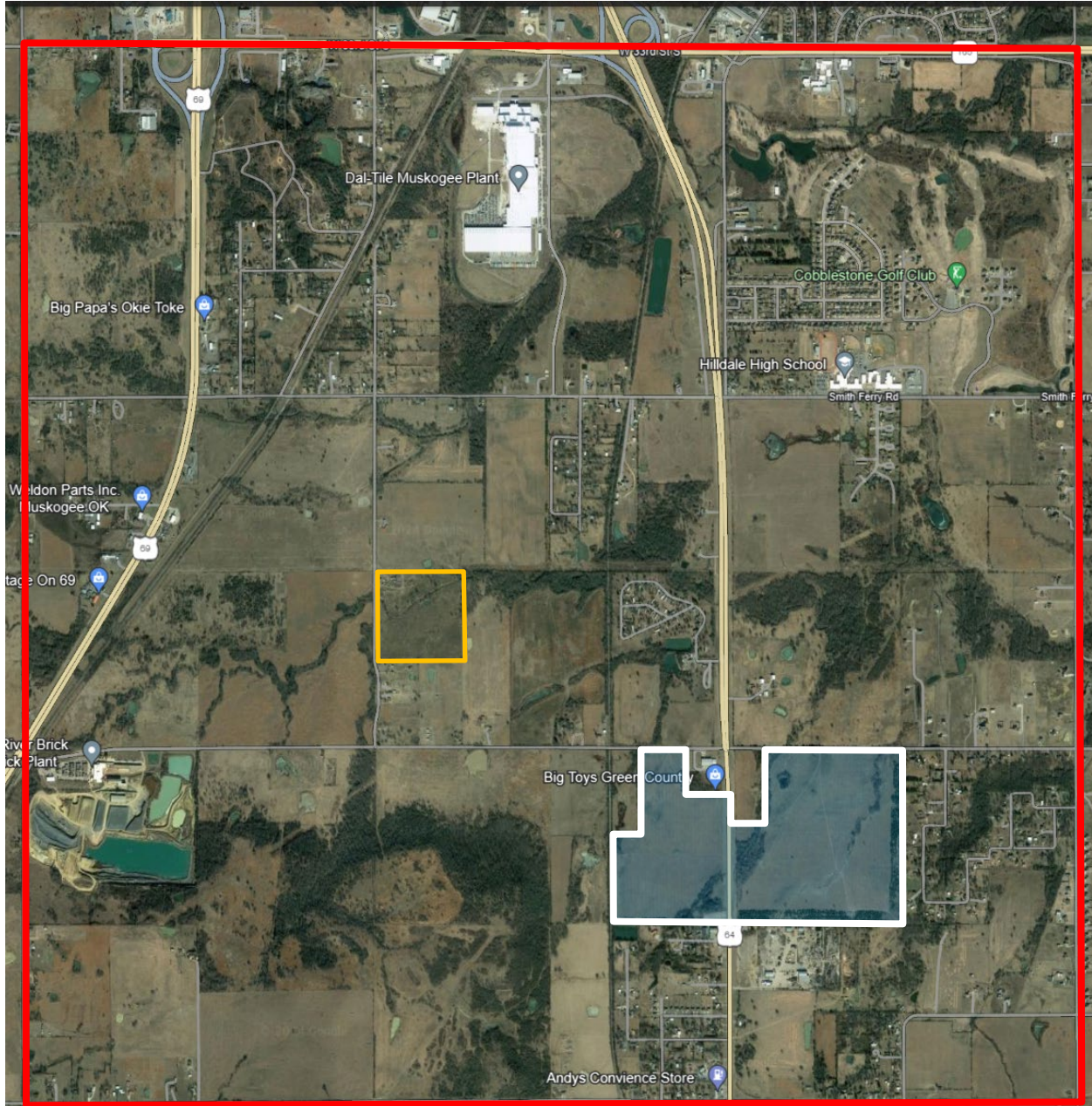
Tract III (Parcel ID #510044598):

T14N R18E S23 NW LESS 5.52 ACRES HIGHWAY &; LESS COMM @ NW/C  
SEC 23, THENCE N88°33'16"E 115 TO P.O.B. THENCE S1°44'27"E 1088.57  
N88°33'16"E 410.17 N1°44'27"W 1088.57 S88°33'16"W 410.17 TO P.O.B.

**EXHIBIT "C"**

**MAP OF ECONOMIC DEVELOPMENT PROJECT AREA**

The boundaries of the Project Area associated with Increment District No. 6, City of Muskogee contain an area comprising Sections 9-11, 14-16, and 21-23, Township Fourteen (14) North, Range Eighteen (18) East of the Indian Meridian, Muskogee County, State of Oklahoma. The Project Area is bordered on the south by Davis Field Road, on the east by Gulick Street, on the north by OK Highway 165 (W 33<sup>rd</sup> Street S), and on the west by S 40<sup>th</sup> Street W.



\* Project Area is outlined by red border. Increment District boundaries contained within white border and shaded blue. Muskogee County TIF boundaries shown in orange for reference purposes only.



**EXHIBIT “D”**

**PROJECT AREA LEGAL DESCRIPTION**

**INCREMENT DISTRICT NO. 6 PROJECT AREA**

An area located entirely in Muskogee County, Oklahoma, more particularly described as follows:

Sections Nine (9), Ten (10), Eleven (11), Fourteen (14), Fifteen (15), Sixteen (16), Twenty-one (21), Twenty-two (22), and Twenty-three (23), Township Fourteen (14) North, Range Eighteen (18) East of the Indian Meridian, Muskogee County, State of Oklahoma.

**EXHIBIT “E”****PROPOSED DEVELOPMENT IN THE PROJECT AREA  
AND INCREMENT DISTRICT**

This Southside Industrial Park Economic Development Project Plan describes an economic development project of the City of Muskogee, Oklahoma, that brings a significant industrial development to the City. The Project Plan contemplates the creation of a tax increment financing district pursuant to the Local Development Act. The purpose of the Increment District is to encourage the prospective development of available parcels within the Muskogee Municipal Authority owned Southside Industrial Park, located along U.S. 64 just south of W. 53<sup>rd</sup> Street S. Southside Industrial Park West, encompassing approximately 82 acres, is under consideration for Project Heart, the development of a facility capable of refining up to 50,000 metric tons of lithium carbonate per year, which would be one of the largest battery-grade lithium refineries in the United States, with a capital investment of approximately \$1.13 billion and creating approximately 850-1,000 new jobs. Southside Industrial Park East, encompassing approximately 144 acres, is under consideration for construction of Project Structure, a new fabrication facility for an existing Muskogee business looking to expand, with a capital investment of approximately \$20 million and increasing the local workforce by 15-20 positions, as well as possible expansion of Project Heart, and/or creating up to 6 additional shovel-ready industrial sites.

The City recognizes the difficulty in development of the area due to significant costs necessary to upgrade the current infrastructure within and near the Southside Industrial Park in order to support the development of the Project. The goal of the Increment District is to promote economic development in the City by incentivizing capital investment in undeveloped property in order to enhance the tax base and create employment opportunities within the City. The City proposes to complete (or cause to be completed) certain industrial access road improvements, rail improvements, and/or utility extensions that will provide service to the Southside Industrial Park, as well as the nearby Port Muskogee John T. Griffin Industrial Park. Muskogee County, Oklahoma has under separate consideration the creation of a county tax increment financing district to encourage development within the Griffin Industrial Park. Many of the TIF Projects will support development in the Muskogee County TIF, as well as contemplated herein, and the County and the City both recognize the inherent economic benefits in the form of capital investment, job creation, and overall economic impact of development in the Southside Industrial Park and the Griffin Industrial Park. The City has identified an aggregate total of not-to-exceed \$24,320,873 in costs associated with the TIF Projects in connection with establishing the Increment District (as defined herein). The associated costs of the TIF Projects, along with the Organizational Costs and the Debt Service Costs (each as further defined herein) are collectively referred to herein as the “**Project Costs**”. Many of the Project Costs will support development within the Increment District and the Muskogee County TIF, and as such, any of the Project Costs shall be deemed to be authorized Project Costs of both the Increment District and the Muskogee County TIF. The City expects to phase the expenditure of Project Costs in coordination with specific development projects, and intends to apply other available funds as appropriate to offset the costs to the Increment District.

Pursuant to the terms of a development agreement(s) between the City and the prospective developer(s) (as required by the Local Development Act defined herein), the TIF Revenues

generated by virtue of the construction sales and use tax, and the ad valorem tax levies shall be utilized as a revenue source to fund the costs of the TIF Projects. The TIF Revenues will be used to pay the costs of the TIF Projects, reimburse the Organizational Costs, and/or pay the Debt Service Costs on obligations issued to pay the same.

Based solely on the proposed Project Heart and Project Structure, the development within the Increment District could result in a potential total initial capital investment of approximately \$1.15 billion (\$655.87 million net taxable value subject to ad valorem taxes, including projected depreciation and annual capital expenditures) and generate approximately \$166.3 million in taxable construction material sales over the term of the Increment District. Please see Exhibit “F” for a Preliminary Site Development Plan for the Project.

The estimated \$655.87 million taxable capital investment is based on the following assumptions:

- Project Heart
  - Land Acquisition in 2024 with capital investment of \$1.66 million.
  - Construction of Back-end facility completed by end of 2027 consisting of a \$463.2 million capital investment, consisting of \$229.6 million real property (\$117.13 million projected taxable value) and \$233.6 million equipment (\$119.22 million projected taxable value, depreciated over approximately ten years to a minimum value of 20% of original assessed value). Construction material sales based on 60% of real property taxable investment.
  - Construction of Front-end facility completed by end of 2028 to accommodate 25 ktpa production capacity, consisting of a \$213.17 million capital investment, consisting of \$57.39 million real property (\$29.8 million projected taxable value) and \$155.78 million equipment (\$79.48 million projected taxable value, depreciated over approximately ten years to a minimum value of 20% of original assessed value). Construction material sales based on 60% of real property taxable investment
  - Annual capital expenditure (primarily equipment replacement) beginning in 2033 totaling \$6.9 million in year one (\$5.52 million net taxable value), and escalated by 1% each year.
  - Construction of Front-end facility completed by end of 2031 to accommodate additional 25 ktpa production capacity, consisting of a \$450.94 million capital investment, consisting of \$61.49 million real property (\$31.37 million projected taxable value) and \$389.44 million equipment (\$198.70 million projected taxable value, depreciated over approximately ten years to a minimum value of 20% of original assessed value). Construction material sales based on 60% of real property taxable investment.

- Additional annual capital expenditure (primarily equipment replacement) beginning in 2035 totaling \$4.6 million in year one (\$3.68 million net taxable value), and escalated by 1% each year.
- Project Structure
  - Construction completed by end of 2027 consisting of a \$20 million capital investment, consisting of \$20 million real property (assessed based on 70% of cost). Construction material sales based on 60% of real property taxable investment.

The City has identified TIF Projects totaling \$24,320,873 that will ultimately be necessary in order to service the proposed development within the Increment District. The Project Costs identified in connection with the proposed development of the Increment District are as follows:

- Industrial Road and Utility Improvements (\$18,251,068)
  - \$13,468,400 53<sup>rd</sup> Street Improvements from U.S. 69 to U.S. 64
  - \$4,582,668 Southside Industrial Park East Loop Road, with related utility improvements
  - \$200,000 Shell Pit Road to provide construction access to 53<sup>rd</sup> Street
- Rail Infrastructure Improvements (\$6,069,805)
  - \$3,144,509 Rail line rehabilitation
  - \$2,925,296 Trestle Bridge replacement

Other costs relating to the Increment District, in addition to the costs of the above described TIF Projects, include the following items:

- \$100,000 Organizational Costs of establishing the Increment District
- \$180,000 Estimated administration costs (Organizational Costs) of the Increment District (\$10,000 per year)
- \$27,146,030 Debt Service Costs – Estimated interest and financing costs (assuming approximately 17 year financing at 7% with first 2 years of capitalized interest)

Portions of the above Project Costs may be paid from revenues derived from the creation of the Muskogee County TIF. The Muskogee City-County Port Authority has been awarded a grant in the amount of \$1,200,000 applicable to the Trestle Bridge replacement project. The Port Authority is also actively pursuing approximately \$5,450,000 in Oklahoma Department of Transportation resurfacing funding and approximately \$2,000,000 in State of Oklahoma P3 Program funding that would all be applied to the 53<sup>rd</sup> Street Improvements. Project Heart also has a right of first refusal on the southern portion of Southside Industrial Park East, which may reduce the scope of the SSIP East Loop Road project to approximately \$1,637,376. Additional project funding sources may become available to offset additional portions of certain Project Costs. It is also anticipated that the incremental revenues derived from the Muskogee County TIF will provide additional funds to

support the Project Costs. The preliminary estimates of Muskogee County TIF incremental revenues apportioned for the payment of Project Costs include \$4.77 million in incremental ad valorem revenues, \$58,500 in incremental construction sales and use tax revenues, and \$58,500 in potential incremental Leverage Act matching revenues. These estimates are based on an estimated \$200 million capital investment (\$120 million taxable value) generating \$18 million in construction-related taxable sales.

Assuming the known cost sharing elements are successfully obtained, the total Project Costs are expected to be reduced to \$15,670,873, plus the Organizational Costs (\$280,000) and estimated Debt Service Costs (\$11,872,730), with a projected payoff of approximately 11 years. Further assuming the reduced scope of the Loop Road project, the total Project Costs would be reduced to \$12,725,581, plus the Organizational Costs (\$280,000) and estimated Debt Service Costs (\$8,331,245), with a projected payoff of approximately 9 years.

**EXHIBIT “F”**

**PRELIMINARY SITE DEVELOPMENT PLAN\***

**SOUTHSIDE INDUSTRIAL PARK PROJECTS**

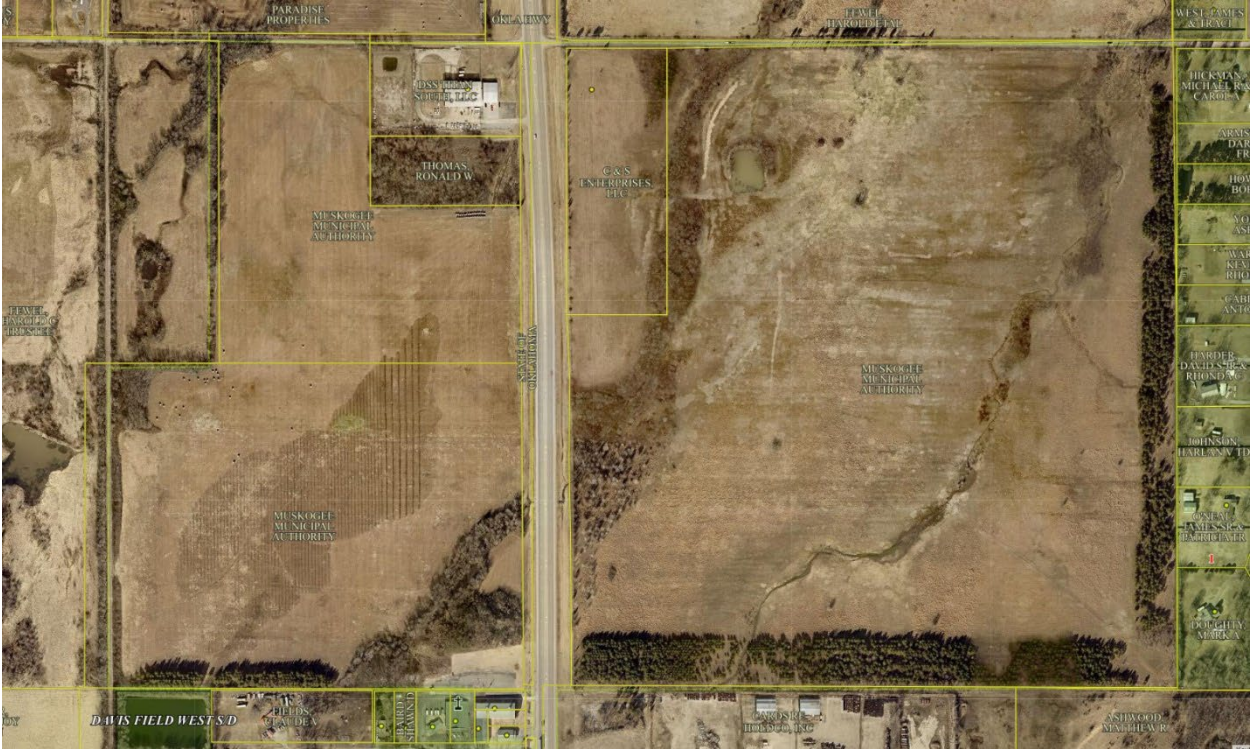


\* Project Heart has the property on the west side of US 64 (yellow line) under contract. Project Heart also has a first right of refusal to purchase the south portion of the 144 acres of Southside Industrial Park East. See following page for Preliminary Layout, which contemplates the full scope of the Loop Road improvements, and is subject to change.



**EXHIBIT "G"**

**EXISTING USES AND CONDITIONS OF REAL PROPERTY**



See following page for the City of Muskogee Land Use Plan. Source: City of Muskogee Comprehensive Plan adopted June 4, 2012 pursuant to Resolution No. 2404 of the City of Muskogee, Oklahoma.



PURSUANT TO THE LEGAL NOTICE AS IS REQUIRED BY THE OKLAHOMA OPEN MEETING ACT INCLUDING THE POSTING OF NOTICE AND AGENDA AS IS REQUIRED BY THE TERMS THEREOF, THE PLANNING AND ZONING COMMISSION OF THE CITY OF MUSKOGEE, OKLAHOMA, MET IN REGULAR SESSION AT THE CITY OF MUSKOGEE MUNICIPAL BUILDING, 229 WEST OKMULGEE, IN SAID CITY ON THE 15<sup>TH</sup> DAY OF APRIL, 2024, AT 9:00 O’CLOCK A.M.

PRESENT: Chairman Russell Sain, Judith Hoffman, Cindy Kennedy, and Betty Blackwell

ABSENT: Lori Jefferson, Alexis Wallace, and D’Elbie Walker

(OTHER PROCEEDINGS)

Thereupon, the following resolution was introduced and caused to be read by the Secretary. Commissioner Cindy Kennedy moved passage of the Resolution and Commissioner Betty Blackwell seconded the motion. The motion carrying with it the approval of said Resolution was approved by the following vote:

AYE: Chairman Russell Sain, Judith Hoffman, Cindy Kennedy, and Betty Blackwell

NAY: None

The Resolution so approved is as follows:

**RESOLUTION NO. 2984**

A RESOLUTION RECOMMENDING THAT THE CITY OF MUSKOGEE THROUGH ITS CITY COUNCIL CREATE A TAX INCREMENT DISTRICT AND APPROVE THE SOUTHSIDE INDUSTRIAL PARK ECONOMIC DEVELOPMENT PROJECT PLAN.

WHEREAS, the City of Muskogee (the “City”) is working to promote economic development in the area, in order to provide increased opportunity for residents of the area and to improve the overall standard of living; and

WHEREAS, the City aspires to attract business interests with the potential to invest in an industrial development project within the City, subject to certain conditions including economic development incentives and financing; and

WHEREAS, the Local Development Act, Title 62, Oklahoma Statutes Section 850 *et seq.* (the “Local Development Act”), was passed by the Oklahoma Legislature to implement Section 6C of Article X of the Oklahoma Constitution, which empowers the governing bodies of cities,

towns, and counties to apportion tax increments to help finance the public costs of economic development; and

WHEREAS, the proposed project depends upon the utilization of tax increment financing to help finance the project costs; and

WHEREAS, at the direction of the City Council of the City, this Commission has reviewed the Southside Industrial Park Economic Development Project Plan (the "Project Plan"); and

WHEREAS, the creation of new opportunities for investment in industrial facilities (all as described in the Project Plan) is in the best interests of the City; and

WHEREAS, the proposed project is consistent with the City of Muskogee Comprehensive Plan, as heretofore adopted by the City.


NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF MUSKOGEE, OKLAHOMA:

Section 1. The Planning and Zoning Commission of the City of Muskogee, Oklahoma, recommends to the City Council of the City of Muskogee the creation of a tax increment district and approval of the Southside Industrial Park Economic Development Project Plan.

PASSED AND APPROVED THIS 15<sup>TH</sup> DAY OF APRIL, 2024.



By: Jeremy L. Tracy  
Secretary

By:   
Chairman

STATE OF OKLAHOMA        )  
  )SS  
COUNTY OF MUSKOGEE     )

I, the undersigned, Secretary of the Planning and Zoning Commission of the City of Muskogee, Oklahoma, do hereby certify that the above and foregoing is a true, full and correct copy of an excerpt from the minutes of a meeting of the Planning and Zoning Commission of said City held on the date above stated, all as recorded in the official minutes of such meeting. I further certify that the “Open Meeting Law” was complied with for such meeting.

GIVEN UNDER MY HAND THIS 15<sup>TH</sup> DAY OF APRIL, 2024.



*Jammy R. Tracy*  
Secretary

PURSUANT TO THE LEGAL NOTICE AS IS REQUIRED BY THE OKLAHOMA OPEN MEETING ACT INCLUDING THE POSTING OF NOTICE AND AGENDA AS IS REQUIRED BY THE TERMS THEREOF, THE TAX INCREMENT FINANCE REVIEW COMMITTEE OF THE CITY OF MUSKOGEE, OKLAHOMA, MET IN SPECIAL SESSION AT THE CITY OF MUSKOGEE MUNICIPAL BUILDING, 3<sup>RD</sup> FLOOR COUNCIL CHAMBERS, LOCATED AT 229 WEST OKMULGEE, MUSKOGEE, OKLAHOMA, 74401, ON THE 15<sup>TH</sup> DAY OF MARCH, 2024, AT 3:30 O'CLOCK P.M.

PRESENT: Chairman Marlon J. Coleman (City of Muskogee), Kenny Payne (Muskogee County, for Ken Doke), Erik Puckett (Hilldale Public Schools), Tony Pivec (Indian Capital Vo-Tech), Tina Johnson (Muskogee County Health Department), Laurel Havens (Muskogee County EMS), Julie Poor (Eastern Oklahoma Library System), Joyce Deere (At-Large), and Jerri Stoutermire (At-Large)

ABSENT: Russel Saine (Muskogee Planning Commission) and Joy Sloan (At-Large)

(OTHER PROCEEDINGS)

Thereupon, the following resolution was introduced and caused to be read by title by the Chairman. Committee Member Marlon J. Coleman moved passage of the Resolution and Committee Member Kenny Payne seconded the motion. The motion carrying with it the approval of said Resolution was approved by the following vote:

AYE: Chairman Marlon J. Coleman, Kenny Payne, Erik Puckett, Tony Pivec, Tina Johnson, Laurel Havens, Julie Poor, Joyce Deere, and Jerri Stoutermire

NAY: None

The Resolution so approved is as follows:

[RESOLUTION ON FOLLOWING PAGE]

## RESOLUTION

### **A RESOLUTION RECOMMENDING THAT THE CITY OF MUSKOGEE, OKLAHOMA THROUGH ITS CITY COUNCIL CREATE A TAX INCREMENT DISTRICT AND APPROVE THE SOUTHSIDE INDUSTRIAL PARK ECONOMIC DEVELOPMENT PROJECT PLAN; AND MAKING CERTAIN FINDINGS IN REGARDS THERETO.**

WHEREAS, pursuant to the provisions of the Local Development Act, 62 O.S. 2011, Section 851 *et seq.* (the "Local Development Act"), as amended, the City Council of the City of Muskogee, Oklahoma (the "City") appointed the Tax Increment District Review Committee (the "Review Committee") to review and make recommendations concerning a proposed tax increment district within the City; and

WHEREAS, the membership of this Review Committee is comprised of the following individuals: a representative of the City, a representative of the Planning Commission of the City, representatives of each taxing jurisdiction within the proposed district whose taxes might be impacted by virtue of the adoption of a project plan, and three representatives of the public at large, all as required pursuant to Section 855(A) of the Local Development Act; and

WHEREAS, the Review Committee has the statutory duty to consider and make its findings and recommendations to the City with respect to the conditions establishing the eligibility of the proposed district and the appropriateness of the approval of the proposed plan and project, as well as to report its findings to the City in regard to the financial impact on the taxing jurisdictions within the proposed district; and

WHEREAS, Article 10, Section 6C of the Oklahoma Constitution and its enabling legislation known as the Local Development Act provide that the City may use local taxes and local fees, in whole or in part, for specific public investments, assistance in development financing, or as a specific revenue source for other public entities in the area for which the improvements take place and may direct the apportionment of the taxes and fees for historic preservation, reinvestment, or enterprise areas that are exhibiting economic stagnation or decline; and

WHEREAS, the Review Committee has been presented with the "Southside Industrial Park Economic Development Project Plan" (the "Project Plan"), providing for the creation of Increment District No. 6, City of Muskogee, Oklahoma (the "Increment District"), wherein certain projects are contemplated to be financed from a combination of public and private sources, including apportionment of ad valorem taxes and sales and use derived from the proposed Increment District, to be established in connection with the project; and

WHEREAS, the Project Plan contemplates the funding of essential public improvements and economic incentives; and

WHEREAS, it is more likely than not that the private investment referenced in the Project Plan would not occur within the proposed Increment District without the public improvements and economic incentives specified in such plan.

NOW, THEREFORE, BE IT RESOLVED BY THE REVIEW COMMITTEE THAT THE FOLLOWING RECOMMENDATIONS AND FINDINGS BE MADE TO THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA, IN REGARD TO THE PROPOSED INCREMENT DISTRICT NO. 6, CITY OF MUSKOGEE, OKLAHOMA, AND THE PROJECT PLAN:

SECTION 1. ELIGIBILITY AND CREATION OF INCREMENT DISTRICT NO. 6, CITY OF MUSKOGEE, OKLAHOMA. The Review Committee hereby finds that the boundaries of the proposed Increment District, as set forth in Exhibit "B" of the Project Plan, are within a reinvestment area (as defined in Section 853(17) of the Local Development Act), and therefore, meets the requirements of Section 856(B)(4)(a)(1) of the Local Development Act. Additionally, the area comprising the Increment District is contained within a designated enterprise zone (Tract ID 40101000600) and therefore constitute an enterprise area (as defined in Section 853(5) of the Local Development Act).

SECTION 2. APPROVAL AND RECOMMENDATIONS IN REGARD TO THE PROJECT PLAN.

(A) The Review Committee has considered the Project Plan, and hereby finds that the provisions of the Project Plan do meet the following legislative guidelines set forth in Section 852 of the Local Development Act:

(1) Investment, development, and economic growth are difficult within the boundaries of the proposed Increment District, but possible if the tax increment financing provisions of the Local Development Act are available;

(2) That the proposed Increment District does not encompass an area where investment, development and economic growth would occur without the assistance of public funds;

(3) That the undertaking of the projects described in the Project Plan will not supplant or replace normal public functions and services;

(4) That the purpose set forth in the Project Plan for the proposed Increment District works in conjunction with the City's locally implemented economic development plans;

(5) That the proposed Increment District does not have boundaries that dissect a similar area and does not create an unfair competitive advantage;

(6) That the project contemplates the need for residential and neighborhood treatments, and capital improvements to neighborhood public schools, as well as commercial/industrial development;

(7) That where possible, partial credits or credits that do not utilize the full time frame allowed have been incorporated into the Project Plan;

(8) That the maximum effort has been made to allow full public knowledge and participation in the use of the Local Development Act in connection with the preparation and adoption of the Project Plan;

(9) That the Project Plan contemplates the conservation, preservation and rehabilitation of existing improvements within the proposed Increment District; that demolition, clearance and relocation is minimized except for structures necessary for the undertaking of the projects referenced in the Project Plan; and

(10) That the Project Plan, upon adoption by the City, develops and applies clear standards, criteria and threshold limits that are applicable to all similar property and areas that the Project Plan contains protection against nearby relocations to utilize incentives.

(B) The Review Committee further finds that contemplated private and public projects described in the Project Plan will likely enhance the value of other real property located within the proposed Increment District and the Project Area and will promote the general public interest.

(C) The Review Committee further finds that the aggregate net assessed value of all taxable property in all increment districts, as determined pursuant to Section 856(B)(4)(d) of the Local Development Act, within the City does not exceed 35% of the total net assessed value of taxable property within the City.

(D) The Review Committee further finds that the aggregate net assessed value of the taxable property in all increment districts, as determined pursuant to Section 856(B)(4)(f) of the Local Development Act, within the City does not exceed 25% of the total assessed net value of any affected school districts located within the City.

(E) The Review Committee further finds that the land area of all increment districts within the City does not exceed 25% of the total land area of the City.

(F) Based on the foregoing, the Review Committee finds that the Project Plan and the projects therein are appropriate under the provisions of the Local Development Act, and the approval of the Project Plan by the City is hereby recommended.

### SECTION 3. REPORT OF FINANCIAL IMPACT.

(A) The Review Committee finds that the current ad valorem tax revenues and the current sales and use tax revenues (if any) collected within the proposed Increment District will continue to be apportioned to the taxing entities. The Committee also finds that dedicating incremental ad valorem tax revenues, sales and use tax revenues, and certain Leverage Act revenues (collectively, the "TIF Revenues" as described in the Project Plan) to the Increment District apportionment fund beginning on a date determined by the City Council of the City, in accordance with Section 856(B)(2) of the Local Development Act (the "Commencement Date") until such time as all project costs are paid or approximately seventeen (17) years following the Commencement Date (referred to as the "Expiration Date", and preliminarily projected to be December 31, 2041), whichever is less, is desirable to serve as a catalyst for expanding employment, to attract major investment in the area, and to enhance the tax base. These investments will benefit the proposed Increment District and thereby eventually result in

substantial increased ad valorem tax revenues to the taxing jurisdictions through implementation of the Project Plan. Furthermore, the Project Plan provides that excess ad valorem tax revenues and sales and use tax revenues collected within the proposed Increment District that are not required for project costs and/or debt service on the TIF Bonds (as defined in the Project Plan) shall be returned to the respective taxing jurisdictions. As used herein, the phrase “payment of project costs” is deemed to include any interest component of any reimbursement incentive offered pursuant to a development agreement.

(B) The Project as represented to the Review Committee contemplates the prospective development of the Southside Industrial Park (the “Southside Industrial Park”) within the City of Muskogee. Prospective tenants propose to construct or cause to be constructed a battery-grade lithium refinery (“Project Heart”) and a new fabrication facility (“Project Structure”), with additional industrial sites available for expansion and/or other prospective tenants (collectively, the “Project”). Project Heart preliminarily proposes a capital investment of approximately \$1.13 billion and creating 850-1,000 new jobs. Project Structure preliminarily proposes a capital investment of approximately \$20 million and creating 15-20 new jobs. The costs of the proposed TIF Projects (as described in the Project Plan) total approximately \$24,320,873 for the necessary public infrastructure to fully develop the area within the Increment District and the surrounding Project Area. The City expects to phase the expenditure of Project Costs in coordination with specific development projects, and intends apply other available funds as appropriate to offset the costs of the Increment District. Certain Project Costs may be paid all or in part from the incremental ad valorem tax revenues, sales and use tax revenues, and certain Leverage Act revenues derived from the proposed creation of a tax increment financing district by Muskogee County comprising the adjacent Port Muskogee John T. Griffin Industrial Park. The proposed TIF Projects are expected to benefit industrial development in both the proposed City of Muskogee and Muskogee County increment districts, and therefore are proposed to be eligible Project Costs of either increment district. The City also expects to pay Organizational Costs in the amount of approximately \$100,000, interest and related financing costs, in amounts preliminarily determined to be \$27,146,030, along with annual administration costs associated with the Increment District not in excess of \$10,000 per year, all to be paid from available TIF Revenues in addition to the specifically identified Project Costs. Based on the preliminary development projections assuming an estimated \$655.87 million aggregate taxable capital investment (including projected depreciation and annual capital expenditures) within the Increment District, it is anticipated that approximately \$61.24 million in ad valorem tax TIF Revenues will be generated during the term of the Increment District, with approximately \$30.62 million available for the payment of Project Costs, and the balance of approximately \$30.62 million apportioned to the affected taxing entities. With respect to the ad valorem tax TIF Revenues, the Project Plan contemplates the capture of 100% of such revenues during the term of the Increment District, but 50.0% of such revenues will be apportioned to the affected taxing jurisdictions. Additionally, it is projected that approximately \$166.35 million taxable construction sales will generate approximately \$6,654,300 in one-time City sales tax revenues and \$1,081,300 in one-time County sales tax revenues, with 50% of such City and County sales tax apportioned to the payment of Project Costs and the other 50% apportioned to the City (\$3,327,100) and the County (\$540,600), respectively. The apportionment of City and County sales tax is also reasonably expected to qualify for State of Oklahoma matching funds of approximately \$3,867,800, pursuant to the Oklahoma Local Development and Enterprise Zone Incentive Leverage Act, 62 O.S. §840, *et seq.* (the “Leverage Act”). All revenue projections are based on an estimated \$1.149 billion initial capital investment, an estimated \$655.87 million



aggregate taxable capital investment, an 11.0% assessment rate for real property and a 12.0% assessment rate for personal property, an average 105.49 mill levy within the Increment District, and a four percent (4.0%) City sales tax rate and sixty-five hundredths of one percent (0.65%) County sales tax rate.

(C) The Review Committee hereby finds that the likely financial impact on each of the taxing jurisdictions within the proposed Increment District to be as follows:

(1) CITY OF MUSKOGEE. The City currently levies sales and use taxes equal to four percent (4.0%) pursuant to Chapter 74, Article II, Section 74-19 *et seq.*, of the Muskogee Code of Ordinances (referred to within this subsection as the “Sales Tax Revenues”). The stated purposes of the Sales Tax Revenue under the Muskogee Code of Ordinances are: (i) two percent (2.0%) is designated for general municipal functions of the City; (ii) one-half of one percent (0.5%) of is designated for capital outlay (40%) and for police (60%); (iii) three-quarters of one percent (0.75%) is designated for funding of police, fire, and municipal employees and capital; (iv) one-quarter of one percent (0.25%) is designated for street maintenance and installation; (v) thirty-three hundredths of one percent (0.33%) is designated for street projects, with a stated termination date of September 30, 2025; and (vi) seventeen hundredths of one percent (0.17%) is designated for capital improvement projects, with a stated termination date of September 30, 2025. Furthermore, the City may levy ad valorem taxes (at varying rates from year to year) to pay principal and interest on the City’s outstanding General Obligation indebtedness (if any) and/or judgment rolls (referred to within this subsection as the “Sinking Fund Revenue”)

Sales Tax Revenue. There is currently no Sales Tax Revenue generated within the proposed Increment District. The City reasonably expects that the Project may result in one-time taxable construction expenditures within the Increment District boundaries, and the Project Plan proposes that one-half of the increment sales tax revenues (an amount equivalent to a two percent (2.0%) sales and use tax, representing 50% of the incremental sales and use tax revenue based on a total of 4.0% sales and use tax presently levied by the City), will be captured by the Increment District. With regard to future incremental Sales Tax Revenue, the maximum annual and total incremental revenues which are expected to be generated within the proposed Increment District from the City’s 4.0% sales and use tax levy and apportioned under the Project Plan for project costs and/or debt service on the TIF Bonds are estimated as set forth on Exhibit “A” hereto. Because substantially all of the incremental Sales Tax Revenue which would be generated from new private investment would not have occurred without the construction of the projects listed in the Project Plan, no adverse financial impact to the City’s Sales Tax Revenue is expected.

Sinking Fund Revenue. The establishment of the proposed Increment District does not alter the City’s legal obligation under its General Obligation Bonds and/or judgment rolls, and will likely not affect the City’s ability to raise sufficient Sinking Fund Revenue to repay such obligations. Thus, no adverse financial impact to the City’s Sinking Fund Revenue is expected.

(2) MUSKOGEE COUNTY. Muskogee County, Oklahoma (the “County”) currently levies: (a) ad valorem taxes equal to 10.13 mills to support the general governmental activities of the County (referred to within this subsection as the “General Fund Revenue”), and (b) ad valorem taxes (at varying rates from year to year) to pay principal and interest on the County’s outstanding General Obligation indebtedness, if any (referred to within this subsection as the “Sinking Fund Revenue”). Additionally, the County currently levies sales taxes equal to sixty-five hundredths of one percent (0.65%) pursuant to Resolutions of the County dated September 6, 2005, and April 10, 2017 (referred to within this subsection as the “Sales Tax Revenue”). The stated purposes of the Sales Tax Revenue are: (i) fifteen hundredths of one percent (0.15%) permanent sales tax for the improvement of fire protection emergency response services throughout Muskogee County; and (ii) one half of one percent (0.5%) expiring December 31, 2028 for county roads and bridges (50%) and homeland security, courthouse security, and county law enforcement (50%).

Sales Tax Revenue. There is currently no known Sales Tax Revenue generated within the proposed Increment District. The County reasonably expects that the Project may result in one-time taxable construction expenditures within the Increment District boundaries, and the Project Plan proposes that one-half of the increment sales tax revenues (an amount equivalent to a 0.325% sales and use tax, representing 50% of the incremental sales and use tax revenue based on a total of 0.65% sales and use tax presently levied by the County), will be captured by the Increment District. With regard to future incremental Sales Tax Revenue, the maximum annual and total incremental revenues which are expected to be generated within the proposed Increment District from the County's 0.65% sales and use tax levy and apportioned under the Project Plan for project costs and/or debt service on the TIF Bonds are estimated as set forth on Exhibit “A” hereto. Because substantially all of the incremental Sales Tax Revenue which would be generated from new private investment would not have occurred without the construction of the projects listed in the Project Plan, no adverse financial impact to the County's Sales Tax Revenue is expected.

General Fund Revenue. As all of the existing General Fund Revenue that is currently generated within the proposed Increment District will continue to accrue to the County, no diminishment of the County’s General Fund Revenue will likely result from the establishment of the proposed Increment District. With regard to future incremental General Fund Revenue, the maximum annual and total incremental revenues which are expected to be generated within the proposed Increment District from the County’s 10.13 mill levy and apportioned under the Project Plan for (a) payment of project costs and/or debt service on the TIF Bonds or (b) allocated to the County, are estimated as set forth on Exhibit “B” hereto. However, because substantially all of the incremental General Fund Revenue which would be generated from new private investment would not have occurred without the construction of the projects listed in the Project Plan, no adverse financial impact to the County’s General Fund Revenue is expected.

Sinking Fund Revenue. The establishment of the proposed Increment District does not alter the County's legal obligation under its General Obligation Bonds, and will likely not affect the County's ability to raise sufficient Sinking Fund Revenue to repay such debt. Thus, no adverse financial impact to the County's Sinking Fund Revenue is expected.

Other Considerations. The apportionment of the County's portion of the TIF Revenues not required for payment of the Project Costs, represents a significant source of revenue for the duration of the Increment District that will also be available to offset any adverse financial impacts to the County.

(3) INDIAN CAPITAL CENTER VO-TECH. Indian Capital Center Vo-Tech District No. 4 (the "Technology Center") currently levies: (a) ad valorem taxes equal to 8.10 mills to support the educational activities of the Technology Center (referred to within this subsection as the "General Fund Revenue"), (b) ad valorem taxes equal to 2.03 mills to finance a portion of the capital needs of the Technology Center (referred to within this subsection as the "Building Fund Revenue"), and (c) ad valorem taxes (at varying rates from year to year) to pay principal and interest on the Technology Center's outstanding General Obligation indebtedness, if any (referred to within this subsection as the "Sinking Fund Revenue").

General Fund Revenue. As all of the existing General Fund Revenue that is currently being generated within the proposed Increment District will continue to accrue to Technology Center, no diminishment of Technology Center's General Fund Revenue will likely result from the establishment of the proposed Increment District. With regard to future incremental General Fund Revenue, the maximum annual and total incremental revenues which are expected to be generated within the proposed Increment District from the Technology Center's 8.10 mill levy and apportioned under the Project Plan for (a) payment of project costs and/or debt service on the TIF Bonds or (b) allocated to the Technology Center, are estimated as set forth on Exhibit "B" hereto. However, because substantially all of the incremental General Fund Revenue which would be generated from new private investment would not have occurred without the construction of the projects listed in the Project Plan, no adverse financial impact to the Technology Center's General Fund Revenue is expected.

Building Fund Revenue: As all of the existing Building Fund Revenue that is currently generated within the proposed Increment District will continue to accrue to Technology Center, no diminishment of Technology Center's Building Fund Revenue will likely result from the establishment of the proposed Increment District. With regard to future incremental Building Fund Revenue, the maximum annual and total incremental revenues which are expected to be generated within the proposed Increment District from the Technology Center's 2.03 mill levy and apportioned under the Project Plan for (a) payment of project costs and/or debt service on the TIF Bonds or (b) allocated to the Technology Center, are estimated as set forth on Exhibit "B" hereto. However, because substantially all of the incremental Building Fund Revenue which would be generated from new private

investment would not have occurred without the construction of the projects listed in the Project Plan, no adverse financial impact to the Technology Center's Building Fund Revenue is expected.

Sinking Fund Revenue. The establishment of the proposed Increment District does not alter the Technology Center's legal obligation under its General Obligation Bonds, and will likely not affect the Technology Center's ability to raise sufficient Sinking Fund Revenue to repay such debt. Thus, no adverse financial impact to the Technology Center's Sinking Fund Revenue is expected.

Other Considerations. The apportionment of the Technology Center's portion of the TIF Revenues not required for payment of the Project Costs, represents a significant source of revenue for the duration of the Increment District that will also be available to offset any adverse financial impacts to the Technology Center.

(4) MUSKOGEE COUNTY HEALTH DEPARTMENT. The Muskogee County Health Department (the "Health Department") currently levies ad valorem taxes equal to 2.53 mills to support the operational activities of the Health Department (referred to within this subsection as the "General Fund Revenue").

General Fund Revenue. As all of the existing General Fund Revenue that is currently being generated within the proposed Increment District will continue to accrue to the Health Department, no diminishment of the Health Department's General Fund Revenue will likely result from the establishment of the proposed Increment District. With regard to future incremental General Fund Revenue, the maximum annual and total incremental revenues which may be generated within the proposed Increment District from the Health Department's 2.53 mill levy and apportioned under the Project Plan for (a) payment of project costs and/or debt service on the TIF Bonds or (b) allocated to the Health Department, are estimated as set forth on Exhibit "B" hereto. However, because substantially all of the incremental General Fund Revenue which would be generated from new private investment would not have occurred without the construction of the projects listed in the Project Plan, no adverse financial impact to the Health Department's General Fund Revenue is expected.

Other Considerations. The apportionment of the Health Department's portion of the TIF Revenues not required for payment of the Project Costs, represents a significant source of revenue for the duration of the Increment District that will also be available to offset any adverse financial impacts to the Health Department.

(5) MUSKOGEE COUNTY EMS DISTRICT. The Muskogee County Emergency Medical Services District (the "EMS District") currently levies ad valorem taxes equal to 3.04 mills to support the operational activities of the EMS District (referred to within this subsection as the "General Fund Revenue").

General Fund Revenue. As all of the existing General Fund Revenue that is currently being generated within the proposed Increment District will continue to

accrue to EMS District, no diminishment of EMS District's General Fund Revenue will likely result from the establishment of the proposed Increment District. With regard to future incremental General Fund Revenue, the maximum annual and total incremental revenues which are expected to be generated within the proposed Increment District from EMS District's 3.04 mill levy and apportioned under the Project Plan for (a) payment of project costs and/or debt service on the TIF Bonds or (b) allocated to the EMS District, are estimated as set forth on Exhibit "B" hereto. However, because substantially all of the incremental General Fund Revenue which would be generated from new private investment would not have occurred without the construction of the projects listed in the Project Plan, no adverse financial impact to the EMS District's General Fund Revenue is expected.

(6) EASTERN OKLAHOMA DISTRICT LIBRARY SYSTEM. The Eastern Oklahoma District Library System (the "Library System") currently levies ad valorem taxes equal to 4.05 mills to support the operational activities of the Library System (referred to within this subsection as the "General Fund Revenue").

General Fund Revenue. As all of the existing General Fund Revenue that is currently being generated within the proposed Increment District will continue to accrue to Library System, no diminishment of Library System's General Fund Revenue will likely result from the establishment of the proposed Increment District. With regard to future incremental General Fund Revenue, the maximum annual and total incremental revenues which may be generated within the proposed Increment District from Library System's 4.05 mill levy and apportioned under the Project Plan for (a) payment of project costs and/or debt service on the TIF Bonds or (b) allocated to the EMS District, are estimated as set forth on Exhibit "B" hereto. However, because substantially all of the incremental General Fund Revenue which would be generated from new private investment would not have occurred without the construction of the projects listed in the Project Plan, no adverse financial impact to the Library System's General Fund Revenue is expected.

(7) HILDDALE PUBLIC SCHOOLS. The Hilldale Independent School District #29 of Muskogee County, Oklahoma (the "School District") currently levies: (a) ad valorem taxes (at varying rates from year to year) to pay principal and interest on the School District's outstanding General Obligation indebtedness, if any (referred to within this subsection as the "Sinking Fund Revenue"); (b) ad valorem taxes equal to 35.73 mills to support the operational activities of the School District (referred to within this subsection as the "General Fund Revenue"); and (c) ad valorem taxes equal to 5.10 mills to finance a portion of the capital needs of the school district (referred to within this subsection as the "Building Fund Revenue"). Also, additional ad valorem taxes equal to 4.05 mills are levied county-wide to support the operational activities of all public schools within Muskogee County (the School District boundaries are located entirely in Muskogee County), and distributed on the basis of the legal average daily attendance for the preceding school year as certified by the State Board of Education (referred to within this subsection as the "County Levy Revenue").

Sinking Fund Revenue. The establishment of the proposed Increment District does not alter the School District's legal obligation under its General Obligation Bonds, and will likely not affect the School District's ability to raise sufficient Sinking Fund Revenue to repay such debt. Thus, no adverse financial impact to the School District's Sinking Fund Revenue is expected.

Building Fund Revenue. As all of the existing Building Fund Revenue that is currently being generated within the proposed Increment District will continue to accrue to the School District, no diminishment of the School District's Building Fund Revenue will likely result from the establishment of the proposed Increment District. With regard to future incremental Building Fund Revenue, the maximum annual and total incremental revenues which may be generated within the proposed Increment District from the School District's 5.10 mill levy and apportioned under the Project Plan for (a) payment of project costs and/or debt service on the TIF Bonds or (b) allocated to the School District, are estimated as set forth on Exhibit "B" hereto. However, because substantially all of the incremental Building Fund Revenue which would be generated from new private investment would not have occurred without the construction of the projects listed in the Project Plan, no adverse financial impact to the School District's Building Fund Revenue is expected.

General Fund Revenue and County Levy Revenue. As all of the existing General Fund Revenue and County Levy Revenue that are currently being generated within the proposed Increment District (and allocated to the School District) will continue to accrue to the School District, no significant diminishment of the School District's General Fund Revenue or County Levy Revenue will likely occur. With regard to future incremental General Fund Revenue, these revenues are predominantly impacted by changes in funding from the State of Oklahoma's "State Aid Fund", as provided in Title 70, Sections 118-101 *et seq.* of the Oklahoma Statutes (such revenues being referred to herein as the "State Aid Revenue"). Under these provisions, increases in the net assessed valuation of a school district are offset by reductions in the amount of State Aid Revenue contributed by the State of Oklahoma. Therefore, the inclusion or omission of the net assessed valuation of the new private investment generated within the Increment District would not substantially increase or decrease the net amount of General Fund Revenue available to the School District. Furthermore, the apportionment of an allocable portion of the TIF Revenue, as described in Other Considerations below, will accrue for purpose of providing a specific revenue source for capital expenditures (and any related financing costs) for the benefit of the School District, and will not be considered an offset against State Aid Revenue. The impacts of State Aid Revenue notwithstanding, the maximum annual and total incremental revenues which may be generated within the proposed Increment District from the School District's 35.73 mill levy and apportioned under the Project Plan for project costs and/or debt service on the TIF Bonds are estimated as set forth on Exhibit "B" hereto.

Moreover, under current provisions of Oklahoma law, if new students are attracted to the School District due to the construction of the projects described in the Project Plan, then the School District will likely receive additional State Aid Revenue and County Levy Revenue by virtue of those students. However, cost increases to service these new students are expected to be commensurate with any additional funding. Therefore, the net impact of these factors yields no adverse or beneficial financial impact on the General Fund Revenue or the County Levy Revenue by virtue of the implementation of the Project Plan.

Other Considerations. The apportionment of the School District's portion of the TIF Revenues not required for payment of the Project Costs, represents a significant source of revenue for the duration of the Increment District that, pursuant to the Project Plan, will be dedicated for the purpose of providing a specific revenue source for capital expenditures (and any related financing costs) for the benefit of the School District.

[Remainder of Page Left Blank Intentionally]

ADOPTED THIS 15<sup>TH</sup> DAY OF MARCH, 2024.



By  
City Clerk

*Johnny R. Tracy*

By: *Carlton Coleman*  
Chairman

Approved as to form and legality this

25 day of March, 2024

*[Signature]*  
City Attorney



STATE OF OKLAHOMA        )  
  )SS  
COUNTY OF MUSKOGEE     )

I, the undersigned, City Clerk of the City of Muskogee, Oklahoma, do hereby certify that the above and foregoing is a true, full and correct copy of an excerpt from the minutes of a meeting of the Tax Increment District Review Committee of said City held on the date above stated, all as recorded in the official minutes of such meeting. I further certify that the "Open Meeting Law" was complied with for such meeting.

GIVEN UNDER MY HAND THIS 15<sup>TH</sup> DAY OF MARCH, 2024.



*Jimmy H. Tracy*  
\_\_\_\_\_  
City Clerk

**EXHIBIT A**  
**Estimated Potential Impact on Certain Sales Tax Collections**

Taxing Purpose	Tax Rate <sup>(1)</sup>	TIF Revenues Captured <sup>(2)</sup>				Allocation to State	Total Sales Tax Revenue
		Allocation to City <sup>(3)</sup>	Allocation to Project Costs <sup>(4)</sup>	Allocation to County <sup>(3)</sup>	Allocation to County <sup>(3)</sup>		
City of Muskogee Sales Tax	4.000%	3,327,156.00	3,327,156.00	0.00	0.00	0.00	6,654,312.00
Muskogee County Sales Tax	0.650%	0.00	540,662.85	540,662.85	0.00	0.00	1,081,325.70
State of Oklahoma Sales Tax	4.500%	0.00	0.00	0.00	0.00	7,486,101.00	7,486,101.00
<b>TOTALS:</b>	<b>9.150%</b>	<b>3,327,156.00</b>	<b>3,867,818.85</b>	<b>540,662.85</b>	<b>0.00</b>	<b>7,486,101.00</b>	<b>15,221,738.70</b>

(1) Assumes continued levy through expiration of Increment District (December 31, 2041)

(2) Based on estimated \$166.357 million in total taxable sales (construction only)

(3) 50% allocation of Sales Tax Increment Revenues allocated to City, 50% of County sales tax allocated to County

(4) 50% allocation of Sales Tax Increment Revenues; excess revenues not needed for Project Costs and related financing costs will be returned to the City and County

**EXHIBIT B**  
**Estimated Potential Impact on Certain Ad Valorem Collections (City of Muskogee TIF)**

Ad Valorem Taxing Entity	Mill Levy <sup>(1)</sup>	TIF Revenues Captured <sup>(2)</sup>		Allocation to Taxing Entities <sup>(2)</sup>	
		Maximum Year	17 Year Total	Maximum Year	17 Year Total
Muskogee County - General Fund	10.130	588,105.25	5,880,522.95	294,052.62	2,940,261.47
Muskogee County - 4 Mill School Levy	4.050	235,125.99	2,351,048.17	117,562.99	1,175,524.08
Muskogee County Health Dept. - General Fund	2.530	146,881.17	1,468,679.47	73,440.59	734,339.74
Hilldale ISD #29 - General Fund	35.730	2,074,333.71	20,741,469.38	1,037,166.85	10,370,734.69
Hilldale ISD #29 - Building Fund	5.100	296,084.58	2,960,579.17	148,042.29	1,480,289.59
Hilldale ISD #29 - Sinking Fund	29.530	1,714,387.75	17,142,333.92	857,193.88	8,571,166.96
Indian Capital Technology Center #4 - General Fund	8.100	470,251.97	4,702,096.33	235,125.99	2,351,048.17
Indian Capital Technology Center #4 - Building Fund	2.030	117,853.27	1,178,426.61	58,926.64	589,213.31
Eastern Oklahoma District Library System - Library Fund	4.050	235,125.99	2,351,048.17	117,562.99	1,175,524.08
Muskogee County EMS - EMS Fund	3.040	176,489.63	1,764,737.39	88,244.81	882,368.69
City of Muskogee - Sinking Fund	1.200	69,666.96	696,606.86	34,833.48	348,303.43
<b>TOTALS:</b>	<b>105.490</b>	<b>6,124,306.26</b>	<b>61,237,548.43</b>	<b>3,062,153.13</b>	<b>30,618,774.22</b>

**Allocation of TIF Revenues**

TIF Projects	50.00%	3,062,153.13	30,618,774.22
Muskogee County	6.72%	411,615.62	4,115,785.56
Muskogee County Health Dept.	1.20%	73,440.59	734,339.74
Hilldale ISD #29	33.35%	2,042,403.02	20,422,191.24
Indian Capital Technology Center #4	4.80%	294,052.62	2,940,261.47
Eastern Oklahoma District Library System	1.92%	117,562.99	1,175,524.08
Muskogee County EMS	1.44%	88,244.81	882,368.69
City of Muskogee	0.57%	34,833.48	348,303.43
<b>TOTAL ALLOCATION</b>	<b>100.00%</b>	<b>6,124,306.26</b>	<b>61,237,548.43</b>

(1) Based on 2023 millage rate (105.49 mills total)

(2) 50.0% of Ad Valorem Tax Increment Revenues allocated to Project Costs; 50.0% allocated to Taxing Entities; excess revenues not needed for Project Costs and related financing costs will be returned to the respective taxing jurisdiction

PURSUANT TO THE LEGAL NOTICE AS IS REQUIRED BY THE OKLAHOMA OPEN MEETING ACT INCLUDING THE POSTING OF NOTICE AND AGENDA AS IS REQUIRED BY THE TERMS THEREOF, THE BOARD OF COUNTY COMMISSIONERS OF MUSKOGEE COUNTY, OKLAHOMA, MET IN REGULAR SESSION ON THE 29<sup>TH</sup> DAY OF APRIL, 2024, AT 9:00 O'CLOCK A.M.

PRESENT:

ABSENT:

(OTHER PROCEEDINGS)

Thereupon, the following Resolution was introduced and caused to be read by the County Clerk. \_\_\_\_\_ moved passage of the Resolution, seconded by \_\_\_\_\_. The motion carrying with it the approval of said Resolution was approved by the following vote:

AYE:

NAY:

The Resolution so approved is as follows:

[Resolution No. \_\_\_\_ begins on following page]

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION IN SUPPORT OF THE SOUTHSIDE INDUSTRIAL PARK ECONOMIC DEVELOPMENT PROJECT PLAN; APPROVING AND AUTHORIZING THE APPORTIONMENT OF COUNTY SALES TAX INCREMENTS WITHIN INCREMENT DISTRICT NO. 6, CITY OF MUSKOGEE; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

WHEREAS, by statewide vote, the people of the State of Oklahoma adopted Article 10, §6C as an amendment to the Constitution of the State of Oklahoma to allow the Legislature to authorize cities, towns and counties to use local taxes for specific public investments, for assistance in development financing and as a revenue source for other public entities in the area, and to direct the apportionment of local taxes to plan, finance and carry out development of areas determined by the governing body of the city, town or county to be unproductive, undeveloped, underdeveloped or blighted; and

WHEREAS, the Legislature has enacted the Local Development Act, 62 Okla. Stat. §850, *et seq.* (the “Local Development Act”), for purpose of furthering the provisions of Article 10, §6C of the Oklahoma Constitution; and

WHEREAS, the City of Muskogee, Oklahoma (the “City”), is working to promote economic development within the City, in order to provide increased opportunity for residents of the area and to improve the overall standard of living; and

WHEREAS, the City has attracted business interests with the potential to invest in an industrial development project within the City, subject to certain conditions including economic development incentives and financing; and

WHEREAS, the Southside Industrial Park Economic Development Project Plan (the “SSIP Project Plan”) supports the achievement of the economic development objectives of the City to develop an underdeveloped area to serve as a catalyst for retaining and expanding employment in the area, attract major investment in the area, preserve and enhance the tax base and encourage investment, development and economic growth which would otherwise be difficult or impossible without the TIF Projects (as defined in the SSIP Project Plan) and the apportionment of sales and use taxes, and ad valorem taxes from within the City Increment District (as defined below); and

WHEREAS, the SSIP Project Plan calls for the creation of Increment District No. 6, City of Muskogee (the “City Increment District”); and

WHEREAS, the City Increment District contemplates that a portion of the incremental sales and use tax revenue derived from the levy of sales tax by the County and generated within the City Increment District shall be utilized for payment of Project Costs described in the SSIP Project Plan; and

WHEREAS, the County has heretofore approved its Resolution creating Increment District No. 2, Muskogee County (the “County Increment District”) and adopting the John T. Griffin

Industrial Park (Project Bifrost) Economic Development Project Plan (the “JTG Project Plan”); and

WHEREAS, the County and the City have jointly undertaken the consideration of the City Increment District and the County Increment District, and have identified certain TIF Projects to be eligible for payment from the TIF Revenues derived from both the City Increment District and the County Increment District; and

WHEREAS, the County finds that the County’s participation in the SSIP Project Plan will enhance the probability of success of the JTG Project Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MUSKOGEE COUNTY, OKLAHOMA:

Section 1. SSIP Project Plan. The County hereby expresses its support of the SSIP Project Plan as presented by the City. Further, the County finds that approval of the SSIP Project Plan is likely to significantly benefit contiguous or nearby enterprise zone census tracts, and therefore the the County Sales Tax Increment Revenues (as defined herein) shall be eligible for the state local government matching payment authorized pursuant to the Oklahoma Local Development and Enterprise Zone Incentive Leverage Act, 62 O.S. §840, *et seq.*

Section 2. Apportionment of County Sales Tax Increments.

(a) The County hereby approves the apportionment of fifty percent (50%) of the incremental County sales and use tax revenue derived from the construction of the Project (as described in the SSIP Project Plan) within the City Increment District (collectively referred to herein as the “County Sales Tax Increment Revenues”, as more fully described in the SSIP Project Plan), resulting from the levy of County sales tax, all in the manner as more fully described in the SSIP Project Plan; provided, however, the County Sales Tax Increment Revenues shall only pertain to construction and other capital investment related expenditures within the boundaries of the City Increment District, and shall not include any sales and use tax derived from retail sales. Said apportionment shall be based on the applicable sales tax rate levied for the County. As of the date of the SSIP Project Plan, the County levies a total of sixty-five hundredths of one percent (0.625%) of sales tax pursuant to Resolutions of the County dated September 6, 2005, and April 10, 2017.

(b) This approval constitutes the written consent of the County required pursuant to Section 861(A)(2)(c) of the Local Development Act, and such consent shall extend from the date of creation of the City Increment District by the City until the Expiration Date of the City Increment District (as defined in the SSIP Project Plan), such Expiration Date to be not later than December 31, 2041. The prospective apportionment of the County Sales Tax Increment Revenues contemplated herein is expressly authorized by Article 10 Section 6C(B) of the Constitution of the State of Oklahoma.

(c) During the term of the City Increment District, County Sales Tax Increment Revenues derived from the levy of County sales tax shall be utilized only for the payment of authorized Project Costs described in the SSIP Project Plan, and upon the Expiration Date, any remaining County Sales Tax Increment Revenues derived from the levy of

County sales tax shall be immediately transferred by the City to the County to be available for any lawful purpose.

(d) The City shall provide a monthly calculation of the County Sales Tax Increment Revenues derived from the levy of County sales tax upon the receipt of funds and supporting information from the Oklahoma Tax Commission, and the County shall promptly remit such amounts to the City for deposit in the City's Increment District No. 6 - Apportionment Fund (as described in the SSIP Project Plan) to be used exclusively for the payment of authorized Project Costs as described in the SSIP Project Plan.

(e) Upon expiration of the City Increment District, the City shall promptly return to the County any excess County Sales Tax Increment Revenues derived from the levy of County sales tax, said amounts to be available for any lawful purpose of the County.

Section 3. Necessary Action. The Chairman or Vice Chairman and County Clerk or Deputy County Clerk be and hereby are authorized and empowered to execute and deliver for and on behalf of the County any and all other documents or instruments reasonably necessary to accomplish the implementation of the SSIP Project Plan, including but not limited to procedures for the calculation of the County Sales Tax Increment Revenues and the transfer thereof to the City for the purposes of the SSIP Project Plan.

[Remainder of Page Left Blank Intentionally]

PASSED AND APPROVED THIS 29<sup>TH</sup> DAY OF APRIL, 2024.

BOARD OF COUNTY COMMISSIONERS  
OF MUSKOGEE COUNTY, OKLAHOMA

---

Chairman

---

Commissioner

---

Commissioner

(SEAL)

ATTEST:

---

County Clerk



STATE OF OKLAHOMA    )  
  )SS  
COUNTY OF MUSKOGEE )

I, the undersigned, County Clerk of Muskogee County, Oklahoma, do hereby certify that the above and foregoing is a true, full and correct copy of an excerpt from the minutes of a meeting of the Board of County Commissioners of said County held on the date above stated, all as recorded in the official minutes of such meeting. I further certify that the “Open Meeting Law” was complied with for such meeting.

GIVEN UNDER MY HAND THIS 29<sup>TH</sup> DAY OF APRIL, 2024.

(SEAL)

\_\_\_\_\_  
County Clerk

**Regular City Council**

**10.**

**Meeting Date:** 04/22/2024  
**Submitted For:** Mike Miller, City Manager  
**Initiator:** Judy Villalobos, Executive Assistant  
**Department:** City Manager  
**Staff Information Source:**

**Information**

**AGENDA ITEM TITLE:**

Consider approval of Resolution No. 2986, a resolution creating, naming, and establishing the commencement date for Increment District No. 6, City of Muskogee; ratifying and confirming Ordinance No. 4233-A of the City Council of the City of Muskogee, Oklahoma; providing for severability; and containing other provisions related thereto, or take other necessary action. (Mike Miller)

**BACKGROUND:**

Port Muskogee, working with City and County officials have identified prospective industrial development opportunities that will create new jobs and bring economic benefits to the City of Muskogee and Muskogee County. However, certain critical infrastructure improvements to roads, utilities, and rail access are necessary to allow the development to move forward. On October 9, 2023, the City Council voted 8-0 to appoint a TIF review committee to make findings and a recommendation on the proposed project. The Council designated Mayor Coleman as chair of the TIF committee. Since then the Committee has met three times, the most recent of which was March 15.

The City proposes to create a tax increment district within the Southside Industrial Park (Increment District No. 6, City of Muskogee), and the County proposed to create a tax increment district within the John T. Griffin Industrial Park (Increment District No. 2, Muskogee County), that will provide a mechanism to capture a portion of the new ad valorem and construction sales tax revenues generated as a result of the projects. The revenues will be used to fund the critical infrastructure improvements. Additionally, the County proposes to terminate its existing Increment District No. 1 within the John T. Griffin Industrial Park, as it pertains to a project that never came to fruition. The termination will allow other potential economic development projects to continue to move forward.

This item and the ones that follow will review the projects and the TIF committee recommendations.

**RECOMMENDED ACTION:**

Approve

**Fiscal Impact**

**Attachments**

TIF #6 Commencement Resolution 04-22-2024

PURSUANT TO THE LEGAL NOTICE AS IS REQUIRED BY THE OKLAHOMA OPEN MEETING ACT INCLUDING THE POSTING OF NOTICE AND AGENDA AS IS REQUIRED BY THE TERMS THEREOF, THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA, MET IN REGULAR SESSION ON THE 22<sup>ND</sup> DAY OF APRIL, 2024, AT 5:30 O'CLOCK P.M.

PRESENT:

ABSENT:

(OTHER PROCEEDINGS)

Thereupon, the following Resolution was introduced and caused to be read by Title by the City Clerk. Councilmember \_\_\_\_\_ moved passage of the Resolution and Councilmember \_\_\_\_\_ seconded the motion. The motion carrying with it the approval of said Resolution was approved by the following vote:

AYE:

NAY:

The Resolution so approved is as follows:

[Resolution No. 2986 begins on following page]

**RESOLUTION NO. 2986**

A RESOLUTION CREATING, NAMING, AND ESTABLISHING THE COMMENCEMENT DATE FOR INCREMENT DISTRICT NO. 6, CITY OF MUSKOGEE; RATIFYING AND CONFIRMING ORDINANCE NO. 4233-A OF THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

WHEREAS, the City Council of the City of Muskogee, Oklahoma (the “City”), has adopted the Southside Industrial Park Economic Development Project Plan (the “Project Plan”), pursuant to Ordinance No. 4233-A dated April 22, 2024 (the “TIF Ordinance”), all in accordance with the Oklahoma Local Development Act, 62 O.S. § 850, *et seq.* (the “Act”); and

WHEREAS, the purpose of the Project Plan is to encourage the prospective development of the Southside Industrial Park located along U.S. 64 just south of W. 53<sup>rd</sup> Street S (the “Project”); and

WHEREAS, the Project Plan supports the City’s efforts to achieve its development objectives, improve the quality of life for its citizens, stimulate private investment, and enhance the tax base, thereby making possible investment that would be difficult without the adoption of the Project Plan and the apportionment of incremental tax revenues; and

WHEREAS, Section 856(B)(2) of the Act requires that the TIF Ordinance shall “create[s] the district as of a date provided in it or defer[s] determination of such date, provided such date must be no more than ten (10) years after the date of approval of the project plan” (62 O.S. §856(B)(2)); and

WHEREAS, Section 4 of the TIF Ordinance provided for the deferment of the official creation, designation, and naming of the Increment District, until such time as determined by the City Council, provided that such determination be made within ten (10) years of the effective date of the TIF Ordinance; and

WHEREAS, in order to comply with the requirements of the Act and to provide certainty as to the effective terms of the TIF Ordinance and the corresponding Increment District, the City finds that it is in the best interest of the overall success of the Project to establish the initiation, designation and official naming of Increment District No. 6, as described in the TIF Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Muskogee, State of Oklahoma:

Section 1. Commencement Date. In accordance with the requirements of the Act and as contemplated by Section 4 of the TIF Ordinance, the City hereby determines that the Increment District referred to therein as Increment District No. 6 shall be named “Increment District No. 6, City of Muskogee” and said Increment District is hereby created with an effective date of April 22, 2024 (referred to as the “Commencement Date”), and a termination date of December 31, 2041 (referred to as the “Expiration Date”), said Expiration Date representing a period of approximately

seventeen (17) years following the Commencement Date. All other provisions of the TIF Ordinance are hereby ratified and confirmed.

Section 2. Development Agreements. As provided in the Act, the City shall consider and take separate action with respect to such agreements and/or memoranda of understanding (collectively, the “Agreements”) as may be necessary and appropriate to implement the Project Plan, including but not limited to one or more Agreements with a public trust with the City and/or Muskogee County, Oklahoma, as its beneficiary (referred to herein as the “Authority”), and a developer(s) (each acting through its duly designated corporate entity) governing allocations, accounting, disbursements, and other necessary procedures, all in accordance with the provisions of the Project Plan and the TIF Ordinance. Such Agreements may be adopted, supplemented, and/or amended as necessary prior to or following the Commencement Date.

Section 3. Severability. If any term, section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid or unconstitutional, such term, section, subsection, sentence, clause, phrase or portion shall not affect the validity of the remaining portions of this Resolution.

Section 4. Necessary Action. The Mayor or Vice Mayor and City Clerk or Deputy City Clerk be and hereby are authorized and empowered to execute and deliver for and on behalf of the City any and all other documents or instruments reasonably necessary to accomplish the implementation of the Project Plan.

[Remainder of Page Left Blank Intentionally]

PASSED AND APPROVED THIS 22<sup>ND</sup> DAY OF APRIL, 2024.

CITY OF MUSKOGEE, OKLAHOMA

(SEAL)

By: \_\_\_\_\_  
PATRICK CALE, MAYOR

ATTEST:

By: \_\_\_\_\_  
TAMMY L. TRACY, CITY CLERK

APPROVED AS TO FORM AND LEGALITY THIS 22<sup>ND</sup> DAY OF APRIL, 2024.

\_\_\_\_\_  
KATRINA BODENHAMER, CITY ATTORNEY

STATE OF OKLAHOMA    )  
  )SS  
COUNTY OF MUSKOGEE )

I, the undersigned, City Clerk of the City of Muskogee, Oklahoma, do hereby certify that the above and foregoing is a true, full and correct copy of an excerpt from the minutes of a meeting of the City Council of said City held on the date above stated, all as recorded in the official minutes of such meeting. I further certify that the “Open Meeting Law” was complied with for such meeting.

GIVEN UNDER MY HAND THIS 22<sup>ND</sup> DAY OF APRIL, 2024.

(SEAL)

\_\_\_\_\_  
City Clerk

**Regular City Council**

**11.**

**Meeting Date:** 04/22/2024  
**Initiator:** Jody King, Planning Director  
**Department:** Planning Dept  
**Staff Information Source:**

**Information**

**AGENDA ITEM TITLE:**

Hold a Public Hearing and consider the adoption of Ordinance 4230-A requesting the annexation of a portion of the John T. Griffin Industrial Park as I-2, Heavy Industrial, located within Section 10, Township 14 North, Range 18 East into the city limits of Muskogee, or take other necessary action. (Jody King)

**BACKGROUND:**

Background

The John T Griffin Industrial Park is located south of Dal tile is contiguous to the City of Muskogee Corporate City Limits. The annexation will include seven (7) parcels owned by the City-County Port Authority. The City will also take in surrounding infrastructure such as Dal-Tile Road and the newly completed Smith Ferry Road from Highway 64 to South 24th Street West. The roads are industrial concrete roads with another 30-50 years of expected life before major repairs may occur. The City already has sewer and water infrastructure in place at the industrial site ready for connection. This annexation has been requested by Port Authority as an effort to continue the industrial growth of the community to provide high quality and high paying jobs. No other property will be annexed other than the property requested.

Ordinance 4230-A annexes the property whose legal description is below while also zoning the property to I-2 Heavy Industrial as detailed by the 2013 Muskogee Comprehensive Plan and Future Land Use Plan adopted by City Council on June 25, 2012 by Resolution 2404.

City Council passed Resolution 2976 to begin the annexation process at the regularly scheduled meeting on March 25, 2024.

A public notice was published in the Muskogee Phoenix on April 2, 2024 for 20 days of the public hearing to occur at the City Council meeting on April 22, 2024.

The Ordinance has been recommended for approval by the Planning & Zoning Commission on April 1, 2024.

Port Muskogee owns this property and supports the annexation.

Legal Description

A part of the west half of the east half of the SE/4 and part of the west half of the SE/4 of Section 10, Township 14 North, Range 18 East of the Indian Meridian, Muskogee County, Oklahoma, more particularly described as follows, to-wit:

Tract I:



All that part of the west half of the east half of the SE/4 lying west of the center line of the railroad, and

Tract II:

The west half of the SE/4 LESS the following described tract: Beginning at a point 224.83 feet east of the southwest corner of the SE/4; thence north 536.30 feet; thence east 960.87 feet to the Railroad Right of Way; thence south 08 degrees 04 minutes west 161.95 feet; thence continuing southwesterly along said right of way to the south line of said SE/4; thence west 876.89 feet to the point of beginning

together with all the improvements thereon and the appurtenances thereunto belonging, and warrant the title to the same. And;

The East Half of the East Half of the Southeast Quarter of the Southwest Quarter of Section 10, Township 14 North, Range 18 East of the Indian Base and Meridian, Muskogee County, State of Oklahoma.

AND

The East Half of the West Half of the Southeast Quarter of the Southwest Quarter LESS the East 165 feet of the South 660 feet of the West Half of the Southeast Quarter of the Southwest Quarter of Section 10, Township 14 North, Range 18 East of the Indian Base and Meridian, Muskogee County, State of Oklahoma.

AND

The West 330 feet of the East 660 feet of the Southeast Quarter of the Southwest Quarter LESS the West 165 feet of the South 660 feet of the East half of the Southeast Quarter of the Southwest Quarter of Section 10, Township 14 North, Range 18 East of the Indian Base and Meridian, Muskogee County, State of Oklahoma.

AND

The West Half of the West Half of the Southeast Quarter of the Southwest Quarter of Section 10, Township 14 North, Range 18 East of the Indian Base and Meridian, Muskogee County, State of Oklahoma. And;

The East 165 feet of the SW<sup>1</sup>/<sub>4</sub> of the SE<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub> and the West 165 feet of the SE<sup>1</sup>/<sub>4</sub> of the SE<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub> of Section 10, Township 14 North, Range 18 East of the Indian Meridian, Muskogee County, Oklahoma. And;

The East 330 feet of the SW<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub> of Section 10, Township 14 North, Range 18 East of the Indian Meridian, Muskogee County, Oklahoma. And;

The NW/4 of the NW/4 and the south 276.45 feet of the west half of the west half of the NE/4 of the NW/4 and the west 121.29 feet of the north 1043.55 feet of the east half of the NE/4 of the NW/4, all in section 15, township 14 North, Range 18 East of the Indian Meridian, Muskogee County, Oklahoma. And;

The East 208.71 feet of the North 1043.55 feet of the West half of the West half of the NE/4 of the NW/4 of Section 15, Township 14 North, Range 18 E of the Indian Meridian, Muskogee County, State of Oklahoma, according to the official plat thereof.

**RECOMMENDED ACTION:**

Recommend Approval

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**Fiscal Impact**

**Attachments**

Ordinance 4230

Staff Report

Map of Annexation

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**ORDINANCE NO. 4230-A**

AN ORDINANCE ESTABLISHING A ZONING CLASSIFICATION OF "I-2" HEAVY INDUSTRIAL AND ANNEXING TERRITORY ADJACENT TO THE CITY LIMITS UPON PETITION OF THE OWNER, SAID TERRITORY BEING LOCATED IN THE SW SECTION 10, TOWNSHIP 14 NORTH, RANGE 18 EAST OF THE INDIAN BASE AND MERIDIAN, MUSKOGEE COUNTY, STATE OF OKLAHOMA, ALL THAT CERTAIN REAL ESTATE BEING MORE PARTICULAR DESCRIBED HEREINAFTER; PROVIDING THAT SAID REAL ESTATE SHALL BE PART OF THE CITY OF MUSKOGEE, OKLAHOMA, AND ALL PROPERTY SITUATED THEREIN, SHALL BE SUBJECT TO THE JURISDICTION, CONTROL, LAWS, AND ORDINANCES OF THE CITY OF MUSKOGEE, OKLAHOMA; DIRECTING NOTIFICATION; PROVIDING FOR REPEALER, SEVERABILITY AND DECLARING AN EMERGENCY. (City-county Port Authority, Petitioner)

WHEREAS, the owners of the acres described in Section 1 of this Ordinance, said land being contiguous to and adjacent to the City of Muskogee, have requested in writing that the same THE PROPERTY BE ANNEXED INTO THE CITY OF MUSKOGEE CITY LIMITS.

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

Section 1: The area by which the petition seeks zoning and annexation is described as follows:

A part of the west half of the east half of the SE/4 and part of the west half of the SE/4 of Section 10, Township 14 North, Range 18 East of the Indian Meridian, Muskogee County, Oklahoma, more particularly described as follows, to-wit:

Tract I:

All that part of the west half of the east half of the SE/4 lying west of the center line of the railroad, and

Tract II:

The west half of the SE/4 LESS the following described tract: Beginning at a point 224.83 feet east of the southwest corner of the SE/4; thence north 536.30 feet; thence east 960.87 feet to the Railroad Right of Way; thence south 08 degrees 04 minutes west 161.95 feet; thence continuing southwesterly along said right of way to the south line of said SE/4; thence west 876.89 feet to the point of beginning

together with all the improvements thereon and the appurtenances thereunto belonging, and warrant the title to the same. And;

The East Half of the East Half of the Southeast Quarter of the Southwest Quarter of Section 10, Township 14 North, Range 18 East of the Indian Base and Meridian, Muskogee County, State of Oklahoma.

AND

The East Half of the West Half of the Southeast Quarter of the Southwest Quarter LESS the East 165 feet of the South 660 feet of the West Half of the Southeast Quarter of the Southwest Quarter of Section 10, Township 14 North, Range 18 East of the Indian Base and Meridian, Muskogee County, State of Oklahoma.

AND

The West 330 feet of the East 660 feet of the Southeast Quarter of the Southwest Quarter LESS the West 165 feet of the South 660 feet of the East half of the Southeast Quarter of the Southwest Quarter of Section 10, Township 14 North, Range 18 East of the Indian Base and Meridian, Muskogee County, State of Oklahoma.

AND

The West Half of the West Half of the Southeast Quarter of the Southwest Quarter of Section 10, Township 14 North, Range 18 East of the Indian Base and Meridian, Muskogee County, State of Oklahoma. And;

The East 165 feet of the SW<sup>1</sup>/<sub>4</sub> of the SE<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub> and the West 165 feet of the SE<sup>1</sup>/<sub>4</sub> of the SE<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub> of Section 10, Township 14 North, Range 18 East of the Indian Meridian, Muskogee County, Oklahoma. And;

The East 330 feet of the SW<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub> of Section 10, Township 14 North, Range 18 East of the Indian Meridian, Muskogee County, Oklahoma.

Section 2: The zoning classification of the real estate hereinbefore described in Muskogee County will be zoned I-2 Heavy Industrial Zoning Classification as approved in the 2013 City of Muskogee Comprehensive Plan and Land Use Map Adopted June 25, 2012 upon annexation;.

Section 3: The increase of the City by the annexation of the hereinbefore described property will redound to the benefit of the City and the same is hereby zoned and annexed.

Section 3: A copy of the Ordinance, together with an accurate map of the territory zoned and annexed, certified by the Mayor and the City Clerk, shall be filed in the office of the County Clerk of Muskogee County, Oklahoma.

Section 4: SEVERABILITY. Should any section, subsection, sentence, provision, clause, or phrase hereof be held invalid, void, or unconstitutional for any reason, such holding shall not render invalid, void, or unconstitutional any other section, subsection, sentence, provision, clause, or phrase of this Ordinance, and the same are deemed severable for this purpose.

Section 5: EMERGENCY. This Ordinance being designated to protect the health and safety of the inhabitants of the City of Muskogee, Oklahoma, an emergency is hereby declared to exist whereby the same shall be in full force and effect from and after its adoption and publication.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA THIS \_\_\_\_\_ DAY OF APRIL, 2024.

\_\_\_\_\_  
W. PATRICK CALE, MAYOR

ATTEST:

\_\_\_\_\_  
TAMMY L. TRACY, CITY CLERK

(SEAL)

APPROVED as to form and legality this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

---

KATRINA BODENHAMER, CITY ATTORNEY

## Planning & Community Development Staff Report

Make a recommendation to the City Council to approve Resolution 2976 requesting the annexation of the John T Griffin Industrial Park located within Sections 10, Township 14 North, Range 18 East, directing staff to prepare public hearings that are in compliance with state statues

### **Planning Department Analysis**

- Current Zoning & Use: No Zoning (County) & Vacant Industrial
- Proposed Zoning & Use: I-2 Heavy Industrial for Industrial Purposes
- Quarter Section, Range, Township: Southeast and Southwest Quarters of Section 10, Township 14 North, Range 18 East
- Street Address: Along Smith Ferry Road between the Railroad and South 24<sup>th</sup> Street West.

### **Legal Description**

A part of the west half of the east half of the SE/4 and part of the west half of the SE/4 of Section 10, Township 14 North, Range 18 East of the Indian Meridian, Muskogee County, Oklahoma, more particularly described as follows, to-wit:

Tract I:

All that part of the west half of the east half of the SE/4 lying west of the center line of the railroad, and

Tract II:

The west half of the SE/4 LESS the following described tract: Beginning at a point 224.83 feet east of the southwest corner of the SE/4; thence north 536.30 feet; thence east 960.87 feet to the Railroad Right of Way; thence south 08 degrees 04 minutes west 161.95 feet; thence continuing southwesterly along said right of way to the south line of said SE/4; thence west 876.89 feet to the point of beginning

together with all the improvements thereon and the appurtenances thereunto belonging, and warrant the title to the same. And;

The East Half of the East Half of the Southeast Quarter of the Southwest Quarter of Section 10, Township 14 North, Range 18 East of the Indian Base and Meridian, Muskogee County, State of Oklahoma.

AND

The East Half of the West Half of the Southeast Quarter of the Southwest Quarter LESS the East

165 feet of the South 660 feet of the West Half of the Southeast Quarter of the Southwest Quarter of Section 10, Township 14 North, Range 18 East of the Indian Base and Meridian, Muskogee County, State of Oklahoma.

AND

The West 330 feet of the East 660 feet of the Southeast Quarter of the Southwest Quarter LESS the West 165 feet of the South 660 feet of the East half of the Southeast Quarter of the Southwest Quarter of Section 10, Township 14 North, Range 18 East of the Indian Base and Meridian, Muskogee County, State of Oklahoma.

AND

The West Half of the West Half of the Southeast Quarter of the Southwest Quarter of Section 10, Township 14 North, Range 18 East of the Indian Base and Meridian, Muskogee County, State of Oklahoma. And;

The East 165 feet of the SW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  and the West 165 feet of the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 10, Township 14 North, Range 18 East of the Indian Meridian, Muskogee County, Oklahoma. And;

The East 330 feet of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 10, Township 14 North, Range 18 East of the Indian Meridian, Muskogee County, Oklahoma.

### **Discussion**

The John T Griffin Industrial Park is located south of Dal Tile immediately outside, but contiguous to, the City of Muskogee Corporate limits. The annexation will take in seven (7) parcels owned by the Muskogee City-County Port Authority. The City will also take in surrounding infrastructure such as Dal-Tile Road and the newly completed Smith Ferry Road from Highway 64 to South 24<sup>th</sup> Street West. The roads are industrial concrete roads with another 30-50 years of expected life before major repairs may occur. This annexation has been requested by Port Muskogee as an effort to continue the industrial growth of the community to provide high quality and high paying jobs. We will not annex any other property than the property requested.

In order to proceed with the annexation, the City Council will need to pass a resolution that directs staff set a public hearing before City Council on this matter as required in 11 O.S. 21-103. A notice requires publication in a local newspaper at least 14 days prior to the public hearing and no further than 30 days prior.

**RECOMMENDATION: Approve the request**

# Annex Map



## Legend

### ParcelsInAnnex

#### RPID

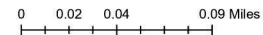
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- 510028394
- 510028395
- 510028396
- 510028397
- 510050107

### AnnexCitySouthSideIndPark

AnnexCitySouthSideIndPark

### Muskogee\_CityLimits\_Area

Muskogee\_CityLimits\_Area







**Application for Annexation**

Legal Description of the area to be annexed (attach supporting documentation):

See attached deeds of the properties/easements included in the annexation's boundary.

Name of Property Owner(s): Muskogee City-County Port Authority  
Street Address of Owners: 5201 Three Forks Rd. Phone Number: (918) 682-7886  
City: Fort Gibson State: OK Zip: 74434

Name of Applicant if Different from Property Owner(s): City of Muskogee  
Street Address of Applicant: 229 W. Okmulgee Ave Phone Number: (918) 682-6602  
City: Muskogee State: OK Zip: 74401

Existing Use of the Property: Non-developed Industrial Land

Area of the Property (sq. ft/acres): 119.2855 acres

State Purpose of Annexation:

To prepare for future development, Port Muskogee and the City of Muskogee have agreed to an annexation of industrial land owned by the port to be taken in by the City to provide city services to the area surrounding Dal-Tile known as the John T. Griffin Industrial Park.

I certify that the above information is correct:

Signature of Owner:  Date: \_\_\_\_\_



**Application for Annexation**

**Instructions & Information for an Annexation**

1. All of the following must be submitted to the Planning Department to begin the Annexation process:

Completed application form.

MM \$25.00 application fee, plus cost of legal notice (nonrefundable regardless of outcome of request).

An AutoCAD compatible file, and a PDF file of a site plan of the property showing the following information:

- Property lines and their dimensions
- Structures and their uses
- Adjacent rights-of-way and their width
- Easements and their dimensions
- Owner's name, address and phone number
- Legal description
- Vicinity map
- North arrow
- Scale

2. The request must be submitted a minimum of three (3) weeks prior to a regularly scheduled Planning Commission meeting. This time is necessary to publish two (2) legal notices in the Muskogee Daily Phoenix and for review of the request by the various City departments. The public notices will be published once each week for two (2) successive weeks prior to the Planning Commission meeting. A staff report and recommendation will be available prior to the Planning Commission meeting. The request will be heard by the Planning Commission, Public Works Committee and the City Council. These meetings are open to the public, and testimony will be accepted both for and against the request. The applicant and/or owner should be present at these meetings. The decision of the Council is the final action on an annexation request.

3. It is recommended that the applicant discuss their request with the Planning Department prior to submitting the application. Submit your Application by emailing the Planning Department at [planning@muskogeeonline.org](mailto:planning@muskogeeonline.org) noting your Name and Application type on the subject line, or you can submit your application via mail or in-person on a flash drive to:

City of Muskogee  
 Planning Department  
 P.O. Box 1927  
 Muskogee, Oklahoma 74402

**For Office Use Only:**

Date Received	Receipt No.	Ordinance Number	Planning Commission Meeting Date	Public Works Meeting Date	City Council Meeting Date
11/6/2023	N/A	4219-A	N/A	N/A	11/27/2023



**Application for Annexation**

Legal Description of the area to be annexed (attach supporting documentation):

See attached deeds of the properties/easements included in the annexation's boundary.

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Street Address of Owners: 5201 Three Forks Rd. Phone Number: (918) 682-7886  
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To prepare for future development, Port Muskogee and the City of Muskogee have agreed to an annexation of industrial land owned by the port to be taken in by the City to provide city services to the area surrounding Dal-Tile known as the John T. Griffin Industrial Park.

I certify that the above information is correct:

Signature of Owner: \_\_\_\_\_ Date: \_\_\_\_\_

10-44-18 M

#15:RS

943325

STATE OF OKLAHOMA  
MUSKOGEE COUNTY  
FILED OR RECORDED

Pioneer Closing Service #2001070065

P.I.D.N. #0010 0077 07

DOC STAMPS:

Property Address: a part of Sec 10, T14N, R18E Containing 1.5 acres, Muskogee County, OK  
Mailing Address: 4901 Harold Scoggins Dr., Muskogee, OK 74403

JUL 25 4 34 PM '01

KAREN ANDERSON  
COUNTY CLERK

# INDIVIDUAL WARRANTY DEED

(Oklahoma Statutory Form)

54527  
That Jack Herschell Ashwood aka Jack Herschel Ashwood and Harriet Sue Ashwood aka Harriette Sue Ashwood aka Harriette Sue Ashwood, husband and wife parties of the first part, in consideration of the sum of TEN & NO/100----- and other valuable considerations, in hand paid, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto Muskogee City-County Port Authority party of the second part, the following described real property and premises situate in Muskogee County, State of Oklahoma, to-wit:

A part of the west half of the east half of the SE/4 and part of the west half of the SE/4 of Section 10, Township 14 North, Range 18 East of the Indian Meridian, Muskogee County, Oklahoma, more particularly described as follows, to-wit:

Tract I:

All that part of the west half of the east half of the SE/4 lying west of the center line of the railroad, and

Tract II:

The west half of the SE/4 LESS the following described tract: Beginning at a point 224.83 feet east of the southwest corner of the SE/4; thence north 536.30 feet; thence east 960.87 feet to the Railroad Right of Way; thence south 08 degrees 04 minutes west 161.95 feet; thence continuing southwesterly along said right of way to the south line of said SE/4; thence west 876.89 feet to the point of beginning

together with all the improvements thereon and the appurtenances thereunto belonging, and warrant the title to the same.

TO HAVE AND TO HOLD said described premises unto the said party of the second part, his heirs and assigns forever, free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and incumbrances of whatsoever nature.

EXCEPT covenants, conditions, easements, restrictions and mineral conveyances of record.

Signed and delivered this 19th day of July, 2001.

Jack Herschell Ashwood  
Jack Herschell Ashwood aka Jack  
Herschel Ashwood

Harriette Sue Ashwood  
Harriet Sue Ashwood aka Harriette Sue  
Ashwood aka Harriette Sue Ashwood

## INDIVIDUAL ACKNOWLEDGMENT-OKLAHOMA FORM

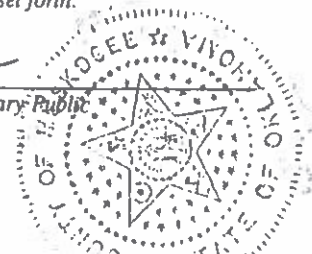
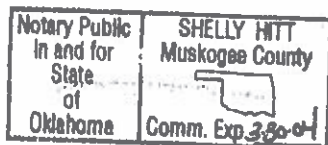
STATE OF OKLAHOMA )  
) ,SS  
County of Muskogee )

Before me, a Notary Public, in and for said County and State, on this 19th day of July, 2001, personally appeared Jack Herschell Ashwood aka Jack Herschel Ashwood and Harriet Sue Ashwood aka Harriette Sue Ashwood aka Harriette Sue Ashwood, husband and wife to me known to be the identical persons who executed the within and foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed for the purposes therein set forth. Given under my hand and seal the day and year last above written.

My commission expires 03/30/04

Shelly Hitt  
Shelly Hitt Notary Public

HU50AL



BOOK PAGE  
2856 355

1860

pc 13'

DOC STAMPS \$472.50 TAX ID# #2009020053 Pioneer Abstract & Title Co., Inc.

Property Address: Muskogee, OK 74401  
Mailing Address: 4901 Harold Scoggins Dr  
Muskogee, OK 74403

I-2009-002449 Book 3944 Pg: 240  
03/06/2009 3:56 pm Pg 0240-0240  
Fee: \$ 13.00 Doc: \$ 472.50  
Karen Anderson - Muskogee County Clerk  
State of Oklahoma

**CORPORATION  
WARRANTY DEED**  
(Oklahoma Statutory Form)



That Cal McCarter Ministries, Inc., a corporation Party of the first part, in consideration of the sum of TEN & NO/100----- and other valuable considerations, in hand paid, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto Muskogee City-County Port Authority, parties of the second part, the following described real property and premises situate in Muskogee County, State of Oklahoma, to-wit:

The East Half of the East Half of the Southeast Quarter of the Southwest Quarter of Section 10, Township 14 North, Range 18 East of the Indian Base and Meridian, Muskogee County, State of Oklahoma.

AND

The East Half of the West Half of the Southeast Quarter of the Southwest Quarter LESS the East 165 feet of the South 660 feet of the West Half of the Southeast Quarter of the Southwest Quarter of Section 10, Township 14 North, Range 18 East of the Indian Base and Meridian, Muskogee County, State of Oklahoma.

AND

The West 330 feet of the East 660 feet of the Southeast Quarter of the Southwest Quarter LESS the West 165 feet of the South 660 feet of the East half of the Southeast Quarter of the Southwest Quarter of Section 10, Township 14 North, Range 18 East of the Indian Base and Meridian, Muskogee County, State of Oklahoma.

AND

The West Half of the West Half of the Southeast Quarter of the Southwest Quarter of Section 10, Township 14 North, Range 18 East of the Indian Base and Meridian, Muskogee County, State of Oklahoma.

together with all the improvements thereon and the appurtenances thereunto belonging, and warrant the title to the same.

TO HAVE AND TO HOLD said described premises unto the said parties of the second part, their heirs and assigns of the survivor, forever, free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and incumbrances of whatsoever nature.

EXCEPT covenants, conditions, easements, restrictions and mineral conveyances of record.

Signed and delivered this 6th day of March, 2009.

State of Oklahoma  
Muskogee County  
Documentary Stamps \$ 472.50

CAL McCARTER MINISTRIES, INC.  
By Kelly J. Watson  
Kelly J. Watson-Vice Chairman

**CORPORATION ACKNOWLEDGMENT-OKLAHOMA FORM**

STATE OF OKLAHOMA, County of Muskogee, SS.  
On this 6th day of March, 2009, before me, a Notary Public, in and for said County and State, personally appeared Kelly J. Watson to me known to be the identical person who executed the within and foregoing instrument as its Vice Chairman, and acknowledged to me that she executed the same as her free and voluntary act and deed and as the free and voluntary act and deed of said corporation, for the purposes therein set forth.

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

My commission expires



Cathy Pitts  
Notary Public



105

ped 13

Pioneer Abstract & Title Co., Inc. #2009030044  
 P.I.D.N.#  
 DOC STAMPS \$ 70.50  
 Property Address: Muskogee, OK  
 Mailing Address:

1-2009-003262 Book 3951 Pg: 174  
 03/27/2009 3:18 pm Pg 0174-0174  
 Fee: \$ 13.00 Doc: \$ 70.60  
 Karen Anderson - Muskogee County Clerk  
 State of Oklahoma

*PO Box 2819  
 Muskogee, Ok  
 74402*

INDIVIDUAL  
**WARRANTY DEED**  
 (Oklahoma Statutory Form)


That David W. Riede and Debbie Riede, husband and wife parties of the first part, in consideration of the sum of TEN & NO/100----- and other valuable considerations, in hand paid, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto Muskogee City-County Port Authority party of the second part, the following described real property and premises situate in Muskogee County, State of Oklahoma, to-wit:

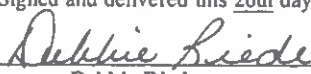
The East 330 feet of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 10, Township 14 North, Range 18 East of the Indian Meridian, Muskogee County, Oklahoma.

together with all the improvements thereon and the appurtenances thereunto belonging, and warrant the title to the same.

TO HAVE AND TO HOLD said described premises unto the said party of the second part, their heirs and assigns forever, free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and incumbrances of whatsoever nature.

EXCEPT covenants, conditions, easements, restrictions and mineral conveyances of record.

  
 \_\_\_\_\_  
 David W. Riede

Signed and delivered this 26th day of March, 2009.  
  
 \_\_\_\_\_  
 Debbie Riede

State of Oklahoma  
 Muskogee County  
 Documentary Stamps \$ 70.50

INDIVIDUAL ACKNOWLEDGMENT-OKLAHOMA FORM

STATE OF OKLAHOMA     )  
                                    ), SS  
 County of Muskogee    )

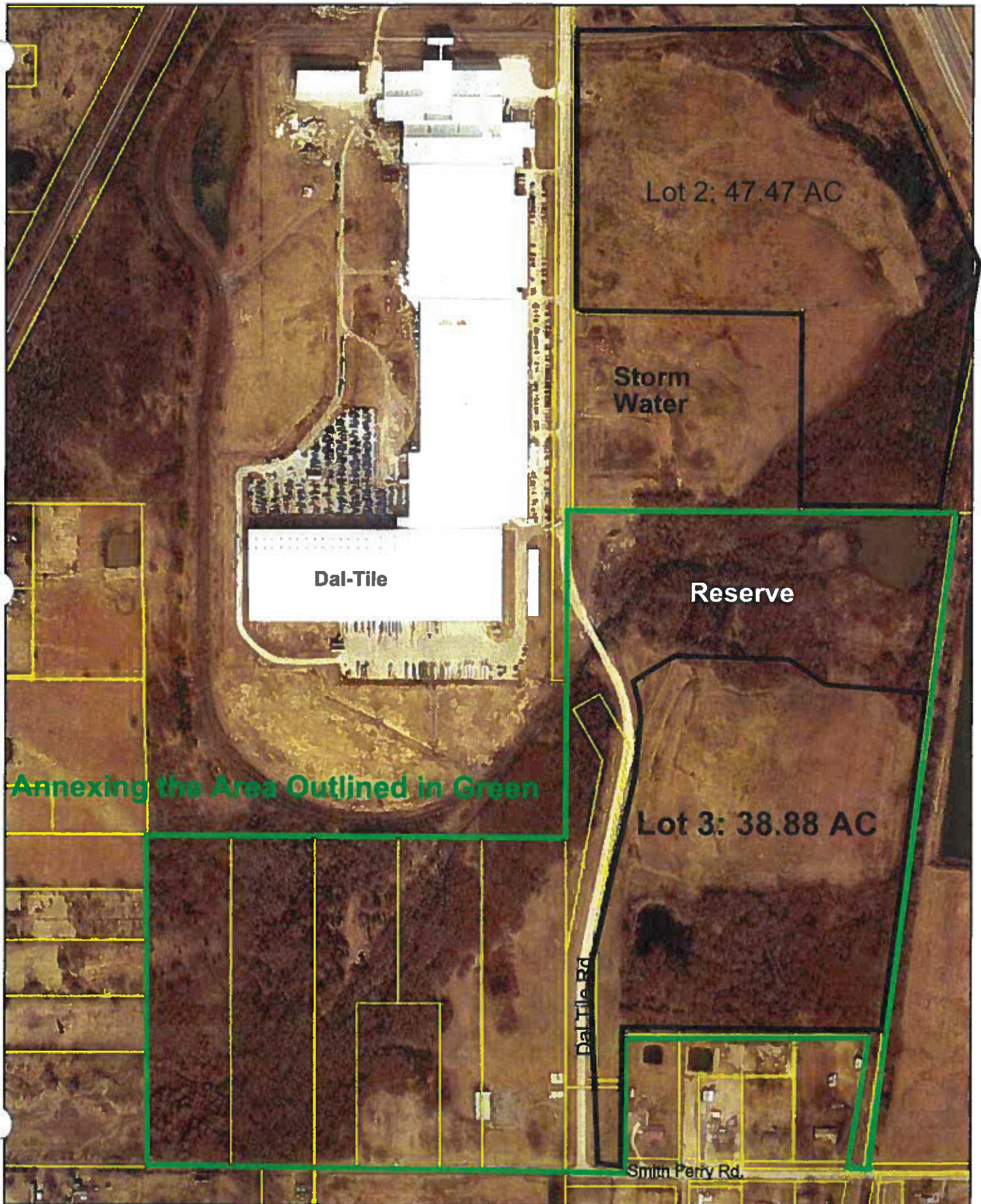
Before me, a Notary Public, in and for said County and State, on this 26th day of March, 2009, personally appeared David W. Riede and Debbie Riede, husband and wife to me known to be the identical persons who executed the within and foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed for the purposes therein set forth.

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

My commission expires

NOTARY PUBLIC  
 IN AND FOR STATE OF OKLAHOMA  
 Debra Bowen  
 Muskogee County  
 Comm. Exp. 07-23-10  
 # 02012241

  
 \_\_\_\_\_  
 Notary Public  

1 inch = 476 feet

Created By [jking@muskogeeonline.org](mailto:jking@muskogeeonline.org) on 11/6/2023 5:19:50 PM

via [DataScout OneMap](#)

This map should be used for reference purposes only and should not be considered a legal document. While every effort has been made to ensure the accuracy of this product, the publisher accepts no responsibility for any errors or omissions nor for any loss or damage alleged to be suffered by anyone as a result of the publication of this map and the notations on it or as a result of the use or misuse of the



## Kimbra Scott

---

**From:** Jody King <jking@muskogeeonline.org>  
**Sent:** Monday, November 6, 2023 5:36 PM  
**To:** Kimbra Scott  
**Cc:** Jeff Underwood; Mike Miller  
**Subject:** Annexation at John T Griffin  
**Attachments:** 23-1106\_Port Muskogee John T Griffin.pdf

Kimbra,

I spoke with Jeff about the lot 6 procurement, he notified me that the property to the west of S 24th W was to be in consideration for that deal which is property I originally included in the annexation.

I have updated the application for annexation to reflect the removal of those properties in which will now only include lots 3 & 4. With the application (attached) you will find the application with the deeds of the properties north of Smith Ferry Rd. near Dal Tile Rd., and an updated rough map.

If anyone has any questions this evening, please give me a call at (918) 537-0228.

Best,

### Jody King, MPA

Director of Planning & Community Development  
229 W. Okmulgee Ave.  
Muskogee, OK 74401  
Office: (918) 684-6375



# Annex Map



## Legend

### ParcelsInAnnex

#### RPID

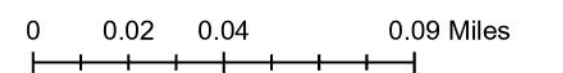
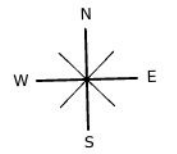
- 510028383
- 510028390
- 510028391
- 510028394
- 510028395
- 510028396
- 510028397
- 510050107

### AnnexCitySouthSideIndPark

- AnnexCitySouthSideIndPark

### Muskogee\_CityLimits\_Area

- Muskogee\_CityLimits\_Area



Created by the Planning Department  
02/28/2024

**Information**

**AGENDA ITEM TITLE:**

Hold a Public Hearing and consider approval of Ordinance No. 4223-A, rezoning the property located at 4340 Eufaula Street, in the City of Muskogee, from I-1 Light Industrial, to R-5 Mobile Home, and if approved, authorize Staff to revise the official zoning map, or take other necessary action. (Jody King)

**LEGAL DESCRIPTION:**

A part of Lots 4, 5 and 6 in Block A of the Tom Hines Subdivision of part of Section 20, Township 15 North, Range 19 East, and a strip of land 30 feet wide joining Lot 6 on the South, more particularly described as follows: Beginning at the SE corner of Lot 6; Thence North along the East line of said Lots 6, 5 and 4 to a point 2 feet North of the SE corner of said Lot 4; thence West parallel with the South line of said Lot 5 for a distance of 107.92 feet to the point of intersection with the South line of said Lot 4; Thence continuing West parallel with the South line of said Lot 5 for a distance of 28.08 feet; Then South 126.52 feet to the intersection of the South line of said Lot 6; Thence continuing South along said line for a distance of 30 feet; Thence East parallel with the South line of said Lot 6 for a distance of 136 feet; Thence North for a distance of 30 feet to the Point of Beginning, Muskogee County, State of Oklahoma.

**BACKGROUND:**

The applicants are requesting to rezone 4340 Eufaula, from I-1 Light Industrial to R-5 Mobile Home to allow for residential development on the property. The residential zone of R-5, Mobile Home **would not** have a negative impact on the surrounding area and does comply with the 2013 City of Muskogee Future Land Use Map and Comprehensive Plan.

Existing Zoning and Land Use:

North: I-1, Light Industrial – Vacant Lot

South: R-5, Mobile Home and I-1, Light Industrial – Vacant Lot

East: I-1, Light Industrial – Brick Home

West: I-1, Light Industrial – Brick Home

Notices have been sent to the property owners within a 300 foot radius, as required, and published in the paper twenty (20) days prior to the Public Hearing.

Public Hearings will be held on

Monday, April 1, 2024 at 9:00 A.M.: Planning & Zoning Commission, postponed to a special call held on Wednesday, April 3, 2024 at 9:00 A.M.

Monday April, 8, 2024 at 5:30 A.M.: Public Works Committee

Monday, April 22, 2024 at 5:30 P.M.: City Council

At the special call meeting of the Planning & Zoning Commission, the Commission recommended approval of rezone 3-2. The applicant brought forth 8 petitions against the rezone, of which 5 were valid property owners within 300 ft based on the verified abstract list provided. This creates a petition

providing at least 50% of the noticed property owners being against the rezone.

**RECOMMENDED STAFF ACTION:**

Reccomend Approval

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**Fiscal Impact**

**Attachments**

Public Hearing Notice

Ordinance 4223-A

Site Plan

Staff Report with Pictures

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**PUBLIC HEARING NOTICE**

**Applicant(s):** Cassandra Del Rio

All interested persons are hereby given notice that a public hearing will be held in the Council Chambers of the Municipal Building, located at 229 W Okmulgee Ave., 3<sup>rd</sup> floor, Muskogee, Oklahoma 74401, in accordance with city ordinance 3948-A, § 1(Att.), 9-22-2014, for the following property:

**4340 Eufaula** within the corporate limits of the City of Muskogee, Muskogee County, State of Oklahoma, to recommend **the approval of Ordinance No. 4223-A rezoning the property from I-1 Light Industrial to R-5 Mobile Home**, to City Council, of the City of Muskogee, Muskogee County, State of Oklahoma.

The property being more particularly described as:

**A part of Lots 4, 5 and 6 in Block A of the Tom Hines Subdivision of part of Section 20, Township 15 North, Range 19 East, and a strip of land 30 feet wide joining Lot 6 on the South, more particularly described as follows: Beginning at the SE corner of Lot 6; Thence North along the East line of said Lots 6, 5 and 4 to a point 2 feet North of the SE corner of said Lot 4; thence West parallel with the South line of said Lot 5 for a distance of 107.92 feet to the point of intersection with the South line of said Lot 4; Thence continuing West parallel with the South line of said Lot 5 for a distance of 28.08 feet; Then South 126.52 feet to the intersection of the South line of said Lot 6; Thence continuing South along said line for a distance of 30 feet; Thence East parallel with the South line of said Lot 6 for a distance of 136 feet; Thence North for a distance of 30 feet to the Point of Beginning, Muskogee County, State of Oklahoma.**

A notice was provided to the property owners whom are within a 300 foot radius to the above mentioned site to inform them of the following public hearings regarding the above proposal:

**Monday, April 1, 2024 at 9:00 A.M.: City of Muskogee Planning and Zoning Commission**

**Monday, April 8, 2024 at 5:30 P.M.: Public Works Committee**

**Monday, April 22, 2024 at 5:30 P.M.: City Council**

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

If you have questions about this notice or need additional information prior to the public hearing, please contact the Planning Department at (918) 684-6232.

**ORDINANCE NO. 4223-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 PROPERTY LOCATED AT 4340 EUFAULA. THE TRACT OF LAND IS IN THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 15 NORTH, RANGE 19 EAST OF THE INDIAN BASE AND MERIDIAN, MUSKOGEE COUNTY, STATE OF OKLAHOMA. CONTAINING 21,161 SQUARE FEET MORE OR LESS, AND PROVIDING FOR SEVERABILITY. THE PROPERTY IS MORE PARTICULARLY DESCRIBED AS:**

**A part of Lots 4, 5 and 6 in Block A of the Tom Hines Subdivision of part of Section 20, Township 15 North, Range 19 East, and a strip of land 30 feet wide joining Lot 6 on the South, more particularly described as follows: Beginning at the SE corner of Lot 6; Thence North along the East line of said Lots 6, 5 and 4 to a point 2 feet North of the SE corner of said Lot 4; thence West parallel with the South line of said Lot 5 for a distance of 107.92 feet to the point of intersection with the South line of said Lot 4; Thence continuing West parallel with the South line of said Lot 5 for a distance of 28.08 feet; Then South 126.52 feet to the intersection of the South line of said Lot 6; Thence continuing South along said line for a distance of 30 feet; Thence East parallel with the South line of said Lot 6 for a distance of 136 feet; Thence North for a distance of 30 feet to the Point of Beginning, Muskogee County, State of Oklahoma.**

**(Kassandra Del Rio, Applicant)**

FROM "I-1" LIGHT INDUSTRIAL

TO

"R-5" MOBILE HOME

WHEREAS, the City of Muskogee Planning and Zoning Commission, in a meeting held \_\_\_\_\_, 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;

**A part of Lots 4, 5 and 6 in Block A of the Tom Hines Subdivision of part of Section 20, Township 15 North, Range 19 East, and a strip of land 30 feet wide joining Lot 6 on the South, more particularly described as follows: Beginning at the SE corner of Lot 6; Thence North along the East line of said Lots 6, 5 and 4 to a point 2 feet North of the SE corner of**

said Lot 4; thence West parallel with the South line of said Lot 5 for a distance of 107.92 feet to the point of intersection with the South line of said Lot 4; Thence continuing West parallel with the South line of said Lot 5 for a distance of 28.08 feet; Then South 126.52 feet to the intersection of the South line of said Lot 6; Thence continuing South along said line for a distance of 30 feet; Thence East parallel with the South line of said Lot 6 for a distance of 136 feet; Thence North for a distance of 30 feet to the Point of Beginning, Muskogee County, State of Oklahoma.

FROM "I-1" LIGHT INDUSTRIAL

TO

R-5 MOBILE HOME

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.

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 \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
W. PATRICK CALE, MAYOR

ATTEST:

\_\_\_\_\_  
TAMMY L. TRACY, CITY CLERK

(SEAL)

APPROVED as to form and legality this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
KATRINA BODENHAMER, CITY ATTORNEY

**SURVEYOR'S NOTES**

PREPARED FOR: KASSANORA QUISTIAN  
 BEARINGS ARE ASSUMED AND BASED UPON THE RECORDED PLAT.  
 EASEMENTS MAY EXIST THAT ARE NOT SHOWN.

REFER TO CURRENT ZONING FOR NEW CONSTRUCTION GUIDELINES.

GROSS LAND AREA: 21,117.7 SQ. FEET OR 0.48 ACRES.

WE HAVE EXAMINED A MAP BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP, CITY OF MUSKOGEE, OKLAHOMA, COMMUNITY PANEL NO. 4010100120F - FEBRUARY 4, 2011, WHICH INDICATES THE SURVEYED PROPERTY TO BE WITHIN UNSHADED ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN).

ALL UTILITIES MAY NOT BE SHOWN - CALL OKCE 1-800-522-6543!

**LEGAL DESCRIPTION - AS PROVIDED OCD BK. 4873, PG. 64**

A PART OF LOTS 4, 5 AND 6 IN BLOCK A OF THE TOM HINES SUBDIVISION OF PART OF SECTION 20, TOWNSHIP 15 NORTH, RANGE 19 EAST, AND A STRIP OF LAND 30 FEET WIDE JOINING LOT 6 ON THE SOUTH, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SE CORNER OF LOT 6; THENCE NORTH ALONG THE EAST LINE OF SAID LOTS 6, 5 AND 4 TO A POINT 2 FEET NORTH OF THE SE CORNER OF SAID LOT 4; THENCE WEST PARALLEL WITH THE SOUTH LINE OF SAID LOT 5 FOR A DISTANCE OF 107.92 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID LOT 4; THENCE CONTINUING WEST PARALLEL WITH THE SOUTH LINE OF SAID LOT 5 A DISTANCE OF 28.08 FEET; THENCE SOUTH 128.52 FEET TO THE INTERSECTION OF THE SOUTH LINE OF SAID LOT 6; THENCE CONTINUING SOUTH ALONG SAID LINE FOR A DISTANCE OF 30 FEET; THENCE EAST PARALLEL WITH THE SOUTH LINE OF SAID LOT 6 FOR A DISTANCE OF 136 FEET; THENCE NORTH FOR A DISTANCE OF 30 FEET TO THE POINT OF BEGINNING, MUSKOGEE COUNTY, OKLAHOMA.

**CERTIFICATE OF SURVEY**

FRITZ LAND SURVEYING, LLC AND THE UNDERSIGNED PROFESSIONAL LAND SURVEYOR, UNDER CERTIFICATE OF AUTHORIZATION CA #5848, DO HEREBY STATE THAT THIS PLAT OF SURVEY IS A TRUE AND ACCURATE REPRESENTATION OF THE SURVEY MADE ON THE GROUND AND OF THE FACTS AS FOUND AT THE TIME OF THE SURVEY AND THAT THIS PLAT MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

WITNESS MY HAND AND SEAL THIS 16th DAY OF JANUARY, 2024.



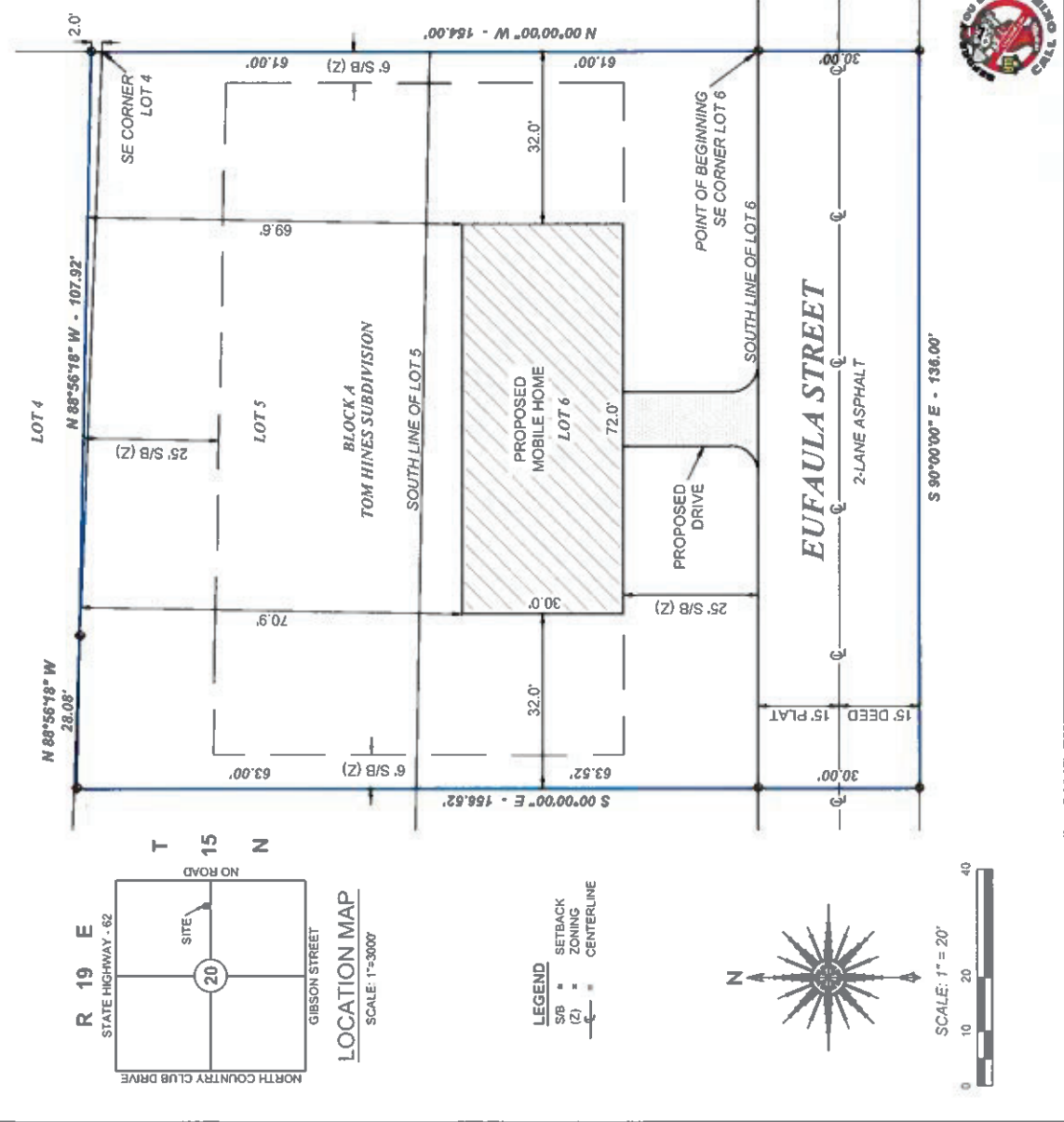
*Handwritten signature of Andy Fritz*

ANDY FRITZ, PLS  
 OK LIC. 1694  
 CA #5848

**SITE PLAN**

PART OF LOTS 4, 5 AND 6 IN BLOCK A OF THE TOM HINES SUBDIVISION  
 MUSKOGEE, MUSKOGEE COUNTY, OKLAHOMA

SURVEY: N/A	DATE: N/A	PREPARED BY: FRITZ LAND SURVEYING, LLC
DRAFT: RLL	DATE: 01.16.2024	524 E. MAIN ST., JENKS, OK 74037
APPROVED: PLS	DATE: 01.16.2024	PH: 918-528-5121
REV:	PROJ. NO. 24025	FRITZLANDSURVEYING@GMAIL.COM
		C.A. # 5848 EXPIRES: 6-30-2024





## Planning & Community Development Staff Report

### City of Muskogee Planning & Zoning Commission

Monday, April 1, 2024 @ 9:00 A.M.

#### City of Muskogee City Hall, 229 W Okmulgee Ave., 3<sup>rd</sup> Floor Council Chambers

Hold a Public Hearing and Consider Action on the Recommendation to the Muskogee City Council for Approval of Ordinance 4223-A, Rezoning the Property Located at 4340 Eufaula, from I-1 Light Industrial to R-5 Mobile Home, and if approved Authorize Staff to Revise the Official City Map, or Take Other Necessary Action. (Jody King)

#### Planning Department Analysis

Current Zoning & Use: I-1 Light Industrial; Vacant Lot

Proposed Zoning & Use: R-5 Mobile Home; Residential Development

Quarter Section, Range, Township: NE20, R19E, T15N

Street Address: 4340 Eufaula, Muskogee OK

Legal Description: A part of Lots 4, 5 and 6 in Block A of the Tom Hines Subdivision of part of Section 20, Township 15 North, Range 19 East, and a strip of land 30 feet wide joining Lot 6 on the South, more particularly described as follows: Beginning at the SE corner of Lot 6; Thence North along the East line of said Lots 6, 5 and 4 to a point 2 feet North of the SE corner of said Lot 4; thence West parallel with the South line of said Lot 5 for a distance of 107.92 feet to the point of intersection with the South line of said Lot 4; Thence continuing West parallel with the South line of said Lot 5 for a distance of 28.08 feet; Then South 126.52 feet to the intersection of the South line of said Lot 6; Thence continuing South along said line for a distance of 30 feet; Thence East parallel with the South line of said Lot 6 for a distance of 136 feet; Thence North for a distance of 30 feet to the Point of Beginning, Muskogee County, State of Oklahoma.

Discussion: The applicants are requesting to rezone 4340 Eufaula, from I-1 Light Industrial to R-5 Mobile Home to allow for residential development on the property. The residential zone of R-5, Mobile Home would not have a negative impact on the surrounding area and does comply with the Future Land Use Map and Comprehensive Plan.

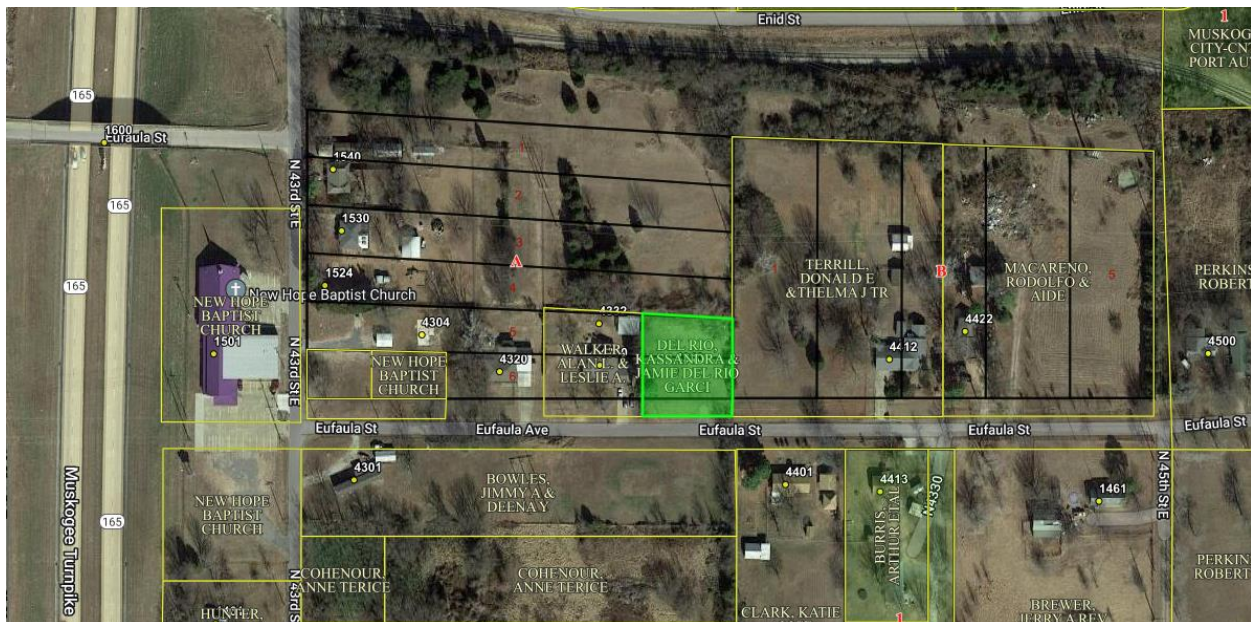
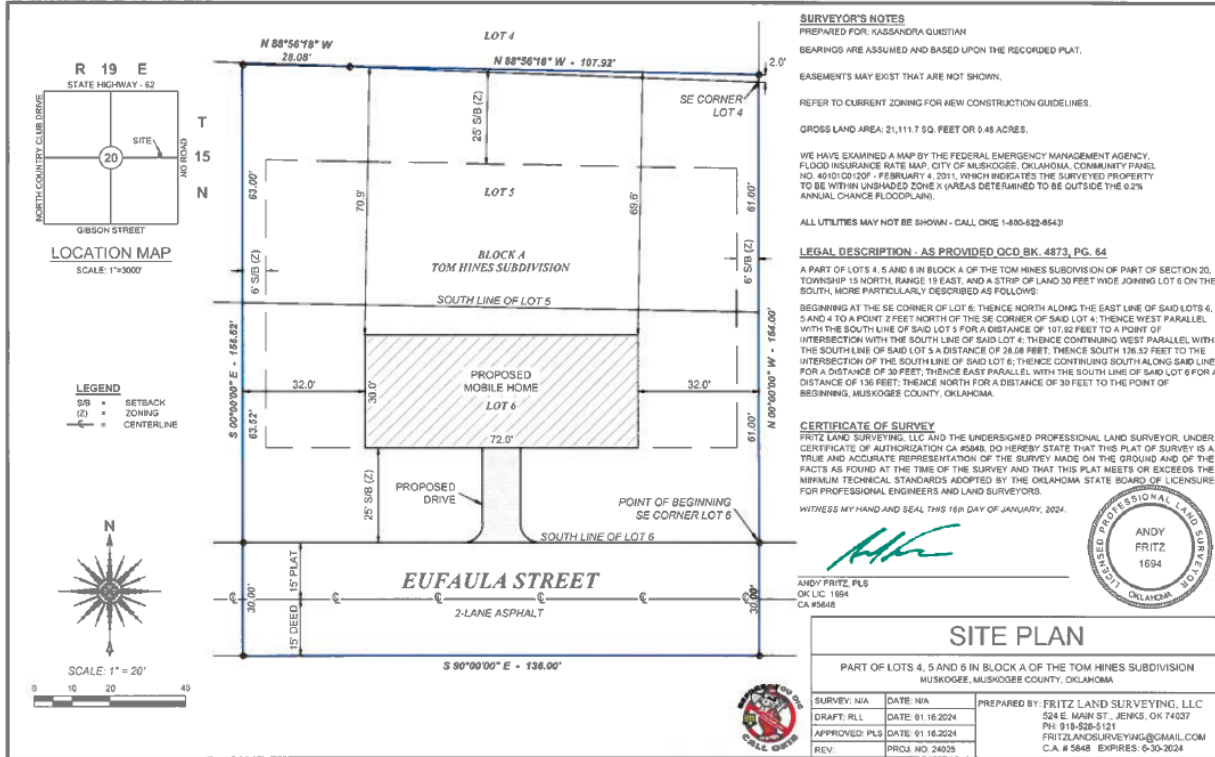
Existing Zoning and Land Use:

North: I-1, Light Industrial – Vacant Lot

South: R-5, Mobile Home and I-1, Light Industrial – Vacant Lot

East: I-1, Light Industrial – Brick Home with large Yard      West: I-1, Light Industrial – Brick Home

**RECOMMENDATION:** Approve the request.





4340 Eufaula Lot Picture



Aerial view of the North side of 4340 Eufaula



South Side of 4340 Eufaula



West Side of 4340 Eufaula



East Side of 4340 Eufaula



**Regular City Council**

**13.**

Meeting Date: 04/22/2024  
Submitted For: Dennis Read, Finance  
Initiator: Benita Hotema, Assistant Financial Analyst  
Department: Finance  
Staff Information Source:

---

Information

AGENDA ITEM TITLE:

Consider approval of Resolution No. 2980 declaring 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 authorize the City Manager, or his designee, to offer for sale or dispose of the same, all as per the attached list, or take other necessary action. (Dennis Read)

BACKGROUND:

There are currently several items, per the attached list, that are no longer needed or cannot be used by the City of Muskogee. The City would like to dispose of these items of personal property as surplus.

RECOMMENDED ACTION:

Approve Resolution.

---

Fiscal Impact

Attachments

Res 2980

---

**RESOLUTION NO. 2980**

**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.

<b><u>ITEM DESCRIPTION</u></b>	<b><u>QTY</u></b>	<b><u>WORKS?</u></b>	<b><u>SERIAL #</u></b>	<b><u>BRAND</u></b>	<b><u>MODEL</u></b>
<b><u>Civic Center</u></b>					
6x6 Steel Shelf	1	No			
Stainless Cart	1	No			
Office Chairs	5	No			
Magnifying Projector	1	Yes			
Commercial Warmer					
Box	1	Yes			
Projector Screen	1	No			
Commercial Floor					
Scrubber	1	No		Chariot	Iscrub
Commercial Floor					
Scrubber	1	No		Chariot	Z
Commercial					
Crockpots	3	No			
Residential Crockpots	4	Yes			
<b><u>Human Resource</u></b>					
Office Chairs	4	Yes			

**IT Dept**

Fax Machine	1	Unknown	U60995B4J124267	Brother	MFC-8220
Color Toner	5			Dell	5130cdn
Imaging Cartridge	3			Dell	5130cdn
Copier Toner	10			Xerox	Various Colors
Drum Cartridge	1			Xerox	VersaLink
Printer-Color	1	Unknown	7HB465505	Xerox	C400
DLP Front Projector	1	Unknown	3H6C1S1	Dell	S500wi
DLP Front Projector	1	Unknown	5C9SF22	Dell	S500wi
DLP Front Projector	1	Unknown	5D9SF22	Dell	S500wi
DLP Front Projector	1	Unknown	6D9SF22	Dell	S500wi
DLP Front Projector	1	Unknown	BC9SF22	Dell	S500wi
DLP Front Projector	1	Unknown	F66M1S1	Dell	S500wi
DLP Front Projector	1	Unknown	J69SF22	Dell	S500wi
DLP Front Projector Remote	1	Unknown	10024122	Dell	TSKB-IR02
DLP Front Projector Remote	1	Unknown	20018919	Dell	TSKB-IR02
DLP Front Projector Remote	1	Unknown	30019057	Dell	TSKB-IR02
DLP Front Projector Remote	1	Unknown	40005605	Dell	TSKB-IR02
DLP Front Projector Remote	1	Unknown	40005779	Dell	TSKB-IR02
DLP Front Projector Remote	1	Unknown	40006539	Dell	TSKB-IR02
DLP Interactive Projector Pens (2) and Charging Station	1	Unknown		Dell	AirWrite II
DLP Interactive Projector Pens (2) and Charging Station	1	Unknown		Dell	AirWrite II
EZ-Bridge-LT Brackets&Accessories	1			Tycon Systems	
EZ-Bridge-LT Point-to-Point Bridge	1	Unknown	13020091	Tycon Systems	EZBR-0519
EZ-Bridge-LT Point-to-Point Bridge	1	Unknown	13020100	Tycon Systems	EZBR-0519
EZ-Bridge-LT Point-to-Point Bridge	1	Unknown	13130107	Tycon Systems	EZBR-0519
EZ-Bridge-LT Point-to-Point Bridge	1	Unknown	13130108	Tycon Systems	EZBR-0519
EZ-Bridge-LT Point-to-Point Bridge	1	Unknown	13130109	Tycon Systems	EZBR-0519
HD Digital Video Recorder&Mouse	1	Unknown	180630020		AD-5004CH
HotSpot	1	Unknown	09611333944	Sierra Wireless	AirCard 250U



HotSpot	1	Unknown	09612030575	Sierra Wireless	AirCard 250U
HotSpot	1	Unknown	09613319328	Sierra Wireless	
HotSpot	1	Unknown	09613379112	Sierra Wireless	
HotSpot	1	Unknown	089267098100066435	Netgear	AirCard 771S
HotSpot	1	Unknown	089890432401114422	Sierra Wireless	AirCard 803S
HotSpot	1	Unknown	QLI7046720	Franklin Wireless	FRKR910KIT
HotSpot Pocket WiFi	1	Unknown	320266883332	ZTE	ZTE MF975S
LIFEBOOK	1	No	Q1Z02166	Fujitsu	T731
LIFEBOOK	1	No	Q1Z02169	Fujitsu	T731
LIFEBOOK	1	No	Q1Z02178	Fujitsu	T731
LIFEBOOK	1	No	Q1Z02179	Fujitsu	T731
LIFEBOOK	1	No	Q1Z02181	Fujitsu	T731
LIFEBOOK	1	No	Q1Z02250	Fujitsu	T731
Monitor	1	No	CN-00KTG0-72872-15I-AD4M	Dell	E2210f
Monitor	1	No	CN-0D3073-74445-922-FDUL CN-0F4WW6-74261-4AA- 1PUU	Dell	1908FPt E2214Hb
Monitor	1	No	CN-0FP816-46633-76I-4W0L	Dell	1708FPb
Monitor	1	No	CN-0G433H-74445-97O- CWYL	Dell	2009Wt
Monitor	1	No	CN-0G433H-74445-97O-DS6L CN-0GFXN4-74445-2CC- C9LL	Dell	2009Wt P2312Ht
Monitor	1	No	CN-0MM226-73731-7B3-71RS	Dell	E198WFPv
Monitor	1	No	CN-0VXV49-72872-21G-J58L	Dell	E2311Hf
Monitor	1	No	8GLKY01TW-094TKJ-12800- 1936	Dell	P2010Ht Latitude PP01S
Laptop 12"Screen	1	No	1YK7GZ1	Dell	Optiplex 7010
PC-SmallFormFactor	1	No	1ZF3Z23	Dell	Optiplex 5070
PC-SmallFormFactor	1	No	1ZG0Z23	Dell	Optiplex 5070
PC-SmallFormFactor	1	No	1ZG2Z23	Dell	Optiplex 5070
PC-SmallFormFactor	1	No	2G9T282	Dell	Optiplex 7020
PC-SmallFormFactor	1	No	31GSDZ1	Dell	Optiplex 7010
PC-SmallFormFactor	1	No	42F60R1	Dell	Optiplex 790
PC-SmallFormFactor	1	No	42F70R1	Dell	Optiplex 790
PC-SmallFormFactor	1	No	46L0YM2	Dell	Optiplex 7050
PC-SmallFormFactor	1	No	46L2YM2	Dell	Optiplex 7050
PC-SmallFormFactor	1	No	4RP7GZ1	Dell	Optiplex 7010
PC-SmallFormFactor	1	No	6MMXTQ2	Dell	Optiplex 7050
PC-SmallFormFactor	1	No	6MNWTQ2	Dell	Optiplex 7050
PC-SmallFormFactor	1	No	6NSKRP2	Dell	Optiplex 7010
PC-SmallFormFactor	1	No	6SB0022	Dell	Optiplex 7010
PC-SmallFormFactor	1	No	6SBVZ12	Dell	Optiplex 7010

PC-SmallFormFactor	1	No	6SBZZ12	Dell	Optiplex 7010
PC-SmallFormFactor	1	No	6SCWZ12	Dell	Optiplex 7010
PC-SmallFormFactor	1	No	6SCXZ12	Dell	Optiplex 7010
PC-SmallFormFactor	1	No	6SD0022	Dell	Optiplex 7010
PC-SmallFormFactor	1	No	6SD1022	Dell	Optiplex 7010
PC-SmallFormFactor	1	No	7KCZBD1	Dell	Optiplex 745
PC-SmallFormFactor	1	No	8QPGQ22	Dell	Optiplex 7010
PC-SmallFormFactor	1	No	8QQ8Q22	Dell	Optiplex 7010
PC-SmallFormFactor	1	No	8QQBQ22	Dell	Optiplex 7010
PC-SmallFormFactor	1	No	8QQFQ22	Dell	Optiplex 7010
PC-SmallFormFactor	1	No	9119DV2	Dell	Optiplex 7060
PC-SmallFormFactor	1	No	BJTP052	Dell	Optiplex 7020
PC-SmallFormFactor	1	No	BTTP052	Dell	Optiplex 7020
PC-SmallFormFactor	1	No	CP3QXG2	Dell	Optiplex 7040
PC-SmallFormFactor	1	No	CP4PXG2	Dell	Optiplex 7040
PC-SmallFormFactor	1	No	H3TXN22	Dell	Optiplex 7010
PC-SmallFormFactor	1	No	HJG2FB2	Dell	Optiplex 7020
PC-SmallFormFactor	1	No	JD09842	Dell	Optiplex 7010
PC-SmallFormFactor	1	No	JKQR0T2	Dell	Optiplex 7060
PC-SmallFormFactor	1	No	JKQTOT2	Dell	Optiplex 7060
PC-SmallFormFactor	1	No	JKQW0T2	Dell	Optiplex 7060
PC-SmallFormFactor	1	No	JKRW0T2	Dell	Optiplex 7060
PC-SmallFormFactor	1	No	JKSK0T2	Dell	Optiplex 7060
VoiceSwitch					
ShoreGear SG-30	1	Unknown	S30F13102E8C5C	Shoretel	ST001
Wireless Microphone					
Diversity Receiver					SM58, T4N,
Charger	1	Unknown	0821000152	SHURE	PS20
Wireless Microphone					
Diversity Received					SM58, T4N,
Charger	1	Unknown	0821000154	SHURE	PS20
Large White Boards					
(4'x8')	2				
Medium White					
Boards (4'x6')	3				
<b><u>PW-Waterplant</u></b>					
Air Compressor 30					
gallon	1	Yes			
Towel Dispenser	6	Yes		Georgia Pacific	BlueUltra
Stir Plate	1	No		Fisher Scientific	
Fluoride Analyzer	1	Yes		Hach	CA610
TOC Analyzer	1	Unknown		Sievers	M5310
C12 Analyzer	1	Yes		Hach	CL17SC
Spectrophotometer	1	Unknown		Hach	DR2800
Spectrophotometer	1	No		Hach	DREL2800

Case				
Backup Battery	1	No	Ferrups	FE series
<b><u>Revenue</u></b>				
Office Chair	1	Yes		
Bill Counter Machine	1	Yes	Magner	MAGII 20TM
Red Adjustable Chair	1	Yes		
Black Adjust. Chair	1	Yes		
Chair Mats	2	Yes		

**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 \_\_\_\_\_, 2024.

CITY OF MUSKOGEE,  
A municipal corporation,

\_\_\_\_\_  
W. PATRICK CALE, MAYOR

ATTEST

\_\_\_\_\_  
TAMMY L. TRACY, CITY CLERK

APPROVED as to form and legality this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
KATRINA BODENHAMER, CITY ATTORNEY

**Meeting Date:** 04/22/2024  
**Initiator:** Mark Wilkerson, Parks Director  
**Department:** Parks & Recreation  
**Staff Information Source:**

**Information**

**AGENDA ITEM TITLE:**

Consider approval of Resolution No. 2987 declaring the eligibility of the City of Muskogee to submit an application to the Oklahoma Department of Transportation for use of Transportation Alternatives Program Funds set forth by the Infrastructure Investments and Jobs Act ("IIJA") for the N. 12th Street Sidewalk TAPS Grant Project in the City of Muskogee and authorizing the Mayor of the City of Muskogee to sign the application, or take other necessary action. (Mark Wilkerson)

**BACKGROUND:**

This proposed off-street 8-foot wide super sidewalk connects bicyclists and pedestrians across the major thoroughfare, Shawnee Bypass, and to the entrance to a major shopping center to the north for better access to the groceries and other services via N 11th St.

Benefits

- Connects to the existing Centennial Trail
- Provides a dedicated, enhanced facility crossing across Shawnee Bypass
- Provides a key connection from a large neighborhood to major commercial developments

Considerations

- Where right-of-way is constrained in the parkway, shared lane markings can be utilized
- At major road crossings, enhanced marked crosswalks should be used
- Four locations are marked on the project map as requiring extra design attention
- Existing drainage along both the east and west side of N 11th St will need to be maintained with the addition of a proposed at-grade sidewalk

The engineer has updated the engineer's estimate to reflect increases in contingency and inflation allowances. The current estimated cost of construction for the project will be \$1,140,800 of which the city would be responsible for 20% or approximately \$230,000.

**RECOMMENDED ACTION:**

Approve Resolution

**Fiscal Impact**

**FUNDING SOURCE:**

If awarded ODOT-TAP will provide 80% or \$912,640 towards the total estimated cost of \$1,140,800. The City of Muskogee would be responsible for 20% or \$228,160.

**Attachments**

N 12th Str TAP  
cost estimate  
resolution 2987

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## BICYCLE PROJECT SUMMARY SHEETS

# 1. N 12TH ST / N 11TH ST from MLK St to N 6th St

### PROJECT DESCRIPTION

This proposed off-street 8-foot wide super sidewalk connects bicyclists and pedestrians across the major thoroughfare, Shawnee Bypass, and to the entrance to a major shopping center to the north for better access to the groceries and other services via N 11th St.

### COST ESTIMATE

**\$ 997,500**

*See reverse side for cost breakdown*

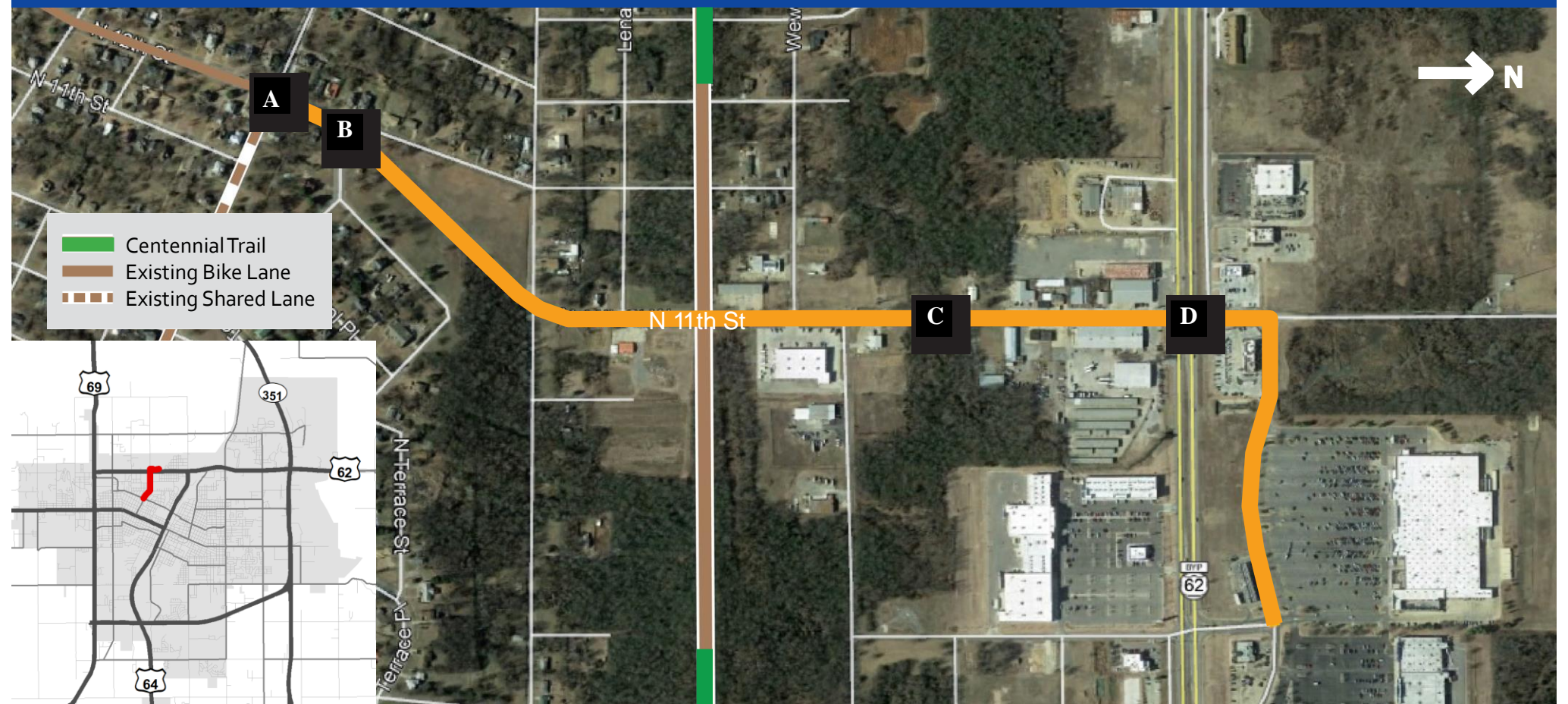
### BENEFITS

- Connects to the existing Centennial Trail
- Provides a dedicated, enhanced facility crossing across Shawnee Bypass
- Provides a key connection from a large neighborhood to major commercial developments

### CONSIDERATIONS

- Where right-of-way is constrained in the parkway, shared lane markings can be utilized
- At major road crossings, enhanced marked crosswalks should be used (*see reverse side for design notes*)
- Four locations are marked on the project map as requiring extra design attention (*see reverse side for full notes and details*)
- Existing drainage along both the east and west side of N 11th St will need to be maintained with the addition of a proposed at-grade sidewalk (*see item C on reverse side*)

### PROJECT MAP & CROSS SECTIONS



### Proposed Cross Section



- 8-foot super sidewalk on the west and north side of the roadway
- Where right-of-way is limited, vehicular travel lanes can become shared use lanes throughout for bicycle traffic (see photo)
- Enhanced intersection crossings, roadway crossings, and alternate sidewalk design are likely needed along the corridor. The map above shows critical intersections and design considerations along the project limits (*marked as A-D on the map, see reverse side for design notes*)



# BICYCLE PROJECT SUMMARY SHEETS

## 1. N 12TH ST / N 11TH ST from MLK St to N 6th St

### DESIGN NOTES

#### MARKED CROSSWALKS & RRFBs

Marked crosswalks are designated locations where pedestrians can cross a roadway. These facilities are generally installed at intersections. Motorized vehicles are expected to yield to pedestrians when they are using a crosswalk. Connections between sidewalks and crosswalks at intersections frequently create changes in grade, which must be addressed using ADA-compliant curb ramps. Standard marked crosswalks should be delineated with high-visibility pavement paint using a white striped pattern. Continental markings or ladder pattern shown in the images are preferred over standard parallel or dashed markings, as they are more visible to all roadway users. Rectangular rapid flashing beacons (RRFBs) may also be used to further enhance mid-block pedestrian crossings.



The new super sidewalk will need to tie-in to the existing sidewalk along W Martin Luther King St to provide users with maximum mobility benefits. The image above provides an example of how the super sidewalk could continue north from the existing sidewalk on the northwest corner of the intersection.



This section of the roadway is where N 11th St separates from N 12th St, creating a fork in the roadway. The alignment for this facility needs to cross over 12th St at this point as it continues north along N 11th St. To achieve this, a dedicated crossing with an RRFB with Accessible Pedestrian Signal (APS) push buttons could be installed as shown.



This area of the project limits would need to accommodate existing drainage patterns on both sides of the road, requiring drainage mitigation measures. To prevent further issues the proposed super sidewalk can be built at-grade with the roadway and include concrete barriers to provide a physical separation from vehicles.



Shawnee Bypass is a major crossing for trail users, and should be a priority during the implementation of this project. The central median of Shawnee Bypass can be used as a pedestrian refuge island to help break up the 100-foot wide crossing to be able to accommodate a two stage pedestrian crossing. Additionally, a pedestrian signal should be installed and timed to give users a leading interval including an Accessible Pedestrian Signal (APS) push button at all approaches.

### COST ESTIMATE DETAILS

Kimley-Horn and Associates, Inc. Opinion of Probable Construction Cost

Client: City of Muskogee Date: 6/9/2021  
 Project: Connect Muskogee - Mobility Plan Prepared By: AJS  
 Checked By: DAS

Project: Bicycle Facility - 1. N 12th St / N 11th St From MLK St to N 6th St

Item	Item Description	Quantity	Unit	Unit Price	Cost
<b>DEMOLITION AND MOBILIZATION</b>					
	CLEARING AND GRUBBING (4%) (PAVEMENT PREPARATION)	1	LS	\$32,000.00	\$32,000
	MOBILIZATION (5%)	1	LS	\$40,000.00	\$40,000
	CONSTRUCTION STAKING (1%) (MARKING PLACEMENT)	1	LS	\$8,000.00	\$8,000
	PAVEMENT MARKING REMOVAL - ALLOCATION	200	LF	\$0.50	\$100
	SW PP DOCUMENTATION AND MANAGEMENT	1	LF	\$2,000.00	\$2,000
	INLET BARRIERS	10	EA	\$250.00	\$2,500
	UNCLASSIFIED BACKFILL	1116	CY	\$40.00	\$44,622
<b>PROPOSED IMPROVEMENTS</b>					
	TEMPORARY SILT FENCE	1200	LF	\$3.00	\$3,600
	SOLID SLAB SODDING	1255	SY	\$4.00	\$5,020
	4" CONCRETE SIDEWALK	4715	SY	\$75.00	\$353,600
	REMOVE AND REPLACE DRIVEWAY	18	EA	\$9,000.00	\$162,000
	TRAFFIC STRIPE (MULTI-POLYMER - EPOPLEX LS65) (4-INCH)	14400	LF	\$2.50	\$36,000
	TRAFFIC STRIPE (MULTI-POLYMER - EPOPLEX LS65) (24-INCH)	616	LF	\$14.00	\$8,624
	TRAFFIC STRIPE (MULTI-POLYMER - EPOPLEX LS65) (ARROW S)	11	EA	\$175.00	\$1,925
	TRAFFIC STRIPE (MULTI-POLYMER - EPOPLEX LS65) (WORDS)	2	EA	\$260.00	\$520
	TRAFFIC STRIPE (MULTI-POLYMER - EPOPLEX LS65) (BIKE LANE SYMBOL)	0	EA	\$250.00	\$0
	TRAFFIC STRIPE (MULTI-POLYMER - EPOPLEX LS65) (SHARED LANE SYMBOL)	46	EA	\$250.00	\$11,500
	TRAFFIC STRIPE (MULTI-POLYMER - EPOPLEX LS65) (SHARROW BLACK CONTRAST MARKING)	1840	SF	\$15.00	\$27,600
	RECTANGULAR RAPID FLASHING BEACON - COMPLETE INSTALLATION	1	LS	\$15,000.00	\$15,000
<b>PROPOSED SIGNAGE</b>					
	R4-11 "BICYCLES MAY USE FULL LANE"	22	EA	\$300.00	\$6,600
<b>TRAFFIC</b>					
	AUDIBLE PEDESTRIAN SIGNAL (APS) PUSH BUTTON	10	EA	\$2,000.00	\$20,000
	TEMPORARY TRAFFIC CONTROL	1	LS	\$15,000.00	\$15,000

<b>Basis for Cost Projection:</b>		Subtotal:	\$796,300
<input checked="" type="checkbox"/> No Design Completed		Conting. (% +/-)	20 \$160,800
<input type="checkbox"/> Preliminary Design		Inflation Conting. (%)	5 \$40,400
<input type="checkbox"/> Final Design		<b>Total</b>	<b>\$997,500</b>

This total does not reflect engineering services, technical services, or property acquisition cost. The Engineer has no control over the cost of labor, materials, equipment, or over the Contractor's methods of determining prices or over competitive bidding or market conditions. Opinions of probable costs provided herein are based on the information known to Engineer at this time and represent only the Engineer's judgment as a design professional familiar with the construction industry. The Engineer cannot and does not guarantee that proposals, bids, or actual construction costs will not vary from its opinions of probable costs.

Due to the conceptual nature of the design and cost estimate, a 20% contingency was applied. Likewise, a 5% inflation contingency was applied to account for implementation in future dollars.

Client: City of Muskogee  
 Project: Connect Muskogee - Mobility Plan

Date: 4/10/2024  
 Prepared By: AJS  
 Checked By: LAS

Project: Bicycle Facility - 1. N 12th St / N 11th St From MLK St to N 6th St

Item	Item Description	Quantity	Unit	Unit Price	Cost
<b>DEMOLITION AND MOBILIZATION</b>					
	CLEARING AND GRUBBING (4%) (PAVEMENT PREPARATION)	1	LS	\$32,000.00	\$32,000
	MOBILIZATION (5%)	1	LS	\$40,000.00	\$40,000
	CONSTRUCTION STAKING (1%) (MARKING PLACEMENT)	1	LS	\$8,000.00	\$8,000
	PAVEMENT MARKING REMOVAL - ALLOCATION	200	LF	\$0.50	\$100
	SWPP DOCUMENTATION AND MANAGEMENT	1	LF	\$2,000.00	\$2,000
	INLET BARRIERS	10	EA	\$250.00	\$2,500
	UNCLASSIFIED BACKFILL	1116	CY	\$40.00	\$44,622
<b>PROPOSED IMPROVEMENTS</b>					
	TEMPORARY SILT FENCE	1200	LF	\$3.00	\$3,600
	SOLID SLAB SODDING	1255	SY	\$4.00	\$5,020
	4" CONCRETE SIDEWALK	4715	SY	\$75.00	\$353,600
	REMOVE AND REPLACE DRIVEWAY	18	EA	\$9,000.00	\$162,000
	TRAFFIC STRIPE (MULTI-POLYMER - EPOPLEX LS65) (4-INCH)	14400	LF	\$2.50	\$36,000
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<b>PROPOSED SIGNAGE</b>					
	R4-11 "BICYCLES MAY USE FULL LANE"	22	EA	\$300.00	\$6,600
<b>TRAFFIC</b>					
	AUDIBLE PEDESTRIAN SIGNAL (APS) PUSH BUTTON	10	EA	\$2,000.00	\$20,000
	TEMPORARY TRAFFIC CONTROL	1	LS	\$15,000.00	\$15,000

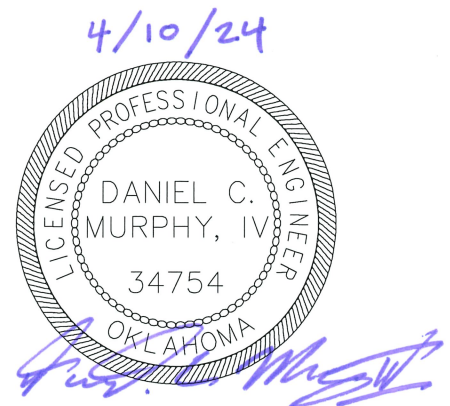
**Basis for Cost Projection:**

- No Design Completed
- Preliminary Design
- Final Design

Subtotal:		\$796,300
Conting. (% , +/-)	25	\$200,600
Inf. Cont. (6%/year)	18	\$143,900
<b>Total</b>		<b>\$1,140,800</b>

**This total does not reflect engineering services, technical services, or property acquisition cost.**

The Engineer has no control over the cost of labor, materials, equipment, or over the Contractor's methods of determining prices or over competitive bidding or market conditions. Opinions of probable costs provided herein are based on the information known to Engineer at this time and represent only the Engineer's judgment as a design professional familiar with the construction industry. The Engineer cannot and does not guarantee that proposals, bids, or actual construction costs will not vary from its opinions of probable costs.





## RESOLUTION NO. 2987

A RESOLUTION DECLARING THE ELIGIBILITY OF THE CITY OF MUSKOGEE TO SUBMIT AN APPLICATION TO THE OKLAHOMA DEPARTMENT OF TRANSPORTATION FOR USE OF TRANSPORTATION ALTERNATIVES PROGRAM FUNDS SET FORTH BY IJA FOR THE NORTH 12TH STREET SIDEWALK TAPS GRANT PROJECT IN THE CITY OF MUSKOGEE AND AUTHORIZING THE MAYOR OF THE CITY OF MUSKOGEE TO SIGN THIS APPLICATION.

**WHEREAS**, the City of Muskogee, Oklahoma, is submitting an application to the Oklahoma Department of Transportation for transportation alternatives program funds in the amount of \$912,640 set forth by MAP-21 and as outlined in ODOT's transportation alternatives program guidance & application packet for 2017 and 2018; and

**WHEREAS**, the City of Muskogee, Oklahoma, is participating as an eligible project sponsor in the Oklahoma Department of Transportation's transportation alternatives program set forth by IJA; and

**WHEREAS**, federal monies are available under a transportation alternatives program set forth by IJA, administered by the state of Oklahoma, Department of Transportation, for the purpose of creating and promoting the planning and development of active transportation facilities and programs in Oklahoma; and

**WHEREAS**, the City of Muskogee, Oklahoma, acknowledges availability of the required local match of no less than 20%; and,

**WHEREAS**, after appropriate public input and due consideration, the City Council of the City of Muskogee, Oklahoma, has recommended that an application be submitted to the state of Oklahoma for the North 12<sup>th</sup> Street Sidewalk TAPS Grant project.

**Now, therefore, be it resolved by the City Council of the City of Muskogee, Oklahoma:**

Section 1. That the City of Muskogee, Oklahoma is hereby authorized to submit an application to the Oklahoma Department of Transportation for transportation alternatives program funds set forth by IJA on behalf of the citizens of the City of Muskogee, Oklahoma.

Section 2. That the City of Muskogee, Oklahoma, hereby assures the Oklahoma Department of Transportation that sufficient funding for the North 12<sup>th</sup> Street Sidewalk TAPS Grant project is available.

Section 3. That the City of Muskogee, Oklahoma, hereby assures the Oklahoma Department of Transportation that sufficient funding for the operation and maintenance of the North 12<sup>th</sup> Street Sidewalk TAPS Grant project will be available for the life of the project.

Section 4. That the City of Muskogee, Oklahoma, hereby assures the Oklahoma Department of Transportation that City of Muskogee, Oklahoma, will have title or permanent easement to the North 12<sup>th</sup> Street Sidewalk TAPS Grant project by the time of project letting, if necessary.

Section 5. That the Mayor of the City of Muskogee, Oklahoma, is authorized to sign the application to the Oklahoma Department of Transportation for transportation alternatives program funds set forth by IJA on behalf of the citizens of City of Muskogee, Oklahoma. The Mayor is also authorized to submit additional information as may be required and act as the official representative of the City of Muskogee in this and subsequent related activities.

Adopted and passed by the governing body of the City of Muskogee, Oklahoma, this \_\_\_\_ day of \_\_\_\_\_, 2024.

**CITY OF MUSKOGEE, OKLAHOMA**

\_\_\_\_\_  
PATRICK CALE, MAYOR  
CHIEF PROJECT SPONSOR ON BEHALF OF CITY

ATTEST:

\_\_\_\_\_  
TAMMY L. TRACY, CITY CLERK

Approved as to form and legality this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
KATRINA BODENHAMER, CITY ATTORNEY

**Regular City Council**

**15.**

Meeting Date: 04/22/2024  
Submitted For: Mike Miller, City Manager  
Initiator: Judy Villalobos, Executive Assistant  
Department: City Manager  
Staff Information Source:

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Information

AGENDA ITEM TITLE:

Consider approval of the nomination of Councilor Derrick Reed to serve as Deputy Mayor, or take other necessary action. (Mayor Patrick Cale)

BACKGROUND:

Due to the recent election, a new Mayor, Patrick Cale, was elected and would like to nominate and appoint current Deputy Mayor/Councilor Derrick Reed to continue his duties as Deputy Mayor. The charter requires each city council to select a Deputy Mayor.

RECOMMENDED ACTION:

Approval.

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Fiscal Impact

Attachments

*No file(s) attached.*

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**Regular City Council**

**16.**

Meeting Date: 04/22/2024  
Submitted For: Dennis Read, Finance  
Initiator: Benita Hotema, Assistant Financial Analyst  
Department: Finance  
Staff Information Source:

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Information

AGENDA ITEM TITLE:

Consider approval of claims for all City departments March 2, 2024 through March 29, 2024, or take other necessary action.

BACKGROUND:

Claims for all City departments.

RECOMMENDED ACTION:

Approve claims March 2, 2024 through March 29, 2024.

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Fiscal Impact

Attachments

Purchasing Claims 4/8/2024

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**CITY OF MUSKOGEE CLAIMS**

<b>CHECK #</b>	<b>VENDOR</b>	<b>AMOUNT</b>	
242266	CINCY PROPERTIES LLC	1,270.59	utility refund
242267	CLARKSON, CHERIE L	34.83	utility refund
242268	CLINT STUBBLEFIELD INSURANCE	111.45	utility refund
242269	COLONY FINE HOMES	86.37	utility refund
242270	CRUZ, JOHN	15.47	utility refund
242271	DANIELS, CURTIS R	34.44	utility refund
242272	DIXON, CHRISTOPHER E	90.00	utility refund
242273	GOAD, CALEB A	36.08	utility refund
242274	HERNANDEZ, MATILDE	44.24	utility refund
242275	IVEY, CORY M	52.11	utility refund
242276	JONES, JACLYN	41.40	utility refund
242277	LASTER, TOM	33.45	utility refund
242278	LEEDS, JACOB KEITH	10.66	utility refund
242279	LYONS, MICHAEL E	33.04	utility refund
242280	MID CONT CONSTRUCTION	35.80	utility refund
242281	MID CONTINENT CONSTRUCTION	27.19	utility refund
242282	REINER, SHIRLEY M	21.71	utility refund
242283	ROTH, MELISSA	21.71	utility refund
242284	SHELBY, CRISTIN MICHELLE	100.00	utility refund
242285	WHEELER, IRVIN	24.52	utility refund
242286	BLUECROSS/BLUE SHIELD OF OK	69,948.56	insurance
242287	BLUECROSS/BLUE SHIELD OF OK	1,328.63	insurance
242288	DELTA DENTAL PLAN OF OKLAHOMA	24,074.16	insurance
242289	DELTA DENTAL PLAN OF OKLAHOMA	1,310.58	insurance
242290	DELTA DENTAL PLAN OF OKLAHOMA	34.04	insurance
242291	THE ZERO CARD, INC.	44,819.65	insurance
242292	ACCURATE LABS & TRAINING CENTE	2,185.00	water testing/lab
242293	ACTION GROUP STAFFING	3,357.54	temp employees
242294	ADT SECURITY SERVICES	489.00	security service
242295	ADVANCE AUTO PARTS 64771111001	859.80	fleet parts
			Waterpark renovation Council
242296	ALLISON LANDSCAPE & POOL LTD	250,492.32	approval 11/27/23
242297	ALLMAX PROFESSIONAL SOLUTIONS	3,780.00	sewer camera software support
242298	ASCEND COMMERCIAL BUILDERS LLC	52,390.69	grandview park contractor
242299	BANNER FIRE EQUIPMENT INC	2,380.72	fire equipment
242300	BCS INSURANCE COMPANY	66,120.87	insurance
242301	THE BECKMAN COMPANY	30.00	misc
242302	DOUGLAS DEAN DIETER	16,875.00	abatement
242303	BEN E. KEITH	840.31	concession
242304	DARLA BENNETT	50.00	sf instructor
242305	VIDA BERRY	458.33	sf instructor
242306	PERLINE BOYATTIA-CRAIG	252.30	allowance
242307	BROWN'S SHOE FIT CO #87	404.95	boot vouchers
242308	C & C SUPPLY AND SERVICE CO.	201.00	misc
242309	CAMPBELL WHOLESALE CO INC	454.18	concession
242310	CARE AROUND THE CLOCK INC	11,314.51	medical services

242311 CHARBONNEAU, BILLY JO	100.00 sf instructor
242312 CHRIS CUMMINGS	603.28 travel/education
242313 CLEARGOV INC.	23,712.18 budget software
242314 CONNECT DME, LLC	1,105.00 medical supplies
242315 DANA SAFETY SUPPLY, INC	147.42 misc
242316 DAVID'S DISCOUNT TIRES INC	226.64 tires
242317 DEALERS ELECTRICAL SUPPLY	1,888.32 electrical supplies/service
242318 DIRECTV LLC	113.67 cable bill
242319 DOBSON FIBER	6,367.27 communications
242320 DRIVE SHAFTS INC	70.07 misc
242321 JERRY EATON SCOTT	540.00 misc
242322 EMPLOYEE NAVIGATOR, LLC	105.00 software
242323 ESRI INC	4,150.00 ARGIS pro software license
242324 EXPRESS EMPLOYMENT PROFESSIONA	3,331.09 temp employees
242325 FASTENAL COMPANY	141.16 misc
242326 FLEETPRIDE INC	107.24 fleet
242327 KARLA D GIBSON	100.00 sf instructor
242328 GKC CONSTRUCTION SERVICES LLC	2,800.00 ballfield dirt
242329 GORDON'S HEATING-AIR CONDITION	263.00 HVAC service
	fire dept garage lift Council approval
242330 GRAY MANUFACTURING COMPANY INC	51,000.00 2/12/24
242331 GREEN COUNTRY BEHAVIORAL HEALT	1,264.25 health services
242332 HACH COMPANY	1,073.34 misc
242333 HARRISON TIRE & SUPPLY	249.00 fleet
242334 SHIRLEY HILTON-FLANARY	75.00 allowance
242335 HOGLE COMPANY	422.50 misc supplies
242336 HOLLOWAY UPDIKE AND BELLEN INC	800.00 misc
242337 TRACY ALAN HOOS II	75.00 allowance
242338 I 40 RACE SERVICE LLC	50.00 misc
242339 IBT INC	148.34 misc
242340 JAMIE HILL	45.00 travel/education
242341 JARED CAPTIAL, LLC	6,400.00 civic center solar panel
242342 JEFF WATKINS	45.00 travel/education
242343 JOHN DEERE FINANCIAL F.S.B.	553.21 boot vouchers
242344 KING TIRES OF MUSKOGEE INC	45.00 fleet
242345 KTFX FM RADIO STATION	200.00 misc
242346 LAKE REGION ELECTRIC COOPERATI	1,450.00 City utilities
242347 KAREN LAUDERDALE	100.00 sf instructor
242348 LAZY J PROPERTIES, ANGELA YOUN	50.00 sf instructor
242349 LEXISNEXIS RISK SOLUTIONS	1,085.00 misc
242350 LOCKE SUPPLY CO	718.43 misc supplies
242351 LOGAN JONES	85.00 employee misc
242352 LOVE BOTTLING CO - #111902	11.04 concession
242353 LOVE BOTTLING CO - #170654	338.40 concession
242354 LOVE BOTTLING CO - #208410	11.04 concession
242355 LOVE BOTTLING CO - #509560	16.56 concession
242356 LOWES	736.39 misc supplies
242357 LUIS GARCIA	740.00 meter refund

242358 MARVIN'S MOWERS AND OUTDOOR LL	646.45 misc supplies
242359 TRACI L. MCGEE	75.00 allowance
242360 MORGAN SERVICES COMPANY LLC	538.92 tow services
242361 MUNICIPALH2O.COM	500.00 misc
242362 MUSKOGEE CHAMBER OF COMMERCE	75.00 misc
242363 MUSKOGEE CITY-COUNTY PORT AUTH	44,833.34 industrial development
242364 MUSKOGEE COMMUNICATIONS, INC.	450.00 communications
242365 MUSKOGEE COUNTY ELECTION BOARD	1,289.09 election expenses
242366 MUSKOGEE COUNTY EMS	720.00 EMS services
242367 MUSKOGEE COUNTY TRANSIT AUTHOR	13,271.51 transportation services
242368 MUSKOGEE DAILY PHOENIX	25.10 ad/subscriptions
242369 MUSKOGEE LOCK & KEY	135.95 misc
242370 NUTRICA AG SOLUTIONS	3,050.00 chemicals/herbicides
242371 OFFICE CONNECTIONS LLC	10.03 office supplies
242372 OFFICE DEPOT	79.99 office supplies
242373 OKIE SAFETY CONSULTING, LLC	4,768.80 inspection plan review
242374 OKLAHOMA EMPLOYMENT SECURITY	300.05 misc
242375 OKLAHOMA NATURAL GAS	4,621.29 City utilities
242376 ONE SOURCE WATER LLC	170.44 misc
242377 OPTIMUM BUSINESS	128.00 misc
242378 OREILLY AUTO PARTS	2,791.21 fleet parts
242379 PATE INDUSTRIAL SUPPLY INC	8.43 misc
242380 PENCCO INC	8,369.90 chemical contractor
242381 PREMIER TRUCK GROUP	1,834.55 fleet parts
242382 PREMIER USA INC.	7,500.60 temp employees
242383 DERRICK REED	179.99 allowance
242384 ALEXANDER FELTS REYNOLDS	75.00 allowance
242385 SHERRY S. RICE	200.00 sf instructor
242386 ROSSON WHEEL SERVICE	85.00 fleet
242387 ALLIED ELECTRONICS	49.20 misc
242388 RURAL WATER DISTRICT #5	21.38 City utilities
242389 SADLER PAPER COMPANY	1,929.25 janitorial/misc supplies
242391 SANDERS NURSERY & DISTRIBUTION	175.00 misc
242392 JENNIFER SARGENT	360.00 teen ctr tutoring
242393 SBA 2012 TC ASSETS	578.81 misc
242394 SCOTT PUCKETT	45.00 travel/education
242395 SPECIAL OPS UNIFORMS	179.99 uniforms
242396 STAUB INVESTMENTS INC. DBA GAL	48.00 misc
242397 STEVE BEAUVAIS	45.00 travel/education
242398 SUNBURST SPRAYING	150.00 misc
242399 SUPERIOR LINEN SERVICE INC	166.80 misc
242400 TARA SHOWS	19.00 travel/education
242401 THYSSENKRUPP ELEVATOR CORP	556.20 elevator service
242402 TLS GROUP, INC	1,852.50 signal maintenance
242403 TOMMY NIX CDJR OF MUSKOGEE, LL	864.00 fleet misc
242404 TRAFFIC & LIGHTING SYSTEMS INC	71,036.27 signal maintenance/improvement
242405 TRANSUNION RISK & ALTERNATIVE	165.00 misc
242406 UNIFIRST HOLDINGS LP	926.41 uniforms

242407 USED OIL SERVICE COMPANY INC	350.00 oil
242408 VISION SERVICE PLAN INSURANCE	5,247.75 insurance
242409 W & W INVESTMENTS-AKERS COLLIS	9,642.54 collision repairs-city vehicles
242410 CINDY WAYMAN	1,470.00 sf instructor
242411 LAURA WICKIZER	125.00 sf instructor
242412 YORK & MAIN EQUITY GROUP INC	15,670.00 sewer repairs
242413 YOUNGMAN ROCK, INC.	1,237.29 road materials contractor
242414 ZOHO CORPORATION	5,302.80 endpoint central software
242415 FIVE STAR DEMOLITION	11,723.00 demo contractor
242416 BLUECROSS/BLUE SHIELD OF OK	153,181.73 insurance
242417 ASCEND COMMERCIAL BUILDERS	2,323.78 utility refund
242418 COOK PROPERTY MANGEMENT, LLC	40.68 utility refund
242419 ELLER, JAMES RYAN	22.40 utility refund
242420 HUDSON HOMES MANAGEMENT, LLC	40.66 utility refund
242421 MADDOX, CHRISTELLA L	58.74 utility refund
242422 SMITH, LYNZI	2.93 utility refund
242423 STEVENSON, BILL J	38.61 utility refund
242424 TOTAL MANAGEMENT	41.37 utility refund
242426 TARA SHOWS	339.92 travel/education
242427 RAYMOND MACKEY AND LINDA MACKE	20,000.00 land purchase by MLK
242428 AC-OWEN CONSTRUCTION, LLC	46,216.18 Swim&Fit Remodel Project
242429 ACCURATE LABS & TRAINING CENTE	395.00 water testing/lab
242430 ACECO RENTAL AND SALES	766.00 misc
242431 ACTION GROUP STAFFING	4,688.68 temp employees
242432 AIRGAS USA LLC	261.49 misc
242433 ALEX PUCKETT	88.00 employee misc
242434 APAC CENTRAL INC	301,760.27 SW Zone mill&overlay
242435 B & R ELECTRIC SERVICE INC	12,000.00 electrical supplies/service
242436 BANK OF OKLAHOMA-WEALTH MANAGE	2,850.00 bond trustee fees
242437 DOUGLAS DEAN DIETER	9,925.00 abatement
242438 BRENNTAG SOUTHWEST INC	13,440.00 chemical contractor
242439 BWI COMPANIES, INC	9,783.09 chemicals for parks grounds
242440 CARE AROUND THE CLOCK INC	16,227.00 medical services
242441 CINCINNATI RADIATOR SERVICE IN	460.00 fleet parts/service
242442 CLEET	12,669.37 monthly cleet
242443 CLIFFORD POWER SYSTEMS INC	1,374.50 generator maintenance/testing
242444 CONNECT DME, LLC	1,766.00 medical supplies
	Chemical Feed Project-Council
242445 COOK CONSULTING LLC	173,329.68 approval 11/28/22
242446 CROWDER AUTO GLASS	240.00 misc
242447 CUMMINS SOUTHERN PLAINS LTD	394.07 misc
242448 DAVID'S DISCOUNT TIRES INC	495.52 tires
242449 DICKMANN GLASS CO	348.17 misc
242450 EAST CENTRAL ELECTRIC	685.92 City utilities
242451 EVANS ENTERPRISES INC	2,340.00 crane&hoist inspections
242452 EVOQUA WATER TECHNOLOGIES LLC	1,078.18 misc
242453 EWING IRRIGATION	1,292.82 chemicals for parks grounds
242454 EXPRESS EMPLOYMENT PROFESSIONA	6,583.48 temp employees



242455 FASTENAL COMPANY	1,881.86 misc
242456 FIRE SERVICE TRAINING	1,600.00 FD training
242457 FIVE STAR OFFICE SUPPLY	480.28 office supplies
242458 FLEETPRIDE INC	92.22 fleet
242459 FROST OIL CO., LLC	20,858.92 fuel
242460 LORNE K. GOOD DBA GOOD CONCRET	3,300.00 concrete for parks
242461 GORDON'S HEATING-AIR CONDITION	2,125.00 HVAC service
242462 GREAT PLAINS CONSULTING	25,940.00 projects contractor
242463 GRIMSLEY'S INC	307.74 misc
242464 HACH COMPANY	1,018.77 misc
242465 HARRISON TIRE & SUPPLY	130.00 fleet
242466 HAWKINS, INC.	31,210.48 water plant chemicals
242467 HAYNES EQUIPMENT COMPANY	418.97 misc
242468 USA BLUEBOOK	324.60 misc
242469 HELENA CHEMICAL COMPANY	7,545.00 chemicals for parks grounds
242470 HOLDEN RATTERREE	45.00 travel/education
242471 HOLLOWAY UPDIKE AND BELLEN INC	7,800.00 HonorHeights spillway/bridge
242472 HOLT TRUCK CENTERS OF OKLAHOMA	259.83 fleet misc
242473 I 40 RACE SERVICE LLC	25.00 misc
242474 IBT INC	30.70 misc
242475 INCOR	2,160.00 contract services
242476 GAS AND SUPPLY	308.00 misc
242477 INTERSTATE ALL BATTERY CTR OF	68.60 fleet misc
242478 INTERSTATE ELECTRIC CORPORATIO	2,076.00 public works misc
242479 IPMA-HR	800.00 misc
242480 J & R EQUIPMENT	191.43 misc
242481 JACK TYLER ENGINEERING INCORPO	304.00 misc
242482 JEREMY ROSS MC PLLC	2,000.00 FD medical director
242483 JESSICA BROWN	45.00 travel/education
242484 JONAS FITNESS, INC C/O CAROL A	799.79 sf software system
242485 KANSAS CITY AEROSPORTS	2,500.00 BalloonFest retainer
242486 KING TIRES OF MUSKOGEE INC	90.00 fleet
242487 KJ PRINTING LLC	299.41 misc
242488 LEXISNEXIS	231.00 misc
242489 THE LIFEGUARD STORE	398.65 misc
242490 LOCKE SUPPLY CO	453.58 misc supplies
242491 LORI PAULSON	1,800.00 baseball concession startup
242492 LORI PAULSON	1,200.00 softball startup
242493 LORI PAULSON	1,200.00 ballfield gate startup
242494 LOVE BOTTLING CO - #111902	21.12 concession
242495 LOWES	987.36 misc parts
242496 MARC MILLER BUICK-GMC, INC.	265.89 fleet misc
242497 MARVIN'S MOWERS AND OUTDOOR LL	23.89 misc supplies
242498 MATLOCK SECURITY SERVICES	90.00 security service
242499 MCINTOSH CORP	1,706.73 plumbing contractor
242500 MEDIC BATTERIES	307.96 misc
242501 MUSKOGEE CITY-COUNTY PORT AUTH	218.08 misc
242502 MUSKOGEE COUNTY CLERK	162.00 filing fees

242503 MUSKOGEE COUNTY SHERIFFS DEPAR	32,292.00 jail bill
242504 MUSKOGEE DAILY PHOENIX	514.23 ad/subscriptions
242505 MUSKOGEE MEDICAL CENTER AUTHOR	12,640.69 note/interest
242506 MUSKOGEE REDI-MIX LLC	8,030.00 concrete contractor
242507 MUSKOGEE YOUTH SERVICES	2,462.72 juv c/s payroll
242508 N. F. P. A.	175.00 misc
242509 NORTHERN SAFETY CO	431.00 misc supplies
242510 OFFICE CONNECTIONS LLC	164.85 office supplies
242511 OFFICE DEPOT	761.60 office supplies
242512 OKLAHOMA FLOODPLAIN MANAGERS A	75.00 misc
242513 OKLAHOMA NATURAL GAS	3,394.57 City utilities
242514 OKLAHOMA TURNPIKE AUTHORITY (O	30.20 toll
242515 ONE SOURCE WATER LLC	78.91 misc
242516 OREILLY AUTO PARTS	2,668.32 fleet parts
242517 OSBI	12,630.74 monthly afis-cleet
242518 OSBI	12,105.69 monthly forensic-cleet
242519 P & K EQUIPMENT	810.23 misc
242520 PATE INDUSTRIAL SUPPLY INC	121.18 misc
242521 PIONEER'S JANITORIAL SVC	345.00 janitorial services
242522 PLANNING DESIGN GROUP	3,350.00 parks architect services
242523 PREMIER TRUCK GROUP	359.69 fleet parts
242524 RACEWAY ELECTRIC, INC	993.12 misc
242525 ROSSON WHEEL SERVICE	85.00 fleet
242526 ROXY THEATER	35,000.00 Roxy Supplement Funding
242527 RUSH TRUCK CENTERS OF OKLAHOMA	1,290.00 fleet misc
242528 SADLER PAPER COMPANY	3,287.26 janitorial/misc supplies
242529 SHANE GRIFFIN	30.00 travel/education
242530 SHERWIN-WILLIAMS	1,160.38 misc supplies
242531 SITEONE LANDSCAPE SUPPLY LLC	128.73 misc
242532 SPECIAL OPS UNIFORMS	984.88 uniforms
242533 STEIDLEY & NEAL, PLLC	2,215.00 litigation expenses
242534 STEWART MARTIN EQUIPMENT	22,949.00 public works utility vehicle
242535 SUPERIOR LINEN SERVICE INC	46.77 misc
242536 TIGER NATURAL GAS INC	5,412.83 City utilities
242537 TLS GROUP, INC	27,823.43 signal maintenance
242538 TRANSCEND ENGAGEMENT LLC	211.44 misc
242539 TWIN CITIES READY MIX INC	518.00 concrete contractor
242540 UNIFIRST HOLDINGS LP	1,091.27 uniforms
242541 UTILITY TECHNOLOGY SERVICES IN	445.00 misc
242542 WARNER TRUE VALUE	1,617.00 misc supplies
242543 WASTE MANAGEMENT OF OKLAHOMA I	20,625.76 landfill
242544 WELDON PARTS - MUSKOGEE	781.30 fleet misc
242545 WEST TERMITE & PEST MGMT. INC.	1,841.49 pest control contractor
242546 MICHAEL G WEST DBA WEST'S TOOL	198.22 misc tools
242547 WHEELER METALS	69.95 misc
242548 YORK STREET TIRE OF MUSKOGEE L	1,627.40 fleet tires/service
242549 YOUNGMAN ROCK, INC.	1,223.69 road materials contractor
242550 B&D WHATLEY PROPERTIES	295.40 utility refund

242551 CUSTOM ELITE PROPERTIES	89.34	utility refund
242552 FOUTCH, WILLIAM B	83.93	utility refund
242553 KRAUSE JR, JOHN A	2,704.13	utility refund
242554 CRAWFORD, KYLA N	27.95	utility refund
242555 SANFORD, BRICE L	86.08	utility refund
242556 THE ZERO CARD, INC.	2,962.87	insurance
242557 BLUECROSS/BLUE SHIELD OF OK	119,946.26	insurance
242564 BANK OF AMERICA	43,275.73	pcards
242565 ARIAS, CESAR	58.05	utility refund
242566 DRS ENTERPRISES, LLC	90.00	utility refund
242567 FARMER, SHEILA E	31.02	utility refund
242568 LITTLE, MICHAEL	36.55	utility refund
242569 MACKEY, JEFERY L	43.45	utility refund
242570 MRE MUSKOGEE HOUSING PARTNERS	37.23	utility refund
242571 NGUYEN, DANNY C	18.26	utility refund
242572 READY MORGAGE	21.71	utility refund
242573 WASHINGTON, STEPHANIE	60.00	utility refund
242574 ACCURATE LABS & TRAINING CENTE	531.00	water testing/lab
242575 ACTION GROUP STAFFING	9,496.62	temp employees
242576 APAC CENTRAL INC	138,439.58	NW zone mill&overlay
242577 AT&T #918 682-2825 211 0	258.40	misc
242578 AUTO FX/FX TECHNOLOGIES	3,840.95	lights/radio Revenue vehicle
242579 B & R ELECTRIC SERVICE INC	1,100.00	electrical supplies/service
242580 BANCFIRST	175,271.86	financial
242581 DOUGLAS DEAN DIETER	4,087.50	abatement
242582 DARLA BENNETT	50.00	sf instructor
242583 BG PRODUCTS INC	1,245.40	fleet parts/service
242584 CHELSEA BROWN	700.00	mental wellness
242585 ERIC BURK	245.00	misc
242586 BWI COMPANIES, INC	1,222.53	chemicals for parks grounds
242587 CDW GOVERNMENT INC	2,873.22	IT parts/service
242588 CHARBONNEAU, BILLY JO	100.00	sf instructor
242589 CINTAS CORPORATION #2	49.51	misc
242590 COMMUNITY CARE EAP	520.70	misc
242591 CONNECT DME, LLC	795.00	medical supplies
242592 CRAWFORD & ASSOCIATES, P.C.	8,640.00	financial
242593 CROSSROADS COMMUNICATIONS LLC	4,750.00	bond communication campaign
242594 DAVID'S DISCOUNT TIRES INC	469.52	tires
242595 DEALERS ELECTRICAL SUPPLY	107.14	electrical supplies/service
242596 DEWBERRY ENGINEERS INC	19,700.00	flood study S 24th
242597 DIGI SECURITY SYSTEMS LLC	583.60	misc
242598 DUSTIN WISDOM	29.46	employee misc
242599 EXPRESS EMPLOYMENT PROFESSIONA	5,249.15	temp employees
242600 FASTENAL COMPANY	630.29	misc
242601 RAVEN FEATHER	320.00	umpire
242602 AVERY LAWN CARE	5,155.00	lawncare
242603 FIVE STAR OFFICE SUPPLY	9.00	office supplies
242604 FREEDOM RESOURCES, INC. DBA	350.00	misc

242605 FRONTIER EQUIPMENT	163.60 misc
242606 KARLA D GIBSON	100.00 sf instructor
242607 OWEN GILLIAM	240.00 umpire
242608 GRAINGER	2,298.76 pw parts/supplies
242609 GREEN COUNTRY BEHAVIORAL HEALT	3,695.83 health services
242610 GREEN COUNTRY TESTING	610.00 misc
242611 GUARD TRONIC INC	686.73 security service
242612 JOEL HALL LANCE	175.00 umpire
242613 WYATT HAMILTON	240.00 umpire
242614 HARRISON TIRE & SUPPLY	225.00 fleet
242615 USA BLUEBOOK	75.15 misc
242616 HOLLOWAY UPDIKE AND BELLEN INC	9,428.00 Hwy69 sewer/water relocation
242617 HOOD & ASSOCIATES, CPAS, PC	37,049.50 audit services
242618 JACE JACKSON	320.00 umpire
242619 JEROD PALMER	745.69 misc
242620 JOE GODDARD ENTERPRISES, LLC	2,350.00 storm siren maintenance
242621 JOHNSON'S SERVICE COMPANY	6,486.42 civic center walk-in repair
242622 KTFX FM RADIO STATION	315.00 misc
242623 KAREN LAUDERDALE	100.00 sf instructor
242624 LAWRENCE THOMPSON	56.50 employee misc
242625 LAZY J PROPERTIES, ANGELA YOUN	50.00 sf instructor
242626 LOCKE SUPPLY CO	363.58 misc supplies
242627 TALON LONGSHORE	285.00 umpire
242628 LOVE BOTTLING CO - #208410	22.08 concession
242629 LOWES	758.40 misc parts
242630 MARC MILLER BUICK-GMC, INC.	403.27 fleet misc
242631 MARTIN LUTHER KING TRUST AUTHO	36,250.00 subsidy 3 of 4
242632 MARVIN'S MOWERS AND OUTDOOR LL	763.68 misc supplies
242633 RODNEY L. MATHEWS	320.00 umpire
242634 MATLOCK SECURITY SERVICES	60.00 security service
242635 MCINTOSH CORP	1,148.71 plumbing contractor
242636 MMSGs	943.63 FD medical supplies
242637 KELLY MURRY	60.00 misc
242638 MUSKOGEE CITY COUNTY 911 TRUST	50,421.93 monthly dispatch fees
242639 MUSKOGEE COUNTY CLERK	20.00 filing fees
242640 MUSKOGEE DAILY PHOENIX	9,021.99 ad/subscriptions
242641 MUSKOGEE LOCK & KEY	29.80 misc
242642 MUSKOGEE MANUFACTURING LLC	313.48 misc
242643 MUSKOGEE REDI-MIX LLC	3,125.00 concrete contractor
242644 NAFECO INC	1,818.98 fire equipment
242645 NORTHERN SAFETY CO	431.00 misc supplies
242646 OFFICE CONNECTIONS LLC	117.13 office supplies
242647 OFFICE DEPOT	234.21 office supplies
242648 OKLAHOMA NATURAL GAS	1,942.08 City utilities
242649 OKLAHOMA UNIFORM BUILDING CODE	232.00 CE fees
242650 OKLAHOMA WATER RESOURCES BOARD	326,030.05 construction principal/interest/admin
242651 OKLAHOMA WATER RESOURCES BOARD	400,120.09 construction principal/interest/admin
242652 ONE SOURCE WATER LLC	130.21 misc

242653 OREILLY AUTO PARTS	1,167.22 fleet parts
242654 PATE INDUSTRIAL SUPPLY INC	410.15 misc
242655 PENCCO INC	8,015.70 chemical contractor
242656 PREMIER TRUCK GROUP	1,363.07 fleet parts
242657 PREMIER USA INC.	452.39 temp employees
242658 PROSEGUR EAS USA, LLC	3,653.00 city hall security
242659 SHERRY S. RICE	125.00 sf instructor
242660 RSM FARM SUPPLY LLC	5.75 misc
242661 SADLER PAPER COMPANY	506.02 janitorial/misc supplies
242662 SHERWIN-WILLIAMS COMPANY	244.95 misc supplies
242663 SMITH & LOVELESS INC	83.40 misc
242664 SUPERIOR LINEN SERVICE INC	326.98 misc
242665 T-MOBILE USA INC.	3,359.40 communications
242666 TAMMY TRACY	297.86 travel/education
242667 TECHNICAL PROGRAMMING SERVICES	6,856.74 bill notices
242668 ADAM THOMPSON	320.00 umpire
242669 CADEN THOMPSON	320.00 umpire
242670 COLBY THOMPSON	320.00 umpire
242671 THREE RIVERS MUSEUM	15,000.00 subsidy
242672 TIGER NATURAL GAS INC	10,842.06 City utilities
242673 TOMMY NIX CDJR OF MUSKOGEE, LL	8.70 fleet misc
242674 TRAFFIC & LIGHTING SYSTEMS INC	300,835.74 signal maintenance/improvement
242675 TULSA TECHNOLOGY CENTER	3,786.00 peace officer certification
242676 TWIN CITIES READY MIX INC	2,541.50 concrete contractor
242677 UNIFIRST FIRST AID CORP	62.49 fleet first aid
242678 UNIFIRST HOLDINGS LP	1,009.38 uniforms
242679 UNIQUE DRY CLEANERS	472.60 fd uniform
242680 W & W INVESTMENTS-AKERS COLLIS	4,375.11 collision repairs-city vehicles
242681 ZELON WALTON	320.00 umpire
242682 WASTE MANAGEMENT OF OKLAHOMA I	52.76 landfill
242683 CINDY WAYMAN	375.00 sf instructor
242684 WELDON PARTS - MUSKOGEE	48.45 fleet misc
242685 WHEELER METALS	52.65 misc
242686 LAURA WICKIZER	150.00 sf instructor
242687 STACY WILLHITE	210.00 umpire
242688 XEROX CORPORATION	3,840.00 printers/equipment service
242689 YOUNGMAN ROCK, INC.	5,944.11 road materials contractor
242690 CAVIN LAND HOLDING, LLC	26.87 utility refund
242691 SCHOONOVER, SHELLY D	55.76 utility refund
242692 BEST FAMILY HOMES	90.00 utility refund
242693 BOLTON, JAN	26.29 utility refund
242694 CLAY ,RENEE A	90.00 utility refund
242695 CUSTOM ELITE PROPERTY	28.09 utility refund
242696 DIAZ SOTO, ULISES	43.39 utility refund
242697 FEICKERT, TOBY	399.09 utility refund
242698 HALL, DOROTHY M	3.83 utility refund
242699 MCGRAW REALTORS	44.24 utility refund
242700 PEARSON, JESSICA RUTH	3.83 utility refund

242701 STOWERS, BROOKLYN MAE	51.14 utility refund
242702 DELTA DENTAL PLAN OF OKLAHOMA	1,266.32 insurance
242703 DELTA DENTAL PLAN OF OKLAHOMA	34.04 insurance
242704 DELTA DENTAL PLAN OF OKLAHOMA	23,995.86 insurance
242705 THE ZERO CARD, INC.	14,825.33 insurance
242706 ABIGAIL WRIGHT	12.00 travel/education
242707 ACCURATE LABS & TRAINING CENTE	1,115.00 water testing/lab
242708 ACTION GROUP STAFFING	6,236.88 temp employees
242709 AED BRANDS LLC	2,178.63 pw aed battery/pads
242710 ASSOCIATED SUPPLY CO INC	44.08 misc
242711 BANNER FIRE EQUIPMENT INC	246.00 fire equipment
242712 DOUGLAS DEAN DIETER	6,187.50 abatement
242713 BROKEN ARROW ELECTRIC	62.02 electrical supplies/service
242714 BROWN'S SHOE FIT CO #87	746.38 boot vouchers
242715 CAGLE'S FLOWERS & GIFTS	65.00 misc
242716 CINCINNATI RADIATOR SERVICE IN	695.00 fleet parts/service
242717 CORE & MAIN LP	35,231.32 hydrants/pipes/fittings
242718 COWAN GROUP ENGINEERING LLC	4,400.00 contractor
242719 DAVID'S DISCOUNT TIRES INC	162.60 tires
242720 DICKMANN GLASS CO	2,841.44 fleet misc
242721 DRIVE SHAFTS INC	545.66 fleet misc
242722 EAST CENTRAL ELECTRIC	35.81 City utilities
242723 EXPRESS EMPLOYMENT PROFESSIONA	14,607.75 temp employees
242724 FASTENAL COMPANY	383.97 misc
242725 AVERY LAWN CARE	2,275.00 lawncare
242726 FIVE STAR DEMOLITION	6,482.00 demo contractor
242727 FRONTIER EQUIPMENT	338.64 misc
242728 FROST OIL CO., LLC	23,565.80 fuel
242729 GRAINGER	91.66 pw parts/supplies
242730 GRAPHIC RESOURCES & REPRODUCTI	7,730.00 publicworks designjet equipment
242731 GREEN COUNTRY BEHAVIORAL HEALT	3,695.83 health services
242732 HAMBY TV & APPLIANCE WAREHOUSE	999.00 animal shelter washer
242733 HAYNES EQUIPMENT COMPANY	602.80 misc
242734 HOLLOWAY UPDIKE AND BELLEN INC	620.00 misc
242735 HOLT TRUCK CENTERS OF OKLAHOMA	1,025.83 fleet misc
242736 HOMELAND STORES INC	48.40 misc
242737 HONOR HEIGHTS VET CLINIC #6530	102.80 misc
242738 HULL, JEFFREY S	285.98 muffler install
242739 IBT INC	1.62 misc
242740 JAMES HODGE FORD-LINCOLN-MERC	91.13 misc
242741 JOHNSON'S SERVICE COMPANY	511.80 misc repair
242742 LOCKE SUPPLY CO	539.92 misc supplies
242743 LOVE BOTTLING CO - #170650	1,697.20 concession
242744 LOVE BOTTLING CO - #170700	1,640.00 concession
242745 LOWES	1,880.03 misc parts
242746 MARVIN'S MOWERS AND OUTDOOR LL	711.88 misc supplies
242747 MASON ENTERPRISE GROUP LLC	3,519.00 sewer plant chiller project
242748 MITCHELL DODD	12.00 travel/education

242749 MUSKOGEE COMMUNICATIONS, INC.	125.00	communications
242750 MUSKOGEE COUNTY CLERK	108.00	filing fees
242751 MUSKOGEE COUNTY ELECTION BOARD	5,448.61	election expenses
242752 MUSKOGEE LOCK & KEY	60.00	misc
242753 MUSKOGEE REDI-MIX LLC	4,950.00	concrete contractor
242754 MUSKOGEE SIGN AND BANNER	210.00	printing service
242755 NORTHERN SAFETY CO	2,584.00	FD rescue harness
242756 OFFICE DEPOT	34.48	office supplies
242757 OKLAHOMA DEPT OF LABOR	8,625.00	boilers inspections
242758 OKLAHOMA NATURAL GAS	1,942.10	City utilities
242759 OKLAHOMA TURNPIKE AUTHORITY (O	3.30	toll
242760 OPTIMUM BUSINESS	32.00	misc
242762 OREILLY AUTO PARTS	3,184.60	fleet parts
242763 OTA-PLATEPLAY	14.00	toll
242764 P & K EQUIPMENT	313.72	misc
242765 PATE INDUSTRIAL SUPPLY INC	19.36	misc
242766 PICTOMETRY INTERNATIONAL CORP	2,200.00	IT-pictometry connect
242767 PIED PIPER SERVICES	325.00	pest services
242768 PORTCITY BODYSHOP INC DBA SAFE	85.00	fleet parts/service
242769 POSITIVE PROMOTIONS INC	655.41	misc
242770 PROFORMA	536.10	misc
242771 RUSH TRUCK CENTERS OF OKLAHOMA	350.00	fleet misc
242772 SADLER PAPER COMPANY	174.75	janitorial/misc supplies
242773 SANDERS NURSERY & DISTRIBUTION	67.00	misc
242774 STEWART MARTIN EQUIPMENT	90.37	misc
242775 SUDDENLINK	660.00	IT-internet service
242776 TENDER TOUCH AUTO WASH INC	704.00	fleet misc
242778 TOMMY NIX AUTO GROUP, LLC	1,084.04	fleet parts
242779 TRACY CLEMONS	55.00	travel/education
242780 TWIN CITIES READY MIX INC	604.00	concrete contractor
242781 UNIFIRST HOLDINGS LP	1,159.03	uniforms
242782 UNION PACIFIC RAILROAD COMPANY	2,000.00	lease rent
242783 WARREN CAT	165.86	fleet misc
242784 WASTE MANAGEMENT OF OKLAHOMA I	22,393.50	landfill
242785 YORK STREET TIRE OF MUSKOGEE L	5,327.60	fleet tires/service
242786 GARY GARVIN D	1,920.00	contractor
242787 JUSTIN O'NEAL	7,750.00	contractor
242788 RETAIL ATTRACTIONS LLC	4,000.00	retail development consultant
242789 THREE RIVERS MUSEUM	15,000.00	capital expenditures 23-24
242790 HARP, JENNIFER K	44.72	utility refund

**Regular City Council**

17.

Meeting Date: 04/22/2024

Submitted For: Mike Stewart, Public Works Initiator: Kristal Keim, PW Office Admin II

Department: Public Works

Staff Information Source:

Information

AGENDA ITEM TITLE:

Consider approval to accept a grant from ODEQ in the amount of \$30,000 for reimbursement of funds expended on the Household Hazardous Waste Collection Event and authorize the City Manager to negotiate and execute an agreement of an Interagency Contract between the Oklahoma Department of Environmental Quality (ODEQ) and the City of Muskogee, for the reimbursement of a Household Hazardous waste event in FY2024. (Mike Stewart)

BACKGROUND:

City Staff applied for and received a Grant from the Oklahoma Department of Environmental Quality to reimburse the cost of a household hazardous waste collection event by the end of June 2024. The maximum value for the Grant is \$30,000.

Household Hazardous Waste Collection Events are events provided for the residents of the City of Muskogee to assist the citizens to clean up their properties and therefore clean up the City. The event is similar to the Azalea Cleanup, but the City will accept hazardous waste such as paints, oils, and other chemicals that should not be collected with regular municipal waste. This is a great event for the City, which comes at a cost, such as wages, equipment, and ultimately, a disposal contact which has historically been approved at Council. Therefore, the City is pleased to have the opportunity for a reimbursement of \$30,000.

RECOMMENDED ACTION:

Consider approval.

Fiscal Impact

FUNDING SOURCE:

504-6010-430.39-90

Currently, \$39,109.30 in budget for the next Household Hazardous Waste Event

Attachments

Grant



# REIMBURSEMENT CONTRACT

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This Contract made for the reimbursement of the collection of HHW, Ewastes, pharmaceuticals, medical sharps, tires, Alkaline, lithium, and NiCad batteries, and fluorescent bulbs, for purposes of administering the Oklahoma Solid Waste Management Act. by and between the State of Oklahoma, ex.rel. The Department of Environmental Quality hereinafter referred to as "Department" and/or DEQ and City of Muskogee hereinafter referred to as "Contractor". In consideration of the provisions set forth herein; the parties mutually agree to the following provisions and any Addenda attached hereto and incorporated herein; Therefore, in consideration of the foregoing and the mutual Contracts set forth, Contractor and Department agree as follows:

## **I. STATUTORY AUTHORITY AND EFFECTIVE DATES OF CONTRACT**

- i. This contract is authorized pursuant to and in accordance with the provisions of Title 74 O.S. §581 and/or Title 74 O.S. §1001 through §1008; and 27A O.S. § 1-3-101 and 27A O.S. § 2-10-202, 27A O.S. §§ 2-3-201, 2-3-202 and 27A O.S. § 2-10-802(C);
- ii. DEQ hereby agrees to grant the Contractor funding for reimbursement of expenses related to completion of the project as agreed by both parties, as further described by the scope of work and budget in Attachment A.
- iii. In consideration of Contractor's completion of the work described, DEQ shall reimburse Contractor for eligible costs not otherwise reimbursed by another funding source. The maximum value of this Agreement shall not exceed \$30,000; however, DEQ must be billed for exact cost of the allowable services under this agreement; no overage will be paid.

The Contract shall be in effect for the period from the date the contract is signed by both parties, or the day an executed Purchase Order has been issued, whichever is later through June 30, 2024.

## **II. REQUIREMENTS FOR DEQ FUNDS:**

- i. If equipment purchases are included as part of the project scope it shall be listed along with the work description of the project on Attachment A.
- ii. Records shall be maintained and accounts, including property, personnel and financial records that properly document and account for all contract funds in conformance with Generally Accepted Accounting Principles (GAAP), which can be found here if needed: <https://asc.fasb.org/>. Effective control and accountability is maintained for all funds, property and other assets.
- iii. Equipment means tangible, non-expendable, personal property having useful life of more than one (1) year and an acquisition cost of \$5,000 or more per unit.
- iv. Contractor is responsible for properly maintaining equipment and for obtaining all necessary permits associated with use.
- v. Contractor certifies that equipment proposed for administering this Contract is not already on hand and is required for the operation of the Contract. Equipment acquired with DEQ funds must be used in the program or project for which it was acquired.

- vi. Contractor must maintain records of property acquired with DEQ funds from the date of acquisition through final disposition. A control system must be developed to ensure adequate safeguards against loss, damage, or theft, adequate property records must be maintained, and a physical inventory must be completed at least once every two years.
- vii. Contractor may use, manage, and dispose of equipment purchased in accordance with State laws and procedures. Equipment purchased with DEQ funds may not be offered as collateral in any transactions or sold within three (3) years from the date of purchase unless otherwise agreed by DEQ.
- viii. In consideration of the mutual covenants, Contracts, terms, conditions and provisions hereof, the Parties agree as follows:

### III. COMPLIANCE

- i. Contractor agrees to possess and demonstrate compliance with all licenses, certifications, and permits that are required to lawfully perform the duties under this contract, including but not limited to Department Certification. Loss of required certification, permit, or license by the Contractor shall automatically terminate this contract.
- ii. DEQ reserves the right to request copies of licensure at any time and Contractor agrees to provide proof of licensure.
- iii. The products and services supplied under the Contract shall comply with all applicable Federal, State, and local laws, including any regulations and rules promulgated by any governmental authorities which are applicable to the Contract.
- iv. Observance of and compliance with these requirements shall be the sole responsibility of Contractor, without reliance on or direction by Department.
- v. The Contract agrees to comply with the State of Oklahoma Contractor Registration Requirements. Requirements and Registration is available at:  
[https://www.ok.gov/DCS/Central\\_Purchasing/Contractor\\_Registration/index.html](https://www.ok.gov/DCS/Central_Purchasing/Contractor_Registration/index.html)
- vi. The Contractor certifies that it and all proposed subcontractors, whether known or unknown at the time this contract is executed or awarded, are in compliance with 25 O.S. §1313 and participate in the Status Verification System. The Status Verification System is defined in 25 O.S. §1312 and includes but is not limited to the free Employee Verification Program (E-Verify) available at <https://www.uscis.gov/e-verify>.
- vii. Termination of Contract shall be based on:
  - a. TERMINATION FOR CAUSE: The Contractor may terminate the Contract for default or other just cause with a 30-day written request and upon written approval from the Central Purchasing Division. The State may terminate the Contract for default or any other just cause upon a 30-day written notification to the Contractor. The State may terminate the Contract immediately, without a 30-day written notice to the Contractor, when violations are found to be an impediment to the function of an agency and detrimental to its cause, when conditions preclude the 30-day notice, or when the State Purchasing Director determines that an administrative error occurred prior to Contract performance. If the Contract is terminated, the State shall be liable only for payment for products and/or services delivered and accepted.

- b. **TERMINATION FOR CONVENIENCE:** The State may terminate the Contract, in whole or in part, for convenience if the State Purchasing Director determines that termination is in the State's best interest. The State Purchasing Director shall terminate the Contract by delivering to the Contractor a Notice of Termination for Convenience specifying the terms and effective date of Contract termination. The Contract termination date shall be a minimum of 60 days from the date the Notice of Termination for Convenience is issued by the State Purchasing Director. If the Contract is terminated, the State shall be liable only for products and/or services delivered and accepted, and for costs and expenses (exclusive of profit) reasonably incurred prior to the date upon which the Notice of Termination for Convenience was received by the Contractor.

#### **IV. COMPENSATION AND APPROPRIATIONS**

- i. **COMPENSATION:** In consideration of the faithful performance by the Contractor of the services identified in the Statement of Work and in conformity with the administrative procedures set forth herein, the Department agrees to compensate Contractor an amount not to exceed thirty thousand Dollars | \$30,000 unless amended in writing and approved by Contractor and Department. Compensation may be less than that requested in Contractor's application.
- ii. **INVOICES AND PAYMENTS** Invoices shall be submitted monthly along with monthly progress reports. Upon submission of an accurate and proper invoice, the invoice shall be paid in arrears after products have been delivered or services provided and in accordance with applicable law. Invoices shall contain the purchase order number, a description of the products delivered, or services provided, and the dates of such delivery or provision of services. An invoice is considered proper if sent to the proper recipient and goods or services have been received. State Acquisitions are exempt from sales taxes and federal excise taxes. Pursuant to 74 O.S. §85.44(B), invoices will be paid in arrears after products have been delivered or services provided. Payment terms will be net 45. Interest on late payments made by the State of Oklahoma is governed by 62 O.S. § 34.72. Additional terms which provide discounts for earlier payment may be evaluated when making an award. Any such additional terms shall be no less than ten (10) days increasing in five (5) day increments up to thirty (30) days. The date from which the discount time is calculated shall be the date of a proper invoice.
- iii. **TAX EXEMPTION:** State agency acquisitions are exempt from sales taxes and federal excise taxes. Contractors shall not include these taxes in price quotes.
- iv. **APPROPRIATIONS:** The terms of any Contract resulting from any Purchase Order issued for multiple years under the Contract are contingent upon sufficient appropriations being made by the Legislature or other appropriate government entity. Notwithstanding any language to the contrary in the solicitation, purchase order, or any other Contract document, the procuring agency may terminate its obligations under the Contract if sufficient appropriations are not made by the Legislature or other appropriate governing entity to pay amounts due for multiple year Contracts. The Requesting (procuring) Agency's decisions as to whether sufficient appropriations are available shall be accepted by the contractor and shall be final and binding This contract is made subject to the availability of State and/or Federal funds and if such funds become unavailable during the term of this contract, then this Contract may be immediately reduced or terminated by the Department.

#### **V. GENERAL PROVISIONS**

- i. **PROVISIONS BINDING:** The provisions of this Contract shall be binding on and ensure to the benefit of the Department and the Contractor and their respective successors and permitted assigns.
- ii. **ASSIGNMENT AND SUBCONTRACTING:** This Contract may not be assigned without written approval from the Department. If approved, the assignment is subject to the terms of this contract or grantor agency; and, if the source of funding is federal, subcontractor is also subject to sub-recipient terms and conditions of that funding. The Contractor shall not engage in any subcontract to provide the services herein without prior written approval of the Department. If approved, the Contractor shall be liable for any act of the subcontractor, including any act that constitutes a breach of this contract. An approved subcontractor shall be subject to the terms of this contract or grantor agency. Any subcontracts shall be terminated if a conflict of interest arises between the subcontractor and the Department.
- iii. **FORCE MAJEURE:** Performance may be suspended by either party in case of an Act of God, war, riots, fire, explosion, strike, injunction, inability to obtain fuel, labor, or transportation, accident, national defense requirement, or any cause beyond the control of such party, which prevents the performance of such party. In the event of any of the aforementioned circumstance, Contractor shall be obligated to provide for and Department to pay for only such services as are actually rendered.
- iv. **AFFIRMATION OF STATE EMPLOYMENT:** Contractor, by execution of this Contract, acknowledges and affirms that he/she (1) is not a current employee of the Department, an agency of the State of Oklahoma and (2) has not been an employee of the Department, an agency of the State of Oklahoma within the twelve (12) months next preceding the effective date of this Contract.
- v. **INDEPENDENT CONTRACTOR:** In the performance of all services rendered under this Contract, Contractor shall act solely as an independent contractor and nothing herein shall at any time be construed so as to create the relationship of employer and employee, partnership, principal and agent, or joint venture between the parties, and accordingly shall not be eligible for rights or benefits accruing to state employees.
- vi. **AUDIT AND RECORDS CLAUSE:** As used in this clause, records include books, documents, accounting procedures and practices, and other data, regardless of type and regardless of whether such items are in written form, in the form of computer data or in any other form. In accepting any contract with the State, the contractor agrees any pertinent State or Federal agency will have the right to examine and audit all records relevant to the execution of the resultant contract. The contractor is required to retain all records and supporting documentation relative to this contract for the duration of the contract term and a period of seven years following completion and/or termination of the contract. If an audit, litigation, or other action involving such records is started before the end of the seven-year period, the records are required to be maintained for seven years from the date that all issues arising out of the action are resolved or until the end of the seven-year retention period, whichever is later. Contractor agrees the review of all records as they relate to the performance of professional services are to be subject to examination by the Department, the State Auditor and Inspector and the State Purchasing Director.
- vii. **NO GRANT OF AUTHORITY:** Nothing herein shall be construed as conferring upon Contractor the authority to assume or incur any liability or any obligation of any kind, express or implied, in the name of or on behalf of the Department, and Contractor agrees not to assume or incur any such liability or obligation without the prior express written consent of the Department.
- viii. **NO OTHER CONTRACT:** Contractor certifies and warrants that it has entered into no other Contract that would prevent performance of the services agreed to herein on the terms and conditions stated. Contractor further certifies and warrants that no such Contract will be entered into during the pendency of this Contract.

- ix. ENTIRE CONTRACT: This Contract, along with any quotes, the purchase order, change orders if applicable, amendments if applicable, and other attachments or supporting documentation constitutes the entire Contract and understanding between the parties with respect to the matters contained herein and supersedes all other Contracts between and representations by the parties with respect to such matters.
- x. AMENDMENT AND MODIFICATION: No oral statement of any person shall modify or otherwise affect the terms, conditions, or contract stated in the solicitation. All amendments to the solicitation shall be made in writing by the Agency. The Contract is issued under the authority of the State Purchasing Director who signs the Contract. The Contract may be modified only through a written Addendum, signed by the State Purchasing Director and the Contractor. Any change to the Contract, including but not limited to the addition of work or materials, the revision of payment terms, or the substitution of work or materials, directed by a person who is not specifically authorized by the Agency in writing, or made unilaterally by the Contractor, is a breach of the Contract. Unless otherwise specified by applicable law or rules, such changes, including unauthorized written Addendums, shall be void and without effect, and the Contractor shall not be entitled to any claim under this Contract based on those changes. No oral statement of any person shall modify or otherwise affect the terms, conditions, or contract stated in the resultant Contract.
- xi. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS: The prospective primary participant and any subcontractor certifies to the best of their knowledge and belief, that they and their principals or participants: A.) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal, State or local department or agency; B.) Have not within a three-year period preceding this proposal been convicted of or pled guilty or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) contract; or for violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; C.) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local); D.) Have not within a three-year period preceding this application/proposal had one or more public (Federal, State, or local) contracts terminated for cause or default.
- xii. NOTICES: Any notice hereunder to be given by either party to the other shall be in writing and shall be effective when received.
- xiii. NO WAIVER: Waiver by the Department of any breach of any provision of this Contract by Contractor shall not operate or be construed as a waiver of any subsequent breach by Contractor.
- xiv. SEVERABILITY: The Contracts and covenants contained herein are severable, and in the event any of them shall be held to be invalid by a court of competent jurisdiction, this Contract shall be interpreted as if such invalid Contracts or covenants were not contained herein.
- xv. CHOICE OF LAW: Any claims, disputes, or litigation relating to the solicitation, or the execution, interpretation, performance, or enforcement of the Contract shall be governed by the laws of the State of Oklahoma.
- xvi. CHOICE OF VENUE: Venue for any action, claim, dispute or litigation relating in any way to the Contract shall be in Oklahoma County, Oklahoma.
- xvii. INDEMNIFICATION: The Contractor shall obtain and retain insurance, including workers' compensation, automobile insurance, medical malpractice if applicable, and general liability insurance of no less than \$1,000,000.00 to adequately compensate persons for injury to their person or property occasioned by an act of

negligence by the Contractor, its agents, employees or the like. Contractor may not cancel or transfer the policy without giving the State thirty (30) days written notice prior to the cancellation or transfer. The Contractor shall timely renew the policies to be carried pursuant to this section throughout the term of the contract and provide the State with evidence of such insurance and renewals upon request. Notice of Self Insurance can also constitute policies and shall be provided for proof at the beginning of any renewal. Contractor shall be entirely responsible during the existence of the Contract for the liability and payment of taxes payable by or assessed to Contractor or its employees, agents and subcontractors of whatever kind, in connection with the Contract. Contractor further agrees to comply with all state and federal laws applicable to any such persons, including laws regarding wages, taxes, insurance, and Workers' Compensation. Neither Customer nor the State shall be liable to the Contractor, its employees, agents, or others for the payment of taxes or the provision of unemployment insurance and/or Workers' Compensation or any benefit available to a State or Customer employee. The Policy Certificate Holder shall be listed as State of Oklahoma Department of Environmental Quality 707 N. Robinson | Post Office Box 1677 Oklahoma City, Oklahoma 73101-1677 on all insurance certificates.

- xviii. DELIVERY: F.O.B. DESTINATION: Delivery, Inspection and Acceptance: Unless otherwise specified in the contract documents, all deliveries shall be F.O.B. Destination. The Contractor(s) awarded the Contract shall prepay all packaging, handling, shipping and delivery charges and firm prices quoted in the bid shall include all such charges. All products and/or services to be delivered pursuant to the Contract shall be subject to final inspection and acceptance by the State at destination. "Destination" shall mean delivered to the receiving dock or other point specified in the purchase order. The State assumes no responsibility for goods until accepted by the State at the receiving point in good condition. Title and risk of loss or damage to all items shall be the responsibility of the Contractor until accepted by the receiving agency. The Contractor(s) awarded the Contract shall be responsible for filing, processing, and collecting any and all damage claims accruing prior to acceptance. Contractor(s) awarded the Contract shall be required to deliver products and services as bid on or before the required date. Deviations, substitutions or changes in products and services shall not be made unless expressly authorized in writing by the Agency.
- xix. COMPLIANCE WITH THE OKLAHOMA TAXPAYER AND CITIZEN PROTECTION ACT OF 2007: The Contractor certifies that they, and any proposed subcontractors, are in compliance with 25 O.S. 1313 and participate in the Status Verification System. The Status Verification System is defined in 25 O.S. §1312 and includes but is not limited to the free Employment Verification Program (E-Verify) through the Department of Homeland Security and available at [www.dhs.gov/E-Verify](http://www.dhs.gov/E-Verify).
- xx. COMPLIANCE WITH APPLICABLE LAWS: The products and services supplied under the Contract shall comply with all applicable Federal, State, and local laws, and the Contractor shall maintain all applicable licenses and permit requirements.
- xxi. MONITORING AND FINANCIAL COMPLIANCE REVIEW: DEQ, through any authorized representative, has the authority, at reasonable times, to inspect, investigate or otherwise evaluate the services performed under this Contract and financial transactions related thereto. Such inspections, investigations or evaluations may be conducted on the premises where the services are being performed. If any inspection, investigation or evaluation is conducted by DEQ, Contractor shall provide all reasonable assistance necessary. All inspections, investigations or evaluations shall be performed in such manner as will not unduly interfere with the Contractor's performance of the services. DEQ shall have access to and the authority to examine and copy all records related to this Contract and the services to be provided under it at any time during the period such records are required to be maintained or retained by the Contractor. DEQ will not impose an unreasonable administrative burden on Contractor. Contractor shall establish and maintain confidential files or otherwise make such files available at the service delivery site for all program personnel and service recipients.

- xxii. **UNALLOWABLE COSTS:** In the event any audit, audit resolution, review, monitoring, or any other oversight results in the determination that Contractor has expended DEQ funds on unallowable costs on this or any previous Contract, Contractor shall reimburse DEQ in full for all such costs on demand. DEQ may, at its sole discretion, deduct and withhold such amounts from subsequent payments to be made to the Contractor under this or other contracts.
- xxiii. **APPEAL:** In the event any audit resolution, review, monitoring, or oversight results in the determination that DEQ has overpaid the Contractor for this or any previous Contract, Contractor has a right to file a written appeal to the DEQ Executive Director. DEQ will consider the appeal before final action or reimbursement is sought by DEQ. Payments under the Contract will continue while the appeal is pending unless the Contract is otherwise terminated.
- xxiv. **Proper Invoice:** An invoice is considered proper if sent to the proper recipient and goods or services have been received. Contractor shall invoice DEQ monthly for the costs specified within the contract and/or purchase orders. The proper recipient of invoices is DEQ Accounts Payable. Invoices shall be sent to: Oklahoma Department of Environmental Quality Attention: Accounts Payable P.O. Box 1677 Oklahoma City, Oklahoma 73101-1677 or [mailto: AccountsPayable@deq.ok.gov](mailto:AccountsPayable@deq.ok.gov) . Failure to comply may result in late payments. Invoices shall contain the purchase order number, a description of the products delivered or services provided, the dates of such delivery or provision of services, and the Contractor's Federal Employer Identification number.
- xxv. **Unauthorized Obligation:** At no time during the performance of this contract shall the vendor have the authority to obligate DEQ for payment of any goods or services over and above the awarded contract. If the need arises for goods or services over and above the awarded contract for this project, vendor shall cease the project and contact the DEQ contract administrator for approval prior to proceeding. All work performed without an Executed Notice to Proceed and Purchase Order is an Unauthorized Obligation in which the agency will not be liable for.

In witness whereof, this Contract, consisting of twenty (20) pages has been executed and delivered effective as of the date first above written.

Electronic Signature page will replace this page if applicable.

**City of Muskogee  
Muskogee, OK 74402  
PO Box 1927**

**State of Oklahoma  
Oklahoma Department of  
Environmental Quality  
707 N. Robinson, P.O. Box 1677, Oklahoma  
City, Oklahoma, 73101-1677**

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Signature of Authorized Representative

Mike Miller

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Printed Name of Authorized Representative

City Manager

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Title of Authorized Representative

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Signature of Authorized Representative

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Printed Name of Authorized Representative

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Title of Authorized Representative



**Attachment A: Application**

Community Based Environmental Protection Projects  
Oklahoma Department of Environmental Quality  
Request to Enter Contract for Reimbursement  
**Collection Event Grant Application FY24**

The Oklahoma Department of Environmental Quality (DEQ) has the jurisdictional area of environmental responsibility over the prevention, control and abatement of pollution caused by solid waste which presents a threat to human health or the environment, under provisions of 27A O.S. § 1-3-101 and 27A O.S. § 2-10-202; and

The Executive Director of DEQ is authorized under the provisions of 27A O.S. §§ 2-3-201 and 2-3-202 to enter into contracts for the purpose of carrying out any of the purposes, objectives or provisions of the Environmental Quality Code, Title 27A of the Oklahoma Statutes, for which DEQ has jurisdiction.

DEQ is authorized under the provisions of 27A O.S. § 2-10-802(C) to expend funds and enter into contracts with units of local government and political subdivisions of this State for purposes of administering the Oklahoma Solid Waste Management Act.

DEQ does not reimburse for buildings, vehicles, laptops, or drones.

**Grant money is not guaranteed. Funding is limited. DEQ's ability to fund requests to local governments is entirely dependent on the amount of money available to DEQ to issue grants.**

**Basic Information:**

- Grants are provided on a reimbursement basis.
- **Grantees must enter into a formal Agreement with DEQ as vendors. Until a fully executed Agreement and Purchase Order are issued, no funds are available. Funds spent prior to a formal Agreement and Purchase Order are not reimbursable.**
- All awarded funding must be spent in the fiscal year granted.
- Agreements expire June 30, 2024.
- Final invoices are due by August 31, 2024. Invoices submitted after August 2024 may not be reimbursed.

**Process for Receiving Funds**

1. Submit application.
2. DEQ reviews application. Discussion between DEQ and applicant may occur at this time. Applicant sends revised Scope of Work and Budget to DEQ, if necessary.
3. DEQ writes formal Agreement and sends through state's procurement process for approval.
4. DEQ sends applicant formal Agreement to sign and return, electronically.
5. DEQ signs, then sends an electronic copy of fully executed Agreement and Purchase Order to applicant.
6. Applicant may now begin to spend funds intended for reimbursement. **Funds spent prior to a fully executed Agreement and Purchase Order (between steps 1-5) are not reimbursable.**
7. Applicant sends invoices and monthly reports to DEQ.
8. DEQ Reimburses invoices within 45 days.

For more information and application deadlines, visit the DEQ website at <https://www.deq.ok.gov/land-protection-division/waste-management/solid-waste/funding-opportunities-for-community-based-environmental-protection-projects/>.

**Application Submittal Instructions**

Return by email to [SWGrants@deq.ok.gov](mailto:SWGrants@deq.ok.gov) with the subject line, "[Organization] FY24 [grant type] Grant Application DEQ"  
e.g., Oklahoma County FY24 Equipment Grant Application DEQ

Or send a hard copy to:

Oklahoma Department of Environmental Quality

Attn: Libby McCaskill, Land Protection Division

P.O. Box 1677

Oklahoma City, OK 73101-1677

Phone: 405-702-5100

Fax: 405-702-5101

**Collection Event Grant**

Collection event grants are for hosting the collection of household hazardous waste (HHW) and typically also include the collection of electronic waste (e-waste), tires, unwanted residential pharmaceuticals, and used medical sharps. These grants are typically provided for one, or a series of, discrete collection events.

- The contractor shall use an R2 or e-Steward certified electronics recycler. Contractor shall utilize vendors that are compliant with DEQ rules.
  - [Find a Recycler - e-Stewards](#)
  - [Find An R2 Certified Facility - SERI - Sustainable Electronics Recycling International](#)
  - Often, HHW collection services partner with a certified electronic recycler
- The contractor shall coordinate with the Oklahoma Bureau of Narcotics for coordination on pharmaceuticals.
  - Beau Ratke: (918) 446-1616: [BRatke@Obn.ok.gov](mailto:BRatke@Obn.ok.gov)
- Used tires may be collected for recycling for free using DEQ's Tire Program.
  - Kole Kennedy: (405) 702-5177: [Kole.Kennedy@deq.ok.gov](mailto:Kole.Kennedy@deq.ok.gov)
- The contractor shall ensure medical sharps are safely collected and properly disposed. This can be done through coordination with the HHW collection vendor and a regulated medical waste disposal facility. Sharps collection may also be arranged directly through appropriate vendors. For a list of sharps disposal vendors that service Oklahoma, see Figure 5 on page 22 of the Oklahoma Meds and Sharps Disposal Committee's (OMSDC) "Building a Municipal Program for Home-Generated Medical Sharps" guide. You can find the guide on the OMSDC website: [Safe Disposal of Pharmaceuticals and Medical Sharps in Oklahoma \(productstewardship.us\)](http://productstewardship.us)
- After each collection event, the contractor shall provide an invoice including a description of the event, photos, and the types and amounts of waste collected.

Collection Event Grant Application FY24

The following information must be provided before a contract for reimbursement will be considered. Scoring will be based on the following categories: types of materials being collected, environmental improvement, feasibility, collaboration, scope of work, budget, quality of proposal, and past performance, if applicable. This form has been prepared to be applicable to a wide range of projects and as a result some of the questions may not seem directly applicable to what you propose. Please answer the questions to the best of your ability based on the information you have.

Date March 21, 2024

1. Name of entity that reimbursements will be issued to:

City of Muskogee

2. Dollar amount being requested: 30,000

3. Contact information

<b>Name/Title:</b>	Abigail Wright, Environmental Technician
<b>Phone Number:</b>	918-684-6239
<b>Email Address:</b>	<a href="mailto:awright@muskogeeonline.org">awright@muskogeeonline.org</a>

4. Signatory Authority with legal authority to sign contract with DEQ:

<b>Name/Title:</b>	Mike Miller, City Manager
<b>Phone Number:</b>	918-682-6602
<b>Email Address:</b>	<a href="mailto:mmiller@muskogeeonline.org">mmiller@muskogeeonline.org</a>

5. Addresses

<b>The contract will be sent here for signature (name and email):</b>	Mike Miller <a href="mailto:mmiller@muskogeeonline.org">mmiller@muskogeeonline.org</a>
<b>Reimbursements will go to this mailing address:</b>	PO Box 1927 Muskogee, OK 74402

6. Project Description. Answer each question in its answer box to the right.

**Environmental Improvement**

Question	Answer
<p><b>a. What type of solid waste will be collected: HHW, electronic waste, medical pharmaceuticals, medical sharps, and/or tires?</b></p>	<p><b>Household Hazardous wastes, electronic wastes, medical pharmaceuticals, medical sharps, tires, Alkaline batteries, lithium batteries NiCad batteries, fluorescent light bulbs, CFL, flammable liquids.</b></p>
<p><b>b. When do you anticipate holding the event(s)? Please provide an estimated time of year, or specific date.</b></p>	<p><b>The city of Muskogee will hold the events on June 8 2024. Muskogee holds these type of events in June and October every year.</b></p>
<p><b>c. Who will be served by the program: municipalities, counties, region, population estimate?</b></p>	<p><b>We put a water bill insert into the water bills to advertise for the event. We also put up signs for the event around the city at intersections for people to see.</b></p>
<p><b>d. Will your project contain an educational component? Please Describe. To make more efficient use of limited dollars, DEQ will prioritize applications that propose an educational aspect.</b></p>	<p><b>No. other than educating citizens that they can dispose of hazardous waste properly at our event.</b></p>

**Cost**

Question	Answer
<p><b>e. What is the total cost of this program?</b></p>	<p><b>Approximately 30,000 is spent on each HHW event. This does not include city personnel who work at the event.</b></p>
<p><b>f. Are you partnering with anyone else to implement this program? To make more efficient use of limited dollars DEQ will prioritize applications that propose partnerships and collaboration.</b></p>	<p><b>We Partner with Waste Management who holds free dump days for regular household trash on the same day as our HHW events. We also Partner with Muskogee Police department who collects Pharmaceuticals and sharps from residents at our event.</b></p>
<p><b>g. Have you received a previous grant from the DEQ? If yes, what years, what dollar amount of funding was provided, and how much of that funding did you spend?</b></p>	<p><b>Yes, we received a collection grant in 2021 for \$30,000 and we spent around 36,312.30 on the event. We also received an equipment reimbursement grant for \$39,072 for FY 24 that is in the process of being used. .</b></p>

**Scope of Work & Budget**

Question	Answer
<p><b>m. Detailed scope</b></p>	<p><b>The City of Muskogee partners with Clean earth to collect household hazardous wastes and electronics. We also use ODEQ’s Tire Recycling program. Our Police department collects pharmaceuticals and sharps for proper disposal. Please see attached invoice for the cost of the last event and Manifest of what HHW was accepted.</b></p>

**Additional Information**

Question	Answer
<p><b>n. Is there any other information that you would like to share?</b></p>	<p><b>Thank you for your consideration.</b></p>

REIMBURSEMENT CONTRACT

Reference Number:

Fiscal Year:



**INVOICE #** 76403942793  
**INVOICE DATE** 10/31/2023  
**CUSTOMER ID #** 712143 **AX#** **TERMS NET 30**

**PLEASE REMIT TO**  
 29338 Network Pl. Chicago, IL 60673-1293  
 p. (866) 303-7344  
 e. CleanEarth-ESOLAR@harsco.com

**ATTN.:** Samantha Henderson  
 CITY OF MUSKOGEE, OK  
 PO BOX 1927  
 MUSKOGEE, OK 74402-1927

**SITE ADDRESS:**  
 CITY OF MUSKOGEE  
 1503 S CHEROKEE ST  
 MUSKOGEE, OK 74403-

**ORDER 5370437** City of Muskogee

10/14/2023

Equipment & Accessories :

FORKLIFT PER DAY 1.00 @ 500.000 / D \$500.00

Labor Charges :

MOBILIZATION/DEMOBILIZATION, STRAIGHT TIME 1.00 @ 4500.000 / R \$4,500.00

LABOR 1.00 @ 4500.000 / R \$4,500.00

10/14/2023 Doc No. 604164-23 Manifest 017510081FLE Waste Receipt AVA-9803U

1	2300007533-00 - AEROSOLS	418.00 @ 1.600 / P	\$668.80
4	2300007659-00 - FLAMMABLES, BULKED	520.00 @ 0.450 / P	\$234.00
5	2300007668-00 - OIL BASED PAINT, LOOSEPACKED	1,716.00 @ 1.150 / P	\$1,973.40
6	2300007550-00 - FLAMMABLE SOLIDS, LOOSEPACKED	1,355.00 @ 1.350 / P	\$1,829.25
7	2300007631-00 - INORGANIC OXIDIZER SOLIDS, LOOSEPACKED	4.00 @ 7.000 / P	\$28.00
10	2300007650-00 - HYDROGEN PEROXIDE SOLUTIONS, LOOSEPACKED	50.00 @ 7.000 / P	\$350.00
11	2300007602-00 - PESTICIDES LIQUIDS, LOOSEPACKED	1,065.00 @ 1.700 / P	\$1,810.50
12	2300007614-00 - PESTICIDES SOLIDS, LOOSEPACKED	323.00 @ 1.700 / P	\$549.10
13	2300007542-00 - CORROSIVES - ACIDIC LOOSEPACKED	250.00 @ 1.450 / P	\$362.50
14	2300007547-00 - BASIC LIQUIDS, LOOSEPACKED	200.00 @ 1.450 / P	\$290.00
15	2300007645-00 - LIQUID HYPOCHLORITES	100.00 @ 7.000 / P	\$700.00
19	2300007413-00 - ALKALINE BATTERIES	123.00 @ 1.600 / P	\$196.80
19	2300007413-00 - ALKALINE BATTERIES	123.00 @ 1.600 / P	\$196.80
20	2300007408-00 - FLUORESCENT TUBES	50.00 @ 1.850 / P	\$92.50
21	2300007408-00 - FLUORESCENT TUBES	66.00 @ 1.850 / P	\$122.10
21	2300007408-00 - FLUORESCENT TUBES	33.00 @ 1.850 / P	\$61.05
22	2300007531-00 - ELECTRONIC WASTE	3,951.00 @ 0.900 / P	\$3,555.90
23	2300007779-00 - MOTOR OIL	1,824.00 @ 0.400 / P	\$729.60
24	2300007560-00 - LATEX PAINTS, LOOSEPACKED	6,614.00 @ 0.850 / P	\$5,621.90

DIRECT INQUIRES TO: ESOL Customer Experience [Inquiries\\_eso@harsco.com](mailto:Inquiries_eso@harsco.com)



**INVOICE #** 76403942793  
**INVOICE DATE** 10/31/2023  
**CUSTOMER ID #** 712143 **AX#**

**TERMS NET 30**

**PLEASE REMIT TO**  
29338 Network Pl. Chicago, IL 60673-1293  
p. (866) 303-7344  
e. CleanEarth-ESOLAR@harsco.com

**ATTN.:** Samantha Henderson  
CITY OF MUSKOGEE, OK  
PO BOX 1927  
MUSKOGEE, OK 74402-1927

**SITE ADDRESS:**  
CITY OF MUSKOGEE  
1503 S CHEROKEE ST  
MUSKOGEE, OK 74403-

**ORDER 5370437** City of Muskogee

25 2300007531-00 - ELECTRONIC WASTE 2,215.00 @ 0.900 / P \$1,993.50

Hazardous Waste Fees :

EPA E-MANIFEST FEE - City of Muskogee 1.00 @ 25.000 / E \$25.00

**Sub Total** \$30,890.70

**INVOICE TOTAL** \$30,890.70



604164-23  
T# 105# 576114

ERT Provider: Clean Earth

5370437

Please print or type.

Form Approved, OMB No. 2050-0035

UNIFORM HAZARDOUS WASTE MANIFEST

1. Generator ID Number: CESQG

2. Page 1 of 3

3. Emergency Response Phone: (877) 577-2669

4. Manifest Tracking Number: 017510081 FLE

5. Generator's Name and Mailing Address: City of Muskogee, 1503 S. Cherokee, Muskogee OK 74402

6. Generator's Site Address (if different from mailing address): City of Muskogee, 1503 S CHEROKEE ST, MUSKOGEE OK 74403-

7. Generator's Phone: MUSKOGEE OK 74402 (918)684-6340

8. Transporter 1 Company Name: CLEAN EARTH SPECIALTY WASTE SOLUTIONS

9. Transporter 2 Company Name:

10. Designated Facility Name and Site Address: CHEMICAL RECLAMATION SERVICES LLC, 405 Powell Street P.O. Box 69 P.O. BOX 69 50084, AVALON, TX 76623 (469) 459-3981

11. Facility's Phone: TXD046844700

9a. HDL	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group if any)	10. Containers		11. Total Quantity	12. Unit Wt./Vol.	13. Waste Codes	
		No.	Type				
X	1. UN1950 AEROSOLS 2.1	001	CF	418	P	UNIV	801H
X	2. UN1950 AEROSOLS (TOLUENE, ACETONE) 2.1	-	DF	-	P	UNIV	801H
X	3. UN1675 PETROLEUM GASES, LIQUEFIED 2.1	-	GF	-	P	HOUS	801H
X	4. UN1993 FLAMMABLE LIQUIDS, N.O.S. (XYLENE, PETROLEUM DISTILLATES) 3 PGIII	001	DFM	520	P	HOUS	219H

14. Special Handling Instructions and Additional Information: (1) 2300007533-00 - ERG(126) AEROSOLS (2) 2300007280-00 - ERG(126) FOAM AEROSOLS (3) 2300007320-00 - ERG(115) LECTURE-PHONANE CYCLT (4) 2300007659-00 - ERG(128) FLAMMABLES, BULKED

15. GENERATOR/SUPPLIER'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/recorded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. I am the Primary Sponsor. I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.

16. Generator/Officer's Printed Name: Richard Greco

17. Signature: [Signature]

18. International Shipments:  Import to U.S.  Export from U.S. Part of entry/exit: Date leaving U.S. 11/19/23

19. Transporter signature (for exports only):

20. Transporter Acknowledgment of Receipt of Materials: A. Davones

21. Signature: [Signature]

22. Month: 11, Day: 19, Year: 23

23. Discrepancy: 18a. Discrepancy Indication Space:  Quantity  Type  Residue  Partial Rejection  Full Rejection

24. Manifest Reference Number:

25. U.S. EPA ID Number:

26. Facility's Phone:

27. Signature of Alternate Facility (or Generator):

28. Month: 11, Day: 19, Year: 23

29. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems): 1. H111 2. H111 3. H111 4. H061

30. Designated Facility Owner or Operator: Certificate of receipt of hazardous materials covered by the manifest except as noted in 18a. Printed Name: Skinner West

31. Signature: [Signature]

32. Month: 11, Day: 19, Year: 23

EPA Form 87(00)-22 (Rev. 12-17) Previous editions are obsolete.

DESIGNATED FACILITY TO EPA's e-MANIFEST SYSTEM

REIMBURSEMENT CONTRACT

Reference Number:

Fiscal Year:

604164-23

5370437

Please print or type

Form Approved OMB No. 2050-0030

UNIFORM HAZARDOUS WASTE MANIFEST (Continuation Sheet)		21. Generator ID Number CESQG	22. Page of 5	23. Manifest Tracking Number 017510081FLE		
24. Generator's Name City of Muskogee 1503 S. Cherokee, MUSKOGEE OK 74402 (918)684-6340						
25. Transporter Company Name			U.S. EPA ID Number			
26. Transporter Company Name			U.S. EPA ID Number			
27a. HM	27b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Posing Group (if any))	28. Containers		29. Total Quantity	30. Unit Wt./Vol.	31. Waste Codes
		No.	Type			
X	5 UN1265 PAINT 3 P611	002	CF	1716	P	HAUS 209H
X	6 UN1325 FLAMMABLE SOLIDS, ORGANIC, N.O.S. (ADHESIVE, PETROLEUM DISTILLATES) 4.1 P611	002	CF	1355	P	HAUS 409H
X	7 UN1087 OXIDIZING SOLID, TOXIC, N.O.S. (SODIUM NITRATE, POTASSIUM PERMANGANATE) 5.1 (6.1) P611	001	DF	001	P	HAUS 319H
X	8 UN1479 OXIDIZING SOLID, N.O.S. (TRICHLOROISOCYANURIC ACID, POTASSIUM-DICHLORODISOCYANURATE) 5.1 P611	-	DF	-	P	HAUS 407H
X	9 UN1479 OXIDIZING SOLID, N.O.S. (CALCIUM HYPOCHLORITE) 5.1 P611	-	DF	-	P	HAUS 519H
X	10 UN2014 HYDROGEN PEROXIDE, AQUEOUS SOLUTIONS WITH MORE THAN 40% BUT NOT MORE THAN 60% HYDROGEN PEROXIDE 5.1 (8) P611	001	DF	050	P	HAUS 119H
X	11 UN2902 PESTICIDES, LIQUID, TOXIC, N.O.S. (2, 4-D CARBAMATES) 6.1 P611	008	DF	1065	P	HAUS 219H
X	12 UN2988 PESTICIDES, SOLID, TOXIC, N.O.S. (2, 4-D CARBAMATES) 6.1 P611	001	CF	323	P	HAUS 401H
X	13 UN3264 CORROSIVE LIQUID, ACIDIC, INORGANIC, N.O.S. (HYDROCHLORIC ACID, SULFURIC ACID) 8 P611	001	DF	250	P	HAUS 105H
X	14 UN3266 CORROSIVE LIQUID, BASIC, INORGANIC, N.O.S. (POTASSIUM HYDROXIDE, SODIUM HYDROXIDE) 8 P611	001	DF	200	P	HAUS 110H
32. Special Handling Instructions and Additional Information (5) 2300007668-00 - ERG(128) OIL BASED PAINT, L00 (6) 2300007550-00 - ERG(133) FLAMMABLE SOLIDS, L0 (7) 2300007631-00 - ERG(141) INORGANIC OXIDIZER S (8) 2300007637-00 - ERG(140) ORGANIC CHLORINATING (9) 2300007578-00 - ERG(140) ORGANIC CHLORINATING (10) 2300007650-00 - ERG(140) HYDROGEN PEROXIDE SD (11) 2300007602-00 - ERG(151) PESTICIDES LIQUIDS, (12) 2300007614-00 - ERG(151) PESTICIDES SOLIDS, L (13) 2300007542-00 - ERG(154) CORROSIVES						
33. Transporter Acknowledgment of Receipt of Materials Printed/Typed Name: _____ Signature: _____ Month: _____ Day: _____ Year: _____						
34. Transporter Acknowledgment of Receipt of Materials Printed/Typed Name: _____ Signature: _____ Month: _____ Day: _____ Year: _____						
35. Discrepancy						
36. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)						
(6) H001 (7) H141 (8) _____ (9) _____ (10) H141 (11) H141 (12) H141 (13) H141 (14) H141						

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DESIGNATED FACILITY TO EPA's e-MANIFEST SYSTEM

REIMBURSEMENT CONTRACT

Reference Number:

Fiscal Year:

604164-23

5370437

Please print or type.

Form Approved, OMB No. 2050-0039

UNIFORM HAZARDOUS WASTE MANIFEST (Continuation Sheet)		21. Generator ID Number <b>CESQG</b>	22. Page 5 of 5	23. Manifest Tracking Number <b>017510081FLE</b>	
24. Generator's Name <b>City of Muskogee</b> <b>1503 S. Cherokee - MUSKOGEE OK 74402 (918)684-6340</b>					
25. Transporter Company Name				U.S. EPA ID Number	
26. Transporter Company Name				U.S. EPA ID Number	
27a. HM	27b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))	28. Containers No. Type		29. Total Quantity	30. Unit Wt./Vol.
X	15 UN1791 HYPOCHLORITE SOLUTIONS 8 PG11	001	DF	100	P
X	16 UN3506 MERCURY CONTAINED IN MANUFACTURED ARTICLES 8 (6.1) RD(MERCURY-1 LB)		DF		P
X	17 UN2794 BATTERIES, WET, FILLED WITH ACID. (UNIVERSAL WASTE LEAD ACID BATTERIES) 8	/	DF	/	P
X	18 UN3090 LITHIUM METAL BATTERIES (UNIVERSAL WASTE BATTERIES) 9	/	DF	/	P
	19 BATTERIES, DRY, SEALED, N.O.S. (HHW ALKALINE BATTERIES)	002	DF	246	P
	20 UNIVERSAL WASTE, LAMPS (FLUORESCENT BULBS)	001	CF	50	P
	21 UNIVERSAL WASTE, LAMPS (FLUORESCENT BULBS)	003	CF	100	P
	22 NON-RCRA, NON-DOT REGULATED MATERIAL (E-WASTE FOR RECYCLE)	008	CF	3951	P
	23 NON-RCRA, NON-DOT REGULATED MATERIAL (MOTOR OIL)	005	DM	1824	P
	24 NON-RCRA, NON-DOT REGULATED MATERIAL (LATEX PAINT)	008	CF	6614	P
32. Special Handling Instructions and Additional Information CONTAINED IN (15) 2300007645-00 - ERG(154) LIQUID HYPOCHLORITES (16) 2300007465-00 - ERG(172) MERCURY <del>CONTAINED IN (17) 2300007445-00 - ERG(154) UNIVERSAL WASTE - LE (18) 2300007772-00 - ERG(138) LITHIUM METAL BATTER (19)</del> 2300007413-00 - ALKALINE BATTERIES (20) 2300007408-00 - FLUORESCENT TUBES (21) 2300007408-00 - FLUORESCENT TUBES (22) 2300007531-00 - ELECTRONIC WASTE (23) 2300007779-00 - MOTOR OIL (24) 2300007560-00 - LATEX					
33. Transporter Acknowledgment of Receipt of Materials					
Printed/Typed Name		Signature		Month	Day Year
34. Transporter Acknowledgment of Receipt of Materials					
Printed/Typed Name		Signature		Month	Day Year
35. Discrepancy					
36. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)					
(15)	H141	(16)	H141	(17)	H141
(18)	H141	(19)	H141	(20)	H141
(21)	H141	(22)	H141	(23)	H141
(24)	H141	(25)	H141	(26)	H141

EPA Form 8700-22A (Rev. 12-17) Previous editions are obsolete.

DESIGNATED FACILITY TO EPA's e-MANIFEST SYSTEM

REIMBURSEMENT CONTRACT

Reference Number:

Fiscal Year:

Please print or type

Form Approved. OMB No. 2050-0038

UNIFORM HAZARDOUS WASTE MANIFEST (Continuation Sheet)		21. Generator ID Number 877-577-2669	22. Page 4/1	23. Manifest Tracking Number 017510081 FLE					
24. Generator's Name City of Muskogee ISO 3 Cherokee Muskogee OK 74402 918789-6340									
25. Transporter Company Name				U.S. EPA ID Number					
26. Transporter Company Name				U.S. EPA ID Number					
GENERATOR	27a. HM	27b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))		28. Containers		29. Total Quantity	30. Unit Wt./Vol.	31. Waste Codes	
		Now RERA, NOW DOT Regulated Material 25 CE-waste for recycle		No	Type				
32. Special Handling Instructions and Additional Information 25-23 0000 2531									
TRANSPORTER	33. Transporter Acknowledgment of Receipt of Materials								
	Printed/Typed Name				Signature			Month	Day
DESIGNATED FACILITY	34. Transporter Acknowledgment of Receipt of Materials								
	Printed/Typed Name				Signature			Month	Day
35. Discrepancy									
36. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)									

EPA Form 8700-22A (Rev. 12-17) Previous editions are obsolete.

DESIGNATED FACILITY TO EPA's e-MANIFEST SYSTEM

**Regular City Council**

**18.**

**Meeting Date:** 04/22/2024

**Submitted For:** Johnny Teehee, Police

**Initiator:** Chad Farmer,  
Deputy Chief

**Department:** Police

**Staff Information Source:**

---

**Information**

**AGENDA ITEM TITLE:**

Consider approval to accept a grant from the Muskogee Medical Foundation in the amount of \$16,585.46 to be used for equipment and training for the Muskogee Police Department Medical Support Unit, or take other necessary action. (Johnny Teehee)

**BACKGROUND:**

In early 2023 several officers led by Officer Sam Antar, who is also a physician, wanted to create a medical support unit within the police department after they identified a gap in medical care on calls for service. Doctor/Officer Antar noticed that between the time that officers arrived on scene and EMS arriving there could be more that officers could do to save the life of the person having a medical episode.

In July of 2023, they met with the Muskogee Medical Foundation and presented the idea to them and the Foundation granted their request in the amount of \$16,585.46. The check was received a few months later in 2023. MPD has 3 officers that have been to several months of training at Muskogee County EMS and are now certified Emergency Medical Technicians just like those that work on an ambulance. Since early 2023 these officers have been paying for the medical bags and equipment themselves that they carry in their patrol cars.

These officers responded to the Taft shooting and were first on scene to provide life-saving medical care. Another officer applied a chest seal on a 2-year-old child that was playing with a gun and accidentally shot himself. The ER physician said that if our officer had not done that, then the child would have died. On a crash scene, a subject had a partially severed leg and one of our officers was able to apply a tourniquet and stop the blood loss. We have many more examples.

These officers have also been teaching medical classes to other law enforcement agencies, such as the Tulsa County Sheriff's Office.

The medical support unit has a policy in place and will work under the Medical Director, who is over the Fire Department. When the Medical Support Unit is fully staffed we want to put an officer that is at least on EMT on each shift and also train the remainder of the department as Emergency Medical Repsonders which is more in depth than basic first aid.

**RECOMMENDED ACTION:**

Accept the grant from the Muskogee Medical Foundation in the amount of \$16,585.46.

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## **Fiscal Impact**

### **FUNDING SOURCE:**

This is a grant and there will not be any matching funds required.

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## **Attachments**

*No file(s) attached.*

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**Regular City Council**

**19.**

**Meeting Date:** 04/22/2024

**Submitted For:** Robert Swepston, Fleet Management

**Initiator:** Ashley Wallace

**Department:** Fleet Management

**Staff Information Source:**

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**Information**

**AGENDA ITEM TITLE:**

Consider approval of lowest and best bid from SPATCO Energy Solutions, in the amount of \$852,183.21, for New Central Fueling Station Project No. 2023006, or take other necessary action. (Robert Swepston)

**BACKGROUND:**

The Central Fueling Station project was sent for bid January 31, 2024. The scope of work for this project is turnkey construction of a fueling station to include two (2) double wall 20,000-gallon underground storage tanks, four (4) twin one product dispensers with DEF on diesel dispensers with overhead dispenser canopy, and a small steel building to house the electrical equipment at the site. Addendum No. 1 was issued on February 9, 2024, to address STP Sump monitoring, DEF tank size, and electrical sizing for the alternate car wash bid documents. Addendum No. 2 was issued on February 23, 2024, extending the date for the bid opening and timeline for questions. Addendum No. 3 was issued on March 1, 2024, confirming multiple aspects of the project that were listed in the bid documents.

This project is funded as a budgeted item in the capital outlay budget .

**RECOMMENDED ACTION:**

Approve best bid from SPATCO Energy Solutions for the New Central Fueling Station Project No. 2023006 in the amount of \$852,183.21.

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**Fiscal Impact**

**FUNDING SOURCE:**

Capital Outlay account 213-6060-430-64-50

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**Attachments**

Engineer recommendation letter

Bid Tab

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SPATCO Energy Solutions  
7621 Ball Road  
Fort Smith, AR 72908

The City of Muskogee has accepted SPATCO's bid totaling \$852,183.21 for the new fuel system installation. SPATCO's bid was the lowest and best bid provided, covering all parameters requested under the base bid. None of the alternate items were bid by SPATCO. SPATCO stated in their bid that the carwash options would be more financially beneficial for the City of Muskogee to partner directly with a carwash company.

Andrew Tilley  
Project Engineer  
SPATCO Energy Solutions





**Tabulation Sheet**  
City of Muskogee

Bid Item: Fuel Station and Car Wash

Date: 3/13/2024 @ 10:00 a.m.

Department: Project Department

Approved by Project Department:

*Ashley Wallace*

Approved by City Council: \_\_\_\_\_

Vendors	Bid Bond	Total	Alt 1 Underground Piping System	Alt 2 DEF Tank	Alt 3 Self Serve Canopy Car Wash	Alt 4 Self Serve Metal Roof Car Wash	Alt 5.1 Voluntary Alternates
<i>Spatco</i>	<i>X</i>	<i>852,183.21</i>					

Engineer:

*A. Telle*

3/16/2024

• Contractor's Base Bid Proposal Form

We, having examined the site, conditions of work, this Fuel System Installation Scope of Work, the City of Muskogee Fueling System Installation plans and specifications, and being familiar with the code requirements of governmental agencies, submit our quotation to design and perform the work in accordance with the bid request. All quotes include appropriate taxes.

	QUANTITY	BID
A. Mobilization/Demobilization (not over 5% of bid)		\$ 8,200.00
B. Site Preparation		
C. Permits and post build as-built drawing:		\$ 2,400.00
D. Install Contractor-provided diesel and gasoline USTs;		\$ 158,697.00
E. Install Contractor-supplied product piping;		\$ 163,192.50
F. Install new service islands;		\$ 12,898.00
G. Install Contractor-provided dispensers;		\$ 37,351.08
H. Install contractor-supplied dispenser and gasoline sumps;		\$ 76,035.63
I. Install Contractor-provided 2000-gal DEF tank;		\$ 32,861.00
J. Install Contractor-provided ATG system, sensors, and probes. Furnish and install wiring and conduits for the ATG system;		\$ 34,281.00
K. Furnish and install wiring and conduits for the USTs, DEF tank and service islands;		\$ 75,391.00
L. Furnish and install miscellaneous equipment which includes the Keystone Structures building and concrete pad, and canopy LED lighting;		\$ 142,758.00
M. Install protective bollards at dispensers, DEF tank, and FMU kiosk per the drawings;		\$ 14,132.00
N. Furnish and install fuel canopy per the drawings.		\$ 93,978.00
<b>TOTAL BASE BID (including all removal and restoration)</b>		<b>\$ 852,183.21</b>
<b>ESTIMATED TIME TO COMPLETE BASE BID</b>		<b>196 Days</b>

Includes AT

Includes AT

Construction Project Manager Zach Dean

Construction On-Site Manger Zach Dean

**ALTERNATES**

1. If contractor has experience with alternate underground piping systems then contractor is encouraged to provide alternate underground pipe type. Do not include cost in base bid.

**Manufacturer** \_\_\_\_\_

**Pipe Material** \_\_\_\_\_

**Cost \$** \_\_\_\_\_

2. If contractor has experience with alternate DEF tank systems then contractor is encouraged to provide alternate DEF tank type. Do not include cost in base bid.

**Manufacturer** \_\_\_\_\_

**Model** \_\_\_\_\_

**Cost \$** \_\_\_\_\_

3. Furnish and Install self-serve car wash and metal canopy per Appendix E of the drawings. This should include all work associated with installing this system including but not limited to:

- Site Preparation to include the removal of the first 4' of soils under the car wash area and extending out 5 feet. That material is to be stock piled to the south of the subject property. Aggregate base material, such as ODOT Type A Aggregate Base, should be placed below the pavements with maximum lifts of 8" and proof rolled. Backfill to be replaced to approximate current grade (minus concrete thickness). Relevant surface elevations to be provided at award of bid. All materials and methods will meet the recommendations of the geo testing recommendations.
- Furnish and install Car Wash Canopy per drawings (Appendix E of drawings); Canopy to be painted by the manufacturer.
- Install electrical and contractor provided eight (8) LSI CRU-SC-LED-SS-CW-UE-WHT surface mounted light fixtures. Car wash canopy lighting circuit shall be independent of fuel system circuit to allow lighting to remain active at all times.
- Furnish and install trench drain. Trench drain to be Riverside Steel Red-E-Form sized 10" x 50ft OAL, one solid end plate and one end plate with hole for 4" PVC.
- Furnish and install Highland Tank HTC-G 550 Gallon HighGaurd Oil/Water Separator;
  - i. Application: Underground
  - ii. Type: SINGLE WALL
  - iii. Material: Mild Carbon Steel
  - iv. Diameter: 3'6" Length: 10'9"
  - v. Steel Thickness Per UL 58 Standard.
  - vi. Flow Rate: 55 GPM
  - vii. Inlet: 4"FLG 150# RFSO, Outlet: 4" FLG 150# RFSO

- viii. Oil Pump Out Mount: 4" FNPT Level Sensor Mount: 2" FNPT
- ix. Vent Size: 2" FNPT
- x. Exterior Coating: HIGHGUARD
- xi. Includes Sludge Chamber
- xii. Three 18" diameter round manways with 18" high bolt on extension
- xiii. One parallel corrugated plate coalescer
- xiv. Two concrete deadman
- Furnish and install Pressure Services, Inc. pressure wash equipment
  - i. One 32430 Advanced Systems Truck Wash Stand, 4GPM # 3000 PSI, 208/230V-3Ph, 7.5HP, 180,000 BTU NG Fired with dual high pressure stainless steel solenoids
  - ii. Two 30/9003 Stainless steel chemical mix stations (soap, wax)
  - iii. One 30/4009FP 24 VAC Remote Boxes with 8 position rotary dial, adjustable timered shutdown, emergency stop button, and green running light
  - iv. One Advanced Cleaning System SS Wall Mount Hose Reel w/100' High Pressure Hose, 8' jumper hose, swivel weep gun
  - v. One floor mount stainless steel wand holder
  - vi. Five gallon concentrate 11/9140 Fleet Kleen Fleet Wash Detergent
  - vii. Five gallon concentrate 11/9210 Fleet Wash Wax
- Increased keystone building sized from Section 2.12(B). Size to be 8'0" x 8'0". Furnish and install, concrete pad dimensions to be increased to accommodate larger building.
- Pour and finish concrete under car wash canopy and covering OWS. Concrete to be 6" 4000 PSI and #4 rebar @18" O.C.E.W. Concrete under canopy to be graded toward trench drain.
- Trench drain to flow into OWS and then the city sewer line.
- Include obtaining new water service and gas service for the property.
- Cinder block wall to be installed between canopy posts in the north and south directions. Reference drawings in Appendix E for additional information.

Cost \$ NO BID

4. Furnish and Install self-serve car wash and metal building per Appendix E of the drawings. This should include all work associated with installing this system including but not limited to:
- Site Preparation to include the removal of the first 4' of soils under the car wash area and extending out 5 feet. That material is to be stock piled to the south of the subject property. Aggregate base material, such as ODOT Type A Aggregate Base, should be placed below the pavements with maximum lifts of 8" and proof rolled. Backfill

to be replaced to approximate current grade (minus concrete thickness). Relevant surface elevations to be provided at award of bid. All materials and methods will meet the recommendations of the geo testing recommendations.

- Furnish and install Car Wash building with the following specifications:
  - i. Reeds Metals 20x60x16 PEMB
  - ii. Roof slope & Profile 2/12 PBR 26 GA with full cover liner panels.
  - iii. Wall color TBD with full height liner panels
  - iv. Trim color TBD with gutters and downspouts
  - v. Framed openings 2-14x14
  - vi. One 3'x7' walk door
  - vii. 4" roof and wall insulation
  - viii. Stamped drawings to be provided by Reeds metals for building permit after building is purchased
  - ix. Building footers and anchoring methodology to be determined once building drawings are complete. Assume typical footer size for a metal building of this size with typical j-bolt anchor bolting.
- Install electrical and contractor provided sixteen (8) LSI CRU-SC-LED-SS-CW-UE-WHT surface mounted light fixtures. Lighting circuit shall be independent of fuel system circuit to allow lighting to remain active at all times.
- Furnish and install trench drain. Trench drain to be Riverside Steel Red-E-Form sized 10" x 50ft OAL, one solid end plate and one end plate with hole for 4" PVC.
- Furnish and install Highland Tank HTC-G 550 Gallon HighGaurd Oil/Water Separator:
  - i. Application: Underground
  - ii. Type: SINGLE WALL
  - iii. Material: Mild Carbon Steel
  - iv. Diameter: 3'6" Length: 10'9"
  - v. Steel Thickness Per UL 58 Standard.
  - vi. Flow Rate: 55 GPM
  - vii. Inlet: 4"FLG 150# RFSO, Outlet: 4" FLG 150# RFSO
  - viii. Oil Pump Out Mount: 4" FNPT Level Sensor Mount: 2" FNPT
  - ix. Vent Size: 2" FNPT
  - x. Exterior Coating: HIGHGUARD
  - xi. Includes Sludge Chamber
  - xii. Three 18" diameter round manways with 18" high bolt on extension
  - xiii. One parallel corrugated plate coalescar
  - xiv. Two concrete deadman
- Furnish and install Pressure Services, Inc. pressure wash equipment
  - i. One 32430 Advanced Systems Truck Wash Stand, 4GPM # 3000 PSI, 208/230V-3Ph, 7.5HP, 180,000 BTU NG Fired with dual high pressure stainless steel solenoids
  - ii. Two 30/9003 Stainless steel chemical mix stations (soap, wax)

- iii. One 30/4009FP 24 VAC Remote Boxes with 8 position rotary dial, adjustable timered shutdown, emergency stop button, and green running light
- iv. One Advanced Cleaning System SS Wall Mount Hose Reel w/100' High Pressure Hose, 8' jumper hose, swivel weep gun
- v. One floor mount stainless steel wand holder
- vi. Five gallon concentrate 11/9140 Fleet Kleen Fleet Wash Detergent
- vii. Five gallon concentrate 11/9210 Fleet Wash Wax

- Increased keystone building sized from Section 2.12(B). Size to be 8'0" x 8'0". Furnish and install. concrete pad dimensions to be increased to accommodate larger building.
- Pour and finish concrete under car wash canopy and covering OWS. Concrete to be 6" 4000 PSI and #4 rebar @18" O.C.E.W. Concrete under canopy to be graded toward trench drain.
- Trench drain to flow into OWS and then the city sewer line.
- Include obtaining new water service and gas service for the property.
- Furnish, install, and make operations an Advanced radiant systems Model ESH150-S50 Radiant tube heater: 150MBH – 50'-8" heater length.
  - i. CSA Certified with CSA Seal – Complies with ANSI Z83.20/CSA 2.34
  - ii. NaturalGas – 120v./1/60 Power Supply. ½" NPT Inlet Conn.
  - iii. Stainless Steel Totally Enclosed, Sealed Gasket, Burner Box
  - iv. 45degree Angle Mount
  - v. Polished Stainless Steel Reflectors – High Efficient – 100% Reflection
  - vi. Polished Stainless Steel Reflector End Caps
  - vii. 4" OD – Corrosion Resistant Heat Treated Aluminized Steel Combustion Chambers
  - viii. 4" OD – Corrosion Resistant Aluminized Steel Radiant Tubes
  - ix. 4" Aluminized Steel Couplers
  - x. Wire Form Hanger Brackets
  - xi. 36" Stainless Steel Flex Gas Line Connector with Gas Cock/Shut Off
  - xii. 4" Outside Combustion Air and Vent Adapters
  - xiii. Vent and Outside Air Adapter Kits
  - xiv. PECO Watertight (NEMA4x) Wash Bay Thermostats
  - xv. Downstream Turbuator Baffles
  - xvi. Hanger Chain Sets (Chain, Karabiner Clips, Beam Clamps, Eye Bolts)
  - xvii. Warranty: 10 Years on tubes, reflectors & burner cabinet, 3 Years on all components

Cost \$ NO BID

- Unit Rates

ANY UNIT RATE WORK TO BE PERFORMED ONLY AFTER APPROVAL OF WRITTEN CHANGE ORDER BY OWNER. (Unit rates may require separate invoicing)

- Voluntary Alternates

5.1 The Owner is interested in receiving the best value possible in the Construction and completion of this project. For this reason, please also quote any suggestions for substitutions or alternatives that you may feel will improve the cost effectiveness or performance of this construction effort. While selection of the Contractor is primarily based on the base bid amount, the voluntary alternatives will also be taken into consideration in the final selection of the Contractor.

We Believe the carwash options would be more financially beneficial for City of Muskogee to partner directly with a carwash company. SPARCO will be happy to connect the city with a carwash partner.

5.2 The Owner shall have the right to accept voluntary alternates in any order or communicate, which in the Owner's best judgement is in the Owner's best interest.

**ADDENDA:**

- o Bidder Acknowledges receipt of the following Addenda:

Addendum No.	Date
1	2/9/24
2	2/23/24
3	3/1/24

Contractor hereby certifies that the Work will be performed in accordance with Scope of Work, and the City of Muskogee Fueling System Installation plans.

Cliff James Signature 3/5/24 Date

Cliff James Print

SPATCO Energy Solutions Company

7621 Ball Road Address

Fort Smith, AR 72908 City, State, Zip

479-648-1601 Phone

CA 8768 - Professional Engineer & Land Surveyor - SPATCO & Andrew Tilley Fax  
32067 - Personal Certification / Andrew Tilley

Contractor's OK License No:  
002115 - Personal Certification / Zach Dean (Project Lead)

Subscribed and sworn before me 11<sup>th</sup> day of March, 2024.

Amanda Yerby Crawford AR  
Notary Public



State Seal

My Commission Expires on: 10-21-25



**Regular City Council**

Meeting Date: 04/22/2024  
 Submitted For: Dennis Read, Finance  
 Initiator: Benita Hotema, Assistant Financial Analyst  
 Department: Finance  
 Staff Information Source:

Information

AGENDA ITEM TITLE:

Consider approval to award bids for lawn maintenance services for FY2024-2025, tentatively beginning July 1, 2024 through June 30, 2025 for specified city properties, or take other necessary action. (Mark Wilkerson)

BACKGROUND:

It is the intent of the City of Muskogee to engage lawn maintenance services to maintain specified City properties for the length of service to be one (1) year with the option for a 1-year renewal. Service will begin July 1, 2024, through June 30, 2025. Lawn maintenance cycles of all assigned areas shall be completed on a 7-day, weekly schedule tentatively beginning on July 1, 2024. The 7-day cycle will begin on Monday and end on Sunday. Mowing cycles must have a minimum 6-day period between cycles and a maximum of 10 days allowed between cycles. Cycles may be altered due to weather related issues and/or special event usage of the property. A one-time Fall season leaf removal for Muskogee Civic Center will be scheduled accordingly with the Assistant Parks Director for Exposition and Civic Facilities.

Request for Quotes were advertised in the local newspaper and on the City website and communicated to all known vendors. Quotes were received on March 11, 2024 and the recommended vendors are listed as follows per their awarded locations:

Property	Address	Cost per Cutting Cycle	Vendors
River Country Water Park	3600 Arline St.	\$175	Blessed Ground Maintenance
Depot Green & Oklahoma Music Hall of Fame	205 Elgin Ave & 401 S. 3rd St.	\$105	Lawn Stars
Hunts Green Space, City Payment Center, City Hall	307 W Broadway, 113 S. 4th St., 229 W. Okmulgee St.	\$70	Lawn Stars
Elliott Park	820 Altamont St.	\$420	UCG2 LLC dba Anago
Coody Creek Bark Park	1121 S. 2nd St.	\$262	Avery Lawn Care
Fairgrounds	1444 S. Cherokee St.	\$700	CityWide Property Maintenance
Former Tourist Information Center	2000 Block of N 32nd St.	\$40	Muskogee Lawn & Tree Service
Muskogee Civic Center	425 Boston St.	\$225	Avery Lawn Care
Muskogee Fire Department	505 Columbus	\$60	Blessed Ground Maintenance

RECOMMENDED ACTION:

Approval to accept recommended quotes as awarded per property for fiscal year 2025.

Fiscal Impact

Attachments

*No file(s) attached.*



**Regular City Council**

**21.**

**Meeting Date:** 04/22/2024  
**Submitted For:** Mike Miller, City Manager  
**Initiator:** Judy Villalobos, Executive Assistant  
**Department:** City Manager  
**Staff Information Source:**

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**Information**

**AGENDA ITEM TITLE:**

Consider the appointment of Councilor Jaime Stout to the City of Muskogee Foundation Board, to fill the unexpired term of Councilor Alex Reynolds, beginning April 23, 2024, and ending on July 31, 2024, or take other necessary action. (Councilor Tracy Hoos)

**BACKGROUND:**

This appointment is to fill the unexpired term of Councilor Alex Reynolds. This seat must be filled by a City Council representative. Since this is filling an unexpired term, Councilor Stout will be eligible for reappointment.

**RECOMMENDED ACTION:**

Approve the appointment.

---

**Fiscal Impact**

**Attachments**

*No file(s) attached.*

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**Regular City Council**

**22.**

**Meeting Date:** 04/22/2024  
**Submitted For:** Mike Miller, City Manager  
**Initiator:** Judy Villalobos, Executive Assistant  
**Department:** City Manager  
**Staff Information Source:**

---

**Information**

**AGENDA ITEM TITLE:**

Receive report on the appointment of Mayor Patrick Cale to the Economic Development Advisory Board, or take other necessary action. (Mayor Patrick Cale)

**BACKGROUND:**

The City Council passed Amended Ordinance No. 4198-A on February 26, 2024. One provision of that ordinance established the "economic development advisory committee to review housing and retail economic development proposals and incentive requests."

The ordinance designates the Mayor to serve on the committee or to designate another council member to serve on the committee. Mayor Cale has chosen to serve on the committee himself, and this agenda item serves to formalize that role.

This committee includes members of the Urban Renewal Authority, Port Muskogee, and other economic development partners. It further defines the scope of work of the committee to focus on housing and retail projects with specific emphasis on strategic planning, project evaluation, resource allocation, contract review and reporting. The committee would provide recommendations but the City Council retains approval authority for all economic development incentives from the City for these projects; the committee would be subject to open meetings regulations and would discuss confidential matters in executive session.

**RECOMMENDED ACTION:**

approval of appointment.

---

**Fiscal Impact**

**Attachments**

*No file(s) attached.*

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**Regular City Council**

**23.**

**Meeting Date:** 04/22/2024  
**Submitted For:** Mike Miller, City Manager  
**Initiator:** Judy Villalobos, Executive Assistant  
**Department:** City Manager  
**Staff Information Source:**

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**Information**

**AGENDA ITEM TITLE:**

Discuss and consider approval of the appointment of Deputy Mayor Derrick Reed and Councilor Tracy Hoos to the Economic Development Advisory Committee, or take other necessary action. (Mayor Patrick Cale)

**BACKGROUND:**

The City Council passed Amended Ordinance No. 4198-A on February 26, 2024. One provision of that ordinance established the "economic development advisory committee to review housing and retail economic development proposals and incentive requests."

The ordinance designates the Mayor to nominate two (2) Councilors to serve on this committee, which Mayor Cale is currently doing.

This committee includes members of the Urban Renewal Authority, Port Muskogee, and other economic development partners. It further defines the scope of work of the committee to focus on housing and retail projects with specific emphasis on strategic planning, project evaluation, resource allocation, contract review, and reporting. The committee would provide recommendations. However, City Council retains approval authority for all economic development incentives from the City for these projects; the committee would be subject to open meetings regulations and would discuss confidential matters in executive session.

**RECOMMENDED ACTION:**

Approval of appointments.

---

**Fiscal Impact**

**Attachments**

*No file(s) attached.*

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**Regular City Council**

**24.**

**Meeting Date:** 04/22/2024  
**Submitted For:** Katrina Bodenhamer, City Attorney  
**Initiator:** Katrina Bodenhamer, City Attorney  
**Department:** City Attorney  
**Staff Information Source:**

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**Information**

**AGENDA ITEM TITLE:**

Receive report on status of negotiations with Port Muskogee on the contract for Industrial Development services, or take other necessary action. (Katrina Bodenhamer)

**BACKGROUND:**

On April 8, 2024, Staff was directed to finalize the 2024-2025 Industrial Port Agreement for execution. At this time, the Port and staff are still negotiating final terms for the agreement. The current agreement remains in effect through June 30, 2024.

**RECOMMENDED ACTION:**

Provide further direction to staff.

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**Fiscal Impact**

**Attachments**

*No file(s) attached.*

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**Regular City Council**

**25.**

**Meeting Date:** 04/22/2024

**Submitted For:** Mike Miller, City Manager

**Initiator:** Mike Miller, City  
Manager

**Department:** City Manager

**Staff Information Source:**

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**Information**

**AGENDA ITEM TITLE:**

Discuss and consider the appointment of two (2) City Councilmembers to lead a proactive policy and procedures committee to deal with the homeless population, and homeless persons being dropped off in the City of Muskogee from other areas, as well as, direction on nominating three (3) members from entities being directly impacted by the homeless to serve on the committee, or take other necessary action. (Mike Miller)

**BACKGROUND:**

At the April 8, 2024, Special Call City Council Meeting, the Council voted to direct staff to establish a proactive committee to investigate, and make recommendations on public policies and procedures to deal with, the homeless population, as well as homeless persons being dropped off from other areas in the City of Muskogee. This agenda item allows the Council to appoint two council members to lead the committee, as well as give direction on how to select the three citizen members from entities being directly impacted by the homeless population, to serve on the committee.

**RECOMMENDED ACTION:**

Appoint Council Members and give direction and/or appoint citizen members

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**Fiscal Impact**

**Attachments**

*No file(s) attached.*

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**Regular City Council**

**26.**

**Meeting Date:** 04/22/2024

**Submitted For:** Mike Miller, City Manager

**Initiator:** Mike Miller, City Manager

**Department:** City Manager

**Staff Information Source:**

**Information**

**AGENDA ITEM TITLE:**

Consider directing Staff to prepare a budget amendment, transferring funds in the amount of \$455,000.00 from the City’s Hotel/Motel Tax Fund, to the Muskogee Tourism Authority, to be restricted for tourism capital expenditures or support for major tourism projects. (Mayor Patrick Cale and Councilmember Jaime Stout)

**BACKGROUND:**

The City of Muskogee’s Hotel/Motel tax fund has a balance carryover from previous years when revenues exceeded expenditures.

Hotel/Motel taxes may only be used for tourism related expenses.

The City Council has appropriated a total of \$90,000 in Hotel/Motel tax carryover funds this fiscal year for tourism purposes. The Council has appropriated \$30,000 to assist the Bass Nation fishing tournament; \$15,000 for the NJCAA tournament; \$35,000 for supplemental funding for the Roxy Theater; \$10,000 for sponsorship of the Oklahoma Music Hall of Fame induction ceremony.

Rather than the city council budgeting these one-time use funds for tourism expenses, this proposal gives the funds to the Muskogee Tourism Authority with restrictions that it could not be used for operations but only for capital expenditures (i.e. expansion of amenities at Hatbox) or major event recruitment (i.e. Bassmaster Nationals).

This proposal asks the Council to direct staff to prepare a budget amendment to transfer \$455,000 of the carryover funds to the Muskogee Tourism Authority. This will leave approximately \$100,000 in reserve funding for cash flow purposes.

The proposal would also direct staff to create an additional document for council approval to further define the restrictions on the funds that are transferred.

**RECOMMENDED ACTION:**

Approve the item, or take other necessary action.

**Fiscal Impact**

**Attachments**

*No file(s) attached.*





**Regular City Council**

**27. a.**

**Meeting Date:** 04/22/2024  
**Initiator:** Maggie Eaton, Human Resources Director  
**Department:** Personnel  
**Staff Information Source:** Maggie Eaton

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**Information**

**AGENDA ITEM TITLE:**

Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss negotiations with the International Association of Firefighters, Local No. 57 and, if necessary, take appropriate action in Open Session. (Maggie Eaton)

**BACKGROUND:**

The City's negotiating team desires to discuss with the Mayor and City Council ongoing negotiations with IAFF Local No. 57. The City Council should determine that disclosure of ongoing negotiations between the City and IAFF will seriously impair the ability of the City to continue negotiations. Therefore, the Council should convene in Executive Session to discuss this matter.

**RECOMMENDED ACTION:**

Discuss negotiations with the International Association of Fire Fighters, Local No. 57 and, if necessary, take appropriate action in Open Session.

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**Fiscal Impact**

**Attachments**

*No file(s) attached.*

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**Regular City Council**

**27. b.**

**Meeting Date:** 04/22/2024  
**Initiator:** Maggie Eaton, Human Resources Director  
**Department:** Personnel  
**Staff Information Source:** Maggie Eaton

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**Information**

**AGENDA ITEM TITLE:**

Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss negotiations with the Fraternal Order of Police Lodge No. 95 and if necessary, take appropriate action in Open Session. (Maggie Eaton)

**BACKGROUND:**

The City's negotiating team desires to discuss with the Mayor and City Council ongoing negotiations with the FOP Lodge No. 95. The City Council should determine that disclosure of ongoing negotiations between the City and FOP will seriously impair the ability of the City to continue negotiations. Therefore, the Council should convene in Executive Session to discuss this matter.

**RECOMMENDED ACTION:**

Discuss negotiations with the Fraternal Order of Police Lodge No. 95 and if necessary, take appropriate action in Open Session.

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**Fiscal Impact**

**Attachments**

*No file(s) attached.*

---

**Regular City Council**

**27. c.**

**Meeting Date:** 04/22/2024  
**Initiator:** Maggie Eaton, Human Resources Director  
**Department:** Personnel  
**Staff Information Source:** Maggie Eaton

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**Information**

**AGENDA ITEM TITLE:**

Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss negotiations with the American Federation of State, County and Municipal Employees Local No. 2465 and, if necessary, take appropriate action in Open Session. (Maggie Eaton)

**BACKGROUND:**

The City's negotiating team desires to discuss with the Mayor and City Council ongoing negotiations with the AFSCME Local #2465. The City Council should determine that disclosure of ongoing negotiations between the City and AFSCME will seriously impair the ability of the City to continue negotiations. Therefore, the Council should convene in Executive Session to discuss this matter.

**RECOMMENDED ACTION:**

Discuss negotiations with the American Federation of State, County and Municipal Employees Local No. 2465 and, if necessary, take appropriate action in Open Session.

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**Fiscal Impact**

**Attachments**

*No file(s) attached.*

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